

(PRE-FILED)

By: **The President (Department of Legislative Services - Code Revision)**

Requested: July 1, 2005

Introduced and read first time: January 11, 2006

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Housing and Community Development Article - Housing Authorities**

3 FOR the purpose of adding a new division to the Housing and Community
4 Development Article of the Annotated Code of Maryland, to be designated and
5 known as "Division II. Housing Authorities"; revising, restating, and recodifying
6 certain laws applicable to certain housing authorities, including laws concerning
7 the establishment and organization of housing authorities; commissioners of
8 housing authorities; duties, powers, and limitations on powers of housing
9 authorities; housing for military personnel; and bonds that may be issued by
10 housing authorities; revising, restating, and recodifying certain laws applicable
11 to housing authorities in general, the Housing Authority of the City of
12 Annapolis, the Housing Commission of Anne Arundel County, the Housing
13 Authority of Baltimore City, the Housing Opportunities Commission of
14 Montgomery County, the Housing Authority of Prince George's County, the
15 Housing Authority of Queen Anne's County, the Housing Authority of St. Mary's
16 County, housing authorities in Somerset County, the Housing Authority of
17 Washington County, and Indian Housing Authorities; defining certain terms;
18 providing for the construction and application of this Act; providing for the
19 continuity of certain units and the terms of certain officials; providing for the
20 continuity of the status of certain transactions, employees, rights, duties, titles,
21 interests, licenses, registrations, certifications, and permits; and generally
22 relating to laws of the State relating to housing authorities.

23 BY repealing

24 Article 44A - Housing Authorities

25 In its entirety

26 Annotated Code of Maryland

27 (2003 Replacement Volume and 2005 Supplement)

28 BY adding to

29 Article - Housing and Community Development

30 Section 12-101 through 23-101, inclusive, and the various titles to be under the

31 new division "Division II. Housing Authorities"

1 Annotated Code of Maryland
2 (2005 Volume)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That Article 44A - Housing Authorities of the Annotated Code of
5 Maryland be repealed in its entirety.

6 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
7 read as follows:

8 **Article - Housing and Community Development**

9 DIVISION II. HOUSING AUTHORITIES.

10 TITLE 12. PROVISIONS OF STATEWIDE APPLICABILITY.

11 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

12 12-101. DEFINITIONS.

13 (A) IN GENERAL.

14 IN THIS DIVISION II THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

15 REVISOR'S NOTE: This subsection formerly was Art. 44A, § 1-103(a).

16 The only changes are in style.

17 (B) AREA OF OPERATION.

18 "AREA OF OPERATION" MEANS THE GEOGRAPHICAL AREA WITHIN WHICH AN
19 AUTHORITY IS EMPOWERED TO ACT.

20 REVISOR'S NOTE: This subsection is new language added to create a
21 convenient reference to "area of operation".

22 Defined term: "Authority" § 12-101

23 (C) AUTHORITY.

24 "AUTHORITY" MEANS A PUBLIC CORPORATION CREATED AS A HOUSING
25 AUTHORITY UNDER THIS DIVISION II.

26 REVISOR'S NOTE: This subsection is new language derived without
27 substantive change from the first sentence of former Art. 44A, § 1-103(c).

28 (D) BOND.

29 "BOND" INCLUDES A NOTE, AN INTERIM CERTIFICATE, A DEBENTURE, AND ANY
30 OTHER OBLIGATION ISSUED BY AN AUTHORITY UNDER THIS DIVISION II.

1 REVISOR'S NOTE: This subsection is new language derived without
2 substantive change from former Art. 44A, § 1-103(d).

3 The former phrase "pursuant to this article" is deleted as surplusage.

4 Defined term: "Authority" § 12-101

5 (E) CHIEF ELECTED OFFICIAL.

6 "CHIEF ELECTED OFFICIAL" MEANS:

7 (1) THE INDIVIDUAL WHO EXERCISES THE OFFICE OF THE CHIEF
8 PUBLICLY ELECTED EXECUTIVE OFFICIAL OF THE POLITICAL SUBDIVISION; OR

9 (2) IN A POLITICAL SUBDIVISION WITHOUT A CHIEF PUBLICLY ELECTED
10 EXECUTIVE OFFICIAL, THE HIGHEST EXECUTIVE BODY.

11 REVISOR'S NOTE: This subsection is new language derived without
12 substantive change from former Art. 44A, § 1-103(e).

13 References to "political subdivision" are substituted for the former
14 references to "local jurisdiction" to conform to the terminology used
15 throughout this article.

16 In item (1) of this subsection, the reference to "the individual who exercises
17 the office of the chief publicly elected executive official of the political
18 subdivision" is substituted for the former reference to "the chief publicly
19 elected executive official of the local jurisdiction or the person appointed to
20 fill a vacancy" for brevity.

21 In item (2) of this subsection, the former statement requiring the board of
22 commissioners or other legislative body of the local jurisdiction to "take the
23 actions required of the chief elected official under this article" is deleted as
24 surplusage.

25 The Housing and Community Development Article Review Committee
26 notes, for consideration by the General Assembly, that the reference to "the
27 highest executive body" as the entity that serves as the chief elected
28 official in a political subdivision without a chief publicly elected official is
29 substituted for the former reference to "the board of commissioners or
30 other legislative body of the local jurisdiction". The purpose of the
31 substitution is to clarify that the chief elected official serves an executive
32 and not a legislative role.

33 Defined terms: "Legislative body" § 12-101

34 "Political subdivision" § 12-101

35 (F) CODE AUTHORITY.

1 "CODE AUTHORITY" MEANS AN AUTHORITY ACTIVATED ON OR AFTER JULY 1,
2 1990.

3 REVISOR'S NOTE: This subsection is new language added to provide a
4 convenient reference to authorities not activated prior to July 1, 1990.

5 Defined term: "Authority" § 12-101

6 (G) COUNTY.

7 "COUNTY" MEANS A COUNTY OF THE STATE OR BALTIMORE CITY.

8 REVISOR'S NOTE: This subsection is new language derived without
9 substantive change from former Art. 44A, § 1-103(g).

10 The reference to "Baltimore City" is added to conform to the standard
11 definition of "county" used throughout all other revised articles. The
12 former statement that "[t]he county' shall mean the particular county for
13 which a particular housing authority is created" is deleted as surplusage.

14 Although former Article 44A defined Baltimore City as a city instead of a
15 county, the definition of this subsection does not result in substantive
16 change. In former Article 44A, most references to "city" are used together
17 with references to "county". The only exceptions are in the former
18 definition of "[a]rea of operation" - now revised at § 12-105 of this subtitle
19 - and in that case, the revision preserves the distinction made in former
20 Article 44A between Baltimore City and counties.

21 The former statement that "[t]he county' shall mean the particular county
22 for which a particular housing authority is created" is deleted as
23 surplusage.

24 (H) CUSTODIAN OF RECORDS.

25 "CUSTODIAN OF RECORDS" MEANS:

26 (1) THE CLERK OF THE POLITICAL SUBDIVISION;

27 (2) THE OFFICER CHARGED WITH THE DUTIES CUSTOMARILY IMPOSED
28 ON A CLERK; OR

29 (3) THE POLITICAL SUBDIVISION'S DESIGNEE TO BE THE CUSTODIAN OF
30 RECORDS FOR THIS DIVISION II.

31 REVISOR'S NOTE: This subsection is new language derived without
32 substantive change from former Art. 44A, § 1-103(h).

33 The references to the defined term "political subdivision" are substituted
34 for the former references to "local government" to conform to the
35 terminology used throughout this article.

1 Defined term: "Political subdivision" § 12-101

2 (I) ECONOMICALLY DEPRESSED OR PHYSICALLY DETERIORATED AREA.

3 "ECONOMICALLY DEPRESSED OR PHYSICALLY DETERIORATED AREA" MEANS
4 AN AREA IN WHICH MOST HOUSING IS HARMFUL TO SAFETY, HEALTH, AND MORALS
5 BECAUSE OF:

6 (1) DILAPIDATION;

7 (2) OVERCROWDING;

8 (3) FAULTY ARRANGEMENT OR DESIGN; OR

9 (4) LACK OF VENTILATION, LIGHT, OR SANITARY FACILITIES.

10 REVISOR'S NOTE: This subsection is new language derived without
11 substantive change from former Art. 44A, § 1-103(i).

12 The reference to "housing" is substituted for the former reference to
13 "dwellings" to conform to the terminology used throughout this article.

14 The former reference to "any combination of these factors" is deleted as
15 surplusage.

16 (J) EXTRAORDINARY MAJORITY.

17 "EXTRAORDINARY MAJORITY" MEANS TWO-THIRDS OR MORE OF THE
18 AUTHORIZED NUMBER OF MEMBERS OF THE LEGISLATIVE BODY OR THE BOARD OF
19 COMMISSIONERS OF AN AUTHORITY, AS APPLICABLE.

20 REVISOR'S NOTE: This subsection is new language derived without
21 substantive change from former Art. 44A, § 1-103(j).

22 The former reference to an "affirmative vote" is deleted as implicit in the
23 reference to "two-thirds or more of the authorized number of members".

24 Defined terms: "Authority" § 12-101

25 "Legislative body" § 12-101

26 (K) HOUSING PROJECT.

27 (1) "HOUSING PROJECT" MEANS A WORK OR UNDERTAKING TO:

28 (I) DEMOLISH, CLEAR, OR REMOVE BUILDINGS FROM AN
29 ECONOMICALLY DEPRESSED OR PHYSICALLY DETERIORATED AREA; OR

30 (II) PROVIDE DECENT, SAFE, AND SANITARY HOUSING FOR
31 PERSONS OF ELIGIBLE INCOME AND, TO THE EXTENT AUTHORIZED BY § 12-503(A)(4)
32 OF THIS TITLE, FOR OTHER PERSONS.

1 (2) "HOUSING PROJECT" INCLUDES:

2 (I) WORK CONNECTED TO PLANNING, CONSTRUCTING,
3 RECONSTRUCTING, ALTERING, OR REPAIRING IMPROVEMENTS, ACQUIRING
4 PROPERTY, OR DEMOLISHING STRUCTURES;

5 (II) ADAPTING AN ECONOMICALLY DEPRESSED OR PHYSICALLY
6 DETERIORATED AREA TO PUBLIC PURPOSES, INCLUDING PARKS AND OTHER
7 RECREATIONAL OR COMMUNITY PURPOSES; AND

8 (III) ACQUIRING BUILDINGS, LAND, EQUIPMENT, FACILITIES, AND
9 OTHER REAL OR PERSONAL PROPERTY FOR NECESSARY, CONVENIENT, OR
10 DESIRABLE:

11 1. APPURTENANCES;

12 2. STREETS;

13 3. SEWERS;

14 4. WATER SERVICE;

15 5. PARKS;

16 6. SITE PREPARATION;

17 7. GARDENING; AND

18 8. ADMINISTRATIVE, COMMUNITY, HEALTH, RECREATIONAL,
19 EDUCATIONAL, WELFARE, OR OTHER PURPOSES.

20 REVISOR'S NOTE: This subsection is new language derived without
21 substantive change from former Art. 44A, § 1-103(l).

22 In paragraph (1) of this subsection, the former phrase "[t]o accomplish a
23 combination of the [items listed]" is deleted as surplusage.

24 In paragraph (1)(ii) of this subsection, the reference to "housing" is
25 substituted for the former reference to "living accommodations" to conform
26 to the terminology used throughout this article.

27 In paragraph (2) of this subsection, the former reference to "or portion
28 thereof" is deleted as surplusage.

29 Defined terms: "Economically depressed or physically deteriorated area"

30 § 12-101

31 "Person" § 12-101

32 "Person of eligible income" § 12-101

33 (L) LEGISLATIVE BODY.

1 "LEGISLATIVE BODY" MEANS THE COUNCIL, COMMISSIONERS, OR OTHER
2 LEGISLATIVE BODY OF A POLITICAL SUBDIVISION.

3 REVISOR'S NOTE: This subsection is new language derived without
4 substantive change from former Art. 44A, § 1-103(m).

5 The defined term "political subdivision" is substituted for the former
6 reference to "the city or county" to conform to the terminology used
7 throughout this article.

8 Defined term: "Political subdivision" § 1-103

9 (M) MILITARY PERSONNEL.

10 "MILITARY PERSONNEL" INCLUDES ALL CIVILIAN AND MILITARY EMPLOYEES
11 OF THE MILITARY AND NAVAL FORCES OF THE UNITED STATES AND THEIR FAMILIES
12 AND OTHER DEPENDENTS WHO ARE LIVING WITH THEM.

13 REVISOR'S NOTE: This subsection is new language derived without
14 substantive change from former Art. 44A, § 1-103(o).

15 (N) OBLIGEE.

16 "OBLIGEE" INCLUDES:

17 (1) A BONDHOLDER AND A TRUSTEE FOR A BONDHOLDER;

18 (2) A LESSOR THAT LEASES TO THE AUTHORITY PROPERTY USED IN
19 CONNECTION WITH A HOUSING PROJECT, AND AN ASSIGNEE OF ALL OR PART OF THE
20 LESSOR'S INTEREST; AND

21 (3) THE STATE OR FEDERAL GOVERNMENT WHEN IT IS A PARTY TO A
22 CONTRACT WITH AN AUTHORITY.

23 REVISOR'S NOTE: This subsection is new language derived without
24 substantive change from former Art. 44A, § 1-103(q).

25 In the introductory language of this subsection, the former reference to
26 "[o]bligee of the authority" is deleted as surplusage.

27 In item (1) of this subsection, the former reference to a "trustee" is deleted
28 as unnecessary in light of the reference to a "trustee of a bondholder".

29 Also in item (1) of this subsection, the former reference to a "noteholder" is
30 deleted as included in the reference to "bondholder".

31 Defined terms: "Authority" § 12-101

32 "Bond" § 12-101

33 "Housing project" § 12-101

34 (O) PERSON.

1 "PERSON" MEANS AN INDIVIDUAL, A RECEIVER, A TRUSTEE, A GUARDIAN, A
2 PERSONAL REPRESENTATIVE, A FIDUCIARY, A REPRESENTATIVE OF ANY KIND, A
3 PARTNERSHIP, A FIRM, AN ASSOCIATION, A CORPORATION, A PUBLIC CORPORATION,
4 OR ANY OTHER ENTITY.

5 REVISOR'S NOTE: This subsection is new language added to provide an
6 express definition of the term "person" for this Division II.

7 The definition of "person" in this subsection does not include a
8 governmental unit. The Court of Appeals has held consistently that the
9 word "person" in a statute does not include the State, its agencies, or
10 subdivisions unless an intention to include these entities is made manifest
11 by the legislature. *See, e.g., Unnamed Physician v. Commission on Medical*
12 *Discipline*, 285 Md. 1, 12-14 (1979).

13 (P) PERSON OF ELIGIBLE INCOME.

14 "PERSON OF ELIGIBLE INCOME" MEANS A INDIVIDUAL OR FAMILY THAT
15 QUALIFIES UNDER § 12-106 OF THIS SUBTITLE.

16 REVISOR'S NOTE: This subsection is new language added to provide a
17 convenient reference to a "person of eligible income".

18 (Q) POLITICAL SUBDIVISION.

19 "POLITICAL SUBDIVISION" MEANS A COUNTY OR MUNICIPAL CORPORATION OF
20 THE STATE.

21 REVISOR'S NOTE: This subsection is new language derived without
22 substantive change from former Art. 44A, § 1-103(f) and (n).

23 The former statement that "[t]he local government' or `the local
24 jurisdiction' shall mean the particular city or county for which a particular
25 housing authority is created" is deleted as surplusage.

26 The defined term "political subdivision" is substituted for the former terms
27 "city", "local government", and "local jurisdiction" to conform to the
28 terminology used in this article and other revised articles of the Code.

29 (R) PRE-EXISTING AUTHORITY.

30 "PRE-EXISTING AUTHORITY" MEANS AN AUTHORITY THAT WAS ACTIVATED
31 BEFORE JULY 1, 1990.

32 REVISOR'S NOTE: This subsection is new language derived without
33 substantive change from the second sentence of former Art. 44A, §
34 1-103(c).

35 Defined term: "Authority" § 12-101

36 (S) REAL PROPERTY.

1 "REAL PROPERTY" INCLUDES:

2 (1) LAND;

3 (2) IMPROVEMENTS AND FIXTURES ON THE LAND;

4 (3) PROPERTY OF ANY NATURE APPURTENANT TO OR USED IN
5 CONNECTION WITH THE LAND; AND

6 (4) EACH LEGAL OR EQUITABLE ESTATE, INTEREST, AND RIGHT IN THE
7 LAND, INCLUDING:

8 (I) TERMS FOR YEARS AND LIENS BY WAY OF JUDGMENT,
9 MORTGAGE, OR OTHERWISE; AND

10 (II) THE INDEBTEDNESS SECURED BY THOSE LIENS.

11 REVISOR'S NOTE: This subsection is new language derived without
12 substantive change from former Art. 44A, § 1-103(s).

13 (T) STATE PUBLIC BODY.

14 "STATE PUBLIC BODY" MEANS ANY POLITICAL SUBDIVISION, COMMISSION,
15 DISTRICT, AUTHORITY, OR UNIT OF THE STATE.

16 REVISOR'S NOTE: This subsection is new language derived without
17 substantive change from former Art. 44A, § 1-103(t).

18 The reference to State public "unit" is substituted for the former reference
19 to State public "body" to conform to the terminology used throughout this
20 article.

21 The former references to "incorporated city or town", "county", and
22 "municipal corporation" are deleted as included in the defined term
23 "political subdivision".

24 The former reference to "other subdivision" is deleted as surplusage.

25 Defined terms: "Authority" § 12-101

26 "Political subdivision" § 12-101

27 REVISOR'S NOTE TO SECTION: Former Art. 44A, § 1-103(k), which defined
28 "federal government" to mean "the United States of America or any agency
29 or instrumentality, corporate or otherwise, of the United States of
30 America" is deleted because it merely repeated the ordinary meaning of
31 "federal government".

1 12-102. FINDINGS.

2 THE GENERAL ASSEMBLY FINDS THAT:

3 (1) THERE IS UNSANITARY OR UNSAFE HOUSING IN WHICH
4 INDIVIDUALS OF LOW AND MODERATE INCOME ARE FORCED TO LIVE;

5 (2) THERE IS A SHORTAGE OF SAFE OR SANITARY HOUSING THAT IS
6 AVAILABLE AT RENTS THAT INDIVIDUALS OF LOW AND MODERATE INCOME CAN
7 AFFORD, FORCING THESE INDIVIDUALS TO LIVE IN OVERCROWDED HOUSING;

8 (3) THERE ARE MANY FAMILIES LIVING IN HOUSING THAT, WHILE
9 DECENT AND SAFE, IS INADEQUATE FOR THE SIZE OF THE FAMILY;

10 (4) THE CONDITIONS:

11 (I) CAUSE DISEASE AND CRIME TO INCREASE AND SPREAD,
12 THREATEN THE PUBLIC HEALTH, SAFETY, MORALS, AND WELFARE, AND IMPAIR
13 ECONOMIC VALUES; AND

14 (II) CAUSE TOO MUCH PUBLIC MONEY TO BE SPENT FOR CRIME
15 PREVENTION AND PUNISHMENT, PUBLIC HEALTH AND SAFETY, FIRE AND ACCIDENT
16 PROTECTION, AND OTHER PUBLIC SERVICES AND FACILITIES;

17 (5) CONSTRUCTION OF HOUSING PROJECTS FOR INDIVIDUALS OF LOW
18 AND MODERATE INCOME DOES NOT COMPETE WITH PRIVATE ENTERPRISE BECAUSE:

19 (I) THERE ARE ECONOMICALLY DEPRESSED OR PHYSICALLY
20 DETERIORATED AREAS THAT CANNOT BE ASSISTED THROUGH THE PRIVATE
21 HOUSING MARKET; AND

22 (II) THE PRIVATE HOUSING MARKET CANNOT RELIEVE THE
23 SHORTAGE OF SAFE AND SANITARY HOUSING FOR INDIVIDUALS OF LOW AND
24 MODERATE INCOME;

25 (6) CLEARING, REPLANNING, AND RECONSTRUCTING AREAS IN WHICH
26 UNSANITARY OR UNSAFE HOUSING EXISTS AND PROVIDING SAFE AND SANITARY
27 HOUSING FOR PERSONS OF LOW AND MODERATE INCOME ARE PUBLIC PURPOSES
28 AND ESSENTIAL GOVERNMENTAL FUNCTIONS FOR WHICH PUBLIC MONEY MAY BE
29 SPENT AND PRIVATE PROPERTY ACQUIRED;

30 (7) IT IS THE POLICY OF THE STATE TO DEVELOP SAFE, SANITARY, AND
31 DECENT HOUSING FOR STATE RESIDENTS;

32 (8) THERE IS A NEED FOR AVAILABLE MORTGAGE CREDIT BECAUSE
33 MANY PURCHASERS AND OWNERS OF HOUSING CANNOT AFFORD MORTGAGE CREDIT
34 AT THE MARKET INTEREST RATE OR GET MORTGAGE CREDIT BECAUSE THE
35 MORTGAGE CREDIT MARKET IS SEVERELY RESTRICTED; AND

36 (9) THIS DIVISION II IS NEEDED IN THE PUBLIC INTEREST.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 44A, § 1-102.

3 In the introductory language of this section, the clause "[t]he General
4 Assembly finds that" is substituted for the former clause "[i]t is hereby
5 declared that" to conform to the terminology used throughout this article.

6 In items (1) and (2) of this section, former references to the phrases "in the
7 State" and "[w]ithin the State" are deleted as surplusage.

8 Also in items (1) and (2) of this section, references to "housing" are
9 substituted for the former references to "dwelling accommodations" to
10 conform to the terminology used throughout this article.

11 In item (2) of this section, the former reference to "congested" is deleted in
12 light of the reference to "overcrowded".

13 In item (3) of this section, the former reference to "existing" housing is
14 deleted as surplusage.

15 In item (4)(i) of this section, the former reference to the public health,
16 safety, morals, and welfare "of the residents of the State" is deleted as
17 surplusage.

18 In item (4)(ii) of this section, the reference to "cause too much" public
19 money is substituted for the former reference to "necessitate excessive and
20 disproportionate expenditures of" public money for brevity.

21 In item (5)(i) of this section, the phrase "through the private housing
22 market" is added to state expressly what was only implied in the former
23 law - that certain areas cannot be assisted in any way other than through
24 the private housing market.

25 In item (6) of this section, the former reference to "uses" is deleted in light
26 of the reference to "purposes".

27 In item (7) of this section, the reference to State "residents" is substituted
28 for the former reference to "citizens" of the State for consistency
29 throughout this article. *See* General Revisor's Note to this Division II.

30 In item (9) of this section, the former statement that the necessity of this
31 Division II "is hereby declared as a matter of legislative determination" is
32 deleted as surplusage.

33 12-103. PURPOSE OF DIVISION II.

34 THE PURPOSE OF THIS DIVISION II IS TO AUTHORIZE EACH AUTHORITY TO DO
35 ALL THAT IS NECESSARY OR DESIRABLE TO SECURE THE FINANCIAL AID OR
36 COOPERATION OF POLITICAL SUBDIVISIONS, STATE GOVERNMENT, OR FEDERAL

1 GOVERNMENT TO HELP THE AUTHORITY UNDERTAKE, CONSTRUCT, MAINTAIN, OR
2 OPERATE A HOUSING PROJECT.

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from the second sentence of former Art. 44A, § 1-301(10).

5 The former reference to "intent" is deleted in light of the reference to the
6 "purpose" of this Division II.

7 Defined terms: "Authority" § 12-101

8 "Housing project" § 12-101

9 "Political subdivision" § 12-101

10 12-104. TAX-EXEMPT STATUS.

11 (A) "BALTIMORE HOUSING AUTHORITY ENTITY" DEFINED.

12 IN THIS SECTION, "BALTIMORE HOUSING AUTHORITY ENTITY" MEANS AN
13 ENTITY:

14 (1) THAT IS WHOLLY OWNED BY THE HOUSING AUTHORITY OF
15 BALTIMORE CITY; OR

16 (2) IN WHICH THE HOUSING AUTHORITY OF BALTIMORE CITY OR AN
17 ENTITY WHOLLY OWNED BY THE HOUSING AUTHORITY OF BALTIMORE CITY HAS AN
18 OWNERSHIP INTEREST.

19 (B) EXEMPTION FROM TAXES; PAYMENTS IN LIEU OF TAXES.

20 (1) IN THIS SUBSECTION, "NONPROFIT HOUSING CORPORATION" MEANS
21 A NONPROFIT OR CHARITABLE PRIVATE CORPORATION THAT PROVIDES SAFE AND
22 SANITARY HOUSING TO PERSONS OF ELIGIBLE INCOME IN SUCH A WAY THAT THE
23 CORPORATION WORKS ESSENTIALLY LIKE AN AUTHORITY UNDER THIS DIVISION II.

24 (2) PROPERTY IS USED FOR ESSENTIAL PUBLIC AND GOVERNMENTAL
25 PURPOSES AND IS EXEMPT FROM ALL TAXES AND SPECIAL ASSESSMENTS OF THE
26 STATE OR A POLITICAL SUBDIVISION IF THE PROPERTY:

27 (I) BELONGS TO AN AUTHORITY OR A NONPROFIT HOUSING
28 CORPORATION; OR

29 (II) IS USED AS HOUSING FOR PERSONS OF ELIGIBLE INCOME AND
30 BELONGS TO A BALTIMORE HOUSING AUTHORITY ENTITY.

31 (3) IN LIEU OF THOSE TAXES AND SPECIAL ASSESSMENTS, AN
32 AUTHORITY, A NONPROFIT HOUSING CORPORATION, OR A BALTIMORE HOUSING
33 AUTHORITY ENTITY SHALL PAY THE POLITICAL SUBDIVISION IN WHICH A HOUSING
34 PROJECT IS WHOLLY OR PARTLY LOCATED AN AMOUNT, IF ANY, THAT MAY BE SET BY
35 MUTUAL AGREEMENT AND THAT DOES NOT EXCEED THE AMOUNT OF REGULAR
36 TAXES LEVIED ON SIMILAR PROPERTY.

1 (C) REAL PROPERTY OF AUTHORITY.

2 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OR (3) OF THIS SUBSECTION:

3 (I) ALL REAL PROPERTY OF AN AUTHORITY IS EXEMPT FROM LEVY
4 AND SALE BY VIRTUE OF AN EXECUTION;

5 (II) AN EXECUTION OR OTHER JUDICIAL PROCESS MAY NOT ISSUE
6 AGAINST THE REAL PROPERTY; AND

7 (III) A JUDGMENT AGAINST AN AUTHORITY IS NOT A CHARGE OR
8 LIEN ON THE AUTHORITY'S REAL PROPERTY.

9 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT LIMIT A RIGHT TO
10 FORECLOSE OR OTHERWISE ENFORCE:

11 (I) A MORTGAGE OR DEED OF TRUST RECORDED AGAINST
12 PROPERTY OF AN AUTHORITY; OR

13 (II) A PLEDGE OR LIEN GIVEN BY AN AUTHORITY ON ITS RENTS,
14 FEES, OR REVENUES.

15 (3) THIS SUBSECTION DOES NOT DEPRIVE A POLITICAL SUBDIVISION OF
16 ITS RIGHT TO COLLECT MONEY AGREED TO BE PAID IN LIEU OF TAXES IN THE SAME
17 MANNER AS TAXES ARE NOW OR MAY BE COLLECTED UNDER STATE LAW AND THE
18 LAWS OF THE POLITICAL SUBDIVISION.

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 44A, §§ 1-104 and 1-103(p).

21 In subsection (a) of this section, the defined term "Baltimore Housing
22 Authority entity" is substituted for the former defined term "entity related
23 to the Housing Authority of Baltimore City" for brevity.

24 In subsection (b)(1) of this section, the reference to "housing" is substituted
25 for the former reference to "dwelling accommodations" for brevity and to
26 conform to the terminology used throughout this article.

27 In subsections (b)(3) and (c)(3) of this section, the former references to
28 "city" and "county" are deleted in light of the defined term "political
29 subdivision".

30 In subsection (b)(3) of this section, the former reference to a mutual
31 agreement "between such authority, entity related to the Housing
32 Authority of Baltimore City, or nonprofit housing corporation and the city,
33 the county, or the political subdivision of the State" is deleted as implicit in
34 the reference to a "mutual agreement".

35 In subsection (c)(3) of this section, the reference to "money" is substituted
36 for the former reference to "service charge" for clarity.

1 Defined terms: "Authority" § 12-101

2 "Housing project" § 12-101

3 "Nonprofit housing corporation" § 12-101

4 "Person of eligible income" § 12-101

5 "Political subdivision" § 12-101

6 "Real property" § 12-101

7 12-105. AREAS OF OPERATION FOR AUTHORITIES.

8 (A) AUTHORITIES OF MUNICIPAL CORPORATIONS.

9 AN AUTHORITY OF A MUNICIPAL CORPORATION OR BALTIMORE CITY MAY:

10 (1) OPERATE WITHIN ITS TERRITORIAL BOUNDARIES; AND

11 (2) WITHOUT REGARD TO LOCATION:

12 (I) ADMINISTER RENT SUBSIDY PAYMENTS AND HOUSING
13 ASSISTANCE PROGRAMS FOR BOTH ELIGIBLE LANDLORDS AND TENANTS;

14 (II) OWN OR MANAGE HOUSING PROJECTS IN OPERATION BEFORE
15 JANUARY 1, 1990; AND

16 (III) DEVELOP, OWN, OR OPERATE A HOUSING PROJECT AT THE
17 REQUEST OF AND WITHIN THE TERRITORIAL BOUNDARIES OF ANOTHER POLITICAL
18 SUBDIVISION.

19 (B) AUTHORITIES OF COUNTIES.

20 (1) ANYWHERE IN ITS COUNTY AN AUTHORITY OF A COUNTY MAY:

21 (I) ADMINISTER RENT SUBSIDY PAYMENTS AND HOUSING
22 ASSISTANCE PROGRAMS FOR BOTH ELIGIBLE LANDLORDS AND TENANTS; AND

23 (II) OWN OR MANAGE HOUSING PROJECTS IN OPERATION BEFORE:

24 1. JANUARY 1, 1990, IF THE AUTHORITY IS OF BALTIMORE
25 CITY; OR

26 2. JANUARY 1, 1991, IF THE AUTHORITY IS OF ANOTHER
27 COUNTY.

28 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN AUTHORITY
29 OF A COUNTY MAY CONDUCT ITS OTHER OPERATIONS WITHIN THE COUNTY.

30 (3) AN AUTHORITY OF A COUNTY OTHER THAN BALTIMORE CITY MAY
31 NOT CONDUCT ITS OTHER OPERATIONS WITHIN A MUNICIPAL CORPORATION
32 UNLESS THE GOVERNING BODY OF THE MUNICIPAL CORPORATION CONSENTS BY
33 RESOLUTION TO ITS INCLUSION IN THE AUTHORITY'S AREA OF OPERATION.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 44A, § 1-103(b).

3 It is revised as a substantive provision rather than as a definition for
4 clarity.

5 In subsection (b)(3) of this section, the references to a "municipal
6 corporation" are substituted for the former references to a "city" to conform
7 to the terminology used in Md. Constitution, Art. XI-E.

8 Defined terms: "Area of operation" § 12-101

9 "Authority" § 12-101

10 "County" § 12-101

11 "Housing project" § 12-101

12 "Political subdivision" § 12-101

13 12-106. PERSON OF ELIGIBLE INCOME.

