

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>
	02/27/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 4/3/2015**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

05 05 09 03, .04, and .11-.13

**3. Name of Promulgating Authority**

Department of Housing and Community Development

**4. Name of Regulations Coordinator**

Mark S Petrauskas

**Telephone Number**

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**

Arnold A. Sheetz

**Telephone No.**

410-514-7800

**Email Address**

Arnold.Sheetz@maryland.gov

**6. Check applicable items:**

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: February 17, 2015.

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 Arnold A. Sheetz, Assistant Attorney General, (telephone #410-514-7800) on February 23, 2015. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Kenneth C. Holt

**Title**

Acting Secretary

**Telephone No.**

410-514-7005

**Date**

February 25, 2015

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

**Subtitle 05 RENTAL HOUSING PROGRAMS**

**05.05.09 Shelter and Transitional Housing Facilities Grant Program**

Authority: Chapter 46, Acts of 2006; Chapter 488, Acts of 2007; and Chapter 336, Acts of 2008

**Notice of Proposed Action**

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The Acting Secretary of Housing and Community Development proposes to amend Regulations .03, .04 and .11-.13 under COMAR 05.05.09 Shelter and Transitional Housing Facilities Grant Program.

**Statement of Purpose**

The purpose of this action is to streamline the review process for Shelter and Transitional Housing Facilities Grants and make the process consistent with other Departmental programs. The purpose is also to delineate all of the nondiscrimination requirements in one section, and not two sections, of the regulations.

**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 Elaine Cornick, Acting Director of Multifamily Housing, Division of Development Finance, Department of Housing and Community Development, 100 Community Place, Crownsville, MD 21032, or call 410-514-7449, or email to [Elaine.Cornick@maryland.gov](mailto:Elaine.Cornick@maryland.gov), or fax to 410-987-4097. Comments will be accepted through May 3, 2015. 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 (General Obligation Bonds)

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:

The regulations merely streamline the review process for Shelter and Transitional Housing Facilities Grants and therefore have no economic impact.

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

Streamlining the review process for Shelter and Transitional Housing Facilities Grant applications will have a positive, albeit minimal, economic impact on small businesses that apply for the grants.

G. Small Business Worksheet:

Attached Document:

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

### **Subtitle 05 RENTAL HOUSING PROGRAMS**

#### **Chapter 09 Shelter and Transitional Housing Facilities Grant Program**

Authority: [Chapter 46, Acts of 2006; Chapter 488, Acts of 2007; and Chapter 336, Acts of 2008] *Chapter 396, Acts of 2011; Chapter 444, Acts of 2012; Chapter 424, Acts of 2013; and Chapter 463, Acts of 2014*

**.01-.02** (text unchanged)

**.03 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) – (12) (text unchanged)

[(13) "Office of Grants Management" means the Office of Grants Management in the Department of Human Resources.]

- [(14)] (13) (text unchanged)
- [(15)] (14) (text unchanged)
- [(16)] (15) (text unchanged)
- [(17)] (16) (text unchanged)
- [(18)] (17) (text unchanged)
- [(19)] (18) (text unchanged)
- [(20)] (19) (text unchanged)

**.04 Eligible Sponsors.**

- A. – B. (text unchanged)
- C. Each sponsor shall agree in writing:
  - (1) (text unchanged)
  - (2) To abide by all *nondiscrimination requirements set for in Regulation .16 of this chapter* [requirements of:
    - (a) Titles VI and VII of the Civil Rights Act of 1964 as amended, Title VIII of the Civil Rights Act of 1968 as amended, and to the extent applicable if the facility contains nonresidential space, the Americans with Disabilities Act of 1990,
    - (b) The provisions of the Governor's Code of Fair Practices,
    - (c) The Department's Minority Business Enterprise Program, and
    - (d) Governor's Executive Order 01.01.1989.18 relating to drug-free and alcohol-free workplaces, and any Departmental regulations adopted to carry out the requirements of that Order];
  - (3) (text unchanged)
- D. (text unchanged)

**.05 - .10** (text unchanged)

**.11 Making an Application.**

- A. (text unchanged)
- B. Each application shall include the following information or items:
  - (1) – (8) (text unchanged)
  - (9) A proposed operating budget for the project; *and*
  - [(10) A letter of endorsement from the local government in which the project is located; and]
  - [(11)] (10) (text unchanged)

**.12 Application Processing Procedures.**

- A. Local [Government Notification. Upon receipt of an application, the local government in which the project is located shall be:] *Governments.*
    - [(1) Notified by the Department of the receipt of the application;
    - (2) Provided a description of the proposed project; and
    - (3) Consulted on the project.
  - B. Consultation with Office of Grants Management.
    - (1) Upon receipt of an application, the Department shall provide a copy of the application to the Office of Grants Management.
    - (2) The Office of Grants Management shall review the application and participate in the selection of grantees who will receive capital assistance.
      - (1) *For each project for which an application is received under this chapter, the Department shall provide written notice and reasonable opportunity to comment on the project to the chief executive officer or the equivalent officer and the head or president of the legislative body of the political subdivision in which the proposed project is located.*
      - (2) *If a proposed project is in a municipal corporation, the notice required under §A(1) of this regulation shall be sent to the chief executive officer and the head or president of the legislative body of the municipal corporation, not the surrounding county.*
      - (3) *The notice provided under §A(1) of this regulation shall contain the following information about the proposed project:*
        - (a) *Date of application;*
        - (b) *Name and description of project;*
        - (c) *Address of project;*
        - (d) *Sponsor of the project and sponsor's contact information;*
        - (e) *Amount of funding requested;*
        - (f) *Amount, type and provider of other sources of funding;*
        - (g) *Total number of units; and*
        - (h) *Such other information as the Department deems relevant.*
- [C.] B. Notification Letter to Sponsor.
  - (1) (text unchanged)

(2) An expedited analysis of whether to recommend approval of capital assistance may be conducted and recommendation of approval or disapproval made under §[D] C of this regulation without the intermediate step of a notification letter, if all necessary documentation is provided with the initial application.

[D.] C. (text unchanged)

[E.] D. Commitment Letter. Upon approval of the capital assistance under §[D] C of this regulation, the Department's Director of the Division of Development Finance or the Division's Director of Multifamily Housing is authorized to issue a commitment letter setting forth the amount of the capital assistance and the terms and conditions under which the capital assistance shall be made.

[F.] E. (text unchanged)

[G.] F. (text unchanged)

[H.] G. (text unchanged)

**.13 Allocation of Funds.**

A. Priority.

(1) (text unchanged)

(2) Funds generally shall be available on a first-come, first-served basis based upon the readiness of projects to initiate acquisition, construction, rehabilitation, or purchase of capital equipment and furnishings, and provided that the Department has the right, in its sole discretion [and after consultation with the Office of Grants Management], to deny funding to any project.

(3) (text unchanged)

B. (text unchanged)

**.14 -.18** (text unchanged)