

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 800

(Montgomery County Delegation)

Environment and Transportation

Education, Health, and Environmental Affairs

Montgomery County - Housing Opportunities Commission - Alterations
MC 02-20

This bill alters meeting and reporting requirements for the Montgomery County Housing Opportunities Commission (HOC). HOC must (1) prepare written minutes of each meeting as soon as practicable and stream live video of open meetings; (2) publish on its website, on or before December 15 each year, its annual financial report and certified audit report for the previous fiscal year; (3) publish in a public record all information that relates to a financial report or certified audit report of which HOC is not specifically required to deny an inspection under the Maryland Public Information Act (PIA) and that is not protected by privilege, as specified; and (4) report payment data on a searchable website developed and operated by HOC, as specified.

Fiscal Summary

State Effect: None. The bill affects only Montgomery County.

Local Effect: HOC expenditures increase by \$7,750 in FY 2021, by \$78,000 in FY 2022, and by \$14,250 annually thereafter, as discussed below. County revenues are not affected.
The bill imposes a mandate on a unit of local government.

Small Business Effect: None.

Analysis

Bill Summary: By December 1, 2021, HOC must report payment data online in accordance with specified requirements discussed below. “Payment data” includes, at a minimum, the name and zip code of each payee that received a payment from HOC in a particular fiscal year and the amount and purpose of the payment. “Payee” means a person that receives from HOC an aggregate payment of at least \$25,000 in a single fiscal year. “Payee” does not include an employee or retiree of HOC with respect to his or her compensation or retirement allowance.

HOC must develop and operate a single searchable website accessible to the public at no cost. “Searchable website” means a website created in accordance with the bill that allows a user to search and display HOC payment data. The searchable website must allow a user to (1) search payment data for fiscal 2020 and each fiscal year thereafter and (2) search by payee name and zip code.

Provisions of the bill pertaining to payment data reporting may not be construed to require the disclosure of information that is required to be kept confidential under federal, State, or local law. Provisions requiring HOC to publish specified information relating to financial and certified audit reports in a public record may not be construed as a waiver of information that is protected by privilege.

Current Law:

Housing Opportunities Commission of Montgomery County

State law establishes HOC as a public body corporate and politic that (1) exercises public and essential governmental functions and (2) has all the powers necessary or convenient to carry out the purposes of Division II of the Housing and Community Development Article, which governs local housing authorities.

On or before November 30 each year, HOC must issue a financial report for the previous fiscal year based on a certified audit. HOC must publish a summary of the financial report in at least two newspapers of general circulation in the county.

Maryland Open Meetings Act

Under Maryland’s Open Meetings Act, with limited exceptions, a public body must (1) provide reasonable advance notice of the time and location of meetings, including whether any portion of the meeting will be in closed session and (2) meet in open session in a location that is reasonably accessible to attendees.

Minutes: As soon as practicable after an open session, a public body must prepare minutes of the meeting. The minutes must reflect each item that the public body considered, the action it took on each item, and each vote that was recorded. If a public body meets in closed session, the minutes for a public body's next open session must include a summary that includes specified information about the proceedings of the closed meeting. A public body need not prepare written minutes of an open session if (1) live and archived video or audio streaming of the open session is available or (2) if the public body votes on legislation and the individual votes taken by each participating member of the public body are promptly posted on the Internet.

With limited exceptions, minutes of a public body must be available for public inspection during normal business hours. A public body must retain a copy of the minutes of each session and any specified recording for at least five years and, to the extent practicable, post them online.

Maryland Public Information Act

PIA establishes that all persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees. Each governmental unit that maintains public records must identify a representative whom a member of the public may contact to request a public record. The Office of the Attorney General (OAG) must post all such contact information on its website and in any *Public Information Act Manual* published by OAG.

Duties of Custodians: Generally, a custodian of a public record must permit inspection of any public record at any reasonable time. A custodian must designate types of public records that are to be made available to any applicant immediately on request and maintain a current list of the types of public records that have been so designated. Each custodian must adopt reasonable rules or regulations that, consistent with PIA, govern timely production and inspection of a public record.

Required Denials: A custodian must deny inspection of a public record or any part of a public record if (1) the public record is privileged or confidential by law or (2) the inspection would be contrary to a State statute, a federal statute or regulation, the Maryland Rules, or an order of a court of record. PIA also requires denial of inspection for personal and confidential records, including, for example, hospital and medical records, financial records, certain police and related criminal records, and licensing records.

Background: HOC is the public housing agency for Montgomery County. Established in 1974, the commission administers federal, State, county, and private affordable housing programs. In addition, it develops housing, provides mortgage financing to developers and first-time homebuyers, manages public housing and other rental units, administers rental

subsidy programs (including the Housing Choice Voucher Program), and provides counseling and support services to lower income individuals and families in assisted housing.

HOC's fiscal 2020 operating budget totals \$276.2 million, including \$110.1 million in federal grant revenue and \$10.8 million in county grant revenue. Adopted budgets and annual financial reports beginning with fiscal 2008 are available on HOC's [website](#).

Local Expenditures: HOC expenditures increase by \$7,750 in fiscal 2021, by \$78,000 in fiscal 2022, and by \$14,250 annually thereafter to implement the bill's video streaming and payment data reporting requirements, as discussed below.

Video Streaming of Meetings: HOC advises that its meeting room is currently equipped with audio and video recording equipment but is not equipped to support live video streaming. HOC expenditures increase by \$7,000 in fiscal 2021 to install necessary equipment and by \$2,000 annually thereafter for ongoing maintenance. HOC expenditures increase by an additional \$750 in fiscal 2021 (accounting for the bill's October 1, 2020 effective date) and \$1,000 annually thereafter to cover travel and meal expenses for information technology staff supporting the live video streaming of evening meetings.

Payment Data Reporting: HOC advises that it requires contractual services to develop and maintain a searchable website for reporting payment data. Accordingly, HOC expenditures increase by \$75,000 in fiscal 2022 and by \$11,250 annually thereafter.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Montgomery County; Department of Housing and Community Development; Department of Legislative Services

Fiscal Note History:
rh/mcr

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