14 (A) QUALIFICATIONS.

15 AN INDIVIDUAL OR FAMILY QUALIFIES AS A PERSON OF ELIGIBLE INCOME:

16 (1) FOR PROJECTS THAT ARE STATE OR FEDERALLY FUNDED, IF THE
17 INDIVIDUAL OR FAMILY MEETS THE INCOME REQUIREMENTS OF THE STATE OR
18 FEDERAL PROGRAM INVOLVED; OR

19 (2) FOR OTHER PROJECTS, IF THE INDIVIDUAL OR FAMILY, BY A
20 DETERMINATION UNDER SUBSECTION (B) OF THIS SECTION, LACKS SUFFICIENT
21 INCOME OR ASSETS WITHOUT FINANCIAL ASSISTANCE TO PURCHASE OR RENT
22 DECENT, SAFE, AND SANITARY HOUSING WITHOUT OVERCROWDING.

23 (B) DETERMINATION OF QUALIFYING INCOME LEVEL.

24 (1) THE CHIEF ELECTED OFFICIAL OR THE CHIEF ELECTED OFFICIAL'S
25 DESIGNEE, WHO MAY BE THE EXECUTIVE DIRECTOR OF AN AUTHORITY OR THE
26 BOARD OF COMMISSIONERS OF THE AUTHORITY, SHALL DETERMINE WHETHER AN
27 INDIVIDUAL OR FAMILY QUALIFIES AS A PERSON OF ELIGIBLE INCOME UNDER
28 SUBSECTION (A)(2) OF THIS SECTION.

29 (2) DETERMINATION OF QUALIFYING INCOME LEVELS MAY VARY FOR
30 THE ELDERLY, INDIVIDUALS WITH DISABILITIES, OTHER PERSONS WITH SPECIAL
31 NEEDS, PARTICULAR PROJECTS OR PROGRAMS, OR PARTICULAR PARTS OF THE
32 POLITICAL SUBDIVISION.

33 REVISOR'S NOTE: This section is new language derived without substantive
34 change from former Art. 44A, § 1-103(r).

35 It is revised as a substantive provision rather than as a definition for
36 clarity.

1 In subsection (a)(2) of this section, the reference to "housing" is substituted
2 for the former reference to "dwellings" to conform to the terminology used
3 throughout this article.

4 In subsection (b)(1) of this section, the reference to an executive director "of
5 an authority" is added for clarity.

6 In subsection (b)(2) of this section, the defined term "political subdivision"
7 is substituted for the former reference to a "local jurisdiction" to conform to
8 the terminology used throughout this article.

9 Defined terms: "Authority" § 12-101

10 "Chief elected official" § 12-101

11 "Person" § 12-101

12 "Person of eligible income" § 12-101

13 "Political subdivision" § 12-101

14 12-107. APPLICATION OF TITLE.

15 A PROVISION APPLICABLE TO A PARTICULAR POLITICAL SUBDIVISION OR ITS
16 AUTHORITY IN ANOTHER TITLE OF THIS DIVISION II:

17 (1) TAKES PRECEDENCE OVER A CONFLICTING PROVISION OF THIS
18 TITLE; AND

19 (2) MAY NOT BE USED TO INTERPRET HOW THIS TITLE APPLIES TO
20 ANOTHER POLITICAL SUBDIVISION OR ITS AUTHORITY.

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 44A, § 1-106.

23 The references to the defined term "political subdivision" are substituted
24 for the former references to "local government" to conform to the
25 terminology used throughout this article.

26 In item (2) of this section, the former reference to the "laws of" this title is
27 deleted as surplusage.

28 Defined terms: "Authority" § 12-101

29 "Political subdivision" § 12-101

30 GENERAL REVISOR'S NOTE TO SUBTITLE

31 Former Art. 44A, § 1-105, which stated that if any provision or application of
32 former Art. 44A is held invalid, the invalidity does not affect other provisions or
33 application that can be given effect without the invalid provision or application, is
34 deleted as needless. Under Art. 1, § 23 of the Code, provisions of statutes enacted
35 after July 1, 1973, are severable unless the statute specifically provides that they are
36 not.

SUBTITLE 2. ESTABLISHMENT AND ORGANIZATION OF AUTHORITIES.

12-201. AUTHORITIES ESTABLISHED.

IN EACH POLITICAL SUBDIVISION, THERE IS A PUBLIC BODY CORPORATE AND POLITIC KNOWN AS THE "HOUSING AUTHORITY" OF THE POLITICAL SUBDIVISION OR AS OTHERWISE DESIGNATED IN THE ARTICLES OF ORGANIZATION.

REVISOR'S NOTE: This section is new language derived without substantive change from the first clause of the introductory language of former Art. 44A, § 1-203(a).

The defined term "political subdivision" is substituted for the former reference to "local jurisdiction" to conform to the terminology used throughout this article.

Defined term: "Political subdivision" § 12-101

12-202. ENABLING LEGISLATION.

SECTIONS 12-203 THROUGH 12-206 OF THIS SUBTITLE ARE ONLY ENABLING LEGISLATION ALLOWING A POLITICAL SUBDIVISION TO AUTHORIZE AN AUTHORITY TO OPERATE IN THE POLITICAL SUBDIVISION.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 44A, § 1-501(e).

The defined term "political subdivision" is substituted for the former reference to "local jurisdicatio[n]" to conform to the terminology used throughout this article.

Defined terms: "Authority" § 12-101

"Political subdivision" § 12-101

12-203. CODE AUTHORITIES.

A CODE AUTHORITY MAY NOT DO BUSINESS OR EXERCISE ITS POWERS UNLESS:

(1) ITS ARTICLES OF ORGANIZATION HAVE BEEN RECOMMENDED IN WRITING BY THE CHIEF ELECTED OFFICIAL, ADOPTED BY A RESOLUTION OR ORDINANCE OF THE LEGISLATIVE BODY, AND FILED WITH THE SECRETARY OF STATE; AND

(2) THE SECRETARY OF STATE HAS ISSUED A CERTIFICATE OF ORGANIZATION TO THE CODE AUTHORITY.

REVISOR'S NOTE: This section is new language derived without substantive change from the second clause of the introductory language of former Art. 44A, § 1-203(a) through (a)(3).

In the introductory language of this section, the defined term "code

1 authority" is substituted for the former reference to "any authority not
2 activated prior to July 1, 1990" for brevity and to conform to the
3 terminology used throughout this Division II.

4 In item (1) of this section, the former phrase "in accordance with this
5 section" is deleted as surplusage.

6 Defined terms: "Authority" § 12-101

7 "Chief elected official" § 12-101

8 "Code authority" § 12-101

9 "Legislative body" § 12-101

10 12-204. PRE-EXISTING AUTHORITIES.

11 (A) CONTINUING EXISTENCE.

12 EACH PRE-EXISTING AUTHORITY CONTINUES TO EXIST.

13 (B) GENERAL POWERS.

14 (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A
15 PRE-EXISTING AUTHORITY GOVERNED ONLY BY THIS TITLE:

16 (I) MAY EXERCISE THE POWERS GRANTED BY SUBTITLES 6 AND 7
17 AND §§ 12-501, 12-502, 12-504, AND 12-506(A) OF THIS TITLE; AND

18 (II) IF IT ADOPTS ARTICLES OF ORGANIZATION, MAY EXERCISE THE
19 POWERS LISTED IN § 12-503 OF THIS TITLE THAT ARE AUTHORIZED BY THE ARTICLES
20 OF ORGANIZATION IN ACCORDANCE WITH § 12-205(B)(1)(VI) OF THIS SUBTITLE; AND

21 (III) IS ENTITLED TO THE EXEMPTIONS FROM STATE LAW PROVIDED
22 IN § 12-505 OF THIS TITLE.

23 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A
24 PRE-EXISTING AUTHORITY GOVERNED BY THIS TITLE AND BY A TITLE IN THIS
25 DIVISION II THAT IS APPLICABLE IN A PARTICULAR POLITICAL SUBDIVISION:

26 (I) MAY EXERCISE THE POWERS GRANTED UNDER THE TITLE
27 THAT APPLIES TO THE PARTICULAR POLITICAL SUBDIVISION;

28 (II) MAY EXERCISE THE POWERS GRANTED BY SUBTITLES 6 AND 7
29 AND §§ 12-501, 12-502, 12-504, AND 12-506(A) OF THIS TITLE AS MODIFIED BY THE
30 TITLE THAT APPLIES TO THE PARTICULAR POLITICAL SUBDIVISION;

31 (III) IF IT ADOPTS ARTICLES OF ORGANIZATION, MAY EXERCISE THE
32 POWERS LISTED IN § 12-503 OF THIS TITLE THAT ARE AUTHORIZED BY THE ARTICLES
33 OF ORGANIZATION IN ACCORDANCE WITH § 12-205(B)(1)(VI) OF THIS SUBTITLE; AND

34 (IV) IS ENTITLED TO THE EXEMPTIONS FROM STATE LAW PROVIDED
35 IN § 12-505 OF THIS TITLE.

1 (3) IF ARTICLES OF ORGANIZATION ARE ADOPTED, THE POWERS SET
2 FORTH IN §§ 12-501 THROUGH 12-506(A) OF THIS TITLE MAY BE LIMITED TO THE
3 EXTENT ALLOWED UNDER §§ 12-205(B)(2) AND 12-207 OF THIS SUBTITLE.

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 44A, § 1-201(a) and (c).

6 Former Art. 44A, § 1-201(b), which required pre-existing housing
7 authorities to file a certain certification with the Secretary of State on or
8 before December 1, 1990, is deleted as obsolete.

9 Defined terms: "Political subdivision" § 12-101

10 "Pre-existing authority" § 12-101

11 12-205. ARTICLES OF ORGANIZATION -- IN GENERAL.

12 (A) INCONSISTENCY WITH THIS TITLE PROHIBITED.

13 ARTICLES OF ORGANIZATION, IF THEY ARE NOT INCONSISTENT WITH THIS
14 TITLE, MAY BE ADOPTED FOR AN AUTHORITY GOVERNED BY ANOTHER TITLE IN THIS
15 DIVISION II.

16 (B) CONTENTS -- REQUIRED TERMS.

17 (1) ARTICLES OF ORGANIZATION SHALL STATE:

18 (I) THE NAME OF THE AUTHORITY, WHICH MAY BE "HOUSING
19 AUTHORITY OF (HERE INSERT NAME OF POLITICAL SUBDIVISION)" OR SOME OTHER
20 NAME THAT INCLUDES THE NAME OF THE POLITICAL SUBDIVISION;

21 (II) THAT A NEED EXISTS FOR THE AUTHORITY TO FUNCTION IN
22 THE POLITICAL SUBDIVISION;

23 (III) WHETHER APPOINTMENTS OF COMMISSIONERS OF THE
24 AUTHORITY BY THE CHIEF ELECTED OFFICIAL REQUIRE THE PRIOR APPROVAL OF
25 THE LEGISLATIVE BODY;

26 (IV) WHETHER THE BOARD OF COMMISSIONERS OF THE
27 AUTHORITY WILL CONSIST OF 5, 7, OR 9 COMMISSIONERS;

28 (V) WHETHER COMMISSIONERS OF THE AUTHORITY WILL HAVE 3-
29 OR 5-YEAR TERMS;

30 (VI) WHETHER THE AUTHORITY MAY EXERCISE ANY POWER SET
31 FORTH IN § 12-503 OF THIS TITLE, AND, IF SO, ANY LIMITATIONS ON THOSE POWERS;
32 AND

33 (VII) ANY LIMITATION ON OR ELIMINATION OF ANY POWER
34 GRANTED TO THE AUTHORITY UNDER ANY TITLE OF THIS DIVISION II.

35 (2) THE POWERS OF THE AUTHORITY:

1 (I) SHALL BE SUFFICIENT FOR IT TO COMPLY WITH EACH
2 EXISTING AGREEMENT BETWEEN IT AND A STATE OR FEDERAL GOVERNMENTAL
3 UNIT AND WITH FEDERAL LAW; AND

4 (II) MAY NOT BE LIMITED IN A WAY THAT IS INCONSISTENT WITH
5 SUCH AN AGREEMENT OR WITH FEDERAL LAW.

6 (3) THE ARTICLES OF ORGANIZATION OF AN AUTHORITY SHALL
7 DESIGNATE AN OFFICIAL OF THE POLITICAL SUBDIVISION TO BE THE CUSTODIAN OF
8 RECORDS OF THE POLITICAL SUBDIVISION FOR THE PURPOSES OF THIS DIVISION II.

9 (C) SAME -- OPTIONAL TERMS.

10 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE ARTICLES OF
11 ORGANIZATION MAY CONTAIN SPECIFIC TERMS GOVERNING THE OPERATION OF
12 THE AUTHORITY AND ITS HOUSING PROJECTS, INCLUDING FINANCIAL REPORTING,
13 BUDGETARY, AND PERSONNEL REQUIREMENTS.

14 (2) THE SPECIFIC TERMS MAY NOT ADD POWERS TO THE AUTHORITY
15 OTHER THAN THOSE ALLOWED UNDER SUBSECTION (B)(1)(VI) OF THIS SECTION AND
16 MAY NOT BE INCONSISTENT WITH:

17 (I) ANY EXISTING AGREEMENT BETWEEN THE AUTHORITY AND
18 ANY STATE OR FEDERAL GOVERNMENTAL UNIT;

19 (II) FEDERAL LAW; OR

20 (III) THIS DIVISION II OR OTHER STATE LAW.

21 (D) SAME -- PROHIBITED TERMS.

22 ARTICLES OF ORGANIZATION MAY NOT REQUIRE THE AUTHORITY DIRECTLY OR
23 INDIRECTLY TO PAY ANY OF ITS RESERVES OR OTHER MONEY TO THE POLITICAL
24 SUBDIVISION.

25 (E) CUSTODIAN TO FILE COPY OF RECOMMENDATION AND OF RESOLUTION
26 OR ORDINANCE.

27 THE CUSTODIAN OF RECORDS SHALL FILE WITH THE SECRETARY OF STATE A
28 CERTIFIED COPY OF THE WRITTEN RECOMMENDATION OF THE CHIEF ELECTED
29 OFFICIAL AND THE RESOLUTION OR ORDINANCE ADOPTING THE ARTICLES OF
30 ORGANIZATION.

31 (F) ISSUANCE OF CERTIFICATE OF APPROVAL.

32 (1) IF THE SECRETARY OF STATE FINDS THAT THE REQUIREMENTS OF §
33 12-203 OF THIS SUBTITLE HAVE BEEN MET, THE SECRETARY OF STATE SHALL
34 ENDORSE THE ARTICLES OF ORGANIZATION "APPROVED" AND ISSUE TO THE
35 AUTHORITY A CERTIFICATE OF APPROVAL ATTACHED TO THEM AND A CERTIFICATE
36 OF ORGANIZATION.

1 (2) ON ISSUANCE OF THE CERTIFICATE OF APPROVAL, THE ARTICLES OF
2 ORGANIZATION AS FILED ARE CONSIDERED TO HAVE BEEN ADOPTED.

3 (G) SECRETARY OF STATE TO KEEP RECORDS.

4 THE SECRETARY OF STATE:

5 (1) SHALL RECORD AND MAINTAIN ALL ENDORSED ARTICLES OF
6 ORGANIZATION AND AMENDMENTS IN RECORDS KEPT FOR THAT PURPOSE; AND

7 (2) ON REQUEST, SHALL ISSUE CERTIFIED COPIES OF THE ENDORSED
8 ARTICLES OF ORGANIZATION AND AMENDMENTS.

9 (H) EFFECT OF CERTIFICATE OF ORGANIZATION.

10 (1) IN A PROCEEDING INVOLVING OR RELATING TO A CONTRACT OF AN
11 AUTHORITY, THE AUTHORITY IS CONSIDERED TO BE AUTHORIZED TO DO BUSINESS
12 AND EXERCISE ITS POWERS IF THE SECRETARY OF STATE HAS ISSUED A
13 CERTIFICATE OF ORGANIZATION.

14 (2) A COPY OF THE CERTIFICATE OF ORGANIZATION IS ADMISSIBLE IN
15 EVIDENCE.

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 44A, §§ 1-205, 1-201(d), 1-203(b) through (f), and
18 1-204(a).

19 In subsections (b)(1)(i) and (ii) and (3), (d), and (e) of this section, the
20 references to the defined term "political subdivision" are substituted for
21 the former references to "local jurisdiction" or "local government" to
22 conform to the terminology used throughout this article.

23 In the introductory language of subsection (b)(1) of this section, the former
24 reference to articles of organization "for an authority" is deleted as
25 included in the reference to "articles of organization".

26 In subsection (b)(1)(iv) and (v) of this section, the references to
27 commissioners "of the authority" are added for clarity.

28 In subsection (b)(1)(vii) of this section, the reference to "[a]ny limitation on
29 or elimination" of the power of an authority is substituted for the former
30 reference to "[a]ny conditions, restrictions, or other limitations" for clarity.

31 In subsections (b)(2)(i) and (ii) and (c)(2)(ii) and (iii) of this section, the
32 former references to "regulations" are deleted as included in the references
33 to "law".

34 In subsection (e) of this section, the former reference to a custodian of
35 records "for the local government" is deleted as implicit in the defined term
36 "custodian of records".

1 In subsection (f)(2) of this section, the statement that on issuance of a
2 certificate of approval, "the articles of organization as filed are considered
3 to have been adopted" is substituted for the former statement that the
4 articles of organization "are effective and are conclusively considered to
5 have been lawfully and properly adopted" for brevity.

6 In subsection (h)(1) of this section, the former references to a "suit" and an
7 "action" are deleted as included in the reference to a "proceeding".

8 Also in subsection (h)(1) of this section, the former reference to a
9 proceeding involving "the validity or enforcement of" a contract of a
10 pre-existing authority is deleted as surplusage.

11 Also in subsection (h)(1) of this section, the statement that an authority is
12 considered to be authorized to "do" business is substituted for the former
13 statement that an authority "shall be deemed to have become established
14 and authorized to transact" business, for brevity.

15 In subsection (h)(2) of this section, the former reference to a copy of a
16 certificate of organization being admissible in evidence "in any suit, action,
17 or proceeding" is deleted as surplusage.

18 Defined terms: "Authority" § 12-101

19 "Chief elected official" § 12-101

20 "Custodian of records" § 12-101

21 "Housing project" § 12-101

22 "Legislative body" § 12-101

23 "Political subdivision" § 12-101

24 12-206. SAME -- PRE-EXISTING AUTHORITIES.

25 (A) IN GENERAL.

26 (1) A PRE-EXISTING AUTHORITY MAY BE GOVERNED BY ARTICLES OF
27 ORGANIZATION IF:

28 (I) THE PRE-EXISTING AUTHORITY MEETS THE REQUIREMENTS
29 OF SUBSECTION (B) OR SUBSECTION (C) OF THIS SECTION;

30 (II) THE CUSTODIAN OF RECORDS FILES WITH THE SECRETARY OF
31 STATE THE DOCUMENTS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION; AND

32 (III) THE SECRETARY OF STATE ISSUES A CERTIFICATE OF
33 APPROVAL IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION.

34 (2) ARTICLES OF ORGANIZATION SHALL COMPLY WITH § 12-205(B)
35 THROUGH (D) OF THIS SUBTITLE.

36 (B) REQUIREMENTS TO ADOPT ARTICLES OF ORGANIZATION -- ALTERNATIVE
37 1.

1 BEFORE A PRE-EXISTING AUTHORITY MAY ADOPT ARTICLES OF ORGANIZATION
2 UNDER THIS SUBSECTION, THE ARTICLES OF ORGANIZATION MUST BE:

3 (1) RECOMMENDED IN WRITING BY THE CHIEF ELECTED OFFICIAL;

4 (2) APPROVED BY AN EXTRAORDINARY MAJORITY OF THE BOARD OF
5 COMMISSIONERS OF THE AUTHORITY; AND

6 (3) ADOPTED BY AN EXTRAORDINARY MAJORITY OF THE LEGISLATIVE
7 BODY.

8 (C) SAME -- ALTERNATIVE 2.

9 BEFORE A PRE-EXISTING AUTHORITY MAY ADOPT ARTICLES OF ORGANIZATION
10 UNDER THIS SUBSECTION:

11 (1) THE CUSTODIAN OF RECORDS SHALL PROVIDE DOCUMENTATION TO
12 THE SECRETARY OF STATE THAT WITHIN 5 YEARS BEFORE THE DATE THE
13 DOCUMENTATION IS SUBMITTED:

14 (I) THE POLITICAL SUBDIVISION, WITHIN EACH OF ANY 3 FISCAL
15 YEARS WITHIN THE 5-YEAR PERIOD, HAS PROVIDED FINANCIAL ASSISTANCE TO THE
16 AUTHORITY FROM LOCAL TAX REVENUES OR BOND SALE PROCEEDS IN AN AMOUNT
17 EQUAL TO THE GREATER OF:

18 1. THE PRODUCT OF \$1 TIMES THE NUMBER OF RESIDENTS
19 OF THE POLITICAL SUBDIVISION AS PUBLISHED ANNUALLY BY THE DEPARTMENT OF
20 HEALTH AND MENTAL HYGIENE OR AS OTHERWISE AVAILABLE; AND

21 2. THE PRODUCT OF \$100 TIMES THE TOTAL NUMBER OF
22 HOUSING UNITS OWNED OR MANAGED BY THE AUTHORITY; AND

23 (II) THE AUTHORITY, AT THE REQUEST AND WITH THE FINANCIAL
24 SUPPORT OF THE POLITICAL SUBDIVISION, IS OPERATING ONE OR MORE HOUSING
25 PROJECTS FOR WHICH THE FEDERAL GOVERNMENT PROVIDED NO MORE THAN HALF
26 OF THE DEVELOPMENT AND OPERATING COSTS; AND

27 (2) THE ARTICLES OF ORGANIZATION MUST BE:

28 (I) RECOMMENDED IN WRITING BY THE CHIEF ELECTED
29 OFFICIAL;

30 (II) APPROVED BY A RESOLUTION OF THE BOARD OF
31 COMMISSIONERS OF THE AUTHORITY; AND

32 (III) ADOPTED BY A RESOLUTION OR ORDINANCE OF THE
33 LEGISLATIVE BODY.

34 (D) FILINGS BY CUSTODIAN OF RECORDS.

35 THE CUSTODIAN OF RECORDS SHALL FILE WITH THE SECRETARY OF STATE:

1 (1) A COPY OF THE DOCUMENTATION DESCRIBED IN SUBSECTION (C)(1)
2 OF THIS SECTION, IF APPLICABLE;

3 (2) THE ARTICLES OF ORGANIZATION AND THE APPLICABLE
4 RECOMMENDING, APPROVING, AND ADOPTING INSTRUMENTS DESCRIBED IN
5 SUBSECTION (B) OR (C)(2) OF THIS SECTION;

6 (3) CERTIFICATION BY THE CUSTODIAN OF RECORDS THAT THE
7 ARTICLES OF ORGANIZATION HAVE BEEN RECOMMENDED AND ADOPTED BY THE
8 POLITICAL SUBDIVISION IN ACCORDANCE WITH THE APPLICABLE REQUIREMENTS
9 OF SUBSECTION (B)(1) AND (3) OR SUBSECTION (C)(2)(I) AND (III) OF THIS SECTION;
10 AND

11 (4) CERTIFICATION BY THE SECRETARY OF THE PRE-EXISTING
12 AUTHORITY THAT THE ARTICLES OF ORGANIZATION HAVE BEEN APPROVED BY THE
13 BOARD OF COMMISSIONERS OF THE AUTHORITY IN ACCORDANCE WITH THE
14 APPLICABLE REQUIREMENTS OF SUBSECTION (B)(2) OR SUBSECTION (C)(2)(II) OF THIS
15 SECTION.

16 (E) ISSUANCE OF CERTIFICATE OF APPROVAL.

17 (1) IF THE SECRETARY OF STATE FINDS THAT THE REQUIREMENTS OF
18 SUBSECTION (B) OR (C) AND SUBSECTION (D) OF THIS SECTION HAVE BEEN
19 SATISFIED, THE SECRETARY OF STATE SHALL ENDORSE THE ARTICLES AS
20 "APPROVED" AND ISSUE A CERTIFICATE OF APPROVAL ATTACHED TO THE ENDORSED
21 ARTICLES.

22 (2) WHEN THE CERTIFICATE OF APPROVAL IS ISSUED, THE ARTICLES OF
23 ORGANIZATION AS FILED ARE CONSIDERED TO HAVE BEEN ADOPTED.

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 44A, § 1-202(a) through (e).

26 In subsection (a)(1)(ii) of this section, the reference to the "custodian of
27 records" as the person required to file documents with the Secretary of
28 State is added to expressly state what was only formerly implied.

29 In subsection (d)(3) of this section, the defined term "political subdivision"
30 is substituted for the former reference to "local government" to conform to
31 the terminology used throughout this article.

32 In subsection (e)(2) of this section, the statement that on issuance of a
33 certificate of approval, "the articles of organization as filed are considered
34 to have been adopted" is substituted for the former statement that the
35 articles of organization "are effective and are conclusively considered to
36 have been lawfully and properly adopted" for brevity.

37 The Housing and Community Development Article Review Committee
38 notes, for consideration by the General Assembly, that subsection (c)(1)(ii)
39 of this section requires in part that before a pre-existing authority may

1 adopt articles of organization, the custodian of records must provide
2 documentation that within 5 years before the date the documentation is
3 submitted the authority "is operating" one or more housing projects. The
4 provision is unclear as to whether it requires an authority to operate one or
5 more housing projects at the time the documentation is submitted or
6 whether it requires an authority to have operated one or more housing
7 projects sometime within 5 years before the documentation is submitted.

8 Defined terms: "Authority" § 12-101

9 "Bond" § 12-101

10 "Chief elected official" § 12-101

11 "Custodian of records" § 12-101

12 "Extraordinary majority" § 12-101

13 "Housing project" § 12-101

14 "Legislative body" § 12-101

15 "Political subdivision" § 12-101

16 "Pre-existing authority" § 12-101

17 12-207. AMENDMENTS TO AND RESTATEMENTS OF ARTICLES OF ORGANIZATION.

18 (A) REQUIREMENTS.

19 ARTICLES OF AMENDMENT OR RESTATEMENT OF ARTICLES OF ORGANIZATION
20 OF AN AUTHORITY MUST BE:

21 (1) RECOMMENDED IN WRITING BY THE CHIEF ELECTED OFFICIAL;

22 (2) IF REQUIRED BY SUBSECTION (D) OF THIS SECTION, APPROVED BY A
23 RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE AUTHORITY; AND

24 (3) ADOPTED BY A RESOLUTION OR ORDINANCE OF THE LEGISLATIVE
25 BODY.

26 (B) COMPLIANCE REQUIRED.

27 AN AMENDMENT OR RESTATEMENT OF ARTICLES OF ORGANIZATION SHALL
28 COMPLY WITH § 12-205(B) THROUGH (D) OF THIS SUBTITLE.

29 (C) CHANGE IN NUMBER OF COMMISSIONERS OR TERMS PROHIBITED.

30 A POLITICAL SUBDIVISION MAY NOT AMEND THE ARTICLES OF ORGANIZATION
31 TO CHANGE THE NUMBER OF COMMISSIONERS OF AN AUTHORITY OR THE LENGTH
32 OF TERMS OF COMMISSIONERS STATED IN THE INITIAL ARTICLES OF ORGANIZATION.

33 (D) AMENDMENTS TO ARTICLES OF ORGANIZATION OF PRE-EXISTING
34 AUTHORITY.

35 A POLITICAL SUBDIVISION MAY NOT AMEND THE ARTICLES OF ORGANIZATION
36 OF A PRE-EXISTING AUTHORITY WITHOUT THE APPROVAL OF THE BOARD OF
37 COMMISSIONERS OF THE PRE-EXISTING AUTHORITY.

1 (E) FILINGS BY CUSTODIAN OF RECORDS.

2 THE CUSTODIAN OF RECORDS SHALL FILE WITH THE SECRETARY OF STATE:

3 (1) A COPY OF THE ARTICLES OF AMENDMENT OR RESTATEMENT, THE
4 RECOMMENDING AND ADOPTING INSTRUMENTS REQUIRED BY SUBSECTION (A)(1)
5 AND (3) OF THIS SECTION, AND ANY APPROVING INSTRUMENT REQUIRED BY
6 SUBSECTION (A)(2) OF THIS SECTION;

7 (2) THE CERTIFICATION OF THE CUSTODIAN OF RECORDS THAT THE
8 ARTICLES OF AMENDMENT OR RESTATEMENT HAVE BEEN RECOMMENDED AND
9 ADOPTED BY THE POLITICAL SUBDIVISION IN ACCORDANCE WITH THE
10 REQUIREMENTS OF SUBSECTION (A)(1) AND (3) OF THIS SECTION; AND

11 (3) IF REQUIRED BY SUBSECTION (A)(2) OF THIS SECTION, THE
12 CERTIFICATION OF THE SECRETARY OF THE AUTHORITY THAT THE ARTICLES OF
13 AMENDMENT OR RESTATEMENT HAVE BEEN APPROVED BY THE BOARD OF
14 COMMISSIONERS OF THE AUTHORITY IN ACCORDANCE WITH THE REQUIREMENTS
15 OF SUBSECTION (A)(2) OF THIS SECTION.

16 (F) ISSUANCE OF CERTIFICATE OF APPROVAL.

17 (1) IF THE SECRETARY OF STATE FINDS THAT THE REQUIREMENTS OF
18 SUBSECTIONS (A) AND (E) OF THIS SECTION HAVE BEEN MET, THE SECRETARY OF
19 STATE SHALL ENDORSE THE ARTICLES OF AMENDMENT OR RESTATEMENT AS
20 "APPROVED" AND ISSUE AN ATTACHED CERTIFICATE OF APPROVAL.

21 (2) ON ISSUANCE OF THE CERTIFICATE OF APPROVAL, THE ARTICLES OF
22 AMENDMENT OR RESTATEMENT AS FILED ARE CONSIDERED TO HAVE BEEN
23 ADOPTED.

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 44A, § 1-206.

26 In subsection (a)(1) of this section, the former reference to a "local
27 government's" chief elected official is deleted as implicit in the defined
28 term "chief elected official". Similarly, in subsection (a)(3) of this section,
29 the former reference to a "local government's" legislative body is deleted,
30 and in subsection (f)(2) of this section, the former reference to a "local
31 government's" custodian of records is deleted.

32 In subsections (c), (d), and (e)(2) of this section, references to the defined
33 term "political subdivision" are substituted for the former references to
34 "local government" to conform to the terminology used throughout this
35 article.

36 In subsection (f)(2) of this section, the statement that on issuance of a
37 certificate of approval, "the articles of amendment or restatement as filed
38 are considered to have been adopted" is substituted for the former
39 statement that articles of amendment or restatement "are effective and are

1 conclusively considered to have been lawfully and properly adopted" for
2 brevity.

3 Defined terms: "Authority" § 12-101

4 "Chief elected official" § 12-101

5 "Custodian of records" § 12-101

6 "Legislative body" § 12-101

7 "Political subdivision" § 12-101

8 "Pre-existing authority" § 12-101

9 SUBTITLE 3. COMMISSIONERS.

10 12-301. NUMBER OF COMMISSIONERS OF AN AUTHORITY.

