

MARYLAND REGISTER

## Proposed Action on Regulations

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	06/03/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 7/11/2014

2. COMAR Codification

**Title Subtitle Chapter Regulation**

05 04 15 01-.15

3. Name of Promulgating Authority

Department of Housing and Community Development

**4. Name of Regulations Coordinator Telephone Number**  
Mark S Petrauskas 410-514-7834

**Mailing Address**

100 Community Place

**City State Zip Code**  
Crownsville MD 21032

**Email**

petrauskas@dhcd.state.md.us

**5. Name of Person to Call About this Document Telephone No.**  
Mark Petrauskas 410-514-7800

**Email Address**

petrauskas@dhcd.state.md.us

6. Check applicable items:

X- New Regulations

- Amendments to Existing Regulations
    - Date when existing text was downloaded from COMAR online: .
  - Repeal of Existing Regulations
  - Recodification
  - Incorporation by Reference of Documents Requiring DSD Approval
  - Reproposal of Substantively Different Text:
    - : Md. R
    - (vol.) (issue) (page nos) (date)
- Under Maryland Register docket no.: --P.

**7. Is there emergency text which is identical to this proposal:**

- Yes  No

**8. Incorporation by Reference**

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and Protection**

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Mark Petruskas, Assistant Attorney General, (telephone #410-514-7800) on May 27, 2014. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Raymond A. Skinner

**Title**

Secretary

**Telephone No.**

410-514-7005

**Date**

May 30, 2014

# **DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

## **Subtitle 04 SPECIAL LOAN PROGRAMS**

### **05.04.15 Accessible Homes for Senior Homeowners Grant Program**

Authority: Housing and Community Development Article, § 4-931, Annotated Code of Maryland

#### **Notice of Proposed Action**

□

The Secretary of Housing and Community Development proposes to adopt new Regulations .01-.15 under COMAR 05.04.15 Accessible Homes for Senior Homeowners Grant Program.

#### **Statement of Purpose**

The purpose of this action is to describe the policies, procedures and eligibility requirements for grants under the Accessible Homes for Senior Homeowners Grant Program.

#### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

#### **Estimate of Economic Impact**

The proposed action has no economic impact.

#### **Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

#### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

#### **Opportunity for Public Comment**

Comments may be sent to Tonna Phelps, Director of Single Family Housing Programs, Division of Development Finance, Department of Housing and Community Development, 100 Community Place, Crownsville, MD 21032, or call 410-514-7509, or email to [phelps@mdhousing.org](mailto:phelps@mdhousing.org), or fax to 410-510-1897. Comments will be accepted through August 11, 2014. A public hearing has not been scheduled.

#### **Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

Special funds – Special Loan Programs Fund

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

There is no economic impact because the proposed regulations only provide the Department greater flexibility in regard to the type of financing provided to beneficiaries of certain of the housing rehabilitation programs, by being able to offer grants, in addition to loans, to the beneficiaries. The changes will not increase the amount of funding available to the Program.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

Small businesses are not the direct recipients of Program financing from the Community Development Administration and they do not participate in making loans or grants. The proposed regulations may result in a minimal positive impact for small businesses who are home improvement contractors or material suppliers because the homeowners receiving Program financing must have the home improvements undertaken by licensed contractors.

G. Small Business Worksheet:

Attached Document:

---

## **Title 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

### **Subtitle 04 SPECIAL LOAN PROGRAMS**

#### **Chapter 15 Accessible Homes for Senior Homeowners Grant Program**

Authority: Housing and Community Development Article, § 4-931, Annotated Code of Maryland

##### **.01 General.**

These regulations prescribe the policies, procedures, and authorizations for making grants to elderly homeowners to finance accessibility-related modifications to make the owner's dwelling unit more accessible to or functional for the elderly.

##### **.02 Definitions.**

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.

(1) "Act" means Housing and Community Development Article, Title 4, Subtitle 9, Annotated Code of Maryland, as amended.

(2) "Annual income" means total household income from all sources, including wages, investment income, Social Security, retirement, disability, and unemployment benefits less:

(a) Unusual or temporary income items as determined by the Department; and

(b) Abnormal expenses of a long-term nature, such as extraordinary medical, rehabilitation, or special education expenses.

