

HOUSE BILL 1224

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2000 Regular Session
0lr2637
CF 0lr2636

By: **Delegate Dobson**

Introduced and read first time: February 11, 2000

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Public Housing - HERS Audits**

3 FOR the purpose of requiring the Housing Authority of Baltimore City, when it
4 conducts audits of new public housing and public housing that is being
5 rehabilitated, to use the most recently published version of the Home Energy
6 Rating Systems (HERS) Guidelines; and generally relating to the use of HERS
7 Guideline audits for public housing in Baltimore City.

8 BY repealing and reenacting, with amendments,
9 Article 44A - Housing Authorities
10 Section 3-102
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 1999 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article 44A - Housing Authorities**

16 3-102.

17 (a) It is hereby found and declared that there exists within Baltimore City a
18 critical shortage of decent, safe, and sanitary dwelling accommodations available
19 either to rent or purchase which persons of eligible income can afford and that, as a
20 result, such persons are forced to occupy overcrowded and congested dwelling
21 accommodations, or are required to pay an inordinate share of their income for
22 shelter; that the aforesaid conditions necessitate excessive and disproportionate
23 expenditures of public funds for public health and safety, fire and accident protection,
24 and other public services and facilities; that the shortage of decent, safe, and sanitary
25 dwellings cannot wholly be relieved through the operation of private enterprise; and
26 that the construction of housing for persons of eligible income, and the expenditure of
27 public funds to assist in securing the production of such housing are, therefore, not
28 competitive with private enterprise; and that the necessity for such construction and
29 the expenditure of public funds in the public interest, for the provisions hereinafter

1 enacted, are hereby declared as a matter of legislative determination to be valid
2 public purposes.

3 (b) The Housing Authority of Baltimore City shall constitute a public body
4 corporate and politic, exercising public and essential governmental functions, and
5 having all the powers necessary or convenient to carry out and effectuate the
6 purposes and provisions of this article. In addition to the powers enumerated in this
7 article, the Housing Authority is authorized to exercise all or any part or combination
8 of such powers to provide for housing or housing projects for persons of eligible
9 income.

10 (c) In addition to the powers enumerated in this article and any powers given
11 by local law, the Housing Authority of Baltimore City, in providing housing for
12 persons of eligible income in accordance with subsection (b) of this section, shall have
13 the following powers:

14 (1) Within its area of operation: to make mortgage loans and make rent
15 subsidy payments to persons of eligible income.

16 (2) Within its area of operation: to make construction loans and
17 long-term mortgage loans to any person, firm, partnership, association, joint venture,
18 or corporation, public or private, to produce housing for persons of eligible income.

19 (3) Within its area of operation: to purchase and to insure mortgages
20 secured by housing for persons of eligible income.

21 (4) Within its area of operation: to exercise each of the powers
22 enumerated from time to time in § 1-302(a) of this article. For the purposes of §
23 1-302(a)(4) of this article, the maximum percentage having incomes above the levels
24 established for persons of eligible income shall be 80 percent.

25 (d) (1) In addition to the powers enumerated in this article, the Authority
26 may exercise its powers as granted by this article irrespective of the fact that such
27 activities may displace or limit economic competition.

28 (2) The powers granted to the Authority pursuant to paragraph (1) of
29 this subsection may not be construed:

30 (i) To grant to the Authority powers in any substantive area not
31 otherwise granted to the Authority by other public general or public local law;

32 (ii) To restrict the Authority from exercising any power granted to
33 the Authority by other public general or public local law or otherwise;

34 (iii) To authorize the Authority or its officers to engage in any
35 activity which is beyond their power under other public general law, public local law,
36 or otherwise; or

37 (iv) To preempt or supersede the regulatory authority of any State
38 department or agency under any public general law.

1 (E) FOR NEW PUBLIC HOUSING AND PUBLIC HOUSING THAT IS BEING
2 REHABILITATED, THE AUTHORITY SHALL CONDUCT AN AUDIT OF THE HOUSING
3 USING THE MOST RECENTLY PUBLISHED VERSION OF THE HOME ENERGY RATING
4 SYSTEMS (HERS) GUIDELINES.

5 [(e)] (F) For purposes of this section, the phrase "housing or housing project
6 for persons of eligible income" means any undertaking or project, or portion thereof,
7 including lands, buildings and improvements, real, mixed and personal properties or
8 interest therein that is planned, acquired, owned, developed, constructed,
9 reconstructed, rehabilitated, or improved for purposes of providing dwelling
10 accommodations, a substantial portion of which accommodations shall be for persons
11 of eligible income, and such streets, roads, sewer and waterlines, and other
12 supporting public and private facilities intended for commercial, educational,
13 cultural, recreational, community, or other civic purposes as may be deemed
14 necessary for sound community development.

15 [(f)] (G) When used in § 1-402 of this article or in this section, as applied to
16 the Housing Authority of Baltimore City, "persons of eligible income" shall mean
17 persons who individually or as part of a family unit lack sufficient income or assets
18 (as determined by the Mayor of Baltimore City or his designee) to enable them,
19 without financial assistance, to live in decent, safe, and sanitary dwellings without
20 overcrowding.

21 [(g)] (H) Wherever the term "resolution" or "ordinance" is used in this article,
22 referring to action of a local government or its legislative body, as herein defined, it
23 shall be taken to mean "ordinance of the Mayor and City Council of Baltimore", where
24 applied to action by Baltimore City or its legislative body.

25 [(h)] (I) Notwithstanding § 1-207(b) of this article, in Baltimore City,
26 employees of the Department of Housing and Community Development or of any City
27 agency succeeding to its functions may be Commissioners of the Housing Authority of
28 Baltimore City.

29 [(i)] (J) Notwithstanding § 1-301 of this article, no housing project as defined
30 or described in § 1-103(l) of this article shall be commenced, arranged, contracted for,
31 or carried out in the City of Baltimore unless and until its location has been
32 submitted to and approved by the Board of Estimates of Baltimore City.

33 [(j)] (K) Section 1-402 of this article may not be construed as limiting the
34 power of the Housing Authority of Baltimore City to rent or lease housing or housing
35 projects to persons of eligible income. When used in § 1-402 of this article or in this
36 subsection, as applied to the Housing Authority of Baltimore City, the phrase
37 "housing or housing project" shall be defined as any undertaking or project, or portion
38 thereof, including lands, buildings and improvements, real, mixed and personal
39 properties, or interest therein that is planned, acquired, owned, developed,
40 constructed, reconstructed, rehabilitated, or improved for purposes of providing
41 dwelling accommodations, a substantial portion of which accommodations shall be for
42 persons of eligible income, and such streets, roads, sewer and waterlines, and other
43 supporting public and private facilities intended for commercial, educational,

1 cultural, recreational, community, or other civic purposes as may be deemed
2 necessary for sound community development.

3 [(k)] (L) The enumeration of powers set forth in subsection (c) of this section
4 may not be construed in any way to imply that the exercise of any such powers by the
5 Housing Authority of Baltimore City prior to the effective date hereof was not
6 authorized by prior law.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2000.