11 THE REQUIRED NUMBER OF COMMISSIONERS OF AN AUTHORITY:

12 (1) FOR AN AUTHORITY NOT GOVERNED BY ARTICLES OF
13 ORGANIZATION, IS FIVE; AND

14 (2) FOR AN AUTHORITY GOVERNED BY ARTICLES OF ORGANIZATION, IS
15 THE NUMBER SET FORTH IN THE ARTICLES OF ORGANIZATION AS REQUIRED BY §
16 12-205(B)(1)(IV) OF THIS TITLE.

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 44A, § 1-203(b)(4) and the first sentence of §
19 1-207(d).

20 In item (2) of this section, the reference to "the number set forth in the
21 articles of organization as required by § 12-205(b)(1)(iv) of this title" is
22 substituted for the former reference to a requirement to state "whether
23 there will be 5, 7, or 9 commissioners" for consistency.

24 Defined term: "Authority" § 12-101

25 12-302. APPOINTMENT OF COMMISSIONERS OF AN AUTHORITY.

26 (A) APPOINTMENT BY CHIEF ELECTED OFFICIAL.

27 THE CHIEF ELECTED OFFICIAL SHALL APPOINT THE REQUIRED NUMBER OF
28 COMMISSIONERS OF THE AUTHORITY.

29 (B) CERTIFICATE OF APPOINTMENT.

30 (1) A CERTIFICATE OF THE APPOINTMENT OF A COMMISSIONER OF AN
31 AUTHORITY SHALL BE FILED WITH THE CUSTODIAN OF RECORDS.

32 (2) THE CERTIFICATE IS CONCLUSIVE EVIDENCE OF THE
33 APPOINTMENT.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 44A, § 1-207(a) and (f).

3 In subsection (a) of this section, the former reference to the chief elected
4 official "of the local government" is deleted as implicit in the defined term
5 "chief elected official".

6 In subsection (b)(1) of this section, the former reference to the
7 "reappointment" of the commissioner is deleted as implicit in the reference
8 to "appointment".

9 In subsection (b)(2) of this section, the former reference to a "due and
10 proper" appointment is deleted as surplusage.

11 Defined terms: "Authority" § 12-101

12 "Chief elected official" § 12-101

13 "Custodian of records" § 12-101

14 12-303. ELIGIBILITY TO BE COMMISSIONER OF AN AUTHORITY.

15 (A) EMPLOYEES OF THE AUTHORITY BARRED.

16 A COMMISSIONER OF AN AUTHORITY MAY NOT BE AN EMPLOYEE OF THE
17 AUTHORITY.

18 (B) EMPLOYEES OF POLITICAL SUBDIVISION LIMITED.

19 (1) IF AN AUTHORITY IS GOVERNED BY ARTICLES OF ORGANIZATION,
20 ONLY ONE COMMISSIONER OF THE AUTHORITY MAY BE AN EMPLOYEE OF THE
21 POLITICAL SUBDIVISION.

22 (2) OTHERWISE, A COMMISSIONER OF AN AUTHORITY MAY NOT BE AN
23 EMPLOYEE OF THE POLITICAL SUBDIVISION.

24 (C) ELECTED OFFICIALS OF POLITICAL SUBDIVISION BARRED.

25 A COMMISSIONER OF AN AUTHORITY MAY NOT BE AN ELECTED OFFICIAL OF
26 THE POLITICAL SUBDIVISION.

27 (D) TENANT OF HOUSING PROJECT NOT BARRED.

28 THIS SUBTITLE DOES NOT BAR A TENANT OF A HOUSING PROJECT OR OF
29 PROPERTY INCLUDED OR PLANNED TO BE INCLUDED IN A HOUSING PROJECT FROM
30 BEING A COMMISSIONER OF AN AUTHORITY.

31 REVISOR'S NOTE: This section is new language derived without substantive
32 change from former Art. 44B, § 1-207(b)(1), (2), and (4).

33 In subsections (b)(1) and (2) and (c) of this section, references to the
34 defined term "political subdivision" are substituted for the former
35 references to "local government" to conform to the terminology used

1 throughout this article.

2 Defined terms: "Authority" § 12-101

3 "Housing project" § 12-101

4 "Political subdivision" § 12-101

5 12-304. TENURE OF COMMISSIONERS OF AN AUTHORITY.

6 (A) AUTHORITIES GOVERNED BY ARTICLES OF ORGANIZATION.

7 (1) THIS SUBSECTION APPLIES TO AUTHORITIES FOR WHICH THE
8 SECRETARY OF STATE APPROVES ARTICLES OF ORGANIZATION ON OR AFTER JULY 1,
9 1990.

10 (2) ALL INITIAL APPOINTMENTS OF COMMISSIONERS OF AN AUTHORITY
11 AFTER THE SECRETARY OF STATE APPROVES THE ARTICLES OF ORGANIZATION
12 SHALL HAVE THE SAME EFFECTIVE DATE.

13 (3) THE EFFECTIVE DATE SHALL BE SET FORTH ALONG WITH THE TERM
14 OF APPOINTMENT ON EACH INITIAL CERTIFICATE OF APPOINTMENT REQUIRED BY §
15 12-302(B) OF THIS SUBTITLE.

16 (4) FOR AUTHORITIES WHOSE ARTICLES OF ORGANIZATION SAY THAT
17 COMMISSIONERS OF THE AUTHORITY HAVE 5-YEAR TERMS, THOSE WHO ARE
18 INITIALLY APPOINTED SHALL HAVE STAGGERED TERMS OF:

19 (I) 1, 2, 3, 4, AND 5 YEARS FOR FIVE-MEMBER AUTHORITIES;

20 (II) 1, 2, 3, 3, 4, 5, AND 5 YEARS FOR SEVEN-MEMBER AUTHORITIES;
21 AND

22 (III) 1, 2, 2, 3, 3, 4, 4, 5, AND 5 YEARS FOR NINE-MEMBER
23 AUTHORITIES.

24 (5) FOR AUTHORITIES WHOSE ARTICLES OF ORGANIZATION SAY THAT
25 COMMISSIONERS OF THE AUTHORITY HAVE 3-YEAR TERMS, THOSE WHO ARE
26 INITIALLY APPOINTED SHALL HAVE STAGGERED TERMS OF:

27 (I) 1, 2, 2, 3, AND 3 YEARS FOR FIVE-MEMBER AUTHORITIES;

28 (II) 1, 1, 2, 2, 3, 3, AND 3 YEARS FOR SEVEN-MEMBER AUTHORITIES;
29 AND

30 (III) 1, 1, 1, 2, 2, 2, 3, 3, AND 3 YEARS FOR NINE-MEMBER
31 AUTHORITIES.

32 (6) NOTWITHSTANDING § 12-311 OF THIS SUBTITLE, A COMMISSIONER
33 OF AN AUTHORITY WHO IS AN EMPLOYEE OF THE POLITICAL SUBDIVISION SERVES
34 AT THE PLEASURE OF THE CHIEF ELECTED OFFICIAL.

35 (B) AUTHORITIES ADOPTING ARTICLES OF ORGANIZATION.

1 (1) THE TERM OF A COMMISSIONER OF AN AUTHORITY WHO WAS IN
2 OFFICE BEFORE THE ADOPTION OF ARTICLES OF ORGANIZATION ENDS ON THE
3 EFFECTIVE DATE OF THE INITIAL APPOINTMENTS UNDER THE ARTICLES OF
4 ORGANIZATION.

5 (2) EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS
6 SUBSECTION, BEFORE THE EFFECTIVE DATE OF THE INITIAL APPOINTMENTS UNDER
7 THE ARTICLES OF ORGANIZATION, THE CHIEF ELECTED OFFICIAL SHALL APPOINT
8 EACH COMMISSIONER OF AN AUTHORITY WHO WAS IN OFFICE BEFORE THE
9 ADOPTION OF THE ARTICLES OF ORGANIZATION TO A TERM AS A COMMISSIONER OF
10 THE AUTHORITY UNDER THE ARTICLES OF ORGANIZATION.

11 (3) A COMMISSIONER OF AN AUTHORITY WHO HAS DELIVERED TO THE
12 CHIEF ELECTED OFFICIAL WRITTEN NOTICE DECLINING APPOINTMENT MAY NOT BE
13 APPOINTED UNDER THIS SUBSECTION.

14 (4) IF THE NUMBER OF COMMISSIONERS OF AN AUTHORITY IS REDUCED
15 BY THE ARTICLES OF ORGANIZATION SO THAT THERE ARE NOT ENOUGH PLACES FOR
16 ALL THOSE WHO DID NOT DECLINE APPOINTMENT, THE CHIEF ELECTED OFFICIAL
17 SHALL CHOOSE WHICH ONES TO APPOINT, AND WHEN THEY ARE APPOINTED AND
18 QUALIFY THEY ARE THE SUCCESSORS OF ALL THOSE WHO WERE IN OFFICE BEFORE
19 THE ADOPTION OF THE ARTICLES OF ORGANIZATION.

20 (5) NOTWITHSTANDING § 12-205(B)(1)(III) OF THIS TITLE, ANY OTHER
21 PROVISION OF THIS DIVISION II, AND THE ARTICLES OF ORGANIZATION, AN
22 APPOINTMENT UNDER THIS SUBSECTION DOES NOT REQUIRE APPROVAL OF THE
23 LEGISLATIVE BODY.

24 (C) AUTHORITIES NOT GOVERNED BY ARTICLES OF ORGANIZATION.

25 IF AN AUTHORITY IS NOT GOVERNED BY ARTICLES OF ORGANIZATION:

26 (1) COMMISSIONERS OF THE AUTHORITY WHO ARE INITIALLY
27 APPOINTED SHALL HAVE TERMS OF 1, 2, 3, 4, AND 5 YEARS; AND

28 (2) EACH TERM THEREAFTER SHALL BE 5 YEARS.

29 (D) SERVICE UNTIL SUCCESSOR QUALIFIES; SERVICE WHERE TERM HAS
30 BEGUN.

31 (1) AT THE END OF A TERM, A COMMISSIONER OF AN AUTHORITY
32 SERVES UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

33 (2) A COMMISSIONER OF AN AUTHORITY WHO IS APPOINTED AFTER A
34 TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A
35 SUCCESSOR IS APPOINTED AND QUALIFIES.

36 REVISOR'S NOTE: This section is new language derived without substantive
37 change from former Art. 44A, § 1-207(d), (b)(3), and (c)(1), (2)(i), (3)(i),
38 (f)(2), and the second sentence of (f)(1).

1 In subsection (a)(3) of this section, the former phrase "to be filed with the
2 custodian of records" is deleted as included in the reference to "§ 12-302(b)
3 of this subtitle".

4 In subsection (a)(4)(i), (ii), and (iii) and (5)(i), (ii), and (iii) of this section,
5 the former phrase "from the effective date of their appointments" is deleted
6 as surplusage.

7 The first sentence of former Art. 44A, § 1-202(f)(1), which stated that
8 "[a]ppointments of commissioners under the articles of organization shall
9 be made in accordance with § 1-207 of this subtitle" is deleted as
10 surplusage.

11 Former Art. 44A, § 1-204(b), which stated that articles of organization for
12 pre-existing housing authorities "shall be adopted in accordance with §
13 1-202 of this subtitle" is deleted as surplusage.

14 Former Art. 44A, § 1-207(c)(2)(ii), which required that once the terms
15 expire of the initial appointments of commissioners to an authority whose
16 articles of organization provide for 5-year terms, the succeeding
17 commissioners will serve terms of 5 years, is deleted as surplusage.
18 Similarly, former Art. 44A, § 1-207(c)(3)(ii), which required that once the
19 terms expire of the initial appointments of commissioners to an authority
20 whose articles of organization provide for 3-year terms, is deleted.

21 Defined terms: "Authority" § 12-101

22 "Chief elected official" § 12-101

23 "Legislative body" § 12-101

24 "Political subdivision" § 12-101

25 12-305. CHAIR AND VICE CHAIR.

26 (A) CHAIR.

27 (1) THE CHIEF ELECTED OFFICIAL SHALL CHOOSE AS CHAIR A
28 COMMISSIONER WHO IS APPOINTED WHEN THE AUTHORITY IS FIRST ACTIVATED.

29 (2) WHEN THE OFFICE OF THE CHAIR BECOMES VACANT THEREAFTER,
30 THE AUTHORITY SHALL CHOOSE A CHAIR FROM AMONG ITS COMMISSIONERS.

31 (B) VICE CHAIR.

32 AN AUTHORITY SHALL CHOOSE A VICE CHAIR FROM AMONG ITS
33 COMMISSIONERS.

34 REVISOR'S NOTE: This section is new language derived without substantive
35 change from the first sentence and the first clause of the second sentence
36 of former Art. 44A, § 1-208(a).

37 In subsection (a) of this section, the reference to a "chair" is substituted for

1 the former reference to "chairman" because SG § 2-1238 requires the use
2 of words that are neutral as to gender to the extent practicable. *See*
3 General Revisor's Note to Division II. Similarly, in subsection (b) of this
4 section, the reference to a "vice chair" is substituted for the former
5 reference to a "vice-chairman".

6 Defined terms: "Authority" § 12-101

7 "Chief elected official" § 12-101

8 12-306. VESTING OF POWERS; QUORUM; VOTES ON ACTION.

9 (A) VESTING OF POWERS.

10 THE POWERS OF EACH AUTHORITY ARE VESTED IN THE COMMISSIONERS.

11 (B) QUORUM.

12 A QUORUM IS:

13 (1) THREE COMMISSIONERS OF A FIVE-MEMBER AUTHORITY;

14 (2) FOUR COMMISSIONERS OF A SEVEN-MEMBER AUTHORITY; OR

15 (3) FIVE COMMISSIONERS OF A NINE-MEMBER AUTHORITY.

16 (C) VOTE NEEDED FOR AUTHORITY TO ACT.

17 AN AUTHORITY MAY TAKE ACTION ON A VOTE OF A MAJORITY OF THE
18 COMMISSIONERS PRESENT AT A MEETING AT WHICH THERE IS A QUORUM, UNLESS A
19 LARGER NUMBER IS REQUIRED BY LAW OR THE BYLAWS OF THE AUTHORITY.

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 44A, § 1-209.

22 In subsection (a) of this section, the former phrase "from time to time" is
23 deleted as surplusage.

24 In subsection (b) of this section, the former reference to the quorum "of the
25 authority for the purpose of conducting its business and exercising its
26 powers and for all other purposes" is deleted as surplusage.

27 Defined term: "Authority" § 12-101

28 12-307. COMPENSATION AND REIMBURSEMENT.

29 WITH THE APPROVAL OF THE LEGISLATIVE BODY, A COMMISSIONER OF AN
30 AUTHORITY MAY RECEIVE REASONABLE COMPENSATION FOR THE COMMISSIONER'S
31 SERVICES AND IS ENTITLED TO THE NECESSARY EXPENSES, INCLUDING TRAVELING
32 EXPENSES, INCURRED IN THE DISCHARGE OF THE COMMISSIONER'S DUTIES.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 44A, § 1-210.

3 The former reference to a legislative body "of the local jurisdiction" is
4 deleted as implicit in the reference to a "legislative body".

5 Defined terms: "Authority" § 12-101

6 "Legislative body" § 12-101

7 12-308. STAFF.

8 (A) STAFF.

9 (1) AN AUTHORITY MAY EMPLOY:

10 (I) A SECRETARY, WHO SHALL SERVE AS EXECUTIVE DIRECTOR;
11 AND

12 (II) TECHNICAL EXPERTS AND OTHER OFFICERS, AGENTS, AND
13 EMPLOYEES, PERMANENT AND TEMPORARY.

14 (2) AN AUTHORITY SHALL DETERMINE THE QUALIFICATIONS, DUTIES,
15 AND COMPENSATION OF ITS EMPLOYEES.

16 (B) LEGAL SERVICES.

17 FOR LEGAL SERVICES, AN AUTHORITY MAY USE THE CHIEF LAW OFFICER OF
18 THE POLITICAL SUBDIVISION OR MAY EMPLOY ITS OWN COUNSEL AND LEGAL STAFF.

19 (C) DELEGATION OF POWERS AND DUTIES.

20 AN AUTHORITY MAY DELEGATE TO ONE OR MORE OF ITS AGENTS OR
21 EMPLOYEES THE POWERS OR DUTIES IT CONSIDERS PROPER.

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 44A, § 1-208(b), (c), and the second clause of the
24 second sentence of (a).

25 Defined terms: "Authority" § 12-101

26 "Political subdivision" § 12-101

27 12-309. LIABILITY OF COMMISSIONERS AND STAFF.

28 (A) STATUS OF COMMISSIONERS AND STAFF.

29 EACH COMMISSIONER, THE EXECUTIVE DIRECTOR, AND EACH EMPLOYEE OF
30 AN AUTHORITY IS:

31 (1) A LOCAL OFFICIAL FOR THE PURPOSES OF TITLE 15, SUBTITLE 8,
32 PART I OF THE STATE GOVERNMENT ARTICLE AND SUBJECT TO LOCAL ETHICS LAWS;
33 AND

1 (2) AN EMPLOYEE OF A LOCAL GOVERNMENT FOR THE PURPOSES OF
2 TITLE 5, SUBTITLE 3 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE AND
3 ENTITLED TO THE PROTECTIONS OF THE LOCAL GOVERNMENT TORT CLAIMS ACT.

4 (B) IMMUNITY.

5 A COMMISSIONER OF AN AUTHORITY IS NOT LIABLE FOR A STATEMENT MADE
6 OR ACTION TAKEN IN GOOD FAITH IN THE EXERCISE OR PERFORMANCE OF A POWER
7 OR DUTY OF THE COMMISSIONER.

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 44A, § 1-211(a) and (b).

10 In subsection (b) of this section, the former reference to powers "granted"
11 and duties "imposed under this article" is deleted as surplusage.

12 The Housing and Community Development Article Review Committee
13 notes, for consideration by the General Assembly, that the immunity
14 granted under subsection (b) of this section does not cover a
15 commissioner's omissions.

16 Defined term: "Authority" § 12-101

17 12-310. PROHIBITED FINANCIAL INTERESTS; DISCLOSURE REQUIREMENTS.

18 (A) IN GENERAL.

19 EXCEPT FOR BONDS PURCHASED BEFORE APPOINTMENT AND INTERESTS IN
20 MUTUAL FUNDS, A COMMISSIONER OR EMPLOYEE OF AN AUTHORITY MAY NOT
21 ACQUIRE ANY DIRECT OR INDIRECT INTEREST IN A HOUSING PROJECT OR IN
22 PROPERTY INCLUDED OR PLANNED TO BE INCLUDED IN A HOUSING PROJECT.

23 (B) INTERESTS IN CONTRACTS.

24 A COMMISSIONER OR EMPLOYEE OF AN AUTHORITY MAY NOT HAVE ANY
25 DIRECT OR INDIRECT INTEREST IN A CONTRACT OR PROPOSED CONTRACT FOR
26 MATERIALS OR SERVICES TO BE FURNISHED OR USED IN CONNECTION WITH A
27 HOUSING PROJECT.

28 (C) DISCLOSURE REQUIREMENTS.

29 (1) A COMMISSIONER OR EMPLOYEE OF AN AUTHORITY WHO OWNS OR
30 CONTROLS A DIRECT OR INDIRECT INTEREST IN PROPERTY INCLUDED OR PLANNED
31 TO BE INCLUDED IN A HOUSING PROJECT SHALL IMMEDIATELY DISCLOSE THE
32 INTEREST IN WRITING TO THE AUTHORITY.

33 (2) THE DISCLOSURE SHALL BE ENTERED IN THE MINUTES OF THE
34 AUTHORITY.

35 (3) FAILURE TO DISCLOSE THE INTEREST IS MISCONDUCT IN OFFICE.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 44A, § 1-211(c).

3 The Housing and Community Development Article Review Committee
4 notes, for consideration by the General Assembly, that in subsection (a) of
5 this section, the statement that a commissioner or employee of an
6 authority may not acquire certain property "[e]xcept for bonds purchased
7 before appointment" may be needless because the prohibition apparently is
8 applicable only prospectively.

9 Defined terms: "Authority" § 12-101

10 "Housing project" § 12-101

11 12-311. REMOVAL.

12 (A) IN GENERAL.

13 A COMMISSIONER OF AN AUTHORITY MAY BE REMOVED BY THE CHIEF
14 ELECTED OFFICIAL IN ACCORDANCE WITH THIS SECTION FOR NEGLECT OF DUTY OR
15 MISCONDUCT IN OFFICE, INCLUDING VIOLATIONS OF LOCAL ETHICS LAWS AND
16 MISCONDUCT IDENTIFIED IN § 12-310 OF THIS SUBTITLE.

17 (B) PROCEDURES.

18 (1) THE CHIEF ELECTED OFFICIAL SHALL FILE CHARGES WITH THE
19 OFFICE OF THE CUSTODIAN OF RECORDS AND PROMPTLY DELIVER A COPY OF THE
20 CHARGES TO THE COMMISSIONER AND TO THE SECRETARY OF THE AUTHORITY.

21 (2) WRITTEN NOTICE OF THE DATE, TIME, AND PLACE OF A HEARING
22 SHALL BE GIVEN TO THE COMMISSIONER AT LEAST 14 DAYS BEFORE THE HEARING.

23 (3) UNLESS THE COMMISSIONER HAS RESIGNED FROM OFFICE, THE
24 CHIEF ELECTED OFFICIAL SHALL HOLD THE HEARING, AT WHICH THE
25 COMMISSIONER SHALL HAVE AN OPPORTUNITY TO BE REPRESENTED BY COUNSEL
26 AND TO BE HEARD IN PERSON.

27 (4) ON COMPLETION OF THE HEARING, THE CHIEF ELECTED OFFICIAL
28 SHALL MAKE WRITTEN FINDINGS.

29 (C) FILING OF RECORDS, CHARGES, AND FINDINGS.

30 IF A COMMISSIONER OF AN AUTHORITY IS REMOVED, A RECORD OF THE
31 PROCEEDINGS AND THE CHARGES AND FINDINGS SHALL BE FILED IN THE OFFICE
32 OF THE CUSTODIAN OF RECORDS.

33 (D) SUSPENSION AND REINSTATEMENT.

34 (1) ON THE FILING OF CHARGES UNDER SUBSECTION (B)(1) OF THIS
35 SECTION WITH THE OFFICE OF THE CUSTODIAN OF RECORDS, THE CHIEF ELECTED
36 OFFICIAL MAY TEMPORARILY SUSPEND A COMMISSIONER OF AN AUTHORITY.

1 (2) THE CHIEF ELECTED OFFICIAL SHALL IMMEDIATELY REINSTATE
2 THE COMMISSIONER IN OFFICE IF THE CHIEF ELECTED OFFICIAL FINDS THE
3 CHARGES HAVE NOT BEEN SUBSTANTIATED.

4 (3) THE COMMISSIONER SHALL BE REINSTATED AUTOMATICALLY,
5 UNLESS A HEARING ON REMOVAL HAS BEEN HELD AND A DECISION MADE BY THE
6 CHIEF ELECTED OFFICIAL WITHIN 45 DAYS AFTER THE FILING OF CHARGES.

7 (4) THE CHIEF ELECTED OFFICIAL MAY NOT TEMPORARILY APPOINT A
8 PERSON TO PERFORM THE DUTIES OF A SUSPENDED MEMBER.

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 44A, § 1-211(d) and (e).

11 Defined terms: "Authority" § 12-101

12 "Chief elected official" § 12-101

13 "Custodian of records" § 12-101

14 "Person" § 12-101

15 12-312. LOANS AND DONATIONS TO CODE AUTHORITY.

16 (A) MONEY FOR ADMINISTRATIVE EXPENSES AND OVERHEAD.

17 (1) WHEN A CODE AUTHORITY BECOMES AUTHORIZED TO DO BUSINESS
18 AND EXERCISE ITS POWERS, THE POLITICAL SUBDIVISION:

19 (I) IMMEDIATELY SHALL ESTIMATE THE AMOUNT OF MONEY
20 NECESSARY FOR THE ADMINISTRATIVE EXPENSES AND OVERHEAD OF THE CODE
21 AUTHORITY DURING THE FIRST YEAR THEREAFTER; AND

22 (II) SHALL APPROPRIATE THAT AMOUNT TO THE CODE AUTHORITY
23 OUT OF MONEY IN THE POLITICAL SUBDIVISION'S TREASURY NOT APPROPRIATED TO
24 SOME OTHER PURPOSE.

25 (2) THE POLITICAL SUBDIVISION SHALL PAY THE MONEY
26 APPROPRIATED TO THE CODE AUTHORITY AS A DONATION.

27 (B) LOANS FOR POLITICAL SUBDIVISION.

28 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE POLITICAL
29 SUBDIVISION SHALL APPROPRIATE TO THE CODE AUTHORITY MONEY NEEDED TO
30 COMPLY WITH ANY REQUIREMENT IMPOSED ON IT BY ITS ARTICLES OF
31 ORGANIZATION, IF ENOUGH MONEY FOR THE CODE AUTHORITY TO COMPLY IS NOT
32 AVAILABLE FROM STATE, FEDERAL, OR OTHER SOURCES.

33 (2) A POLITICAL SUBDIVISION IS NOT REQUIRED TO PROVIDE ANY
34 MONEY FOR A CODE AUTHORITY TO SATISFY A JUDGMENT, LIABILITY, DEBT, OR
35 OTHER FINANCIAL OBLIGATION TO A THIRD PARTY.

36 (C) REIMBURSEMENTS.

1 (1) A POLITICAL SUBDIVISION LOCATED WHOLLY OR PARTLY IN THE
 2 AREA OF OPERATION OF A CODE AUTHORITY MAY LEND, DONATE, OR AGREE TO
 3 LEND OR DONATE MONEY TO THE CODE AUTHORITY.

4 (2) THE CODE AUTHORITY, WHEN IT HAS THE MONEY AVAILABLE,
 5 SHALL REIMBURSE THE POLITICAL SUBDIVISION FOR ALL LOANS MADE TO IT BY THE
 6 POLITICAL SUBDIVISION.

7 REVISOR'S NOTE: This section is new language derived without substantive
 8 change from former Art. 44A, § 1-212.

9 Throughout this section, references to the defined term "political
 10 subdivision" are substituted for the former references to "local jurisdiction"
 11 to conform to the terminology used throughout this article.

12 The Housing and Community Development Article Review Committee
 13 notes, for consideration by the General Assembly, that in subsection (a)(1)
 14 of this section, the defined term "code authority" is substituted for the
 15 former reference to an authority "which is activated after July 1, 1990" to
 16 conform to the terminology used throughout this Division II. "Code
 17 authority" is defined in § 12-101 of this Division II to mean "an authority
 18 activated on or after July 1, 1990", based on the fact that Chapter 331 of
 19 the Acts of the General Assembly of 1990, which enacted the former law,
 20 took effect on July 1, 1990.

21 In subsection (c)(1) of this section, the former reference to a code
 22 authority's agreeing to lend or donate money "from time to time" is deleted
 23 as surplusage.

24 In subsection (c)(2) of this section, the reference to "the political
 25 subdivision" is added to state expressly what only was implied in the
 26 former law - that reimbursements are to be made to political subdivisions.

27 Defined terms: "Area of operation" § 12-101

28 "Code authority" § 12-101

29 "Political subdivision" § 12-101

30 SUBTITLE 4. DUTIES OF AUTHORITIES.

31 12-401. STATEMENT OF POLICY.

32 (A) IN GENERAL.

33 IT IS STATE POLICY THAT AN AUTHORITY:

34 (1) SHALL MANAGE AND OPERATE ITS HOUSING PROJECTS
 35 EFFICIENTLY TO ENABLE IT TO FIX THE RENT FOR HOUSING UNITS AT THE LOWEST
 36 RATES CONSISTENT WITH ITS PROVIDING DECENT, SAFE, AND SANITARY HOUSING
 37 UNITS AND MEETING THE FINANCIAL NEEDS UNDER SUBSECTION (B) OF THIS
 38 SECTION; BUT

1 (2) MAY NOT OPERATE FOR PROFIT OR AS A SOURCE OF REVENUE TO
2 THE POLITICAL SUBDIVISION.

3 (B) RENTAL RATES.

4 AN AUTHORITY SHALL FIX THE RENTS FOR HOUSING UNITS IN ITS HOUSING
5 PROJECTS AT RATES NO HIGHER THAN IT FINDS NECESSARY TO PRODUCE
6 REVENUES THAT WITH ALL OTHER AVAILABLE MONEY, REVENUE, INCOME, AND
7 RECEIPTS WILL BE SUFFICIENT TO:

8 (1) PAY THE PRINCIPAL AND INTEREST ON BONDS OF THE AUTHORITY,
9 AS THEY BECOME DUE;

10 (2) PAY AND PROVIDE FOR MAINTAINING AND OPERATING THE
11 HOUSING PROJECTS, INCLUDING THE COST OF INSURANCE AND THE
12 ADMINISTRATIVE EXPENSES OF THE AUTHORITY;

13 (3) (I) CREATE DURING A PERIOD OF AT LEAST 6 YEARS RIGHT AFTER
14 IT ISSUES ANY BONDS, A RESERVE THAT CAN MEET THE LARGEST PRINCIPAL AND
15 INTEREST PAYMENTS THAT WILL BE DUE ON THE BONDS IN ANY YEAR THEREAFTER;
16 AND

17 (II) MAINTAIN THE RESERVE;

18 (4) CREATE RESERVES FOR OPERATIONS, EMERGENCIES,
19 RENOVATIONS, REPLACEMENTS, AND THE REPAYMENT OF DEBT; AND

20 (5) CREATE FUNDS NECESSARY OR DESIRABLE TO:

21 (I) SUBSIDIZE RENTS;

22 (II) DEVELOP OR OPERATE HOUSING PROJECTS; OR

23 (III) OPERATE OR PROVIDE SERVICES LOCATED IN HOUSING
24 PROJECTS OR THAT OTHERWISE BENEFIT THEIR RESIDENTS.

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 44A, § 1-401.

27 In subsections (a)(1) and (b) of this section, the references to "housing
28 units" are substituted for the former references to "dwelling
29 accommodations" and "dwellings" to conform to the terminology used
30 throughout this article.

31 In subsection (a)(2) of this section, the defined term "political subdivision"
32 is substituted for the former reference to "local jurisdiction" to conform to
33 the terminology used throughout this article.

34 In subsection (b) of this section, the former reference to receipts "of the
35 authority from whatever sources derived" is deleted as surplusage.

1 Defined terms: "Authority" § 12-101

2 "Bond" § 12-101

3 "Housing project" § 12-101

4 "Political subdivision" § 12-101

5 12-402. RENTAL REQUIREMENTS.

6 EXCEPT FOR RENTAL UNITS THAT MAY BE OCCUPIED BY OTHERS UNDER §
7 12-503(A)(4) OF THIS TITLE, AN AUTHORITY:

8 (1) SHALL RENT THE HOUSING UNITS IN A HOUSING PROJECT ONLY:

9 (I) TO PERSONS OF ELIGIBLE INCOME, EXCEPT FOR A
10 REASONABLE NUMBER OF HOUSING UNITS THAT MAY BE OCCUPIED BY
11 MANAGEMENT AND SECURITY PERSONNEL; AND

12 (II) AT RENTALS WITHIN THE FINANCIAL REACH OF PERSONS OF
13 ELIGIBLE INCOME;

14 (2) MAY NOT ACCEPT A PERSON AS A TENANT IN A HOUSING PROJECT IF
15 THE AGGREGATE ANNUAL INCOME OF THE PERSON OR PERSONS WHO WOULD
16 OCCUPY THE HOUSING UNIT EXCEEDS THE MAXIMUM INCOME LEVEL ESTABLISHED
17 FOR PERSONS OF ELIGIBLE INCOME; AND

18 (3) SHALL PROHIBIT SUBLETTING BY TENANTS.