(3) "Applicant" means any person applying for a grant under the Program.

(4) "Authorized officer", for purposes of executing the Program documents, means any of the following:

(a) The Director and any Deputy Director of the Community Development Administration, an agency within the Division of Development Finance of the Department;

(b) The Director of Single Family Housing Programs; and

(c) The Deputy Director of Single Family Housing Programs.

(5) "Contract" means the agreements between a grantee and a licensed general contractor or licensed home improvement contractor accepted by the Department setting forth the terms of performance of work to be financed by a grant made under the Program.

(6) "Department" means the Department of Housing and Community Development.

(7) "Director" means the Director of Single Family Housing Programs of the Department.

(8) "Deputy Director" means the Deputy Director of Single Family Housing Programs of the Department.

(9) "Elderly" means the age limit specified by the Secretary that is 55 years old or older.

(10) Family of Limited Income.

(a) "Family of limited income" means one or more individuals permanently residing as a household in a dwelling unit in an eligible building whose combined annual income does not exceed an amount established by the Secretary in accordance with Housing and Community Development Article, §4-915, Annotated Code of Maryland.

(b) "Family of limited income" includes a trust described in 42 U.S.C. §1396P(D)(4), or a trust established for the benefit of an individual with a disability by an individual other than the beneficiary and that is funded with the assets that were never owned or controlled by the beneficiary, if:

(i) The income of the trust does not exceed an amount established by the Secretary in accordance with Housing and Community Development Article, §4-915, Annotated Code of Maryland; and

(ii) The beneficiary of the trust is an individual who resides in the residential building owned by the trust.

(11) "Grantee" means a single family owner-occupant who receives a grant to make modifications to an eligible building.

(12) "Household" means an individual or a group of individuals who occupy a dwelling unit as their permanent residence.

(13) "Level I local administrator" means a political subdivision certified by the Department under COMAR 05.04.01.16.

(14) "Level II local administrator" means a political subdivision certified by the Department under COMAR 05.04.01.16.

(15) "Local administrator" means a level I or level II local administrator.

(16) Modification.

(a) "Modification" means any improvement, addition, repair, renovation or alteration to the interior or exterior of a grantee's residence to make it more accessible or functional for the elderly owner.

(b) Modification includes any improvement or repair that is:

(i) Directly related to making the dwelling unit more accessible or functional; and

(ii) Necessary to ensure the modification can appropriately be made or installed.

(17) "Program" means the Accessible Homes for Senior Homeowners Grant Program.

(18) "Program Director" means the Assistant Director of Special Loan Programs in the Division of Development Finance of the Department.

(19) "Secretary" means the Secretary of Housing and Community Development.

(20) Single Family Owner-Occupant.

(a) "Single family owner-occupant" means an eligible grantee that owns and resides, or intends to reside, in an eligible building.

(b) "Single family owner-occupant" includes a trust described in 42 U.S.C §1396P(D)(4), or a trust established for the benefit of an elderly individual with a disability by an individual other than the beneficiary and that is funded with the assets that were never owned or controlled by the beneficiary, if:

(i) The income of the trust does not exceed an amount established by the Secretary in accordance with Housing and Community Development Article, §4-916(b), Annotated Code of Maryland; and

(ii) The beneficiary of the trust is an individual who resides in the eligible building owned by the trust.

(21) "Structurally sound" means not having any physical conditions serious enough to endanger the life, property, or safety of the occupants or their invitees, whether or not the building is in compliance with applicable codes and rehabilitation standards.

(22) “Work write-up” means a description of the modifications, and other work items needed for the modification of an eligible building.

### **.03 Eligible Grantees.**

To qualify as an eligible grantee under the Program, single family owner-occupants shall:

- (1) Be a “family of limited income” as defined in Regulation .02B(10) of this chapter;
- (2) Own the eligible property in fee simple or under a freely transferable ground rent lease;
- (3) Have at least one of the owners meet the definition of elderly in Regulation .02B(9) of this chapter who resides in or intends to reside in the property to be modified;
- (4) Have the legal capacity to incur the obligations of the grant; and
- (5) Demonstrate to the Department that they cannot undertake the modifications without a grant.

### **.04 Eligible Buildings.**

A. Buildings shall meet the following requirements:

- (1) Be located within the State;
- (2) Contain not more than four (4) residential units.
- (3) Be properly zoned for the proposed use;
- (4) Be in need of modifications considered eligible under this chapter;
- (5) Be owned by an eligible grantee who shall provide assurance of title or evidence of ownership acceptable to the Department;
- (6) Be covered by property insurance; and
- (7) If the building is in the 100-year flood plain, as designated by the U.S. Department of Housing and Urban Development, be covered by a flood plain insurance policy.

B. A grant may not be approved unless:

- (1) Safe, sanitary, and adequate water supply and sewage disposal are available; and
- (2) The building is structurally sound and free of health and safety hazards.

C. A manufactured housing unit is eligible if it is intended for residential use by a single household, and meets the conditions of COMAR 05.04.01.05B.

D. Manufactured homes which are taxed as personal property may be eligible buildings and shall be reviewed by the Department on a case-by-case basis before grant approval.

E. Condominiums and cooperative units owned by an eligible grantee may be eligible buildings and shall be reviewed by the Department on a case-by-case basis before grant approval.

### **.05 Eligible Uses.**

A. Grant proceeds may only be used for the cost, labor and materials for modifications to an eligible building.

B. Grant proceeds may not be used to pay for taxes, insurance, mortgage payments or non-essentials repairs.

C. If a building contains between 2-4 dwelling units, grant proceeds may only be used for:

- (1) Modifications to the interior of the eligible grantee’s dwelling unit; and
- (2) Modifications to the exterior of the eligible building necessary to make the grantee’s dwelling unit more accessible.

D. Modifications to the exterior of a condominium or cooperative unit that serves the eligible grantee’s dwelling unit may be eligible and shall be reviewed by the Department on a case-by-case basis.

### **.06 Grant Terms and Conditions — General.**

A. The Department shall enter into a grant agreement with each grantee.

B. The Department may establish other terms and conditions in the grant agreement, and any other documents related to the grant, which the Department considers reasonable and necessary to accomplish the objectives of the Program or to ensure compliance with all federal, State, and local laws, ordinances, and regulations, and departmental programs and policies.

C. Maximum Grant Amount.

(1) A grant for a residential building may not exceed \$25,000.

(2) The Director or Deputy Director may, in their discretion, approve increases in the maximum grant amount to cover exceptional circumstances in an amount determined to be reasonable but not exceeding \$60,000.

D. The Department may require that the grant be secured by an instrument recorded in the land records of the county in which the property is located.

E. Insurance.

(1) A grantee shall provide evidence that fire and extended coverage insurance are in effect for one year from the date of closing for not less than the replacement value of the home.

(2) If applicable, a grantee shall provide evidence that flood insurance on the home is in effect for one year based on the current Federal Emergency Management Administration’s requirements.

F. Appraisals. At the discretion of the Program Director or the local administrator, a grantee may be required to obtain an appraisal in a form and manner acceptable to the Department from an acceptable independent fee appraiser showing a building’s value before and after the proposed modification.

G. Default. Remedies upon grant default shall be exercised in the discretion of the Department and may be one or more of the remedies provided for in the grant documents or by law, which may include:

- (1) Repaying all or a portion of the grant; and
- (2) Any other legal action which protects the Department's interests.

**.07 Grant Application.**

A. The Department may operate the Program or establish procedures that allow a local administrator to accept applications and approve grants under the Program.

B. Application Forms. Grant applications shall be made upon standard forms prescribed by the Department.

C. Application Fee. An applicant may be required to pay an application fee as designated by the Department from time to time.

D. Documentation.

(1) An applicant shall submit with the application any documentation that the Department requires, including, but not limited to, any documentation needed to establish the eligibility of the applicant.

(2) An applicant shall provide evidence satisfactory to the Program demonstrating that the applicant could not undertake the modification without a grant due to:

- (a) Insufficient household income to make loan payments; or
- (b) The property not having sufficient value to secure private financing.