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 44A, § 1-402.

21 In the introductory language of this section, the former phrase "[i]n the
22 operation or management of housing projects" is deleted as surplusage.
23 Similarly, the former statement that an authority shall at all times
24 "observe the following requirements with respect to rentals and tenant
25 selection" is deleted as surplusage.

26 In items (1) and (2) of this section, the references to "housing units" are
27 substituted for the former references to "dwelling accommodations" to
28 conform to the terminology used throughout this article.

29 Defined terms: "Authority" § 12-101

30 "Housing project" § 12-101

31 "Person" § 12-101

32 "Person of eligible income" § 12-101

33 12-403. APPLICABILITY OF LOCAL LAW.

34 EXCEPT AS PROVIDED IN § 12-506(B)(9) OF THIS TITLE, ALL HOUSING PROJECTS
35 OF AN AUTHORITY ARE SUBJECT TO THE PLANNING, ZONING, SANITARY, HEALTH,
36 FIRE, HOUSING, SUBDIVISION, AND BUILDING LAWS, ORDINANCES, CODES, RULES,
37 AND REGULATIONS THAT APPLY WHERE THE HOUSING PROJECT IS LOCATED.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 44A, § 1-404.

3 Defined terms: "Authority" § 12-101

4 "Housing project" § 12-101

5 12-404. OBLIGATIONS OF AUTHORITY TO POLITICAL SUBDIVISION.

6 (A) FINANCIAL REPORT.

7 AT LEAST ANNUALLY, AN AUTHORITY SHALL FILE WITH THE CUSTODIAN OF
8 RECORDS A FINANCIAL REPORT OF ITS ACTIVITIES FOR THE PRECEDING YEAR AND
9 RECOMMEND ANY FURTHER ACTION BY THE POLITICAL SUBDIVISION THAT IT
10 CONSIDERS NECESSARY OR USEFUL TO CARRY OUT THE PURPOSE OF THIS DIVISION
11 II.

12 (B) OPERATING BUDGET.

13 THE POLITICAL SUBDIVISION MAY REQUIRE AN AUTHORITY TO PROVIDE IT
14 WITH AN ANNUAL OPERATING BUDGET AND PROGRAM REPORTS THAT THE
15 POLITICAL SUBDIVISION DESIGNATES.

16 (C) EXAMINATION OF BOOKS AND RECORDS; AUDIT.

17 THE POLITICAL SUBDIVISION OR ITS DESIGNEE MAY AT ANY TIME:

18 (1) EXAMINE THE BOOKS AND RECORDS OF THE AUTHORITY; OR

19 (2) CONDUCT AN AUDIT OF THE AUTHORITY.

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 44A, § 1-405.

22 In this section, the defined term "political subdivision" is substituted for
23 the former reference to "local government" to conform to the terminology
24 used throughout this article.

25 In subsection (a) of this section, the former reference to "an annual"
26 financial report is deleted as implicit in the requirement that an authority
27 file a financial report "of its activities for the preceding year".

28 Defined terms: "Authority" § 12-101

29 "Custodian of records" § 12-101

30 "Political subdivision" § 12-101

31 12-405. POWER OF AUTHORITY TO VEST RIGHTS IN OBLIGEE.

32 THIS SUBTITLE DOES NOT LIMIT THE POWER OF AN AUTHORITY TO VEST IN AN
33 OBLIGEE THE RIGHT, IF THE AUTHORITY DEFAULTS, TO:

34 (1) TAKE POSSESSION OF A HOUSING PROJECT;

1 (2) HAVE A RECEIVER OF A HOUSING PROJECT APPOINTED; OR

2 (3) ACQUIRE TITLE TO A HOUSING PROJECT, THROUGH FORECLOSURE
3 OR OTHERWISE, FREE FROM ALL RESTRICTIONS OF THIS SUBTITLE.

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 44A, § 1-403.

6 Defined terms: "Authority" § 12-101

7 "Housing project" § 12-101

8 "Obligee" § 12-101

9 SUBTITLE 5. POWERS AND LIMITATIONS ON POWERS.

10 12-501. STATUS OF AUTHORITIES.

11 AN AUTHORITY IS A PUBLIC BODY CORPORATE AND POLITIC THAT:

12 (1) EXERCISES PUBLIC AND ESSENTIAL GOVERNMENTAL FUNCTIONS;
13 AND

14 (2) HAS ALL THE POWERS NECESSARY OR CONVENIENT TO CARRY OUT
15 THE PURPOSES OF THIS DIVISION II.

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from the introductory language of former Art. 44A, § 1-301, except
18 for the reference to the powers of the authority that were enumerated in
19 the balance of that section.

20 The former reference to powers necessary or convenient to "effectuate" the
21 purposes of this Division II is deleted in light of the reference to powers to
22 "carry out" the purposes.

23 The former reference to the "provisions" of this Division II is deleted as
24 surplusage.

25 Defined term: "Authority" § 12-101

26 12-502. ENUMERATED POWERS.

27 (A) IN GENERAL.

28 IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE, AN AUTHORITY HAS
29 THE POWERS SET FORTH IN THIS SECTION.

30 (B) LEGAL.

31 AN AUTHORITY MAY:

32 (1) SUE AND BE SUED;

1 (2) HAVE AND ALTER A SEAL AT PLEASURE;

2 (3) HAVE PERPETUAL EXISTENCE;

3 (4) MAKE CONTRACTS AND OTHER INSTRUMENTS NECESSARY OR
4 CONVENIENT TO THE EXERCISE OF THE AUTHORITY'S POWERS;

5 (5) MAKE, AMEND, AND REPEAL BYLAWS, RULES, AND REGULATIONS
6 NOT INCONSISTENT WITH THIS DIVISION II; AND

7 (6) CARRY OUT THE PURPOSES OF THE AUTHORITY.

8 (C) HOUSING PROJECTS.

9 AN AUTHORITY MAY ALSO:

10 (1) PREPARE, CARRY OUT, ACQUIRE, OWN, LEASE, AND OPERATE
11 HOUSING PROJECTS IN ITS AREA OF OPERATION;

12 (2) PROVIDE FOR THE CONSTRUCTION, RECONSTRUCTION,
13 IMPROVEMENT, ALTERATION, OR REPAIR OF A HOUSING PROJECT;

14 (3) PROVIDE DIRECTLY OR ARRANGE OR CONTRACT FOR A PERSON OR
15 GOVERNMENTAL UNIT TO FURNISH FACILITIES OR SERVICES, INCLUDING DRUG
16 REHABILITATION, ELDERLY OR CHILD DAY CARE, AND OTHER SOCIAL SERVICES FOR
17 OR IN CONNECTION WITH:

18 (I) A HOUSING PROJECT; OR

19 (II) THE RESIDENTS OF A HOUSING PROJECT; AND

20 (4) NOTWITHSTANDING ANY OTHER LAW, REQUIRE IN A CONTRACT IN
21 CONNECTION WITH A HOUSING PROJECT THAT THE CONTRACTOR AND ANY
22 SUBCONTRACTORS COMPLY WITH:

23 (I) REQUIREMENTS ABOUT MINIMUM WAGES AND MAXIMUM
24 HOURS OF LABOR; AND

25 (II) ANY CONDITIONS THAT THE STATE OR FEDERAL GOVERNMENT
26 ATTACHES TO FINANCIAL AID FOR THE HOUSING PROJECT.

27 (D) RENTS, PROPERTY, AND INSURANCE.

28 AN AUTHORITY MAY ALSO:

29 (1) MAKE RENT SUBSIDY PAYMENTS TO OR ON BEHALF OF PERSONS OF
30 ELIGIBLE INCOME;

31 (2) RENT OUT HOUSES, ACCOMMODATIONS, LANDS, BUILDINGS,
32 STRUCTURES, OR FACILITIES IN A HOUSING PROJECT;

1 (3) SUBJECT TO THE LIMITATIONS CONTAINED IN THIS DIVISION II,
2 ESTABLISH AND REVISE THE RENTS OR CHARGES;

3 (4) OWN, HOLD, AND IMPROVE REAL AND PERSONAL PROPERTY;

4 (5) PURCHASE, LEASE, OBTAIN OPTIONS ON, OR ACQUIRE BY GIFT,
5 GRANT, BEQUEST, DEVISE, OR OTHERWISE ANY REAL OR PERSONAL PROPERTY;

6 (6) SELL, LEASE, EXCHANGE, TRANSFER, ASSIGN, PLEDGE, OR DISPOSE
7 OF ANY REAL OR PERSONAL PROPERTY;

8 (7) INSURE OR PROVIDE FOR THE INSURANCE OF REAL OR PERSONAL
9 PROPERTY OR OPERATIONS OF THE AUTHORITY AGAINST ANY RISKS OR HAZARDS;
10 AND

11 (8) GET FROM THE STATE OR FEDERAL GOVERNMENT INSURANCE OR
12 GUARANTEES OF PAYMENT OF DEBTS SECURED BY MORTGAGES ON PROPERTY IN
13 ANY OF ITS HOUSING PROJECTS, WHETHER OR NOT THE DEBTS ARE INCURRED BY
14 THE AUTHORITY.

15 (E) AUTHORITY'S INVESTMENTS AND PURCHASES OF ITS OWN BONDS.

16 (1) WHEN AN AUTHORITY HAS MONEY THAT IS HELD IN A RESERVE OR
17 SINKING FUND OR IS NOT NEEDED FOR IMMEDIATE DISBURSEMENT, THE
18 AUTHORITY MAY INVEST THE MONEY IN PROPERTY OR SECURITIES IN WHICH
19 SAVINGS BANKS MAY INVEST.

20 (2) AN AUTHORITY MAY PURCHASE ITS BONDS AT NOT MORE THAN
21 THEIR PRINCIPAL AMOUNT AND ACCRUED INTEREST, ALL BONDS SO PURCHASED TO
22 BE CANCELED.

23 (F) HOUSING INVESTIGATIONS, STUDIES, AND RESEARCH.

24 AN AUTHORITY MAY ALSO:

25 (1) INVESTIGATE LIVING AND HOUSING CONDITIONS IN ITS AREA OF
26 OPERATION AND WAYS TO IMPROVE THOSE CONDITIONS;

27 (2) DETERMINE WHERE:

28 (I) ECONOMICALLY DEPRESSED OR PHYSICALLY DETERIORATED
29 AREAS EXIST; OR

30 (II) THERE IS A SHORTAGE OF DECENT, SAFE, AND SANITARY
31 HOUSING FOR PERSONS OF ELIGIBLE INCOME;

32 (3) MAKE STUDIES AND RECOMMENDATIONS ON CLEARING,
33 REPLANNING, AND RECONSTRUCTING ECONOMICALLY DEPRESSED OR PHYSICALLY
34 DETERIORATED AREAS AND PROVIDING HOUSING FOR PERSONS OF ELIGIBLE
35 INCOME;

1 (4) COOPERATE WITH THE STATE OR A POLITICAL SUBDIVISION TO
2 SOLVE THE PROBLEMS SET FORTH IN THIS SUBSECTION; AND

3 (5) CONDUCT RESEARCH, STUDIES, AND EXPERIMENTS ON HOUSING
4 ISSUES.

5 (G) HEARINGS.

6 ACTING THROUGH ONE OR MORE OF ITS COMMISSIONERS OR DESIGNEES, AN
7 AUTHORITY MAY ALSO:

8 (1) EXAMINE, INVESTIGATE, HEAR TESTIMONY, AND TAKE EVIDENCE AT
9 PUBLIC OR PRIVATE HEARINGS ON ANY MATTER MATERIAL TO ITS DUTIES;

10 (2) MAKE FINDINGS AND RECOMMENDATIONS ABOUT ANY PROPERTY
11 WHERE CONDITIONS POSE A DANGER TO THE PUBLIC HEALTH, MORALS, SAFETY, OR
12 WELFARE; AND

13 (3) MAKE THOSE FINDINGS AND RECOMMENDATIONS AVAILABLE TO
14 APPROPRIATE GOVERNMENTAL UNITS, INCLUDING THOSE THAT IN ITS AREA OF
15 OPERATION HAVE THE DUTY TO:

16 (I) ABATE OR REQUIRE THE CORRECTION OF NUISANCES OR LIKE
17 CONDITIONS; OR

18 (II) DEMOLISH UNSAFE OR UNSANITARY STRUCTURES.

19 (H) NOT-FOR-PROFIT CORPORATIONS.

20 AN AUTHORITY MAY ALSO ESTABLISH AND CONTROL NOT-FOR-PROFIT
21 CORPORATIONS THAT MAY OWN, OPERATE, AND TAKE STEPS NECESSARY OR
22 CONVENIENT TO DEVELOP OR OTHERWISE UNDERTAKE HOUSING PROJECTS IN THE
23 AUTHORITY'S AREA OF OPERATION.

24 (I) EMINENT DOMAIN.

25 (1) IN THE MANNER PROVIDED UNDER TITLE 12 OF THE REAL PROPERTY
26 ARTICLE OR ANY OTHER APPLICABLE STATUTORY LAW, AN AUTHORITY MAY ALSO
27 ACQUIRE BY EMINENT DOMAIN REAL PROPERTY THAT THE AUTHORITY CONSIDERS
28 NECESSARY FOR ITS PURPOSES UNDER THIS DIVISION II, IF:

29 (I) THE AUTHORITY ADOPTS A RESOLUTION DECLARING THAT THE
30 ACQUISITION OF THE REAL PROPERTY IS NECESSARY FOR THOSE PURPOSES; AND

31 (II) THE LEGISLATIVE BODY AND THE CHIEF ELECTED OFFICIAL
32 APPROVE.

33 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,
34 PROPERTY DEVOTED TO A PUBLIC USE MAY SIMILARLY BE ACQUIRED BY EMINENT
35 DOMAIN.

1 (II) REAL PROPERTY THAT BELONGS TO THE STATE OR A
2 POLITICAL SUBDIVISION MAY NOT BE ACQUIRED WITHOUT THE CONSENT OF THE
3 STATE OR THE POLITICAL SUBDIVISION.

4 (J) ARRANGEMENTS WITH GOVERNMENT AND NONGOVERNMENTAL
5 SOURCES.

6 AN AUTHORITY MAY ALSO:

7 (1) BORROW MONEY AND ACCEPT GRANTS AND OTHER FINANCIAL
8 ASSISTANCE FROM THE POLITICAL SUBDIVISION, THE STATE, AND THE FEDERAL
9 GOVERNMENT AND ACCEPT GRANTS FROM NONGOVERNMENTAL SOURCES FOR A
10 HOUSING PROJECT IN ITS AREA OF OPERATION;

11 (2) TAKE OVER, LEASE, OR MANAGE A HOUSING PROJECT OR
12 UNDERTAKING CONSTRUCTED, FINANCED, OR OWNED BY THE POLITICAL
13 SUBDIVISION, THE STATE, OR THE FEDERAL GOVERNMENT; AND

14 (3) COMPLY WITH CONDITIONS AND ENTER INTO MORTGAGES, TRUST
15 INDENTURES, LEASES, AND AGREEMENTS AS MAY BE NECESSARY OR DESIRABLE.

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 44A, § 1-301(1) through (9), the first sentence of
18 (10), and the part of the introductory language to this section relating to
19 the powers of an authority.

20 In subsection (b)(3) of this section, the reference to "existence" is
21 substituted for the former reference to "succession" for clarity.

22 In subsection (b)(4) of this section, the former reference to "execute" is
23 deleted as included in the reference to "make".

24 In subsection (b)(5) of this section, the former reference to an authority's
25 power to "from time to time" amend bylaws, rules, and regulations is
26 deleted as surplusage.

27 In subsection (b)(6) of this section, the former reference to an authority's
28 power to carry into effect the "powers" and purposes of the authority is
29 deleted as redundant.

30 In subsection (c)(2) of this section, the former reference to "any part
31 thereof" is deleted as included in the reference to "housing project".

32 In subsection (c)(3) of this section, the reference to a "governmental unit" is
33 substituted for the former reference to "[public] agency" to conform to the
34 terminology used throughout this article. Similarly, in subsection (g)(3) of
35 this section, the reference to "governmental units" is substituted for the
36 former reference to "agencies".

37 Also in subsection (c)(3) of this section, the former reference to "agency,

- 1 public or private" is deleted as included in the defined term "person".
- 2 In subsection (c)(4) of this section, the reference to "any other" law is
3 substituted for the former reference to "anything to the contrary contained
4 in this article or in any other provision of law" for brevity.
- 5 Also in subsection (c)(4) of this section, the former reference to
6 "stipulations" is deleted as surplusage.
- 7 In subsection (d)(2) of this section, the former reference to "lease" is deleted
8 as included in the reference to "rent out".
- 9 Also in subsection (d)(2) of this section, the former reference to "dwellings"
10 is deleted as included in the reference to "houses".
- 11 In subsection (d)(5) and (6) of this section, the former references to
12 "interest therein" are deleted as included in the references to "any real or
13 personal property".
- 14 In subsection (f)(1) and (3) of this section, the references to "housing" are
15 substituted for the former references to "dwelling accommodations" to
16 conform to the terminology used throughout this article.
- 17 In subsection (f)(1) of this section, the former reference to "means and
18 methods" is deleted in light of the reference to "ways".
- 19 In subsection (f)(4) of this section, the former reference to "the city, the
20 county" is deleted as included in the defined term "political subdivision".
- 21 In subsection (g)(1) of this section, the reference to "evidence" is
22 substituted for the former reference to "proof" for accuracy. Similarly, the
23 reference to any matter that the authority may examine if it is material "to
24 its duties" is substituted for the former reference to "for its information".
- 25 In subsection (g)(2) of this section, the former reference to a "building" is
26 deleted as included in the reference to "property".
- 27 In subsection (i)(1)(ii) of this section, the former reference to the chief
28 elected official "of the local jurisdiction" is deleted as implicit in the defined
29 term "chief elected official".
- 30 In subsection (j)(1) and (2) of this section, references to the defined term
31 "political subdivision" are substituted for the former references to "local"
32 government to conform to the terminology used throughout this article.
- 33 In subsection (j)(1) of this section, the former reference to "for or in aid of"
34 a housing project is deleted as surplusage.
- 35 In subsection (j)(3) of this section, the former phrase "to these ends," is
36 deleted as surplusage.

1 Also in subsection (j)(3) of this section, the former reference to "convenient"
2 is deleted as included in the reference to "desirable".

3 Former Art. 44A, § 1-301(11), which allowed an authority to exercise all or
4 any part or combination of powers granted in the section, is deleted as
5 unnecessary in light of the ordinary rules of statutory construction.

6 Defined terms: "Area of operation" § 12-101

7 "Authority" § 12-101

8 "Bonds" § 12-101

9 "Chief elected official" § 12-101

10 "Housing project" § 12-101

11 "Legislative body" § 12-101

12 "Person" § 12-101

13 "Person of eligible income" § 12-101

14 "Political subdivision" § 12-101

15 "Real property" § 12-101

16 12-503. SAME -- POWERS AUTHORIZED BY ARTICLES OF ORGANIZATION.

17 (A) ENUMERATED.

18 IF AUTHORIZED UNDER ITS ARTICLES OF ORGANIZATION, AN AUTHORITY
19 WITHIN ITS AREA OF OPERATION MAY:

20 (1) MAKE MORTGAGE LOANS AND MORTGAGE SUBSIDY PAYMENTS TO
21 OR FOR THE BENEFIT OF PERSONS OF ELIGIBLE INCOME;

22 (2) MAKE CONSTRUCTION LOANS AND LONG-TERM MORTGAGE LOANS
23 TO ANY PERSON TO PRODUCE HOUSING FOR PERSONS OF ELIGIBLE INCOME;

24 (3) PURCHASE MORTGAGES SECURED BY HOUSING FOR PERSONS OF
25 ELIGIBLE INCOME;

26 (4) SUBJECT TO ANY APPLICABLE AGREEMENT, ALLOW A NUMBER OF
27 RESIDENTS OF A HOUSING PROJECT OR A PART OF ONE THAT THE AUTHORITY
28 FINANCES TO HAVE INCOMES ABOVE THE LEVELS FOR PERSONS OF ELIGIBLE
29 INCOME, IF THE NUMBER DOES NOT EXCEED THE PERCENTAGE ALLOWED IN THE
30 ARTICLES OF ORGANIZATION, WHICH MAY NOT EXCEED 80%;

31 (5) ACQUIRE, DEVELOP, CONSTRUCT, REHABILITATE, OWN, OPERATE,
32 AND LEASE, AS LESSOR OR LESSEE, COMMERCIAL FACILITIES ON THE SITE OF A
33 HOUSING PROJECT THAT MAKE AN ECONOMIC OR SOCIAL CONTRIBUTION TO THE
34 HOUSING PROJECT, IF:

35 (I) THE COMMERCIAL FACILITIES ARE INTENDED SUBSTANTIALLY
36 FOR THE USE AND BENEFIT OF THE TENANTS OF THE HOUSING PROJECT; AND

37 (II) THE INTENDED USE BY OTHER PERSONS IS INCIDENTAL;

1 (6) WITH THE APPROVAL OF THE LEGISLATIVE BODY AND THE CHIEF
 2 ELECTED OFFICIAL, ACQUIRE, DEVELOP, CONSTRUCT, REHABILITATE, OWN,
 3 OPERATE, AND LEASE, AS LESSOR OR LESSEE, COMMERCIAL FACILITIES THAT:

4 (I) ARE ADJACENT TO THE SITE OF A HOUSING PROJECT;

5 (II) ARE NOT INTENDED SUBSTANTIALLY FOR THE USE AND
 6 BENEFIT OF THE TENANTS OF THE HOUSING PROJECT; OR

7 (III) ARE INTENDED FOR USE MORE THAN INCIDENTALLY BY
 8 PERSONS OTHER THAN THE TENANTS OF THE HOUSING PROJECT; AND

9 (7) ACT AND INVEST AS A GENERAL PARTNER AND AS A LIMITED
 10 PARTNER IN HOUSING PROJECTS.

11 (B) EFFECT ON OTHER POWERS.

12 THIS SECTION DOES NOT LIMIT THE POWERS GRANTED TO AUTHORITIES BY
 13 OTHER TITLES IN THIS DIVISION II.

14 REVISOR'S NOTE: This section is new language derived without substantive
 15 change from former Art. 44A, § 1-302.

16 In the introductory language of subsection (a) of this section, the phrase
 17 "[i]f authorized under its articles of organization" is substituted for the
 18 former phrase "[i]f elected in accordance with § 1-203(b)(7) of this title" for
 19 clarity.

20 Also in the introductory language of subsection (a) of this section, the
 21 statement that an authority within its area of operation "may" take the
 22 actions listed in items (1) through (7) of this subsection is substituted for
 23 the former statement that an authority "shall have the following powers ...
 24 to the extent authorized by its articles of organization, subject to such
 25 conditions, restrictions, or other limitations as may be provided for in the
 26 articles" for brevity.

27 In subsection (a)(2) of this section, the former reference to "firm,
 28 partnership, association, joint venture, or corporation, public or private," is
 29 deleted as included in the defined term "person".

30 In subsection (a)(6) of this section, the former reference to the chief elected
 31 official "of the local jurisdiction" is deleted as implicit in the defined term
 32 "chief elected official".

33 The Housing and Community Development Article Review Committee
 34 notes, for consideration by the General Assembly, that in subsection (a)(6)
 35 of this section an authority may, with the approval of the legislative body
 36 and the chief elected official, acquire, develop, construct, rehabilitate, own,
 37 operate, and lease commercial facilities that are not adjacent to the site of
 38 a housing project and that are not intended substantially for the use and

1 benefit of the tenants of the housing project.

2 Defined terms: "Area of operation" § 12-101

3 "Authority" § 12-101

4 "Chief elected official" § 12-101

5 "Housing project" § 12-101

6 "Legislative body" § 12-101

7 "Person" § 12-101

8 "Person of eligible income" § 12-101

9 12-504. SAME -- EFFECT ON ECONOMIC COMPETITION.

10 (A) IN GENERAL.

11 AN AUTHORITY MAY EXERCISE THE POWERS THAT ARE GRANTED BY THIS
12 DIVISION II, EVEN IF ECONOMIC COMPETITION IS DISPLACED OR LIMITED AS A
13 RESULT.

14 (B) EFFECT OF SECTION.

15 THIS SECTION DOES NOT PREEMPT OR SUPERSEDE THE REGULATORY
16 AUTHORITY OF A STATE UNIT UNDER PUBLIC GENERAL LAW.

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 44A, § 1-303(a)(1) and (2)(iv).

19 Former Art. 44A, § 1-303(a)(2)(i) through (iii), which stated that this
20 section does not: (1) grant to the authority powers in any substantive area
21 not otherwise granted to the authority by other public general or public
22 local law; (2) restrict the authority from exercising any power granted to
23 the authority by other public general or public local law or otherwise; and
24 (3) authorized the authority or its officers to engage in any activity which
25 is beyond their power under other public general law, public local law, or
26 otherwise is deleted as unnecessary.

27 Defined term: "Authority" § 12-101

28 12-505. EXEMPTION FROM STATE LAW ON PROPERTY TRANSACTIONS.

29 UNLESS THE GENERAL ASSEMBLY SPECIFICALLY STATES OTHERWISE, STATE
30 LAW ON THE FINANCING, ACQUISITION, OPERATION, OR DISPOSITION OF PROPERTY
31 BY OTHER STATE PUBLIC BODIES DOES NOT APPLY TO AN AUTHORITY.

32 REVISOR'S NOTE: This section is new language derived without substantive
33 change from former Art. 44A, § 1-303(b).

34 The defined term "State public body" is substituted for the former
35 reference to "public bodies" to conform to the terminology used throughout
36 this Division II.

1 Defined terms: "Authority" § 12-101

2 "State public body" § 12-101

3 12-506. COOPERATION AMONG AUTHORITIES AND STATE PUBLIC BODIES ON
4 HOUSING PROJECTS.

5 (A) AMONG AUTHORITIES.

6 TWO OR MORE AUTHORITIES MAY JOIN OR COOPERATE WITH ONE ANOTHER IN
7 THE EXERCISE OF ANY POWER UNDER THIS SUBTITLE TO FINANCE, PLAN,
8 UNDERTAKE, CONSTRUCT, OR OPERATE A HOUSING PROJECT OR HOUSING
9 PROJECTS IN THE AREA OF OPERATION OF ANY ONE OR MORE OF THEM.

10 (B) STATE PUBLIC BODIES AND AUTHORITIES.

11 TO AID AND COOPERATE IN THE PLANNING, UNDERTAKING, CONSTRUCTION,
12 OR OPERATION OF HOUSING PROJECTS LOCATED WHOLLY OR PARTLY IN THE AREA
13 IN WHICH IT MAY ACT, A STATE PUBLIC BODY, WITH OR WITHOUT CONSIDERATION
14 AND ON TERMS THAT IT DETERMINES, MAY:

15 (1) DEDICATE, SELL, CONVEY, OR LEASE ANY OF THE STATE PUBLIC
16 BODY'S PROPERTY TO AN AUTHORITY OR THE FEDERAL GOVERNMENT;

17 (2) CAUSE PARKS, PLAYGROUNDS, RECREATIONAL, COMMUNITY,
18 WATER, SEWER, OR DRAINAGE FACILITIES, OR ANY OTHER WORKS THAT THE STATE
19 PUBLIC BODY OTHERWISE MAY UNDERTAKE, TO BE FURNISHED ADJACENT TO OR IN
20 CONNECTION WITH HOUSING PROJECTS;

21 (3) FURNISH, DEDICATE, CLOSE, PAVE, INSTALL, GRADE, REGRADE,
22 PLAN, OR REPLAN STREETS, ROADS, ROADWAYS, ALLEYS, SIDEWALKS, OR OTHER
23 PLACES THAT THE STATE PUBLIC BODY OTHERWISE MAY UNDERTAKE;

24 (4) MAKE, WITH AN AUTHORITY, THE STATE, OR THE FEDERAL
25 GOVERNMENT, AGREEMENTS THAT:

26 (I) DEAL WITH ACTION TO BE TAKEN BY THE STATE PUBLIC BODY
27 UNDER A POWER GRANTED BY THIS DIVISION II; AND

28 (II) MAY LAST FOR ANY LENGTH OF TIME, NOTWITHSTANDING ANY
29 OTHER LAW;

30 (5) DO WHAT IS NECESSARY OR CONVENIENT TO AID AND COOPERATE
31 IN THE PLANNING, FINANCING, UNDERTAKING, CONSTRUCTION, OR OPERATION OF
32 THE HOUSING PROJECTS;

33 (6) GRANT EASEMENTS, LICENSES, OR ANY OTHER RELATED RIGHTS TO
34 AN AUTHORITY OR THE FEDERAL GOVERNMENT;

35 (7) CAUSE SERVICES TO BE FURNISHED TO THE AUTHORITY OF THE
36 CHARACTER THAT THE STATE PUBLIC BODY OTHERWISE MAY FURNISH;

1 (8) MAKE AGREEMENTS ABOUT THE EXERCISE BY THE STATE PUBLIC
2 BODY OF ITS POWERS RELATING TO REPAIRING, CLOSING, OR DEMOLISHING
3 UNSAFE, UNSANITARY, OR UNFIT HOUSING;

4 (9) PLAN, REPLAN, ZONE, OR REZONE ANY PART OF THE STATE PUBLIC
5 BODY, MAKE EXCEPTIONS TO ITS SANITARY, BUILDING, HOUSING, FIRE, HEALTH,
6 SUBDIVISION, OR OTHER SIMILAR LAWS, RULES, REGULATIONS, AND ORDINANCES
7 OR MAKE ANY CHANGES TO ITS MAP OR MASTER PLAN; AND

8 (10) AGREE WITH AN AUTHORITY THAT THE AUTHORITY PAY THE STATE
9 PUBLIC BODY AN AMOUNT, IF ANY, IN LIEU OF TAXES FOR ANY YEAR OR PERIOD OF
10 YEARS.

11 (C) POWERS ARE IN ADDITION AND SUPPLEMENTAL TO OTHER POWERS.

12 POWERS CONFERRED UNDER THIS SECTION ON STATE PUBLIC BODIES ARE IN
13 ADDITION TO AND DO NOT SUPPLANT ANY OTHER POWER CONFERRED BY LAW.

14 (D) STATE PUBLIC BODY MAY INCUR ENTIRE EXPENSE OF PUBLIC
15 IMPROVEMENTS.

16 (1) THE STATE PUBLIC BODY MAY INCUR THE ENTIRE EXPENSE OF ANY
17 PUBLIC IMPROVEMENT THAT THE STATE PUBLIC BODY MAKES UNDER THIS
18 SECTION.

19 (2) NOTWITHSTANDING ANY OTHER LAW, A STATE PUBLIC BODY MAY
20 MAKE A SALE, CONVEYANCE, LEASE, OR AGREEMENT PROVIDED FOR IN THIS
21 SECTION WITHOUT APPRAISAL, PUBLIC NOTICE, ADVERTISEMENT, OR PUBLIC
22 BIDDING.

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 44A, §§ 1-304 and 1-305(b) and (a)(1) through (5)
25 and (7) through (12).

26 In subsection (b)(6) of this section, the reference to "related" rights is
27 substituted for the former reference to rights "therein" for clarity.