(3) An applicant shall submit supporting documentation required by the Program guidelines.

**.08 Grant Approval and Disapproval.**

A. Initial Eligibility Determination.

(1) Each application shall be submitted to the Department or local administrator, as applicable, for initial review to make a preliminary determination of the eligibility of the applicant and the project.

(2) If an applicant is determined preliminarily to be eligible, the applicant will be provided with a letter acknowledging receipt of the application and notifying the applicant of the ongoing review process.

(3) If an applicant is ineligible for a grant, the applicant shall be informed in writing of the determination and the reasons for it.

B. Building Evaluation.

(1) Each building for which an eligible application is received shall be inspected for the purpose of preparing a work write-up by:

- (a) The Department;
- (b) The local administrator;
- (c) A nonprofit corporation, acceptable to the Program; or
- (d) A licensed contractor who is acceptable to the Program.

(2) The applicant shall be provided with a copy of the work write-up or an analysis of the modification and instructions for obtaining the contractor's proposals to complete the work.

C. Grant Approval.

(1) Upon receipt and approval of all documentation and the contractor's proposals, the local administrator or the Department shall undertake an analysis of each grant as to amount and other grant terms and conditions.

(2) Approval to make a grant is as follows:

- (a) Grants in amounts of \$25,000 or less may be approved by the:
  - (i) Level II local administrator, when a level II local administrator originates the grant; or
  - (ii) Program Director, when a level I local administrator or the Department originates a grant;
- (b) Grants or a combination of Program grants in amounts greater than \$25,000 and up to a maximum of \$60,000 may be approved by the Director or Deputy Director.

D. Grant Commitments.

(1) Grant commitments shall be made on forms provided by the Program.

(2) Grant commitments shall specify a time limit for closing the grant which may be extended with the approval of the Program.

(3) If the grant closing does not occur within the specified time, the local administrator or Department, as applicable, shall notify the applicant that the commitment is officially canceled.

E. If a grant application is rejected, the Department or the local administrator, as the case may be, shall notify the applicant in writing stating the reason the grant is rejected.

F. Reconsideration. Applicants may request reconsideration of a rejection in accordance with the procedures contained in the Program guidelines.

G. An initial decision or reconsideration of a decision is not a contested case within the meaning of the Administrative Procedure Act or COMAR 05.01.01.

H. Withdrawal of Application. An applicant may withdraw a grant application at any time before closing by delivering written notice to the Department or the local administrator originating the grant. The applicant shall bear any costs incurred for items other than internal processing including, but not limited to, title examinations, credit reports, and appraisals.

I. Cancellation of Application.

- (1) The Program or the local administrator may cancel an application at any time during processing if the applicant fails to provide information requested by the Program which is required to evaluate the request.
- (2) Notification of the cancellation of an application shall be made in writing.
- (3) A cancelled application may be reinstated upon the applicant's written request within 60 days following the date of the cancellation.
- (4) Any time after 60 days following cancellation, a new application with supporting documents may be required.

#### **.09 Grant Closing.**

- A. The grant closing shall be scheduled by the Department or the local administrator.
- B. Grant Documents.
  - (1) Grant document forms shall be provided by the Program and may not be altered.
  - (2) Grant documents shall be executed on behalf of the Department by an Authorized Officer of the Department or an authorized local administrator.
- C. Charges and Fees. The Department or the local administrator may charge and collect from the grantee reasonable and customary amounts acceptable to the Department.

#### **.10 Work Requirements.**

- A. Contractors and their subcontractors shall meet the requirements of COMAR 05.04.01.13.
- B. Work done, materials supplied, and construction procedures employed shall comply with all contract documents, applicable codes and standards, including those set forth in these regulations, and those general specifications established by the Department.
- C. Permits. If required by State codes or local codes, all building permits shall be obtained and posted at the project before the beginning of construction.
- D. Compliance with applicable codes and obtaining required permits and licenses are the responsibility of the grantee and contractor.
- E. Any action taken by the Department or the local administrator to prepare or review work write-ups, evaluate the property, or review and approve plans and specifications is:
  - (1) To ensure the Department and the local administrator of the adequacy of the proposed work; and
  - (2) Not intended to substitute for or ensure compliance with appropriate State and local building codes.