28 Also in subsection (b)(6) of this section, the former reference to "privileges"
29 is deleted in light of the reference to "rights".

30 In subsection (b)(8) of this section, the reference to "housing" is substituted
31 for the former reference to "dwellings" to conform to the terminology used
32 throughout this article.

33 In subsection (b)(9) of this section, the former reference to ordinances "that
34 may be enacted from time to time" is deleted as surplusage.

35 In subsection (c) of this section, the statement that the powers conferred by
36 this section "do not supplant" any other power is substituted for the former
37 statement that the powers are "supplemental" for clarity.

1 In subsection (d)(2) of this section, the former reference to "statute" is
2 deleted as included in the reference to "law".

3 Defined terms: "Authority" § 12-101

4 "Housing project" § 12-101

5 "State public body" § 12-101

6 12-507. HOUSING PROJECTS TAKEN OVER BY STATE PUBLIC BODY FROM FEDERAL
7 GOVERNMENT.

8 A STATE PUBLIC BODY MAY NOT REQUIRE CHANGES TO BE MADE IN A HOUSING
9 PROJECT OR THE MANNER OF ITS CONSTRUCTION OR TAKE ANY OTHER ACTION
10 RELATING TO THE CONSTRUCTION IF THE AUTHORITY:

11 (1) HAS ACQUIRED OR TAKEN OVER THE HOUSING PROJECT FROM THE
12 FEDERAL GOVERNMENT; AND

13 (2) HAS FOUND AND DECLARED BY RESOLUTION THAT THE HOUSING
14 PROJECT WAS CONSTRUCTED IN A WAY THAT WILL PROMOTE THE PUBLIC INTEREST
15 AND AFFORD NECESSARY SAFETY, SANITATION, AND OTHER PROTECTION.

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 44A, § 1-305(a)(6).

18 Defined terms: "Authority" § 12-101

19 "Housing project" § 12-101

20 "State public body" § 12-101

21 SUBTITLE 6. HOUSING FOR MILITARY PERSONNEL.

22 12-601. DEVELOPMENT AND ADMINISTRATION OF PROJECTS FOR MILITARY
23 HOUSING BY AUTHORITIES.

24 (A) ALLOWED.

25 AN AUTHORITY MAY DEVELOP AND ADMINISTER PROJECTS TO MAKE SAFE AND
26 SANITARY HOUSING AVAILABLE FOR MILITARY PERSONNEL.

27 (B) NATURE OF AUTHORITY'S RIGHTS AND POWERS.

28 (1) AN AUTHORITY HAS ALL THE RIGHTS, POWERS, PRIVILEGES, AND
29 IMMUNITIES UNDER THIS SUBTITLE THAT IT HAS UNDER ANY LAW RELATING TO
30 THE OWNERSHIP, DEVELOPMENT, OR ADMINISTRATION OF HOUSING PROJECTS FOR
31 PERSONS OF ELIGIBLE INCOME.

32 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PROJECT IS
33 NOT SUBJECT TO THE LIMITATIONS UNDER §§ 12-401 AND 12-402 OF THIS TITLE, OR
34 ANY OTHER LIMITATION ON THE AMOUNT OF RENTALS OR THE ELIGIBILITY OF
35 TENANTS, IF AN AUTHORITY, OR ANOTHER AUTHORITY COOPERATING WITH IT,
36 ADMINISTERS THE PROJECT UNDER THIS SUBTITLE:

1 (I) WITH FINANCIAL AID FROM THE FEDERAL GOVERNMENT; OR

2 (II) AS AGENT FOR THE FEDERAL GOVERNMENT.

3 (3) AN AUTHORITY MAY PAY THE AMOUNT THAT IT FINDS NECESSARY
4 OR DESIRABLE FOR ANY SERVICES, FACILITIES, WORKS, PRIVILEGES, OR
5 IMPROVEMENTS FURNISHED FOR OR IN CONNECTION WITH HOUSING FOR MILITARY
6 PERSONNEL.

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 44A, § 1-601.

9 In subsection (a) of this section, the reference to "housing" is substituted
10 for the former reference to "dwellings" to conform to the terminology used
11 throughout this article.

12 In subsection (b)(1) of this section, the former reference to any "provision
13 of" law is deleted as surplusage.

14 Also in subsection (b)(1) of this section, the former reference to an
15 authority's rights, powers, privileges, and immunities "[i]n the ownership,
16 development, administration, operation, maintenance or management of
17 such projects" is deleted as implied in the reference to the "rights, powers,
18 privileges, and immunities under this subtitle".

19 Also in subsection (b)(1) of this section, the former statement that an
20 authority has all the rights, powers, privileges, and immunities "in the
21 same manner as though all the provisions of law applicable to housing
22 projects for persons of eligible income were applicable to projects developed
23 or administered to assure the availability of safe and sanitary dwellings for
24 military personnel as provided in this subtitle" is deleted in light of the
25 reference to an authority's having "all the rights, powers, privileges, and
26 immunities under this subtitle that it has under any law relating to the
27 ownership, development, or administration of housing projects for persons
28 of eligible income".

29 Also in subsection (b)(1) of this section, the former statement that
30 references to "housing project" and "housing projects administered
31 hereunder" are "'housing projects' under the sections of this article other
32 than this subtitle, as that term is used therein" is deleted as surplusage.

33 In subsection (b)(3) of this section, the reference to "housing" is substituted
34 for the former reference to "any such projects" for clarity.

35 Defined terms: "Authority" § 12-101

36 "Housing project" § 12-101

37 "Military personnel" § 12-101

38 "Person of eligible income" § 12-101

1 12-602. COOPERATION WITH FEDERAL GOVERNMENT.

2 AN AUTHORITY MAY:

3 (1) EXERCISE ITS POWERS TO COOPERATE WITH, OR ACT AS AGENT FOR,
4 THE FEDERAL GOVERNMENT IN THE DEVELOPMENT OR ADMINISTRATION OF
5 PROJECTS BY THE FEDERAL GOVERNMENT TO MAKE SAFE AND SANITARY HOUSING
6 AVAILABLE FOR MILITARY PERSONNEL; AND

7 (2) DEVELOP OR ADMINISTER SUCH A PROJECT FOR THE FEDERAL
8 GOVERNMENT.

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 44A, § 1-602.

11 In item (1) of this section, the former reference to "any or all of [the
12 authority's] powers" is deleted as surplusage.

13 Defined terms: "Authority" § 12-101

14 "Military personnel" § 12-101

15 12-603. COOPERATION WITH STATE PUBLIC BODIES.

16 A STATE PUBLIC BODY HAS THE SAME RIGHTS AND POWERS TO COOPERATE
17 WITH AUTHORITIES IN THE DEVELOPMENT OR ADMINISTRATION OF PROJECTS TO
18 MAKE SAFE AND SANITARY HOUSING AVAILABLE FOR MILITARY PERSONNEL THAT
19 THE STATE PUBLIC BODY HAS UNDER THIS DIVISION II TO ASSIST IN THE
20 DEVELOPMENT OR ADMINISTRATION OF HOUSING PROJECTS FOR PERSONS OF
21 ELIGIBLE INCOME.

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 44A, § 1-603.

24 The former reference to a State public body "as defined in this article" is
25 deleted as surplusage.

26 Defined terms: "Authority" § 12-101

27 "Military personnel" § 12-101

28 "Person of eligible income" § 12-101

29 "State public body" § 12-101

30 12-604. BONDS.

31 BONDS ISSUED BY AN AUTHORITY FOR A PROJECT DEVELOPED OR
32 ADMINISTERED UNDER THIS SUBTITLE ARE LEGAL INVESTMENTS TO THE SAME
33 EXTENT AND FOR THE SAME BODIES AND OFFICERS AS BONDS ISSUED UNDER ANY
34 OTHER SECTION OF THIS DIVISION II TO DEVELOP A HOUSING PROJECT FOR
35 PERSONS OF ELIGIBLE INCOME.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 44A, § 1-604.

3 The former reference to "institutions, associations, corporations, bodies,
4 and officers" is deleted as included in the defined term "person".

5 The former references to "other obligations" are deleted as included in the
6 references to "bonds".

7 The Housing and Community Development Article Review Committee
8 notes, for consideration by the General Assembly, that this section lacks
9 language explicitly stating that bonds are securities that may be deposited
10 with or received by any State or municipal officer, governmental unit, or
11 political subdivision of the State for any purpose for which the deposit of
12 bonds or other obligations of the State is authorized by law.

13 Defined terms: "Bond" § 12-101

14 "Housing project" § 12-101

15 "Person" § 12-101

16 "Person of eligible income" § 12-101

17 12-605. SUBTITLE AS INDEPENDENT AUTHORIZATION TO DEVELOP OR ADMINISTER
18 HOUSING FOR MILITARY PERSONNEL.

19 (A) IN GENERAL.

20 THIS SUBTITLE IS AN INDEPENDENT AUTHORIZATION FOR AN AUTHORITY TO:

21 (1) DEVELOP OR ADMINISTER PROJECTS TO MAKE SAFE AND SANITARY
22 HOUSING AVAILABLE FOR MILITARY PERSONNEL AS PROVIDED IN THIS DIVISION II;
23 AND

24 (2) COOPERATE WITH, OR ACT AS AGENT FOR, THE FEDERAL
25 GOVERNMENT IN THE DEVELOPMENT OR ADMINISTRATION OF SIMILAR PROJECTS
26 BY THE FEDERAL GOVERNMENT.

27 (B) EXEMPTION FROM LIMITATIONS, RESTRICTIONS, AND REQUIREMENTS.

28 EXCEPT FOR LAWS RELATING TO LAND ACQUISITION, AN AUTHORITY ACTING
29 UNDER THIS SUBTITLE IS NOT SUBJECT TO ANY LIMITATION, RESTRICTION, OR
30 REQUIREMENT OF ANY OTHER LAW THAT SETS FORTH THE PROCEDURE OR ACTION
31 TO DEVELOP OR ADMINISTER PUBLIC WORKS.

32 (C) POWER OF AUTHORITY.

33 TO DEVELOP SPEEDILY OR ADMINISTER PROJECTS FOR SAFE AND SANITARY
34 HOUSING FOR MILITARY PERSONNEL, AN AUTHORITY MAY DO ALL THAT IS
35 NECESSARY OR DESIRABLE TO:

36 (1) WORK WITH OR ACT AS AGENT FOR THE FEDERAL GOVERNMENT;

1 (2) GET FINANCIAL AID; AND

2 (3) CARRY OUT THE PURPOSES OF THIS SUBTITLE.

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 44A, § 1-605.

5 In subsection (b) of this section, the reference to this "subtitle" is
6 substituted for the former reference to this "authorization" for clarity.

7 Defined terms: "Authority" § 12-101

8 "Military personnel" § 12-101

9 12-606. AUTHORITY AS AGENT OR LESSEE OF FEDERAL GOVERNMENT.

10 AN AUTHORITY MAY EXERCISE ITS POWERS ANYWHERE IN THE STATE AS AN
11 AGENT OR LESSEE OF THE FEDERAL GOVERNMENT IN THE DEVELOPMENT,
12 CONSTRUCTION, OPERATION, OR MANAGEMENT OF A PROJECT UNDERTAKEN BY
13 THE FEDERAL GOVERNMENT FOR HOUSING MILITARY PERSONNEL.

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 44A, § 1-606.

16 The former reference to a "housing" project is deleted to conform to the
17 terminology used throughout this subtitle.

18 Defined terms: "Authority" § 12-101

19 "Military personnel" § 12-101

20 12-607. EFFECT OF SUBTITLE.

21 (A) POWERS ARE ADDITIONAL AND DO NOT SUPPLANT OTHER POWERS.

22 THE POWERS CONFERRED UNDER THIS SUBTITLE ARE IN ADDITION TO AND DO
23 NOT SUPPLANT ANY OTHER POWERS CONFERRED BY LAW.

24 (B) SUBTITLE NOT LIMITING.

25 THIS SUBTITLE DOES NOT LIMIT ANY OTHER POWER OF AN AUTHORITY.

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 44A, § 1-607.

28 In subsection (a) of this section, the statement that the powers conferred
29 by this subtitle "may not supplant" any other power is substituted for the
30 former statement that the powers are "supplemental" for clarity.

31 Defined term: "Authority" § 12-101

1 SUBTITLE 7. BONDS.

2 12-701. POWER TO ISSUE AND SECURE BONDS.

3 (A) ISSUING BONDS.

4 AN AUTHORITY MAY:

5 (1) ISSUE BONDS FOR ANY OF ITS CORPORATE PURPOSES;

6 (2) ISSUE REFUNDING BONDS TO PAY OR RETIRE ITS BONDS; AND

7 (3) ISSUE ANY KINDS OF BONDS, INCLUDING BONDS ON WHICH THE
8 PRINCIPAL AND INTEREST ARE PAYABLE:9 (I) ONLY FROM THE INCOME AND REVENUES OF THE HOUSING
10 PROJECT FINANCED WITH THE PROCEEDS OF THE BONDS OR WITH THESE
11 PROCEEDS AND A GRANT FROM THE STATE OR FEDERAL GOVERNMENT IN AID OF
12 THE HOUSING PROJECT;13 (II) ONLY FROM THE INCOME AND REVENUES OF DESIGNATED
14 HOUSING PROJECTS WHETHER OR NOT THEY WERE FINANCED WHOLLY OR PARTLY
15 WITH THE PROCEEDS OF THE BONDS; OR

16 (III) FROM ITS REVENUES GENERALLY.

17 (B) SECURING BONDS.

18 TO SECURE ANY OF ITS BONDS, AN AUTHORITY MAY PLEDGE ANY REVENUE OR
19 MORTGAGE A HOUSING PROJECT OR OTHER PROPERTY OF THE AUTHORITY.20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 44A, § 1-501(a).22 In subsection (a)(1) of this section, the former phrase "from time to time in
23 its discretion" is deleted as surplusage.24 In subsection (b) of this section, the former reference to "projects" is deleted
25 as included in the reference to "property".

26 Defined terms: "Authority" § 12-101

27 "Bond" § 12-101

28 "Housing project" § 12-101

29 12-702. NATURE OF BONDS.

30 (A) PUBLIC PURPOSE.

31 BONDS OF AN AUTHORITY ARE ISSUED FOR AN ESSENTIAL PUBLIC AND
32 GOVERNMENTAL PURPOSE.

1 (B) LIABILITY.

2 (1) NEITHER A COMMISSIONER OF AN AUTHORITY NOR A PERSON WHO
3 EXECUTES THE BOND FOR AN AUTHORITY IS PERSONALLY LIABLE ON THE BONDS.

4 (2) NEITHER THE STATE NOR A POLITICAL SUBDIVISION IS LIABLE ON
5 THE BONDS.

6 (C) DEBT.

7 THE BONDS OF AN AUTHORITY:

8 (1) ARE NOT A DEBT OF THE STATE OR A POLITICAL SUBDIVISION AND
9 SHALL STATE SO ON THEIR FACE;

10 (2) ARE PAYABLE ONLY OUT OF MONEY OR PROPERTY OF THE
11 AUTHORITY; AND

12 (3) ARE NOT AN INDEBTEDNESS FOR PURPOSES OF A CONSTITUTIONAL
13 OR STATUTORY DEBT LIMITATION OR RESTRICTION.

14 (D) FREE FROM TAXATION.

15 BONDS ISSUED UNDER THIS DIVISION II AND THEIR TRANSFER AND THE
16 INCOME FROM THEM, INCLUDING ANY PROFIT MADE ON THEIR SALE, SHALL BE
17 FREE FROM TAXATION OF EVERY KIND BY THE STATE AND BY ALL POLITICAL
18 SUBDIVISIONS.

19 (E) BONDS AS NEGOTIABLE INSTRUMENTS.

20 BONDS ISSUED BY AN AUTHORITY ARE NEGOTIABLE FOR THE PURPOSES OF
21 THE MARYLAND UNIFORM COMMERCIAL CODE, SUBJECT TO THE REGISTRATION
22 PROVISIONS OF THE CODE.

23 (F) BONDS AS INVESTMENTS.

24 (1) BONDS ISSUED BY AN AUTHORITY ARE SECURITIES IN WHICH
25 MONEY MAY BE INVESTED BY:

26 (I) PUBLIC OFFICERS AND GOVERNMENTAL UNITS OF THE STATE
27 OR ITS POLITICAL SUBDIVISIONS;

28 (II) BANKS, TRUST COMPANIES, SAVINGS AND LOAN
29 ASSOCIATIONS, INVESTMENT COMPANIES, AND OTHERS CARRYING ON A BANKING
30 BUSINESS;

31 (III) INSURANCE COMPANIES, INSURANCE ASSOCIATIONS, AND
32 OTHERS CARRYING ON AN INSURANCE BUSINESS;

33 (IV) PERSONAL REPRESENTATIVES, GUARDIANS, TRUSTEES, AND
34 OTHER FIDUCIARIES; AND

1 (V) ALL OTHER PERSONS.

2 (2) MONEY THAT MAY BE INVESTED IN THE BONDS INCLUDES CAPITAL
3 THAT AN INVESTOR OWNS OR CONTROLS.

4 (G) BONDS AS SECURITIES.

5 BONDS ISSUED BY AN AUTHORITY ARE SECURITIES THAT MAY BE DEPOSITED
6 WITH OR RECEIVED BY ANY STATE OR MUNICIPAL OFFICER, GOVERNMENTAL UNIT,
7 OR POLITICAL SUBDIVISION OF THE STATE FOR ANY PURPOSE FOR WHICH THE
8 DEPOSIT OF BONDS OF THE STATE IS AUTHORIZED BY LAW.

9 (H) SOURCE OF AUTHORIZATION.

10 (1) THIS SUBSECTION:

11 (I) IS INTENDED ONLY FOR ANY PUBLIC APPROVAL REQUIREMENT
12 OF THE INTERNAL REVENUE CODE RELATING TO THE ISSUANCE OF TAX-EXEMPT
13 OBLIGATIONS; AND

14 (II) DOES NOT DETERMINE WHETHER AN AUTHORITY IS A
15 GOVERNMENTAL UNIT OF THE STATE OR OF A POLITICAL SUBDIVISION.

16 (2) SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, AN AUTHORITY
17 AUTHORIZED UNDER A RESOLUTION OR ORDINANCE OF A POLITICAL SUBDIVISION
18 DERIVES ITS AUTHORIZATION FROM THE RESOLUTION OR ENACTMENT RATHER
19 THAN DIRECTLY FROM STATE LAW.

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 44A, § 1-501(b), (c), (d), and the first sentence of
22 (e).

23 In subsections (b)(2) and (c)(1) of this section, references to the defined
24 term "political subdivision" are substituted for the former references to
25 "the city, the county" and a "political subdivision [of the State]" to conform
26 to the terminology used throughout this article.

27 In subsection (b)(1) of this section, the former phrase "by reason of the
28 issuance thereof" is deleted as surplusage.

29 In the introductory language of subsection (c) of this section, the former
30 references to "other obligations" are deleted as included in the defined
31 term "bond[s]".

32 In subsection (d) of this section, the former reference to bonds that shall "at
33 all times" be free from taxation is deleted as surplusage.

34 Also in subsection (d) of this section, the former reference to "the
35 municipalities" is deleted as included in the reference to the defined term
36 "political subdivision[s]".

1 Also in subsection (d) of this section, the former reference to political
2 subdivisions "of the State" is deleted as surplusage.

3 In subsection (f)(1) of this section, the former statement that bonds may be
4 "legally and properly" invested is deleted as surplusage. Similarly, in
5 subsection (g) of this section, the former statement that bonds that may
6 "properly and legally" be deposited is deleted.

7 In subsection (f)(1)(i) of this section, the reference to "governmental" units
8 is substituted for the former reference to "public" units to conform to the
9 terminology used throughout this article.

10 In subsection (h)(1)(ii) of this section, the statement "does not determine"
11 is substituted for the former reference "not intending to effect a
12 determination" for clarity.

13 In subsection (h)(2) of this section, the former statement that an authority
14 is authorized "to function" is deleted as surplusage.

15 The Housing and Community Development Article Review Committee
16 notes, for consideration by the General Assembly, that in subsection
17 (f)(1)(ii) of this section, the reference to "banks" is substituted for the
18 former reference to "bonds" to correct a typographical error.

19 Defined terms: "Authority" § 12-101

20 "Bond" § 12-101

21 "Political subdivision" § 12-101

22 12-703. BOND AUTHORIZATION, CONTENTS, SALE, AND CHARACTER.

23 (A) AUTHORIZATION, PROVISIONS, AND SALE.

24 (1) BONDS OF AN AUTHORITY SHALL BE AUTHORIZED BY ITS
25 RESOLUTION AND MAY BE ISSUED IN ONE OR MORE SERIES.

26 (2) THE RESOLUTION, THE TRUST INDENTURE, OR THE MORTGAGE
27 SHALL PROVIDE FOR THE BONDS:

28 (I) A DATE OR DATES;

29 (II) THE TIME OR TIMES OF MATURITY;

30 (III) THE INTEREST RATE OR RATES;

31 (IV) THE DENOMINATION OR DENOMINATIONS;

32 (V) WHETHER THEY WILL BE IN COUPON OR REGISTERED FORM;

33 (VI) THE CONVERSION OR REGISTRATION PRIVILEGES;

34 (VII) THEIR RANK OR PRIORITY;

- 1 (VIII) THE MANNER OF EXECUTION;
- 2 (IX) THE MEDIUM OF PAYMENT;
- 3 (X) THE PLACE OR PLACES OF PAYMENT; AND
- 4 (XI) THE TERMS OF REDEMPTION, WITH OR WITHOUT PREMIUM.

5 (3) BONDS MAY BE SOLD AT PUBLIC OR PRIVATE SALE IN THE MANNER
6 AND ON THE TERMS THAT A RESOLUTION OF THE AUTHORITY AUTHORIZES.

7 (B) SIGNATURE OF OFFICIAL WHO LEAVES OFFICE BEFORE DELIVERY OF
8 BOND.

9 IF A COMMISSIONER OR OFFICER OF THE AUTHORITY WHOSE SIGNATURE IS ON
10 A BOND OR COUPON LEAVES OFFICE BEFORE THE BOND IS DELIVERED, THE
11 SIGNATURE NEVERTHELESS IS VALID AND SUFFICIENT, THE SAME AS IF THE
12 COMMISSIONER OR OFFICER HAD REMAINED IN OFFICE UNTIL DELIVERY.

13 (C) PURPOSE OF BOND.

14 A BOND RECITING IN SUBSTANCE THAT IT HAS BEEN ISSUED BY AN AUTHORITY
15 TO AID IN FINANCING A HOUSING PROJECT TO PROVIDE HOUSING FOR PERSONS OF
16 ELIGIBLE INCOME SHALL BE CONSIDERED TO HAVE BEEN ISSUED FOR THAT
17 PURPOSE IN A PROCEEDING INVOLVING THE VALIDITY OR ENFORCEABILITY OF THE
18 BOND OR ITS SECURITY.

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 44A, § 1-502.

21 In subsection (b) of this section, the former statement that
22 notwithstanding any other provision of law, bonds issued under this article
23 are fully negotiable is deleted in light of § 12-702(e) of this subtitle.

24 Also in subsection (b) of this section, the reference to a commissioner or
25 officer who "leaves office" is substituted for the former reference to a
26 commissioner or officer who "shall cease to be such commissioners or
27 officers" for brevity.

28 In subsection (c) of this section, the reference to "housing" is substituted for
29 the former reference to "dwelling accommodations" to conform to the
30 terminology used throughout this article.

31 Also in subsection (c) of this section, the reference to "that purpose" is
32 substituted for the former reference to "for a housing project of such
33 character" for brevity.

34 Also in subsection (c) of this section, the former references to a "suit" and
35 an "action" are deleted as included in the reference to a "proceeding".

1 Defined terms: "Authority" § 12-101

2 "Bond" § 12-101

3 "Housing project" § 12-101

4 "Person" § 12-101

5 "Person of eligible income" § 12-101

6 12-704. POWERS OF AUTHORITY REGARDING BONDS AND LEASE OBLIGATIONS.

7 (A) POWERS -- BONDS AND LEASE OBLIGATIONS.

8 IN CONNECTION WITH ISSUING BONDS OR INCURRING OBLIGATIONS UNDER
9 LEASES, AND TO SECURE PAYMENT OF THE BONDS OR OBLIGATIONS, AN AUTHORITY,
10 IN ADDITION TO ITS OTHER POWERS, MAY:

11 (1) PLEDGE ANY OR ALL OF THE GROSS OR NET RENTS, FEES, OR
12 REVENUES THAT ARE OR WILL BECOME DUE TO IT;

13 (2) MORTGAGE ANY OR ALL OF THE REAL OR PERSONAL PROPERTY
14 THAT IT OWNS OR WILL OWN;

15 (3) COVENANT AGAINST:

16 (I) PLEDGING ANY OR ALL OF ITS RENTS, FEES, OR OTHER
17 REVENUE;

18 (II) MORTGAGING ANY OR ALL OF THE REAL OR PERSONAL
19 PROPERTY THAT IT OWNS OR WILL OWN; OR

20 (III) SUFFERING ANY LIEN ON ANYTHING LISTED UNDER ITEM (I) OR
21 ITEM (II) OF THIS ITEM;

22 (4) COVENANT ABOUT LIMITS ON ITS RIGHT TO SELL, LEASE, OR
23 DISPOSE OF ALL OR PART OF A HOUSING PROJECT;

24 (5) COVENANT AS TO WHAT OTHER DEBTS OR OBLIGATIONS IT MAY
25 INCUR;

26 (6) COVENANT AS TO:

27 (I) THE BONDS TO BE ISSUED;

28 (II) THEIR ISSUANCE, IN ESCROW OR OTHERWISE; AND

29 (III) THE USE AND DISPOSITION OF THEIR PROCEEDS;

30 (7) PROVIDE FOR THE REPLACEMENT OF LOST, DESTROYED, OR
31 MUTILATED BONDS;

32 (8) COVENANT AGAINST EXTENDING THE TIME FOR THE PAYMENT OF
33 ITS BONDS OR INTEREST ON THEM;

1 (9) REDEEM THE BONDS, COVENANT FOR THEIR REDEMPTION, AND
2 PROVIDE THE TERMS AND CONDITIONS FOR THEIR REDEMPTION;

3 (10) COVENANT, SUBJECT TO THE LIMITATIONS IN THIS DIVISION II, AS
4 TO:

5 (I) THE RENTS AND FEES TO BE CHARGED IN THE OPERATION OF A
6 HOUSING PROJECT OR PROJECTS;

7 (II) THE AMOUNT TO BE RAISED EACH YEAR OR OTHER PERIOD BY
8 RENTS, FEES, AND OTHER REVENUES; AND

9 (III) THE USE AND DISPOSITION OF THE RENTS, FEES, AND OTHER
10 REVENUES;

11 (11) CREATE OR AUTHORIZE THE CREATION OF SPECIAL FUNDS FOR
12 MONEY HELD FOR CONSTRUCTION OR OPERATING COSTS, DEBT SERVICE RESERVES,
13 OR OTHER PURPOSES, AND COVENANT AS TO THE USE AND DISPOSITION OF THE
14 MONEY HELD IN THOSE FUNDS;

15 (12) PRESCRIBE ANY PROCEDURE BY WHICH THE TERMS OF CONTRACTS
16 WITH BONDHOLDERS MAY BE AMENDED OR ABROGATED, THE DOLLAR AMOUNT OF
17 BONDS WHOSE HOLDERS MUST CONSENT TO AN AMENDMENT OR ABROGATION, AND
18 THE WAY IN WHICH CONSENT MAY BE GIVEN;

19 (13) COVENANT AS TO THE USE OF ANY OR ALL OF THE AUTHORITY'S
20 REAL OR PERSONAL PROPERTY, THE REPLACEMENT OF THE PROPERTY, THE
21 INSURANCE TO BE CARRIED ON THE PROPERTY, AND THE USE AND DISPOSITION OF
22 INSURANCE MONEY;

23 (14) COVENANT AS TO THE RIGHTS, LIABILITIES, POWERS, AND DUTIES
24 ARISING ON THE BREACH BY IT OF A COVENANT, CONDITION, OR OBLIGATION;

25 (15) COVENANT AND PRESCRIBE AS TO THE EVENTS OF DEFAULT AND
26 TERMS AND CONDITIONS ON WHICH ANY OR ALL OF ITS BONDS BECOME OR MAY BE
27 DECLARED DUE BEFORE MATURITY, AND AS TO THE TERMS AND CONDITIONS ON
28 WHICH A DECLARATION AND ITS CONSEQUENCES MAY BE WAIVED;

29 (16) VEST IN A TRUSTEE OR TRUSTEES OR IN THE BONDHOLDERS OR ANY
30 PROPORTION OF THEM THE RIGHT TO ENFORCE:

31 (I) PAYMENT OF THE BONDS; OR

32 (II) COVENANTS SECURING OR RELATING TO THE BONDS;

33 (17) VEST IN A TRUSTEE OR TRUSTEES THE RIGHT, IF THE AUTHORITY
34 DEFAULTS, TO:

35 (I) TAKE IN POSSESSION, USE, OPERATE, AND MANAGE ALL OR
36 PART OF A HOUSING PROJECT;

1 (II) COLLECT THE RENTS AND REVENUES; AND

2 (III) DISPOSE OF THE MONEY IN ACCORDANCE WITH THE
3 AGREEMENT OF THE AUTHORITY WITH THE TRUSTEE OR TRUSTEES;

4 (18) PROVIDE FOR THE POWERS AND DUTIES OF A TRUSTEE OR
5 TRUSTEES AND LIMIT THE LIABILITIES OF THE TRUSTEE OR TRUSTEES;

6 (19) PROVIDE THE TERMS AND CONDITIONS ON WHICH THE TRUSTEE OR
7 TRUSTEES OR BONDHOLDERS OR ANY PROPORTION OF THEM MAY ENFORCE ANY
8 COVENANT OR RIGHTS SECURING OR RELATING TO THE BONDS;

9 (20) MAKE OTHER COVENANTS OF A CHARACTER LIKE OR UNLIKE THAT
10 OF THE COVENANTS EXPRESSLY AUTHORIZED UNDER THIS SECTION; AND

11 (21) MAKE COVENANTS AND DO ACTS AND THINGS THAT, ALTHOUGH
12 NOT LISTED IN THIS SECTION:

13 (I) ARE NECESSARY, CONVENIENT, OR DESIRABLE TO SECURE THE
14 BONDS OF THE AUTHORITY; OR

15 (II) IN THE DISCRETION OF THE AUTHORITY, WILL TEND TO MAKE
16 THE BONDS MORE MARKETABLE.

17 (B) LIENS OF PLEDGES.

18 (1) A PLEDGE MADE BY AN AUTHORITY IS BINDING FROM THE TIME THE
19 PLEDGE IS MADE.

20 (2) THE LIEN OF THE PLEDGE, WITHOUT ANY PHYSICAL DELIVERY OR
21 FURTHER ACT, ATTACHES IMMEDIATELY TO REVENUES OR PROPERTY PLEDGED AND
22 THEREAFTER RECEIVED BY AN AUTHORITY.

23 (3) THE LIEN IS BINDING AGAINST ALL PERSONS HAVING CLAIMS
24 AGAINST THE AUTHORITY, WHETHER OR NOT:

25 (I) THOSE PERSONS HAVE NOTICE OF THE PLEDGE; OR

26 (II) THE DETERMINATION OR OTHER INSTRUMENT HAS BEEN
27 RECORDED OR FILED.