#### **.11 Contract Documents.**

- (A) There shall be no modification of any contract documents without the prior written consent of the Department or the local administrator, as evidenced by an approved change order, executed by:
  - (1) The contractor; and
  - (2) The grantee.
- B. Contract documents are listed and described in Program guidelines.
- C. Inspections. The Department or local administrator, or an agent authorized by the local administrator and acceptable to the Program, may conduct inspections to determine the required scope of work, to verify payments, and to facilitate construction problems and disputes and arbitration procedures.
- D. Construction Disputes. If disputes between the contractor and the grantee occur, the Department shall recognize the findings of the Maryland Home Improvement Commission and the Consumer Protection Division of the Office of the Attorney General.
- E. Termination of Contracts. Contracts may be terminated for cause in accordance with the grant documents and contract documents.

#### **.12 Grant Disbursements.**

- A. Monitoring of Disbursements.
  - (1) The local administrator or Department shall monitor grants and disbursement of grant funds during rehabilitation to assist grantees and to assure that grant funds are properly used.
  - (2) The local administrator or Department shall determine the frequency and level of inspections during rehabilitation based on Program guidelines.
- B. Payments Generally.
  - (1) If a grant is originated by a local administrator, Grant funds may be disbursed in full at the closing of the grant to an account established under §C of this regulation.
  - (2) Grant proceeds shall be disbursed for modifications in accordance with the requirements of §B(3)—(5) of this regulation.
  - (3) The local administrator shall return any unused grant proceeds to the Department.
  - (4) Payments of draws shall be by joint payee check issued to the grantee and contractor unless an alternative payment method is approved by the Program Director.
  - (5) Except as provided in §D of this regulation, payments shall be made only for work completed.
- C. Grant accounts established by a local administrator shall comply with the following:
  - (1) Grant funds shall be held in a non-interest-bearing account established by the local administrator or the subcontractor and approved by the Department.

(2) The account may be:

(a) An account with a depository institution that is separate from the other operating accounts of the local administrator or subcontractor;

(b) An account with a depository institution that is not separate from the other operating accounts of the local administrator or subcontractor using a separate reconciled general ledger account for all Program funds;

(c) An escrow account or attorney's trust account held and managed by an escrow agent if the escrow agent meets the following minimum criteria to the satisfaction of the Department:

(i) Any employee of the escrow agent with access to the account shall be covered by a fidelity bond, or insured with employee dishonesty liability insurance, in an amount not less than \$100,000;

(ii) The escrow agent shall provide the local administrator or the subcontractor, if any, and the Department with any statements required under §C(2) of this regulation; and

(iii) Any other requirements established by the Department; or

(d) Another type of account approved by the Department.

(3) The Department may require the local administrator or the subcontractor to provide periodic statements to the Department of all grant funds in an account.

(4) If the statements do not correspond with the Department's records of grant funds in the account, the local administrator or the subcontractor shall work with the Department to reconcile the differences.

(5) The Department may revoke, at any time, its approval of any grant account established under this regulation.

D. Advance Payments. Advances or down payments may be made to contractors to purchase materials delivered on site or valid purchase requisitions not to exceed 10 percent of the contract costs.

E. Progress Payments.

(1) Progress payments may not be made until the grantee has delivered satisfactory evidence, such as receipts or bills, of the amount of the payment requested.

(2) Progress payments may not be made without an inspection to verify completion of the work, except at the discretion of the Department or the local administrator.

(3) A grantee shall be notified in writing by the Department or the local administrator, as applicable, if their request for payment is refused.

F. Final Payment. Final payment shall be made as follows:

(1) A grantee shall submit a certificate of completion, executed by the grantee and contractor, certifying that all work has been completed in accordance with the contract documents.

(2) Upon final inspection and receipt and approval of the certificate of completion, final payment shall be processed.