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 44A, § 1-503.

30 In subsection (a)(10)(ii) of this section, the former reference to a period "of
31 time" is deleted as surplusage.

32 In subsection (a)(15) of this section, the former reference to "obligations" is
33 deleted as included in the reference to "bonds".

34 In subsection (a)(20) of this section, the former statement that an authority

1 has the power "[t]o exercise all or any part or combination of the powers
2 herein granted" is deleted as implicit in this subsection.

3 In subsection (a)(21)(ii) of this section, the former reference to "absolute"
4 discretion is deleted as surplusage.

5 In subsection (b)(1) of this section, the former reference to "valid" is deleted
6 as implicit in the reference to "binding".

7 Defined terms: "Authority" § 12-101

8 "Bond" § 12-101

9 "Housing project" § 12-101

10 "Person" § 12-101

11 "Real property" § 12-101

12 12-705. RIGHTS OF OBLIGEEES.

13 (A) IN GENERAL.

14 IN ADDITION TO ALL OTHER RIGHTS THAT A CONTRACT MAY CONFER ON AN
15 OBLIGEE OF AN AUTHORITY, SUBJECT ONLY TO BINDING CONTRACTUAL
16 RESTRICTIONS, THE OBLIGEE MAY:

17 (1) BY A WRIT OF MANDAMUS OR A PROCEEDING AT LAW OR IN EQUITY,
18 COMPEL THE AUTHORITY AND THE AUTHORITY'S COMMISSIONERS, OFFICERS,
19 AGENTS, OR EMPLOYEES TO PERFORM EACH TERM, PROVISION, AND COVENANT
20 CONTAINED IN A CONTRACT OF THE AUTHORITY WITH OR FOR THE BENEFIT OF THE
21 OBLIGEE;

22 (2) REQUIRE THE CARRYING OUT OF ANY COVENANT OR AGREEMENT
23 OF THE AUTHORITY AND THE FULFILLMENT OF ALL DUTIES IMPOSED ON THE
24 AUTHORITY BY THIS DIVISION II; AND

25 (3) BY A PROCEEDING IN EQUITY, ENJOIN ANY UNLAWFUL ACT OR
26 THING OR THE VIOLATION OF ANY RIGHT OF THE OBLIGEE.

27 (B) RIGHTS ON DEFAULT -- IN GENERAL.

28 (1) BY RESOLUTION, TRUST INDENTURE, MORTGAGE, LEASE, OR OTHER
29 CONTRACT, AN AUTHORITY MAY CONFER THE RIGHT TO TAKE ACTION UNDER
30 SUBSECTION (C) OF THIS SECTION IF A DEFAULT, AS DEFINED IN THE RESOLUTION
31 OR INSTRUMENT, OCCURS.

32 (2) THE RIGHT MAY BE CONFERRED ON AN OBLIGEE THAT:

33 (I) HOLDS OR REPRESENTS A SPECIFIED AMOUNT IN BONDS OR
34 NOTES; OR

35 (II) HOLDS A MORTGAGE, DEED OF TRUST, SECURITY INSTRUMENT,
36 OR LEASE.

1 (C) SAME -- ENUMERATED.

2 (1) AN OBLIGEE THAT HAS THE RIGHT UNDER SUBSECTION (B) OF THIS
3 SECTION TO TAKE ACTION UNDER THIS SUBSECTION MAY, BY A PROCEEDING IN A
4 COURT OF COMPETENT JURISDICTION:

5 (I) HAVE POSSESSION OF ALL OR PART OF A HOUSING PROJECT
6 SURRENDERED TO ANY SUCH OBLIGEE;

7 (II) REQUIRE THE AUTHORITY AND ITS COMMISSIONERS TO
8 ACCOUNT AS IF THE AUTHORITY AND ITS COMMISSIONERS WERE TRUSTEES OF AN
9 EXPRESS TRUST; AND

10 (III) HAVE A RECEIVER APPOINTED FOR ALL OR PART OF A HOUSING
11 PROJECT AND ITS RENTS AND PROFITS.

12 (2) IF A RECEIVER IS APPOINTED, THE RECEIVER MAY:

13 (I) ENTER AND TAKE POSSESSION OF THE HOUSING PROJECT OR
14 ANY PART OF THE HOUSING PROJECT;

15 (II) OPERATE AND MAINTAIN IT; AND

16 (III) COLLECT AND RECEIVE ALL FEES, RENTS, REVENUES, OR
17 OTHER CHARGES THEREAFTER ARISING FROM IT.

18 (3) THE RECEIVER SHALL KEEP THE MONEY IN A SEPARATE ACCOUNT
19 OR ACCOUNTS AND APPLY THE MONEY IN ACCORDANCE WITH THE OBLIGATIONS OF
20 THE AUTHORITY AS THE COURT DIRECTS.

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 44A, § 1-504.

23 In subsection (a)(1) and (3) of this section, the former references to "suit"
24 and "action" are deleted as included in the references to "proceeding".

25 In subsection (a)(3) of this section, the former reference to an obligee "of
26 said authority" is deleted as surplusage.

27 Defined terms: "Authority" § 12-101

28 "Housing project" § 12-101

29 "Obligee" § 12-101

30 TITLE 13. CITY OF ANNAPOLIS.

31 13-101. DEFINITIONS.

32 (A) IN GENERAL.

33 IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

1 REVISOR'S NOTE: This subsection is new language added as the standard
2 introductory language to a definition section.

3 (B) ANNAPOLIS AUTHORITY.

4 "ANNAPOLIS AUTHORITY" MEANS THE HOUSING AUTHORITY OF THE CITY OF
5 ANNAPOLIS.

6 REVISOR'S NOTE: This subsection is new language added to provide a
7 convenient reference to the Housing Authority of the City of Annapolis.

8 (C) COMMISSIONER.

9 "COMMISSIONER" MEANS A COMMISSIONER OF THE ANNAPOLIS AUTHORITY.

10 REVISOR'S NOTE: This subsection is new language added to provide a
11 convenient reference to a Commissioner of the Annapolis Authority.

12 13-102. APPLICABILITY OF TITLE 12.

13 TITLE 12 OF THIS ARTICLE APPLIES TO THE ANNAPOLIS AUTHORITY EXCEPT
14 WHERE IT IS INCONSISTENT WITH THIS TITLE.

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 44A, § 10-101.

17 Defined term: "Annapolis Authority" § 13-101

18 13-103. HOUSING AUTHORITY OF THE CITY OF ANNAPOLIS ESTABLISHED.

19 THE HOUSING AUTHORITY OF THE CITY OF ANNAPOLIS IS A PUBLIC BODY
20 CORPORATE AND POLITIC THAT:

21 (1) EXERCISES PUBLIC AND ESSENTIAL GOVERNMENTAL FUNCTIONS;
22 AND

23 (2) HAS ALL THE POWERS NECESSARY OR CONVENIENT TO CARRY OUT
24 THE PURPOSES OF THIS DIVISION II.

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 44A, § 10-102(a).

27 The former reference to "provisions" is deleted in light of the reference to
28 "purposes".

29 13-104. ANNAPOLIS AUTHORITY.

30 (A) MEMBERSHIP.

31 (1) THE ANNAPOLIS AUTHORITY CONSISTS OF SEVEN COMMISSIONERS
32 APPOINTED BY THE MAYOR OF ANNAPOLIS.

1 (2) OF THE SEVEN COMMISSIONERS:

2 (I) ONE SHALL BE A TENANT OF AN ANNAPOLIS AUTHORITY
3 PROPERTY OTHER THAN AN ANNAPOLIS AUTHORITY PROPERTY FOR SENIORS; AND

4 (II) ONE SHALL BE A TENANT OF AN ANNAPOLIS AUTHORITY
5 PROPERTY FOR SENIORS.

6 (B) TENURE; VACANCIES.

7 (1) THE TERM OF A COMMISSIONER IS 5 YEARS.

8 (2) THE TERMS OF COMMISSIONERS ARE STAGGERED AS REQUIRED BY
9 THE TERMS PROVIDED FOR COMMISSIONERS ON OCTOBER 1, 2006.

10 (3) AT THE END OF A TERM, A COMMISSIONER CONTINUES TO SERVE
11 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

12 (4) A COMMISSIONER WHO IS APPOINTED AFTER A TERM HAS BEGUN
13 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED
14 AND QUALIFIES.

15 (C) RESTRICTION ON EMPLOYMENT.

16 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
17 COMMISSIONER WHILE IN OFFICE AND FOR 2 YEARS AFTER LEAVING OFFICE MAY
18 NOT BE EMPLOYED BY THE ANNAPOLIS AUTHORITY FOR COMPENSATION ON A
19 PERMANENT OR TEMPORARY FULL-TIME, PART-TIME, CONTRACTUAL, OR OTHER
20 BASIS.

21 (2) SUBJECT TO APPROVAL BY THE MAYOR OF ANNAPOLIS AND BY THE
22 UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, THE
23 PROHIBITION CONTAINED IN PARAGRAPH (1) OF THIS SUBSECTION MAY BE WAIVED
24 FOR GOOD CAUSE SHOWN.

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 44A, § 10-102(b).

27 In subsection (a)(1) of this section, the former reference to the
28 Commissioners "exercising the powers and duties set forth in this [Division
29 II]" is deleted as surplusage.

30 In subsection (a)(2)(i) of this section, the reference to a tenant of an
31 Annapolis Authority property "other than an Annapolis Authority property
32 for seniors" is added for clarity.

33 In subsection (b)(2) of this section, the reference to terms being staggered
34 as required by the terms provided for Commissioners on "October 1, 2006"
35 is substituted for the former obsolete reference to terms being staggered as
36 required by the terms provided on "July 1, 2002". This substitution is not

1 intended to alter the term of any member of the Commission. *See* § ____ of
2 Ch. ____, Acts of 2006. The terms of the members serving on October 1,
3 2006, end as follows: (1) three Commissioners on July 31, 2007; (2) one
4 Commissioner on July 31, 2008; (3) one Commissioner on July 31, 2009;
5 and (4) two Commissioners on July 31, 2011.

6 Defined terms: "Annapolis Authority" § 13-101

7 "Commissioner" § 13-101

8 13-105. STATUS OF COMMISSIONERS AND ANNAPOLIS AUTHORITY PERSONNEL.

9 (A) COMMISSIONERS AND PERSONNEL AS LOCAL OFFICIALS.

10 NOTWITHSTANDING ANY OTHER LAW, THE ANNAPOLIS AUTHORITY'S
11 COMMISSIONERS, EXECUTIVE DIRECTOR, AND DEPUTY DIRECTORS ARE LOCAL
12 OFFICIALS UNDER ANY PUBLIC ETHICS LAW OF THE ANNAPOLIS CITY COUNCIL.

13 (B) DISCLOSURE OF CONFLICTS OF INTEREST.

14 (1) WHEN FIRST RETAINED BY THE ANNAPOLIS AUTHORITY, ATTORNEYS
15 AND CONSULTANTS SHALL DISCLOSE POTENTIAL CONFLICTS OF INTEREST
16 RELATING TO REPRESENTATION OF THE ANNAPOLIS AUTHORITY.

17 (2) THE ANNAPOLIS AUTHORITY SHALL ADOPT REGULATIONS TO CARRY
18 OUT THIS SUBSECTION.

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 44A, § 10-102(j).

21 In subsection (a) of this section, the former reference to "the City of
22 Annapolis" is deleted as surplusage.

23 Defined terms: "Annapolis Authority" § 13-101

24 "Commissioner" § 13-101

25 13-106. REMOVAL OF EXECUTIVE DIRECTOR.

26 THE ANNAPOLIS AUTHORITY MAY REMOVE THE EXECUTIVE DIRECTOR BY THE
27 AFFIRMATIVE VOTE OF AT LEAST FIVE COMMISSIONERS.

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 44A, § 10-102(k).

30 The former phrase "[n]otwithstanding any other provision of law or any
31 bylaw adopted by the Authority" is deleted as surplusage.

32 Defined terms: "Annapolis Authority" § 13-101

33 "Commissioner" § 13-101

1 13-107. ANNAPOLIS AUTHORITY MEETINGS.

2 (A) NOTICE REQUIRED.

3 (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE
4 ANNAPOLIS AUTHORITY SHALL PUBLISH NOTICE OF EACH OF ITS MEETINGS IN AT
5 LEAST TWO NEWSPAPERS OF GENERAL CIRCULATION IN THE CITY OF ANNAPOLIS AT
6 LEAST 7 DAYS BEFORE THE MEETING.

7 (2) THE NOTICE SHALL CONTAIN:

8 (I) THE DATE, TIME, AND PLACE OF THE MEETING; AND

9 (II) A SUMMARY OF THE SUBJECT MATTER TO BE CONSIDERED AT
10 THE MEETING.

11 (3) THE CHAIR OF THE ANNAPOLIS AUTHORITY MAY WAIVE THE NOTICE
12 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR AN EMERGENCY
13 MEETING IF:

14 (I) NOTICE CANNOT REASONABLY BE GIVEN; AND

15 (II) MINUTES OF THE EMERGENCY MEETING WILL BE INCLUDED IN
16 THE MINUTES OF THE NEXT OPEN MEETING OF THE ANNAPOLIS AUTHORITY.

17 (4) THE ANNAPOLIS AUTHORITY MAY ADD AN ITEM TO THE AGENDA FOR
18 THE MEETING AFTER PUBLICATION OF THE NOTICE IF THE ITEM IS NECESSARY TO
19 THE BUSINESS OF THE ANNAPOLIS AUTHORITY AND COULD NOT REASONABLY HAVE
20 BEEN PLACED ON THE AGENDA WHEN THE NOTICE WAS PUBLISHED.

21 (B) CLOSED SESSIONS.

22 (1) THE ANNAPOLIS AUTHORITY MAY MEET IN CLOSED SESSION OR
23 ADJOURN AN OPEN SESSION AND RECONVENE IN A CLOSED SESSION ONLY TO:

24 (I) DISCUSS THE APPOINTMENT, EMPLOYMENT, ASSIGNMENT,
25 PROMOTION, DISCIPLINE, DEMOTION, REMOVAL, OR RESIGNATION OF APPOINTEES,
26 EMPLOYEES, OR OFFICIALS OVER WHOM THE ANNAPOLIS AUTHORITY HAS
27 JURISDICTION;

28 (II) CONSIDER THE ACQUISITION OF REAL PROPERTY FOR A
29 PUBLIC PURPOSE AND MATTERS DIRECTLY RELATED TO THE ACQUISITION;

30 (III) CONSULT WITH COUNSEL;

31 (IV) CONSULT WITH STAFF, CONSULTANTS, OR OTHER INDIVIDUALS
32 ABOUT PENDING OR POTENTIAL LITIGATION;

33 (V) COMPLY WITH A SPECIFIC CONSTITUTIONAL, STATUTORY, OR
34 JUDICIALLY IMPOSED REQUIREMENT THAT PREVENTS PUBLIC DISCLOSURES ABOUT
35 A PARTICULAR PROCEEDING OR MATTER; OR

1 (VI) SATISFY AN EXCEPTIONAL REASON, IF AT LEAST TWO-THIRDS
2 OF THE COMMISSIONERS PRESENT VOTE TO FIND THAT THE REASON IS SO
3 COMPELLING THAT IT OVERRIDES THE GENERAL PUBLIC POLICY IN FAVOR OF OPEN
4 SESSIONS.

5 (2) THE ANNAPOLIS AUTHORITY MEETING IN CLOSED SESSION UNDER
6 THIS SECTION MAY NOT DISCUSS OR ACT ON ANY MATTER NOT SPECIFIED UNDER
7 PARAGRAPH (1) OF THIS SUBSECTION.

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 44A, § 10-102(d) and (e).

10 In subsection (a)(2) of this section, the former reference to the notice
11 "published under paragraph (1) of this subsection" is deleted as
12 surplusage.

13 Defined terms: "Annapolis Authority" § 13-101

14 "Real property" § 12-101

15 13-108. ACTIONS NEEDING APPROVAL IN OPEN MEETING.

16 (A) IN GENERAL.

17 EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, UNLESS THE
18 ACTION IS APPROVED IN ADVANCE BY THE ANNAPOLIS AUTHORITY AT AN OPEN
19 MEETING, THE ANNAPOLIS AUTHORITY MAY NOT:

20 (1) AWARD A CONTRACT EXCEEDING \$5,000;

21 (2) PAY MORE THAN \$350 FOR OFFICIAL TRAVEL, HOTEL, AND MEAL
22 EXPENSES; OR

23 (3) PAY MORE THAN \$350 FOR ITEMS FOR PERSONAL USE, INCLUDING
24 AUTOMOBILES.

25 (B) REIMBURSEMENTS REQUIRE ADVANCE APPROVAL.

26 THE ANNAPOLIS AUTHORITY MAY NOT REIMBURSE A COMMISSIONER OR AN
27 EMPLOYEE FOR EXPENSES INCURRED UNLESS THE REIMBURSEMENT IS APPROVED
28 IN ADVANCE BY THE ANNAPOLIS AUTHORITY AT AN OPEN MEETING.

29 (C) EMERGENCY CONTRACTS ALLOWED.

30 IN AN EMERGENCY, THE ANNAPOLIS AUTHORITY OR THE EXECUTIVE DIRECTOR
31 MAY AWARD A CONTRACT EXCEEDING \$5,000 IF THE CONTRACT IS BROUGHT BEFORE
32 THE ANNAPOLIS AUTHORITY FOR REVIEW AT ITS NEXT REGULARLY SCHEDULED
33 MEETING.

34 (D) RECOVERY OF MONEY.

1 MONEY AWARDED OR SPENT IN VIOLATION OF THIS SECTION MAY BE
2 RECOVERED BY THE ANNAPOLIS AUTHORITY OR THE CITY OF ANNAPOLIS, AS
3 APPROPRIATE, FROM THE PERSON COMPENSATED, TOGETHER WITH COSTS AND
4 REASONABLE ATTORNEY'S FEES THAT THE COURT DETERMINES.

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 44A, § 10-102(f).

7 In subsections (a) and (b) of this section, the former references to "a
8 majority of" the Annapolis Authority are deleted as surplusage.

9 In subsection (a)(3) of this section, the former phrase "but not limited to" is
10 deleted in light of Art. 1, § 30, which provides that the word "including"
11 means "by way of illustration" and not "by way of limitation".

12 In subsection (c) of this section, the former introductory phrase
13 "[n]otwithstanding the other provisions of this subsection" is deleted as
14 unnecessary in light of the standard phrase used to signal an exception
15 that is used in subsection (a) of this section.

16 Defined terms: "Annapolis Authority" § 13-101

17 "Commissioner" § 13-101

18 "Person" § 12-101

19 13-109. PURCHASES BY ANNAPOLIS AUTHORITY.

20 (A) PURCHASING PROVISIONS.

21 THE ANNAPOLIS AUTHORITY SHALL ADOPT PURCHASING PROVISIONS THAT
22 CONFORM TO THE CODE OF THE CITY OF ANNAPOLIS.

23 (B) REQUIREMENTS GOVERNING PURCHASES.

24 ALL PURCHASES BY THE ANNAPOLIS AUTHORITY THAT ARE NOT SPECIFICALLY
25 REGULATED BY FEDERAL PROCUREMENT REQUIREMENTS SHALL BE MADE:

26 (1) AS PROVIDED BY THE PROVISIONS ADOPTED UNDER THIS SECTION;
27 OR

28 (2) AS APPROVED BY FEDERAL AUTHORITIES.

29 REVISOR'S NOTE: This section is new language derived without substantive
30 change from former Art. 44A, § 10-102(g).

31 In subsection (a) of this section, the former reference to the "relevant
32 provisions of the" Code of the City of Annapolis is deleted as surplusage.

33 The Housing and Community Development Article Review Committee
34 notes, for consideration by the General Assembly, that in subsection (b)(2)
35 of this section, the Committee has decided that the phrase "as approved by
36 federal authorities" refers to purchases the Annapolis Authority makes

1 rather than the purchasing provisions the Annapolis Authority adopts.

2 Defined term: "Annapolis Authority" § 13-101

3 13-110. BUDGET.

4 (A) SUMMARY REQUIRED 30 DAYS BEFORE SUBMISSION OF BUDGET.

5 AT LEAST 30 DAYS BEFORE SUBMISSION OF THE PROPOSED ANNUAL
6 OPERATING BUDGET TO THE UNITED STATES DEPARTMENT OF HOUSING AND
7 URBAN DEVELOPMENT, THE ANNAPOLIS AUTHORITY SHALL PUBLISH A BRIEF
8 SUMMARY OF THE PROPOSED ANNUAL OPERATING BUDGET IN AT LEAST TWO
9 NEWSPAPERS OF GENERAL CIRCULATION IN THE CITY OF ANNAPOLIS.

10 (B) MEETING TO BE HELD 2 WEEKS BEFORE SUBMISSION OF BUDGET.

11 AT LEAST 2 WEEKS BEFORE THE SUBMISSION OF A PROPOSED ANNUAL
12 OPERATING BUDGET, THE ANNAPOLIS AUTHORITY SHALL HOLD AN OPEN MEETING
13 THAT GIVES THE PUBLIC AN ADEQUATE OPPORTUNITY TO COMMENT TO THE
14 EXECUTIVE DIRECTOR OF THE ANNAPOLIS AUTHORITY AND ITS BOARD OF
15 COMMISSIONERS.

16 (C) BUDGET TO BE MADE AVAILABLE 5 DAYS BEFORE MEETING.

17 AT LEAST 5 DAYS BEFORE THE OPEN MEETING REQUIRED UNDER SUBSECTION
18 (B) OF THIS SECTION, THE ANNAPOLIS AUTHORITY SHALL MAKE THE PROPOSED
19 ANNUAL OPERATING BUDGET AVAILABLE TO THE PUBLIC.

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 44A, § 10-102(h).

22 In subsection (b) of this section, the former reference to an opportunity to
23 comment "on the proposed annual budget" is deleted as surplusage.

24 Defined term: "Annapolis Authority" § 13-101

25 13-111. ANNUAL AUDIT.

26 (A) TO BE SUBMITTED BY ANNAPOLIS AUTHORITY.

27 BEFORE MARCH 1 OF EACH YEAR, THE ANNAPOLIS AUTHORITY SHALL SUBMIT
28 AN AUDIT OF ITS BOOKS AND RECORDS TO THE MAYOR OF ANNAPOLIS AND CITY
29 COUNCIL OF ANNAPOLIS.

30 (B) AUDIT REQUIREMENTS.

31 THE AUDIT SHALL:

32 (1) BE PERFORMED IN ACCORDANCE WITH THE FEDERAL SINGLE AUDIT
33 ACT, 31 U.S.C. §§ 7501-7507;

1 (2) FOLLOW GENERALLY ACCEPTED GOVERNMENTAL AUDITING
2 STANDARDS; AND

3 (3) BE PERFORMED BY AN INDEPENDENT CERTIFIED PUBLIC
4 ACCOUNTANT APPROVED BY THE ANNAPOLIS AUTHORITY AND BY FEDERAL
5 AUTHORITIES.

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 44A, § 10-102(i).

8 In subsection (a) of this section, the reference to "books and records" is
9 added to state expressly what was only implied in the former law - that
10 the books and records of the Annapolis Authority shall be submitted for
11 audit.

12 The Housing and Community Development Article Review Committee
13 notes, for consideration by the General Assembly, that this section does not
14 state the time period that the audited books and records are to cover.

15 Defined term: "Annapolis Authority" § 13-101

16 REVISOR'S NOTE TO TITLE: Former Art. 44A, § 10-102(c), which authorized
17 the Annapolis Authority to exercise its powers even if to do so would
18 displace or limit economic competition, and which specifies that this law
19 does not grant powers in a substantive area not granted to the Authority
20 by other law, restrict the Annapolis Authority from exercising other
21 powers, authorize the Annapolis Authority or its officers to engage in an
22 activity that is beyond their power, or preempt or supersede the regulatory
23 authority of a State unit, is deleted as redundant of § 12-504 of this article.

24 TITLE 14. ANNE ARUNDEL COUNTY.

25 14-101. APPLICABILITY OF TITLE 12.

26 TITLE 12 OF THIS ARTICLE APPLIES TO THE HOUSING COMMISSION OF ANNE
27 ARUNDEL COUNTY, FORMERLY THE HOUSING AUTHORITY OF ANNE ARUNDEL
28 COUNTY, EXCEPT WHERE IT IS INCONSISTENT WITH THIS TITLE.

29 REVISOR'S NOTE: This section is new language derived without substantive
30 change from former Art. 44A, § 7-101.

31 The reference to the Housing "Commission" is substituted for the former
32 obsolete reference to the Housing "Authority". Additionally, the phrase
33 "formerly the Housing Authority of Anne Arundel County" is added for
34 clarity.

35 14-102. HOUSING COMMISSION OF ANNE ARUNDEL COUNTY ESTABLISHED.

36 THE HOUSING COMMISSION OF ANNE ARUNDEL COUNTY IS A PUBLIC BODY
37 CORPORATE AND POLITIC THAT:

1 (1) EXERCISES PUBLIC AND ESSENTIAL GOVERNMENTAL FUNCTIONS;
2 AND

3 (2) HAS ALL THE POWERS NECESSARY OR CONVENIENT TO CARRY OUT
4 THE PURPOSES OF THIS DIVISION II.

5 REVISOR'S NOTE: This section is new language added to state expressly what
6 was only implied in the former law -- that the Housing Commission of
7 Anne Arundel County exists as a public body corporate and politic,
8 exercising public and essential governmental functions, and having all the
9 powers necessary or convenient to carry out the purposes of this Division
10 II.

11 14-103. MEMBERSHIP.

12 (A) SEVEN COMMISSIONERS.

13 THE HOUSING COMMISSION OF ANNE ARUNDEL COUNTY CONSISTS OF SEVEN
14 COMMISSIONERS, APPOINTED BY THE COUNTY EXECUTIVE.

15 (B) 5-YEAR TERM.

16 THE TERM OF A COMMISSIONER IS 5 YEARS.

17 (C) STAGGERED TERMS.

18 THE TERMS OF THE COMMISSIONERS ARE STAGGERED AS REQUIRED BY THE
19 TERMS PROVIDED FOR COMMISSIONERS OF THE HOUSING COMMISSION OF ANNE
20 ARUNDEL COUNTY ON OCTOBER 1, 2006.

21 (D) SUCCESSION.

22 A COMMISSIONER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY
23 FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
24 QUALIFIES.

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 44A, § 7-102.

27 In subsection (a) of this section, the reference to seven commissioners,
28 "appointed by the County Executive" is new language added to state
29 expressly what was only implied in the former law -- that the County
30 Executive is the official who has the authority to appoint commissioners of
31 the Housing Commission of Anne Arundel County.

32 Also in subsection (a) of this section, the former phrase "[n]otwithstanding
33 §§ 1-202 through 1-204 of this article" is deleted as unnecessary, because
34 those sections -- now revised at §§ 12-203 through 12-206 of this article
35 -- do not conflict with subsection (a) of this section.

36 The former requirement that "[t]he 5 persons serving as Commissioners of

1 the Authority on July 1, 1977 shall continue to serve until their respective
2 terms expire and their successors have been appointed and qualified" is
3 deleted as obsolete.

4 In subsection (c) of this section, the reference to terms being staggered as
5 required by the terms provided for commissioners on "October 1, 2006" is
6 substituted for the former obsolete reference to the County Executive
7 designating "2 additional persons to serve as Commissioners, 1 of whom
8 shall be appointed for a term of 1 year and the other for a term of 2 years,
9 from their respective dates of appointment. Thereafter their successors
10 shall be appointed for terms of 5 years". This substitution is not intended
11 to alter the term of any member of the Commission. *See* § ____ of Ch. ____,
12 Acts of 2006. The terms of the members serving on October 1, 2006, end as
13 follows: (1) 1 on December 31, 2007; (2) 1 on June 30, 2008; (3) 1 on
14 January 31, 2009; (4) 1 on June 30, 2009; (5) 1 on January 31, 2010; (6) 1
15 on January 31, 2011; and (7) 1 on January 31, 2013.

16 TITLE 15. BALTIMORE CITY.

17 15-101. DEFINITIONS.

18 (A) IN GENERAL.

19 IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

20 REVISOR'S NOTE: This subsection is new language added as the standard
21 introduction to a definition section.

22 (B) BALTIMORE AUTHORITY.

23 "BALTIMORE AUTHORITY" MEANS THE HOUSING AUTHORITY OF BALTIMORE
24 CITY.

25 REVISOR'S NOTE: This subsection is new language added to provide a
26 convenient reference to the Housing Authority of Baltimore City.

27 (C) HOUSING PROJECT.

28 (1) "HOUSING PROJECT" MEANS A WORK OR UNDERTAKING THAT IS
29 PLANNED, ACQUIRED, OWNED, USED, DEVELOPED, CONSTRUCTED,
30 RECONSTRUCTED, REHABILITATED, OR IMPROVED TO PROVIDE:

31 (I) HOUSING, OF WHICH A SUBSTANTIAL PART SHALL BE FOR
32 PERSONS OF ELIGIBLE INCOME; AND

33 (II) STREETS, ROADS, SEWERS, WATER SERVICE, AND OTHER
34 SUPPORTING PUBLIC OR PRIVATE COMMERCIAL, EDUCATIONAL, CULTURAL,
35 RECREATIONAL, COMMUNITY, OR CIVIC FACILITIES THAT ARE NEEDED FOR SOUND
36 COMMUNITY DEVELOPMENT.

1 (2) "HOUSING PROJECT" INCLUDES LANDS, BUILDINGS,
2 IMPROVEMENTS, AND OTHER REAL OR PERSONAL PROPERTY.

3 REVISOR'S NOTE: This subsection is new language derived without
4 substantive change from former Art. 44A, § 3-102(e), the second sentence
5 of (j), and the third sentence of § 3-103(c).

6 In paragraph (1) of this subsection, the former reference to "any
7 undertaking or project, or portion thereof," is deleted as surplusage.

8 In paragraph (1)(i) of this subsection, the reference to "housing" is
9 substituted for the former reference to "dwelling accommodations" to
10 conform to the terminology used throughout this article.

11 In paragraph (2)(i) of this subsection, the former reference to
12 "mixed ... properties, or interest therein" is deleted as included in the
13 reference to "real or personal" property.

14 Also in paragraph (2)(i) of this subsection, the reference to property that is
15 "used" is added for clarity.

16 (D) PERSON OF ELIGIBLE INCOME.

17 "PERSON OF ELIGIBLE INCOME" MEANS AN INDIVIDUAL OR A FAMILY THAT
18 LACKS SUFFICIENT INCOME OR ASSETS WITHOUT FINANCIAL ASSISTANCE TO LIVE
19 IN DECENT, SAFE, AND SANITARY HOUSING WITHOUT OVERCROWDING.

20 REVISOR'S NOTE: This subsection is new language derived without
21 substantive change from former Art. 44A, § 3-102(f) and the second
22 sentence of § 3-103(c).

23 The former phrase "as applied to the Housing Authority of Baltimore City"
24 is deleted as surplusage.

25 The former phrase "(as determined by the Mayor of Baltimore City or his
26 designee)" is deleted as unnecessary in light of § 12-106 of this article.

27 The reference to "housing" is substituted for the former reference to
28 "dwellings" to conform to the terminology used throughout this article.

29 GENERAL REVISOR'S NOTE TO SECTION:

30 Former Art. 44A, § 3-102(g), which defined the terms "resolution" and
31 "ordinance" to refer when applicable to an ordinance of the Mayor and City Council of
32 Baltimore, is deleted as unnecessary because the phrase "resolution or ordinance of
33 the legislative body", which clearly encompasses an ordinance of the Mayor and City
34 Council of Baltimore, is used throughout this Division II. *See, e.g.*, § 12-202 of this
35 article.

1 15-102. APPLICABILITY OF TITLE 12.

2 TITLE 12 OF THIS ARTICLE APPLIES TO THE BALTIMORE AUTHORITY EXCEPT
3 WHERE IT IS INCONSISTENT WITH THIS TITLE.

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 44A, § 3-101.

6 Defined term: "Baltimore Authority" § 15-101

7 15-103. FINDINGS.

8 THE GENERAL ASSEMBLY FINDS THAT:

9 (1) IN BALTIMORE CITY AND IN THE AREA OF OPERATION OF THE
10 BALTIMORE AUTHORITY THERE IS UNSAFE AND UNSANITARY HOUSING, AND THERE
11 IS A CRITICAL SHORTAGE OF DECENT, SAFE, AND SANITARY HOUSING THAT
12 PERSONS OF ELIGIBLE INCOME CAN AFFORD TO RENT OR BUY;

13 (2) AS A RESULT OF THIS SHORTAGE, PERSONS OF ELIGIBLE INCOME
14 MUST OCCUPY OVERCROWDED AND CONGESTED HOUSING OR MUST PAY TOO MUCH
15 OF THEIR INCOME FOR SHELTER;

16 (3) THESE CONDITIONS REQUIRE TOO MUCH PUBLIC MONEY TO BE
17 SPENT FOR PUBLIC HEALTH AND SAFETY, FIRE AND ACCIDENT PROTECTION, CRIME
18 PREVENTION AND PUNISHMENT, AND OTHER PUBLIC SERVICES AND FACILITIES;

19 (4) THE SHORTAGE OF DECENT, SAFE, AND SANITARY HOUSING CANNOT
20 BE WHOLLY RELIEVED THROUGH PRIVATE ENTERPRISE, AND THEREFORE BUILDING
21 HOUSING FOR PERSONS OF ELIGIBLE INCOME AND SPENDING PUBLIC MONEY TO
22 HELP GET IT BUILT DO NOT COMPETE WITH PRIVATE ENTERPRISE;

23 (5) THE CONSTRUCTION AND OPERATION OF HOUSING TO REMEDY THE
24 CONDITIONS DESCRIBED IN THIS SECTION AND THE IMPLEMENTATION OF THIS
25 TITLE ARE VALID PUBLIC PURPOSES AND ESSENTIAL GOVERNMENT FUNCTIONS FOR
26 WHICH PUBLIC MONEY MAY BE SPENT; AND

27 (6) THE PROVISIONS OF THIS TITLE ARE NECESSARY IN THE PUBLIC
28 INTEREST.

29 REVISOR'S NOTE: This section is new language derived without substantive
30 change from former Art. 44A, §§ 3-102(a) and 3-103(a) and (b).

31 In the introductory language of this section, the clause "[t]he General
32 Assembly declares" is substituted for the former clause "[i]t is hereby found
33 and declared" to conform to the terminology used throughout this article.
34 Similarly, in item (5) of this section, the former phrase "hereby declared as
35 a matter of legislative determination" is deleted.

36 In items (1) and (2) of this section, references to "housing" are substituted

1 for former references to "dwelling accommodations" to conform to the
2 terminology used throughout this article.

3 In item (3) of this section, the clause "these conditions require too much
4 public money to be spent" is substituted for the former clause "the
5 aforesaid conditions necessitate excessive and disproportionate
6 expenditures of public funds" for brevity.

7 In item (7) of this section, the former statement that the public interest
8 "requires the remedying of these conditions" is deleted as surplusage.

9 Defined terms: "Area of operation" § 12-101

10 "Baltimore Authority" § 15-101

11 "Person of eligible income" § 12-101

12 15-104. BALTIMORE AUTHORITY ESTABLISHED.

13 THE HOUSING AUTHORITY OF BALTIMORE CITY IS A PUBLIC BODY CORPORATE
14 AND POLITIC THAT:

15 (1) EXERCISES PUBLIC AND ESSENTIAL GOVERNMENTAL FUNCTIONS;
16 AND

17 (2) HAS ALL THE POWERS NECESSARY OR CONVENIENT TO CARRY OUT
18 THE PURPOSES OF THIS DIVISION II.

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from the first sentence of former Art. 44A, § 3-102(b).

21 The former reference to "effectuate" is deleted in light of the reference to
22 "carry out".

23 Also the former reference to "provisions" is deleted in light of the reference
24 to "purposes".

25 15-105. POWERS OF BALTIMORE AUTHORITY.

26 (A) IN GENERAL.

27 IN ADDITION TO THE POWERS LISTED ELSEWHERE IN THIS DIVISION II AND
28 ANY POWERS GIVEN BY LOCAL LAW, THE BALTIMORE AUTHORITY WITHIN ITS AREA
29 OF OPERATION MAY:

30 (1) MAKE MORTGAGE LOANS;

31 (2) MAKE RENT SUBSIDY PAYMENTS TO OR FOR PERSONS OF ELIGIBLE
32 INCOME;

33 (3) MAKE CONSTRUCTION LOANS AND LONG-TERM MORTGAGE LOANS
34 TO ANY PERSON TO PRODUCE HOUSING FOR PERSONS OF ELIGIBLE INCOME; AND

1 (4) PURCHASE AND INSURE MORTGAGES SECURED BY HOUSING FOR
2 PERSONS OF ELIGIBLE INCOME.

3 (B) NUMBER OF RESIDENTS WHO NEED NOT BE PERSONS OF ELIGIBLE
4 INCOME.

5 NOT MORE THAN 80% OF THE RESIDENTS OF A HOUSING PROJECT MAY HAVE
6 INCOMES ABOVE THE LEVELS FOR PERSONS OF ELIGIBLE INCOME.

7 (C) EFFECT OF LISTING OF POWERS.

8 THE LISTING OF POWERS IN THIS SECTION DOES NOT IMPLY THAT THE
9 EXERCISE OF THOSE POWERS BY THE BALTIMORE AUTHORITY BEFORE JULY 1, 1990,
10 WAS UNAUTHORIZED.

11 (D) POWER OF BALTIMORE AUTHORITY NOT LIMITED BY § 12-402.

12 THE POWER OF THE BALTIMORE AUTHORITY TO RENT HOUSING TO PERSONS
13 OF ELIGIBLE INCOME IS NOT LIMITED BY § 12-402 OF THIS ARTICLE.

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 44A, § 3-102(c), (k), the second sentence of (b),
16 and the first sentence of (j).

17 In subsection (a) of this section, the former authorization of the Baltimore
18 Authority to "exercise all or any part or combination of such powers to
19 provide for housing or housing projects for persons of eligible income" is
20 deleted as surplusage.

21 In subsection (a)(2) of this section, the reference to the ability of the
22 Baltimore Authority to make rent subsidy payments to "or for" persons of
23 eligible income is added to clarify that the payments may be made to third
24 parties, such as landlords, on behalf of persons of eligible income.

25 In subsection (b) of this section, the former reference to the power of the
26 Baltimore Authority "[w]ithin its area of operation: to exercise each of the
27 powers enumerated from time to time in § 1-302(a) of this article" is
28 deleted as surplusage.

29 In subsection (c) of this section, the reference to "July 1, 1990", which is the
30 date this section became effective, is substituted for the former reference to
31 "the effective date hereof" for clarity.

32 The Housing and Community Development Article Review Committee
33 notes, for consideration by the General Assembly, that in subsection (b) of
34 this section, the former reference to the ability of the Housing Authority of
35 Baltimore City "to exercise each of the powers enumerated from time to
36 time in § 1-302(a) of this article" and the former reference "[f]or the
37 purposes of § 1-302(a)(4) of this article", which modified the maximum
38 percentage of housing project residents with incomes above the levels for

1 persons of eligible income, are deleted as meaningless. Former Art. 44A, §
2 1-302(a) -- now revised at § 12-503(a) of this article -- applies only to an
3 authority that is authorized under articles of organization. The Housing
4 Authority of Baltimore City has not adopted articles of organization.

5 Former Art. 44A, § 3-102(d), which authorized the Baltimore Authority to
6 exercise its powers even if to do so would displace or limit economic
7 competition, and which specified that this title did not grant powers in a
8 substantive area not granted to the Authority by other law, restrict the
9 Baltimore Authority from exercising other powers, authorize the Baltimore
10 Authority or its officers to engage in an activity that is beyond their power,
11 or preempt or supersede the regulatory authority of a State unit, is deleted
12 as redundant of § 12-504 of this article.

13 Defined terms: "Area of operation" § 12-101

14 "Baltimore Authority" § 15-101

15 "Housing project" § 15-101

16 "Person" § 1-101

17 "Person of eligible income" § 12-101

18 15-106. HOUSING EMPLOYEES ELIGIBLE TO BE COMMISSIONERS.

19 AN EMPLOYEE OF THE BALTIMORE CITY DEPARTMENT OF HOUSING AND
20 COMMUNITY DEVELOPMENT OR OF ANY UNIT SUCCEEDING TO ITS FUNCTIONS MAY
21 BE A COMMISSIONER OF THE BALTIMORE AUTHORITY.

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 44A, § 3-102(h).

24 The former phrase "[n]otwithstanding § 1-207(b) of this article" is deleted
25 as surplusage.

26 Defined term: "Baltimore Authority" § 15-101

27 15-107. BOARD OF ESTIMATES APPROVAL REQUIRED.

28 A HOUSING PROJECT MAY NOT BE COMMENCED, ARRANGED, CONTRACTED FOR,
29 OR CARRIED OUT IN THE CITY OF BALTIMORE UNLESS THE BOARD OF ESTIMATES OF
30 BALTIMORE CITY APPROVES ITS LOCATION.

31 REVISOR'S NOTE: This section is new language derived without substantive
32 change from former Art. 44A, § 3-102(i).

33 The former phrase "[n]otwithstanding § 1-301 of this article" is deleted as
34 surplusage.

35 The former requirement that the location of a housing project be
36 "submitted to" the Board of Estimates of Baltimore City for approval is
37 deleted as included in the requirement that a housing project may not be
38 commenced unless the Board of Estimates "approves" its location.

1 Defined term: "Housing project" § 12-101

2 15-108. BALTIMORE AUTHORITY POLICE FORCE.

3 (A) "BALTIMORE AUTHORITY POLICE OFFICER" DEFINED.

4 IN THIS SECTION, "BALTIMORE AUTHORITY POLICE OFFICER" MEANS A
5 MEMBER OF THE HOUSING AUTHORITY OF BALTIMORE CITY POLICE FORCE WHO,
6 WHEN ACTING IN AN OFFICIAL CAPACITY, MAY MAKE ARRESTS.

7 (B) HOUSING AUTHORITY OF BALTIMORE CITY POLICE FORCE --
8 ESTABLISHED.

9 THERE IS A HOUSING AUTHORITY OF BALTIMORE CITY POLICE FORCE.

10 (C) BALTIMORE AUTHORITY POLICE OFFICERS -- APPOINTMENT.

11 THE EXECUTIVE DIRECTOR OF THE BALTIMORE AUTHORITY OR THE
12 DIRECTOR'S DESIGNEE SHALL APPOINT THE BALTIMORE AUTHORITY POLICE
13 OFFICERS.

14 (D) SAME -- POWERS ON BALTIMORE AUTHORITY PROPERTY.

15 (1) A BALTIMORE AUTHORITY POLICE OFFICER HAS ALL OF THE
16 POWERS OF A LAW ENFORCEMENT OFFICER IN THE STATE.

17 (2) A BALTIMORE AUTHORITY POLICE OFFICER MAY EXERCISE THESE
18 POWERS ON PROPERTY THAT IS OWNED, LEASED, OPERATED BY, OR UNDER THE
19 CONTROL OF THE BALTIMORE AUTHORITY.

20 (3) A BALTIMORE AUTHORITY POLICE OFFICER MAY EXERCISE THESE
21 POWERS ELSEWHERE ONLY IF:

22 (I) DOING SO IS NECESSARY TO FACILITATE THE ORDERLY FLOW
23 OF TRAFFIC TO OR FROM PROPERTY THAT IS OWNED, LEASED, OPERATED BY, OR
24 UNDER THE CONTROL OF THE BALTIMORE AUTHORITY; OR

25 (II) THE OFFICER IS:

26 1. ORDERED TO DO SO BY THE MAYOR OF BALTIMORE CITY;

27 2. ASKED OR AUTHORIZED TO DO SO BY THE POLICE
28 COMMISSIONER OF BALTIMORE CITY; OR

29 3. ENGAGED IN FRESH PURSUIT OF A SUSPECTED
30 OFFENDER.

31 (E) ADOPTION OF STANDARDS REQUIRED.

32 (1) THE BALTIMORE AUTHORITY SHALL ADOPT STANDARDS,
33 QUALIFICATIONS, AND PREREQUISITES OF CHARACTER, TRAINING, EDUCATION,

1 HUMAN AND PUBLIC RELATIONS, EXPERIENCE, AND PERFORMANCE FOR BALTIMORE
2 AUTHORITY POLICE OFFICERS.

3 (2) TO THE EXTENT FEASIBLE, THE STANDARDS SHALL BE SIMILAR TO
4 THOSE ADOPTED FOR THE BALTIMORE CITY POLICE DEPARTMENT.

5 (F) EFFECT OF SECTION.

6 (1) THIS SECTION DOES NOT:

7 (I) TREAT A BALTIMORE AUTHORITY POLICE OFFICER AS A
8 MEMBER OF THE BALTIMORE CITY POLICE DEPARTMENT; OR

9 (II) AFFECT THE SALARY, BENEFITS, OR RETIREMENT PROGRAM OF
10 AN EMPLOYEE OF THE BALTIMORE AUTHORITY.

11 (2) THE LIST OF POWERS IN THIS SECTION DOES NOT IMPLY THAT THE
12 EXERCISE OF POWERS BY THE BALTIMORE AUTHORITY BEFORE JULY 1, 1991, WAS
13 UNAUTHORIZED.

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 44A, § 3-104.

16 In subsection (e)(1) of this section, the former reference to the performance
17 "of duties" is deleted as surplusage.

18 In subsection (f)(2) of this section, the date of "July 1, 1991" is substituted
19 for the former reference to the "effective date of this act" for clarity. "[T]his
20 act" referred to Chapter 665 of the Acts of 1991, which took effect on July
21 1, 1991.

22 Defined term: "Baltimore Authority" § 15-101

23 15-109. EMPLOYEE RELATIONS.

24 (A) COLLECTIVE BARGAINING.

25 (1) THE BALTIMORE AUTHORITY MAY RECOGNIZE AND ENGAGE IN
26 COLLECTIVE BARGAINING WITH THE EXCLUSIVE BARGAINING REPRESENTATIVES
27 OF ALL APPROPRIATE EMPLOYEE BARGAINING UNITS, INCLUDING UNITS
28 CONSISTING OF:

29 (I) MAINTENANCE, HOUSEKEEPING, AND TECHNICAL PERSONNEL;

30 (II) ADMINISTRATIVE AND CLERICAL PERSONNEL; AND

31 (III) SUPERVISORY PERSONNEL.

32 (2) THE POWER UNDER PARAGRAPH (1) OF THIS SECTION INCLUDES THE
33 POWER OF THE BALTIMORE AUTHORITY TO:

1 (I) DEAL WITH AND, THROUGH AN EXCLUSIVE BARGAINING
2 REPRESENTATIVE, ADDRESS GRIEVANCES AND SETTLE DISPUTES;

3 (II) MEET AND BARGAIN IN GOOD FAITH WITH AN EXCLUSIVE
4 BARGAINING REPRESENTATIVE ABOUT WAGES, HOURS, WORKING CONDITIONS, AND
5 OTHER TERMS AND CONDITIONS OF EMPLOYMENT TO FORM A BINDING LABOR
6 AGREEMENT; AND

7 (III) DRAFT AND EXECUTE LABOR AGREEMENTS THAT LAST NOT
8 MORE THAN 3 CONSECUTIVE FISCAL YEARS.

9 (3) A BARGAINING UNIT UNDER PARAGRAPH (1) OF THIS SUBSECTION
10 MAY NOT INCLUDE:

11 (I) CONFIDENTIAL EMPLOYEES;

12 (II) CONTRACTUAL EMPLOYEES EMPLOYED FOR LESS THAN 5
13 CONSECUTIVE YEARS;

14 (III) PROBATIONARY EMPLOYEES;

15 (IV) ATTORNEYS IN THE GENERAL COUNSEL'S OFFICE;

16 (V) SUPERVISORS, AS DEFINED IN 29 U.S.C. § 152(11); OR

17 (VI) EMPLOYEES WHOSE MAIN RESPONSIBILITY IS TO MANAGE OR
18 DIRECT INDEPENDENTLY THE ASSETS AND AFFAIRS OF THE BALTIMORE AUTHORITY.

19 (B) BINDING ARBITRATION.

20 THE BALTIMORE AUTHORITY MAY ENGAGE IN BINDING THIRD-PARTY
21 ARBITRATION OF:

22 (1) DISPUTES OVER A TERM OR CONDITION OF EMPLOYMENT; AND

23 (2) GRIEVANCES THAT RELATE TO THE INTERPRETATION OR
24 APPLICATION OF A WRITTEN COLLECTIVE BARGAINING AGREEMENT, EMPLOYMENT
25 REGULATION, OR WORK RULE.

26 (C) COLLECTIVE BARGAINING.

27 THE BALTIMORE AUTHORITY MAY EXERCISE ANY POWER THAT IS NECESSARY
28 AND APPROPRIATE TO ESTABLISH AND IMPLEMENT A SYSTEM OF COLLECTIVE
29 BARGAINING WITH ITS EMPLOYEES.

30 REVISOR'S NOTE: This section is new language derived without substantive
31 change from former Art. 44A, § 3-105.

32 In subsection (a)(1) of this section, references to maintenance,
33 housekeeping, technical, administrative, clerical, and supervisory
34 "personnel" are added for clarity.

1 Defined term: "Baltimore Authority" § 15-101

2 GENERAL REVISOR'S NOTE TO TITLE:

3 The first sentence of former Art. 44A, § 5-103(c), which stated that the State
4 public body has the powers enumerated in this Division II to aid and cooperate with
5 the Baltimore Authority in the planning, undertaking, construction, or operation of
6 housing projects for persons of eligible income, is deleted as unnecessary in light of §
7 12-506(b) of this article.

8 TITLE 16. HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY.

9 SUBTITLE 1. DEFINITIONS; ORGANIZATION AND ADMINISTRATION OF
10 MONTGOMERY COMMISSION.

11 16-101. DEFINITIONS.

12 (A) IN GENERAL.

13 IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

14 REVISOR'S NOTE: This subsection is new language added as the standard
15 introductory language to a definition section.

16 (B) COMMISSIONER.

17 "COMMISSIONER" MEANS A COMMISSIONER OF THE MONTGOMERY
18 COMMISSION.

19 REVISOR'S NOTE: This subsection is new language added to provide a
20 convenient reference to a Commissioner of the Montgomery Housing
21 Opportunities Commission.

22 (C) HOUSING PROJECT.

23 "HOUSING PROJECT" MEANS AN UNDERTAKING OR PROJECT, INCLUDING
24 LANDS, BUILDINGS AND IMPROVEMENTS, AND REAL AND PERSONAL PROPERTY,
25 THAT IS PLANNED, ACQUIRED, OWNED, USED, DEVELOPED, CONSTRUCTED,
26 RECONSTRUCTED, REHABILITATED, OR IMPROVED TO PROVIDE:

27 (1) HOUSING, A SUBSTANTIAL PART OF WHICH IS FOR PERSONS OF
28 ELIGIBLE INCOME; AND

29 (2) STREETS, ROADS, SEWER AND WATER SERVICE, AND OTHER
30 SUPPORTING PUBLIC OR PRIVATE COMMERCIAL, EDUCATIONAL, CULTURAL,
31 RECREATIONAL, COMMUNITY, OR CIVIC FACILITIES NEEDED FOR SOUND
32 COMMUNITY DEVELOPMENT.

33 REVISOR'S NOTE: This subsection is new language derived without
34 substantive change from the first sentence of former Art. 44A, § 2-102(f)

1 and the third sentence of § 2-105(b).

2 In the introductory language of this subsection, the reference to property
3 that is "used" is added to state expressly what was only implied in the
4 former law.

5 Also in the introductory language of this subsection, the former reference
6 to "portion thereof" is deleted as included in the reference to an
7 "undertaking or project".

8 Also in the introductory language of this subsection, the former references
9 to "mixed" property and "interest therein" are deleted as included in the
10 reference to "real and personal" property.

11 Also in the introductory language of this subsection, the former reference
12 to "persons of eligible income" is deleted in light of § 16-108 of this subtitle.

13 In item (1) of this subsection, the reference to "housing" is substituted for
14 the former reference to "dwelling accommodations" to conform to the
15 terminology used throughout this article.

16 Defined terms: "Person of eligible income" § 16-101

17 "Real property" § 12-101

18 (D) MONTGOMERY COMMISSION.

19 "MONTGOMERY COMMISSION" MEANS THE HOUSING OPPORTUNITIES
20 COMMISSION OF MONTGOMERY COUNTY.

21 REVISOR'S NOTE: This subsection is new language added to provide a
22 convenient reference to the Housing Opportunities Commission of
23 Montgomery County.

24 (E) PERSON OF ELIGIBLE INCOME.

25 "PERSON OF ELIGIBLE INCOME" MEANS AN INDIVIDUAL OR FAMILY THAT
26 QUALIFIES UNDER § 16-108 OF THIS SUBTITLE.

27 REVISOR'S NOTE: This subsection is new language added to provide a
28 convenient reference to a "person of eligible income".

29 16-102. APPLICABILITY OF TITLE 12.

30 TITLE 12 OF THIS ARTICLE APPLIES TO THE MONTGOMERY COMMISSION
31 EXCEPT WHERE IT IS INCONSISTENT WITH THIS TITLE.

32 REVISOR'S NOTE: This section is new language derived without substantive
33 change from former Art. 44A, § 2-101.

34 Defined term: "Montgomery Commission" § 16-101

1 16-103. SCOPE OF TITLE.

2 THIS TITLE APPLIES ONLY TO MONTGOMERY COUNTY.

3 REVISOR'S NOTE: This section is new language added for clarity.

4 16-104. FINDINGS.

5 THE GENERAL ASSEMBLY FINDS THAT:

6 (1) THERE IS UNSAFE AND UNSANITARY HOUSING IN THE COUNTY AND
7 THERE IS A CRITICAL SHORTAGE OF DECENT, SAFE, AND SANITARY HOUSING THAT
8 PERSONS OF ELIGIBLE INCOME CAN AFFORD TO RENT OR BUY;

9 (2) AS A RESULT, PERSONS OF ELIGIBLE INCOME MUST OCCUPY
10 OVERCROWDED AND CONGESTED HOUSING OR MUST PAY TOO MUCH OF THEIR
11 INCOME FOR SHELTER;

12 (3) THESE CONDITIONS CAUSE TOO MUCH PUBLIC MONEY TO BE SPENT
13 FOR CRIME PREVENTION AND PUNISHMENT, PUBLIC HEALTH AND SAFETY, FIRE AND
14 ACCIDENT PROTECTION, AND OTHER PUBLIC SERVICES AND FACILITIES;

15 (4) THERE IS A PUBLIC EMERGENCY IN THE COUNTY CAUSED IN PART
16 BY RAPIDLY RISING CONSTRUCTION COSTS, OPERATING AND MAINTENANCE
17 EXPENSES, AND THE INCREASE IN CONVERSIONS OF RENTAL HOUSING TO
18 CONDOMINIUMS;

19 (5) THE SERIOUS PROBLEMS CREATED BY THESE INFLATIONARY
20 CONDITIONS AND CONVERSIONS INCLUDE:

21 (I) A MAJOR DISPLACEMENT OF LARGE NUMBERS OF TENANTS,
22 INCLUDING ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES, FROM
23 THEIR HOUSING;

24 (II) A SCARCITY OF LOW AND MODERATE INCOME HOUSING ON
25 THE MARKET AS DEMAND FOR SUCH HOUSING INCREASES;

26 (III) TOO FEW RENTAL UNITS AVAILABLE, PLANNED, OR UNDER
27 CONSTRUCTION TO REPLACE THE RENTAL UNITS BEING CONVERTED INTO
28 CONDOMINIUMS; AND

29 (IV) FRUSTRATION OF GENERAL PLAN CONCEPTS OF BALANCED
30 HOUSING MIX AND ADEQUATE HOUSING FOR ALL ECONOMIC SEGMENTS OF THE
31 COMMUNITY;

32 (6) THE SHORTAGE OF DECENT, SAFE, AND SANITARY HOUSING CANNOT
33 BE WHOLLY RELIEVED THROUGH PRIVATE ENTERPRISE, AND THEREFORE BUILDING
34 HOUSING FOR PERSONS OF ELIGIBLE INCOME AND SPENDING PUBLIC MONEY TO
35 HELP GET IT BUILT OR READY FOR USE DO NOT COMPETE WITH PRIVATE
36 ENTERPRISE;

1 (7) TO REMEDY THESE CONDITIONS, CONSTRUCTION AND OPERATION
2 OF SUCH HOUSING AS SET FORTH IN THIS TITLE ARE VALID PUBLIC PURPOSES AND
3 ESSENTIAL GOVERNMENT FUNCTIONS FOR WHICH PUBLIC MONEY MAY BE SPENT;
4 AND

5 (8) THIS TITLE IS NECESSARY IN THE PUBLIC INTEREST.

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 44A, §§ 2-102(a) and 2-105(a).

8 In the introductory language of this section, the former reference to
9 "declare[s]" is deleted in light of the reference to "finds". Similarly, in item
10 (7) of this section, the former phrase "hereby declared as a matter of
11 legislative determination" is deleted.

12 In items (1), (5)(i), and (6) of this section, references to "housing" are
13 substituted for former references to "dwelling accommodations", "dwelling
14 units", and "dwellings" to conform to the terminology used throughout this
15 article.

16 In item (2) of this section, the reference to "too much" is substituted for the
17 former phrase "inordinate share" for brevity.

18 In item (3) of this section, the reference to "cause too much public money"
19 is substituted for the former reference to "necessitate excessive and
20 disproportionate expenditures of public funds" for brevity. Similarly, in
21 item (5)(iii) of this section, the reference to "too few" is substituted for the
22 former reference to "inadequate numbers of".

23 In item (4) of this section, the phrase "in part" is substituted for the former
24 phrase "among other things" for brevity.

25 In the introductory language of item (5) of this section, the former phrase
26 "resulting from" is deleted in light of the phrase "created by".

27 In item (6) of this section, the former reference to "through the operation
28 of" private enterprise is deleted as surplusage.

29 Also in item (6) of this section, the former reference to "the purposes set
30 forth in this subsection" is deleted as surplusage.

31 In item (7) of this section, the former reference to "use" is deleted as
32 included in the reference to "purposes".

33 Defined term: "Person of eligible income" § 12-101

1 16-105. MONTGOMERY COMMISSION -- ESTABLISHED.

2 THE HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY,
3 FORMERLY THE HOUSING AUTHORITY OF MONTGOMERY COUNTY, IS A PUBLIC BODY
4 CORPORATE AND POLITIC THAT:

5 (1) EXERCISES PUBLIC AND ESSENTIAL GOVERNMENTAL FUNCTIONS;
6 AND

7 (2) HAS ALL THE POWERS NECESSARY OR CONVENIENT TO CARRY OUT
8 THE PURPOSES OF THIS DIVISION II.

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from the first part of the first sentence of former Art. 44A, §
11 2-102(b)(1) and the first sentence of (c).

12 In item (2) of this section, the former reference to "effectuate" is deleted in
13 light of the reference to "carry out".

14 Also in item (2) of this section, the former reference to "provisions" is
15 deleted in light of the reference to "purposes".

16 16-106. SAME -- MEMBERSHIP, TENURE, AND REMOVAL.

17 (A) MEMBERSHIP.

18 (1) THE MONTGOMERY COMMISSION CONSISTS OF SEVEN
19 COMMISSIONERS NOMINATED BY THE COUNTY EXECUTIVE AND APPROVED BY THE
20 COUNTY COUNCIL.

21 (2) THE COUNTY COUNCIL SHALL CONDUCT A PUBLIC INTERVIEW WITH
22 EACH NOMINEE BEFORE VOTING ON WHETHER TO APPROVE THE NOMINEE'S
23 APPOINTMENT.

24 (B) TENURE.

25 THE TERM OF A COMMISSIONER IS 5 YEARS.

26 (C) REMOVAL.

27 REMOVAL OF A COMMISSIONER BY THE COUNTY EXECUTIVE REQUIRES THE
28 APPROVAL OF THE COUNTY COUNCIL.

29 REVISOR'S NOTE: This section is new language derived without substantive
30 change from former Art. 44A, § 2-102(b) and the second clause of § 2-104.

31 In subsection (a) of this section, the former reference to the Commissioners
32 "exercising the powers and duties set forth in this [Division II]" is deleted
33 as surplusage.

34 Also in subsection (a) of this section, the former reference to "[a]fter June

1 30, 1982" is deleted as surplusage.

2 In subsection (a)(2) of this section, the former reference to a public
3 interview of a nominee "for appointment to the Commission" is deleted as
4 surplusage.

5 Defined terms: "Commissioner" § 16-101

6 "Montgomery Commission" § 16-101

7 16-107. POWERS OF THE MONTGOMERY COMMISSION.

8 (A) IN GENERAL.

9 UNDER THE POWERS GIVEN ELSEWHERE IN THIS DIVISION II, THE
10 MONTGOMERY COMMISSION MAY PROVIDE HOUSING OR HOUSING PROJECTS FOR
11 PERSONS OF ELIGIBLE INCOME, BUT MAY DO SO ONLY IN ACCORDANCE WITH LOCAL
12 LAW OR UNDER A CONTRACT WITH MONTGOMERY COUNTY.

13 (B) SPECIFIC POWERS.

14 IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION AND IN ADDITION TO
15 THE POWERS LISTED ELSEWHERE IN THIS DIVISION II OR GIVEN BY LOCAL LAW, THE
16 MONTGOMERY COMMISSION MAY:

17 (1) MAKE MORTGAGE LOANS AND RENT SUBSIDY PAYMENTS TO
18 PERSONS OF ELIGIBLE INCOME;

19 (2) MAKE CONSTRUCTION LOANS AND LONG-TERM MORTGAGE LOANS
20 TO ANY PERSON TO PRODUCE HOUSING FOR PERSONS OF ELIGIBLE INCOME; AND

21 (3) PURCHASE MORTGAGES SECURED BY HOUSING FOR PERSONS OF
22 ELIGIBLE INCOME.

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 44A, § 2-102(c) and (d).

25 In subsection (a) of this section, the former reference to "contracts" is
26 deleted as implicit in the reference to "a contract" in light of Art. 1, § 8,
27 which states that the singular always includes the plural, and vice versa,
28 except where such construction would be unreasonable.

29 In subsection (b)(2) of this section, the former reference to "firm,
30 partnership, association, joint venture, or corporation, public or private" is
31 deleted as included in the defined term "person".