(3) If, in the opinion of the local administrator or Department, the contractor has satisfied the contract and the grantee refuses to request or release the final payment, then the following procedure shall apply:

(a) The grantee shall be notified in writing by the local administrator or Department;

(b) The grantee shall explain in writing within 10 days of receiving the written notification why direct payment to the contractor should not be made;

(c) If the grantee responds within the 10 day period and requests a meeting, the local administrator or Department shall hold a meeting at which the grantee shall present the grantee's objections to requesting or releasing the final payment; and

(d) The local administrator or Department may then either approve or disapprove direct payment to the contractor or the grantee.

(4) If the local administrator or Department receives written notice that subcontractors, materialmen, or suppliers have not been paid for work done or material supplied to and for the project, it shall retain an amount equal to the lesser of all funds not yet disbursed and the amount sufficient to satisfy the claims until satisfactory evidence of satisfaction and release by the subcontractors, materialmen, or suppliers is presented.

G. Retainage.

(1) The local administrator or Department may retain until final payment 10 percent of the contract costs.

(2) The retainage shall be released at final payment upon verification that all contracted rehabilitation items are complete and acceptable to the Department.

H. Closeout Procedures. After final payment is made, the local administrator or the subcontractor shall reconcile all receipts and disbursements and prepare a close-out statement. A copy of the close-out statement shall be forwarded to the Program.

## **.13 Nondiscrimination.**

A. A contractor, local administrator, or subcontractor may not discriminate against any person on the basis of race, color, religion, national origin, sex, sexual orientation, gender, marital status, physical or mental handicap, or age, except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws, in any aspect of the Program.

B. Each contractor, local administrator, and subcontractor shall comply with all applicable federal, State, and local laws and Department policies regarding discrimination and equal opportunity in employment, housing, and credit practices, and drug and alcohol free workplaces, including:

- (1) Title VI and VII of the Civil Rights Act of 1964, as amended;
- (2) Title VIII of the Civil Rights Act of 1968, as amended;
- (3) The Department's Minority Business Enterprise Program, as amended;
- (4) The Americans with Disabilities Act of 1990, as amended;
- (5) Title 20 of the State Government Article, Annotated Code of Maryland, as amended; and
- (6) Executive Order 01.01.1989.18 relating to Drug and Alcohol Free Workplaces, and any Department or State regulations adopted or to be adopted to carry out the requirements of that Order.

C. Covenants implementing the requirements of this regulation, including affirmative action measures, shall be included in appropriate agreements between the Department and other parties.

**.14 Books and Accounts.**

A. Grantees, contractors, and subcontractors shall maintain such books, accounts, and records, and shall file with the Department such financial and other reports as the Department may from time to time require.

B. The books, accounts, and records shall be open to the inspection of representatives of the Department or other agencies of the State during reasonable working hours.

**.15 General Provisions.**

A. The Department may establish from time to time Program guidelines containing underwriting standards, grant processing requirements, and other requirements or matters relating to the financing of grants or to Program requirements.

B. The Department shall ensure that Program guidelines, fees and application forms are publically available on its website and at its offices.

C. Delegation. In addition to authorized officers identified in Regulation .02B(4) of this chapter, the Secretary may delegate to any other official or employee of the Department or Administration the authority to execute or approve any Program documents or grant documents.

D. Through the agreement with the local administrator, specific staff members for the local administrator may be authorized by the Department to execute grant documents on behalf of the Department.

E. False Statements. A grantee who knowingly makes or causes to be made a false statement or report, whether in the nature of an understatement or overstatement of financial condition or any other fact material to the Department or the local administrator originating the grant, is subject to immediate acceleration of the grant, in addition to the penalties authorized by Housing and Community Development Article, §4-933, Annotated Code of Maryland.

F. Waiver. The Secretary may waive or vary particular provisions of these regulations to the extent that the waiver is not inconsistent with the Act if:

(1) Conformance to the requirements of any federal agency in connection with any modification with respect to which federal assistance is sought necessitates waiver or variance of a regulation; or

(2) In the determination of the Secretary, the application of a regulation in a specific case or in an emergency situation would be inequitable or contrary to the purposes of the Act.