32 Former Art. 44A, § 2-102(e), which provided that the Montgomery
33 Commission may exercise its powers even if to do so would displace or limit
34 economic competition, and that this section does not grant or restrict
35 powers that are not otherwise granted or restricted, is deleted in light of §
36 12-504 of this article.

1 Defined terms: "Housing project" § 16-101

2 "Montgomery Commission" § 16-101

3 "Person" § 1-101

4 "Person of eligible income" § 16-101

5 16-108. PERSON OF ELIGIBLE INCOME.

6 (A) QUALIFICATIONS.

7 AN INDIVIDUAL OR FAMILY QUALIFIES AS A PERSON OF ELIGIBLE INCOME IF
8 THE INDIVIDUAL OR FAMILY LACKS ENOUGH INCOME OR ASSETS WITHOUT
9 FINANCIAL ASSISTANCE TO LIVE IN DECENT, SAFE, AND SANITARY HOUSING
10 WITHOUT OVERCROWDING.

11 (B) DETERMINATION BY COUNTY EXECUTIVE.

12 (1) THE COUNTY EXECUTIVE, OR THE COUNTY EXECUTIVE'S DESIGNEE,
13 SHALL DETERMINE WHETHER AN INDIVIDUAL OR FAMILY QUALIFIES AS A PERSON
14 OF ELIGIBLE INCOME.

15 (2) FOR ELDERLY INDIVIDUALS, INDIVIDUALS WITH DISABILITIES, AND
16 OTHER INDIVIDUALS OR FAMILIES WITH SPECIAL NEEDS, THE COUNTY EXECUTIVE
17 OR THE COUNTY EXECUTIVE'S DESIGNEE MAY ADJUST THE REQUIREMENTS FOR
18 QUALIFYING AS A PERSON OF ELIGIBLE INCOME IF THE COUNTY EXECUTIVE OR
19 DESIGNEE CONSIDERS THAT OTHER STANDARDS ARE MORE APPROPRIATE TO
20 ACHIEVE THE PUBLIC PURPOSES STATED IN THIS SUBTITLE.

21 (3) A DETERMINATION MADE UNDER THIS SUBSECTION IS CONCLUSIVE
22 OF THE MATTERS DETERMINED.

23 (C) CHANGE TO "PERSON OF ELIGIBLE INCOME" DEFINITION.

24 (1) THE COUNTY EXECUTIVE MAY CHANGE THE DEFINITION OF
25 "PERSON OF ELIGIBLE INCOME" BY ISSUING A PROPOSED REGULATION.

26 (2) THE REGULATION SHALL TAKE EFFECT ONLY AFTER A PUBLIC
27 HEARING HELD IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE COUNTY
28 COUNCIL.

29 REVISOR'S NOTE: This section is new language derived without substantive
30 change from the third through seventh sentences of former Art. 44A, §
31 2-102(c) and the second sentence of § 2-105(b).

32 It is revised as a substantive provision rather than as a definition for
33 clarity.

34 Defined term: "Person of eligible income" § 16-101

1 16-109. SUBSTANTIAL PART OF HOUSING FOR PERSONS OF ELIGIBLE INCOME.

2 A SUBSTANTIAL PART OF THE HOUSING IN A HOUSING PROJECT IS DEEMED TO
3 BE FOR PERSONS OF ELIGIBLE INCOME IF:

4 (1) AFTER FINANCING IS PROVIDED BY THE MONTGOMERY
5 COMMISSION, 50% OR MORE OF THE HOUSING UNITS ARE OCCUPIED FIRST BY
6 PERSONS OF ELIGIBLE INCOME;

7 (2) 20% OR MORE OF THE HOUSING UNITS ARE FOR LOW-INCOME
8 PERSONS WHO ARE ASSISTED OR WHO ARE ELIGIBLE TO BE ASSISTED WITH
9 FEDERAL SUBSIDIES; OR

10 (3) THE OWNERS OF THE HOUSING CERTIFY TO THE MONTGOMERY
11 COMMISSION THAT THEY WILL MAKE THEIR BEST EFFORTS TO MEET THE STANDARD
12 UNDER ITEM (1) OR (2) OF THIS SUBSECTION.

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from the second and third sentences of former Art. 44A, § 2-102(f).

15 In items (1) and (2) of this section, the references to "housing units" are
16 substituted for the former references to "dwelling accommodations" to
17 conform to the terminology used throughout this article.

18 In item (3) of this section, the reference to "the standard under item (1) or
19 (2) of this subsection" is substituted for the former reference to "this
20 section" for clarity.

21 Also in item (3) of this section, the former phrase "for purposes of this
22 section" is deleted as surplusage.

23 Defined terms: "Housing project" § 16-101

24 "Montgomery Commission" § 16-101

25 "Person of eligible income" § 16-101

26 16-110. ASSISTED FAMILY HOUSING.

27 (A) DEFINITIONS.

28 IN THIS SECTION, THE TERMS "ASSISTED FAMILY HOUSING" AND "MODERATE
29 PRICED DWELLING UNITS" HAVE THE MEANINGS STATED IN MONTGOMERY COUNTY
30 LAW.

31 (B) SCOPE.

32 THIS SECTION DOES NOT APPLY TO PROPOSED SCATTERED SITES AND
33 MODERATE PRICED DWELLING UNITS:

34 (1) THAT ARE ACQUIRED FOR ASSISTED FAMILY HOUSING;

35 (2) THAT ARE PROPOSED BY THE MONTGOMERY COMMISSION; AND

1 (3) FOR WHICH A PUBLIC HEARING IS NOT REQUIRED UNDER
2 MONTGOMERY COUNTY LAW.

3 (C) PUBLIC HEARING AND REPORT.

4 (1) THE MONTGOMERY COMMISSION SHALL HOLD A PUBLIC HEARING
5 ON ANY ASSISTED FAMILY HOUSING IT PROPOSES AND REPORT IN WRITING THE
6 FINDINGS AND CONCLUSIONS FROM THE HEARING.

7 (2) AT LEAST 15 DAYS BEFORE THE HEARING, THE MONTGOMERY
8 COMMISSION SHALL GIVE NOTICE OF THE HEARING BY A DISPLAY ADVERTISEMENT
9 IN TWO NEWSPAPERS OF GENERAL CIRCULATION IN THE COUNTY.

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 44A, § 2-102(g).

12 In subsection (a) of this section, the reference to "Montgomery County law"
13 is substituted for the former reference to "[c]ounty government" to conform
14 to the terminology used in this subsection.

15 Also in subsection (a) of this section, the former reference to "proposed
16 scattered sites" is deleted for accuracy, as that term is not defined in
17 Montgomery County law.

18 In subsection (c)(1) of this section, the former reference to the Montgomery
19 Commission's proposed assisted family housing "which was the subject of
20 the public hearing" is deleted as surplusage.

21 Defined term: "Montgomery Commission" § 16-101

22 16-111. BUDGET.

23 (A) SUBMISSION TO COUNTY COUNCIL.

24 BY MAY 1 OF EACH YEAR, THE MONTGOMERY COMMISSION SHALL SUBMIT ITS
25 PROPOSED BUDGET TO THE COUNTY COUNCIL.

26 (B) PUBLIC COMMENT.

27 THE PUBLIC SHALL HAVE AN APPROPRIATE OPPORTUNITY TO COMMENT ON
28 THE PROPOSED BUDGET.

29 REVISOR'S NOTE: This section is new language derived without substantive
30 change from former Art. 44A, § 2-102(i)(1) and (2).

31 In subsection (b) of this section, the former phrase "of the Housing
32 Opportunities Commission" is deleted as surplusage.

33 Defined term: "Montgomery Commission" § 16-101

1 16-112. FINANCIAL REPORT.

2 (A) REPORT TO BE ISSUED ANNUALLY.

3 ON OR BEFORE NOVEMBER 30 OF EACH YEAR, THE MONTGOMERY COMMISSION
4 SHALL ISSUE A FINANCIAL REPORT FOR THE PREVIOUS FISCAL YEAR BASED ON A
5 CERTIFIED AUDIT.

6 (B) SUMMARY TO BE PUBLISHED.

7 THE MONTGOMERY COMMISSION SHALL PUBLISH A SUMMARY OF THE
8 FINANCIAL REPORT IN AT LEAST TWO NEWSPAPERS OF GENERAL CIRCULATION IN
9 THE COUNTY.

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 44A, § 2-102(h).

12 In subsection (a) of this section, the reference to "[o]n or before November
13 30" is substituted for the former reference to "[b]efore December 1" for
14 clarity.

15 In subsection (a) of this section, the former reference to an "annual" report
16 is deleted as surplusage.

17 Defined term: "Montgomery Commission" § 16-101

18 16-113. AUDIT.

19 (A) IN GENERAL.

20 THE COUNTY EXECUTIVE AND COUNTY COUNCIL MAY REQUIRE AN AUDIT OF
21 THE BOOKS OF THE MONTGOMERY COMMISSION.

22 (B) PERFORMANCE OF AUDIT.

23 TO PERFORM THE AUDIT, THE COUNTY EXECUTIVE AND COUNTY COUNCIL MAY
24 CHOOSE:

25 (1) AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT LICENSED BY
26 THE STATE; OR

27 (2) A FIRM OF CERTIFIED PUBLIC ACCOUNTANTS LICENSED BY THE
28 STATE.

29 (C) PAYMENT FOR AUDIT.

30 THE MONTGOMERY COMMISSION SHALL PAY FOR THE AUDIT OUT OF ITS
31 OPERATING BUDGET.

32 REVISOR'S NOTE: This section is new language derived without substantive
33 change from former Art. 44A, § 2-102(i)(3).

1 Defined term: "Montgomery Commission" § 16-101

2 REVISOR'S NOTE TO SUBTITLE: The first clause of former Art. 44A, § 2-104,
3 which authorized the County Executive and the County Council to perform
4 the acts required or permitted by this Division II to be performed by the
5 chief elected official and the legislative body of a county, respectively, for
6 the housing authority of a county, is deleted as unnecessary.

7 The first sentence of former Art. 44A, § 2-105(b), which provided that the
8 State public body has the powers listed in this Division II to aid and
9 cooperate with the Montgomery Commission in the planning, undertaking,
10 construction, or operation of housing or housing projects for persons of
11 eligible income, is deleted as surplusage.

12 SUBTITLE 2. BONDS.

13 16-201. BONDS ISSUED BY MONTGOMERY COMMISSION.

14 (A) POWER OF COUNTY TO GUARANTEE PRINCIPAL AND INTEREST.

15 MONTGOMERY COUNTY MAY PROVIDE BY LOCAL LAW FOR THE COUNTY'S
16 GUARANTEE OF THE PRINCIPAL AND INTEREST ON BONDS THAT THE MONTGOMERY
17 COMMISSION ISSUES:

18 (1) TO FINANCE THE ACQUISITION, PROVISION, DEVELOPMENT, OR
19 REHABILITATION OF HOUSING AT RENTAL RATES AND PRICES NOT BEING OFFERED
20 IN ADEQUATE QUANTITY BY THE PRIVATE SECTOR; OR

21 (2) TO FINANCE WHOLLY OR PARTLY:

22 (I) MORTGAGE LOANS SECURED BY THE HOUSING; AND

23 (II) FUND-RELATED RESERVES AND COSTS THAT ARE APPROVED
24 UNDER THIS SUBTITLE.

25 (B) REQUIRED INSURANCE FOR MORTGAGE LOANS.

26 WHEN A MORTGAGE LOAN IS FINANCED PARTLY BY BONDS GUARANTEED BY
27 MONTGOMERY COUNTY AND PARTLY BY BONDS NOT SO GUARANTEED, THE PART OF
28 THE MORTGAGE LOAN THAT IS FINANCED BY BONDS NOT SO GUARANTEED SHALL
29 BE INSURED BY:

30 (1) THE FEDERAL HOUSING ADMINISTRATION;

31 (2) THE MARYLAND HOUSING FUND;

32 (3) A PRIVATE MORTGAGE INSURER THAT IS:

33 (I) AUTHORIZED TO DO BUSINESS IN THE STATE; AND

1 (II) APPROVED BY THE FEDERAL NATIONAL MORTGAGE
2 ASSOCIATION OR THE FEDERAL NATIONAL MORTGAGE LOAN CORPORATION; OR

3 (4) MORE THAN ONE OF THESE INSURERS.

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from the first and second sentences of former Art. 44A, §
6 2-103(a)(1) and the fourth sentence of (a)(4).

7 In subsection (a) of this section, the former phrase "[n]otwithstanding any
8 other provision of this section and § 1-501 of this article" is deleted as
9 unnecessary because no other provision prohibits the power of the county
10 to provide by local law for the county's guarantee of the principal and
11 interest on bonds.

12 The Housing and Community Development Article Review Committee
13 notes, for consideration by the General Assembly, subsection (b) of this
14 section states expressly what was only implied in the former law -- that
15 the insurance requirements under this subsection apply only to that part
16 of a mortgage loan that is financed by bonds not guaranteed by
17 Montgomery County.

18 Defined terms: "Bond" § 12-101

19 "Montgomery Commission" § 16-101

20 16-202. TERMS AND CONDITIONS OF BOND GUARANTEES.

21 (A) IN GENERAL.

22 (1) THE MONTGOMERY COMMISSION SHALL MEET THE TERMS AND
23 CONDITIONS THAT THE COUNTY GOVERNMENT IMPOSES IN GUARANTEEING BONDS
24 ISSUED UNDER THIS SUBTITLE AND § 12-702 OF THIS ARTICLE.

25 (2) IF GUARANTEED REVENUE BONDS ARE TO FINANCE THE TOTAL
26 COST OF THE HOUSING, THE MONTGOMERY COMMISSION SHALL MEET ANY
27 REQUIREMENTS THAT THE COUNTY GOVERNMENT IMPOSES AFTER THE BONDS ARE
28 ISSUED TO PROTECT THE FINANCIAL SOLVENCY OF THE HOUSING PROJECT.

29 (B) MAXIMUM LIMIT OF PRINCIPAL.

30 THE TOTAL PRINCIPAL OF THE BONDS GUARANTEED UNDER THIS SUBTITLE
31 MAY NOT EXCEED \$50,000,000.

32 REVISOR'S NOTE: This section is new language derived without substantive
33 change from the third through fifth sentences of former Art. 44A, §
34 2-103(a)(1).

35 In subsection (a)(2) of this section, the former reference to "assure" the
36 financial solvency of a housing project is deleted as included in the
37 reference to "protect" the financial solvency of a project.

1 In subsection (b) of this section, the reference to this "subtitle" is
2 substituted for the former reference to this "authority" for clarity.

3 Defined terms: "Bond" § 12-101

4 "Housing project" § 16-101

5 "Montgomery Commission" § 16-101

6 16-203. BONDS SUBJECT TO COUNTY CHARTER; EXCEPTIONS.

7 (A) IN GENERAL.

8 EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, THE
9 BONDS AUTHORIZED TO BE GUARANTEED UNDER THIS SUBTITLE ARE SUBJECT TO §
10 312 OF THE COUNTY CHARTER.

11 (B) LEVEL DEBT SERVICE PAYMENTS AND INTEREST-ONLY PAYMENTS
12 ALLOWED.

13 THE BONDS MAY BE STRUCTURED WITH:

14 (1) SUBSTANTIALLY LEVEL DEBT SERVICE PAYMENTS; AND

15 (2) INTEREST-ONLY PAYMENTS DURING THE PROJECTED PERIOD FOR
16 CONSTRUCTION OR REHABILITATION OF THE HOUSING PROJECT FINANCED WITH
17 BONDS ISSUED UNDER THIS SUBTITLE AND § 12-702 OF THIS ARTICLE.

18 (C) ISSUANCE.

19 (1) THE BONDS SHALL BE ISSUED ON A SERIAL MATURITY PLAN.

20 (2) PART OF EACH ISSUE MAY BE SOLD AS TERM BONDS STRUCTURED
21 WITH MANDATORY SINKING FUND PAYMENTS, IF REQUIRED FOR MARKET
22 ACCEPTANCE AND APPROVED BY THE COUNTY GOVERNMENT IN THE MANNER
23 SPECIFIED BY THE COUNTY COUNCIL RESOLUTION ADOPTED UNDER § 16-206 OF
24 THIS SUBTITLE.

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from the sixth sentence of former Art. 44A, § 2-103(a)(1).

27 Defined terms: "Bond" § 12-101

28 "Housing project" § 16-101

29 "Montgomery Commission" § 16-101

30 16-204. MONTGOMERY COMMISSION TO PROVIDE INFORMATION TO COUNTY
31 EXECUTIVE.

32 (A) REQUIRED INFORMATION.

33 (1) ON DETERMINING TO ISSUE BONDS, THE MONTGOMERY
34 COMMISSION SHALL PROVIDE TO THE COUNTY EXECUTIVE INFORMATION ABOUT

1 THE BONDS AND THE HOUSING PROJECTS BENEFITTING FROM THE BOND
2 PROCEEDS.

3 (2) THE INFORMATION SHALL INCLUDE:

4 (I) THE TERMS AND CONDITIONS OF THE BONDS;

5 (II) AN ESTIMATE OF THE BOND INTEREST RATE AND THE BASIS
6 FOR THE ESTIMATE;

7 (III) THE ESTIMATED TIMING AND OTHER PROVISIONS ABOUT THE
8 ADVERTISING AND SALE OF THE BONDS;

9 (IV) A DESCRIPTION OF THE PROPOSED HOUSING PROJECT, WITH
10 DETAILED ESTIMATES OF CONSTRUCTION AND RELATED COSTS TO MAKE IT READY
11 TO RENT OR SELL;

12 (V) DETAILED ESTIMATES OF OPERATING COSTS AND DEBT
13 SERVICE;

14 (VI) SCHEDULES OF RESERVES FOR DEPRECIATION AND MAJOR
15 MAINTENANCE;

16 (VII) SEPARATE SCHEDULES THAT SHOW HOW, AFTER ALLOWANCE
17 FOR VACANCIES, REVENUES ARE EXPECTED TO COVER:

18 1. OPERATING COSTS;

19 2. DEBT SERVICE AND CAPITAL COSTS; AND

20 3. RESERVES FOR DEPRECIATION AND MAJOR
21 MAINTENANCE;

22 (VIII) SEPARATE SCHEDULES THAT:

23 1. SHOW THE COST, BENEFIT, AND EFFECT ON RENT
24 SCHEDULES OF ADDED SAFEGUARDS TO ENSURE SOLVENCY OF THE HOUSING
25 PROJECT;

26 2. ADDRESS DEVICES SUCH AS MORTGAGE INSURANCE AND
27 DEBT SERVICE RESERVES; AND

28 3. STATE THE RECOMMENDATION OF THE MONTGOMERY
29 COMMISSION ON USE OF THOSE DEVICES;

30 (IX) A DESCRIPTION OF THE TERMS AND CONDITIONS FOR
31 CONSTRUCTION OF THE HOUSING PROJECT, INCLUDING ANY SAFEGUARDS AGAINST
32 CONSTRUCTION DEFAULT AND THE CONDITIONS UNDER WHICH CONSTRUCTION
33 FINANCING IS TO BE PROVIDED BY THE MONTGOMERY COMMISSION; AND

1 (X) A DESCRIPTION OF THE ACCOUNTING SYSTEM FOR RECORDING
 2 AND CONTROLLING EXPENDITURES OF BOND FUNDS, DEBT SERVICE, OPERATING
 3 COSTS, RESERVES, AND REVENUES.

4 (B) ACCOUNTING.

5 EACH HOUSING PROJECT SHALL BE ESTABLISHED AS AN INDEPENDENT
 6 ACCOUNTING ENTITY FOR REVENUES, EXPENDITURES, DEBT SERVICE, AND
 7 RESERVES.

8 REVISOR'S NOTE: This section is new language that, in part, is added for
 9 clarity and, in part, is derived without substantive change from former Art.
 10 44A, § 2-103(a)(2).

11 In subsection (a)(1) of this section, the former reference to "under this
 12 authority" is deleted as surplusage.

13 In subsection (a)(2) of this section, the former phrase "but not limited to" is
 14 deleted in light of Art. 1, § 30, which provides that the word "including"
 15 means "by way of illustration" and not "by way of limitation".

16 In subsection (a)(2)(iv) of this section, the reference to "make it ready" is
 17 substituted for the former reference to "bring it to the point of readiness"
 18 for brevity.

19 In subsection (a)(2)(viii)1 of this section, the reference to "housing project"
 20 is substituted for the former reference to "it" for clarity.

21 The Housing and Community Development Article Review Committee
 22 notes, for consideration by the General Assembly, that in subsection
 23 (a)(viii)2, the Montgomery Commission is required to provide schedules
 24 that address devices such as mortgage insurance and debt service reserves,
 25 and in (viii)3, the Montgomery Commission is required to state its
 26 recommendation "on" use of those devices. The reference to "on" use of the
 27 devices is substituted for the apparently erroneous former reference to "or"
 28 use of the devices.

29 Defined terms: "Bond" § 12-101

30 "Housing project" § 16-101

31 "Montgomery Commission" § 16-101

32 16-205. GUARANTEE PROCEDURES.

33 (A) LOCAL LAW TO PROVIDE REVIEW AND APPROVAL PROCEDURES.

34 THE LOCAL LAW IMPLEMENTING THIS SUBTITLE SHALL PROVIDE PROCEDURES
 35 FOR REVIEW AND APPROVAL OF THE ISSUANCE OF BONDS GUARANTEED BY THE
 36 COUNTY GOVERNMENT.

37 (B) RECOMMENDATION BY COUNTY EXECUTIVE.

1 (1) THE PROCEDURES SHALL INCLUDE REQUIREMENTS FOR THE
2 COUNTY EXECUTIVE TO:

3 (I) COMMENT ON THE FEASIBILITY OF THE PROPOSED BOND
4 GUARANTEE AND EACH HOUSING PROJECT CONTEMPLATED BY THE PROPOSED
5 BOND GUARANTEE; AND

6 (II) RECOMMEND WHETHER THE PROPOSED BOND GUARANTEE
7 SHOULD BE APPROVED AND ANY TERMS AND CONDITIONS FOR APPROVAL.

8 (2) IF THE COUNTY EXECUTIVE RECOMMENDS APPROVAL, THE
9 RECOMMENDATION SHALL INCLUDE A STATEMENT THAT THE PROPOSED HOUSING
10 PROJECT IS FULLY SELF-SUPPORTING.

11 (3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
12 PARAGRAPH, A RECOMMENDATION BY THE COUNTY EXECUTIVE TO APPROVE THE
13 PROPOSED BOND GUARANTEE SHALL BE SUPPORTED BY AN ACCEPTABLE
14 INDEPENDENT FEASIBILITY STUDY OR STUDIES THAT THE MONTGOMERY
15 COMMISSION SUBMITS.

16 (II) THE COUNTY EXECUTIVE MAY WAIVE THE FEASIBILITY STUDY
17 REQUIREMENT FOR A HOUSING PROJECT FINANCED, INSURED, OR ASSISTED BY THE
18 STATE OR THE FEDERAL GOVERNMENT.

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 44A, § 2-103(a)(3)(i).

21 In subsection (b)(1) of this section, the former phrase "but not limited to" is
22 deleted in light of Art. 1, § 30, which provides that the word "including"
23 means "by way of illustration" and not "by way of limitation".

24 In subsection (b)(1)(i) of this section, the former requirement that the
25 County Executive "consider" the feasibility of the proposed bond guarantee
26 is deleted as included in the requirement that the County Executive
27 "comment on" the feasibility of the guarantee.

28 In subsection (b)(1)(ii) of this section, the former reference to terms and
29 conditions "advisable" for the approval is deleted as surplusage.

30 Defined terms: "Bond" § 12-101

31 "Housing project" § 16-101

32 "Montgomery Commission" § 16-101

33 16-206. COUNTY COUNCIL TO APPROVE, MODIFY, OR DISAPPROVE BOND
34 GUARANTEES.

35 (1) AFTER CONSIDERING THE RECOMMENDATIONS OF THE COUNTY
36 EXECUTIVE AND HOLDING A PUBLIC HEARING, THE COUNTY COUNCIL SHALL
37 APPROVE, APPROVE WITH MODIFICATIONS, OR DISAPPROVE THE PROPOSED BOND
38 GUARANTEE.

1 (2) THE COUNTY COUNCIL SHALL STATE THE TERMS AND CONDITIONS
2 OF AN APPROVED BOND GUARANTEE, INCLUDING:

3 (I) THE MAXIMUM INTEREST PAYABLE;

4 (II) THE TERMS OF THE BOND ISSUE;

5 (III) THE PURPOSES FOR WHICH THE BOND PROCEEDS MAY BE
6 EXPENDED; AND

7 (IV) THE METHOD OF CONTROLLING THE EXPENDITURES OF THE
8 BOND PROCEEDS AND THE REVENUES AND EXPENDITURES FOR HOUSING PROJECTS
9 FINANCED BY THE BOND PROCEEDS.

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 44A, § 2-103(a)(3)(ii).

12 In paragraph (2)(iii) and (iv) of this section, the references to "proceeds" are
13 substituted for the former references to "funds" for clarity.

14 Defined term: "Bond" § 12-101

15 16-207. COUNTY EXECUTIVE TO CONCUR IN OR DISAPPROVE BOND GUARANTEE.

16 (A) IN GENERAL.

17 (1) AN APPROVAL OF A BOND GUARANTEE BY THE COUNTY COUNCIL
18 SHALL BE SUBMITTED TO THE COUNTY EXECUTIVE WITHIN 3 DAYS FOR
19 CONCURRENCE OR DISAPPROVAL.

20 (2) IF THE COUNTY EXECUTIVE DOES NOT COMMUNICATE
21 DISAPPROVAL AND REASONS FOR THE DISAPPROVAL TO THE COUNTY COUNCIL
22 WITHIN 10 DAYS AFTER RECEIPT OF AN APPROVAL OF A BOND GUARANTEE FROM
23 THE COUNCIL, THE COUNCIL'S APPROVAL SHALL STAND.

24 (B) OVERRIDE OF DISAPPROVAL.

25 THE COUNTY COUNCIL MAY OVERRIDE A DISAPPROVAL OF A BOND GUARANTEE
26 BY A VOTE OF AT LEAST SIX MEMBERS.

27 (C) RESCINDING APPROVAL.

28 THE COUNTY COUNCIL MAY RESCIND AN APPROVAL OF A BOND GUARANTEE BY
29 RESOLUTION ADOPTED:

30 (1) BEFORE THE ADVERTISEMENT OF THE BONDS; OR

31 (2) IF THE SALE IS TO BE PRIVATE, BEFORE THE EARLIER OF:

32 (I) THE SALE OF THE BONDS; AND

1 (II) THE DISTRIBUTION OF A RELATED OFFERING CIRCULAR.

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 44A, § 2-103(a)(3)(iii) and (iv).

4 In subsection (a)(1) of this section, the reference to concurrence "or
5 disapproval" is added for clarity.

6 Defined term: "Bond" § 12-101

7 16-208. ALLOCATION OF PART OF GUARANTEE.

8 (A) AUTHORIZED.

9 ON REQUEST OF THE MONTGOMERY COMMISSION, THE COUNTY MAY
10 ALLOCATE BY LOCAL LAW A PART OF THE TOTAL GUARANTEE AUTHORIZED BY THIS
11 SUBTITLE IN AN AMOUNT THAT THE LOCAL LAW DETERMINES.

12 (B) APPROVAL BY COUNTY EXECUTIVE.

13 (1) WITHOUT FURTHER APPROVAL BY THE COUNTY COUNCIL, THE
14 COUNTY EXECUTIVE MAY APPROVE BY EXECUTIVE ORDER THE USE OF ALL OR PART
15 OF THE ALLOCATION AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION AS A
16 BOND GUARANTEE.

17 (2) THE MONTGOMERY COMMISSION MAY THEN ISSUE BONDS
18 GUARANTEED BY AS MUCH OF THE ALLOCATION AS THE COUNTY EXECUTIVE HAS
19 APPROVED AS A BOND GUARANTEE, AND THE PROCEEDS OF THE BONDS SHALL BE
20 USED TO:

21 (I) FINANCE WHOLLY OR PARTLY MORTGAGE LOANS SECURED BY
22 HOUSING; AND

23 (II) FUND RELATED RESERVES AND COSTS APPROVED UNDER THIS
24 SUBTITLE.

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from the first through third sentences of former Art. 44A, §
27 2-103(a)(4).

28 In subsection (a) of this section, the former phrase "[n]otwithstanding any
29 other provisions of this section and § 1-501 of this article" is deleted as
30 unnecessary because no other provision prohibits the power of the county
31 to allocate by local law a part of the total guarantee.

32 In subsection (b)(1) of this section, the former phrase "from time to time" is
33 deleted as surplusage.

34 Defined terms: "Bond" § 12-101

35 "Montgomery Commission" § 16-101

1 16-209. INDEPENDENT AND COUNTY-SPONSORED AUDITS.

2 (A) INDEPENDENT AUDITS.

3 (1) THE MONTGOMERY COMMISSION SHALL PROVIDE ANNUALLY TO
4 THE COUNTY GOVERNMENT AN AUDIT OF EACH HOUSING PROJECT FINANCED BY
5 BONDS GUARANTEED BY THE COUNTY.

6 (2) THE AUDIT SHALL BE DONE BY:

7 (I) AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT LICENSED
8 BY THE STATE; OR

9 (II) A FIRM OF INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS
10 LICENSED BY THE STATE.

11 (3) THE ACCOUNTANT OR FIRM OF ACCOUNTANTS SHALL PROVIDE
12 APPROPRIATE CERTIFIED FINANCIAL STATEMENTS AND A MANAGEMENT LETTER
13 ON THE FINANCIAL SOUNDNESS OF THE HOUSING PROJECT.

14 (B) COUNTY-SPONSORED AUDITS ALLOWED.

15 THE COUNTY GOVERNMENT MAY UNDERTAKE FINANCIAL AND COMPLIANCE
16 AUDITS ON HOUSING PROJECTS FINANCED BY BONDS GUARANTEED UNDER THIS
17 SUBTITLE.

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 44A, § 2-103(a)(5).

20 In subsection (a)(2)(ii) of this section, the reference to "a firm of
21 independent certified public accountants licensed by the State" is added in
22 light of § 16-113(b) of this article, which authorizes the County Executive
23 and County Council to choose an independent certified public accountant
24 licensed by the State or a firm of certified public accountants licensed by
25 the State to perform an audit of the books of the Montgomery Commission.

26 In subsection (a)(3) of this section, the reference to the "accountant" is
27 substituted for the former reference to the "independent auditor" to
28 conform to the terminology used in subsection (a)(1) of this section.

29 In subsection (b) of this section, the former reference to "[n]otwithstanding
30 the foregoing independent audits" is deleted as surplusage.

31 Also in subsection (b) of this section, the former phrase "as necessary" is
32 deleted as surplusage.

33 Defined terms: "Bond" § 12-101

34 "Housing project" § 16-101

35 "Montgomery Commission" § 16-101

1 16-210. VALIDITY AND ENFORCEABILITY OF BONDS.

2 A BOND STATING IN SUBSTANCE THAT IT HAS BEEN ISSUED BY THE
3 MONTGOMERY COMMISSION TO HELP FINANCE A HOUSING PROJECT FOR PERSONS
4 OF ELIGIBLE INCOME SHALL BE CONSIDERED TO HAVE BEEN ISSUED FOR THAT
5 PURPOSE IN A PROCEEDING IN WHICH THE VALIDITY OR ENFORCEABILITY OF THE
6 BOND OR THE SECURITY FOR THE BOND IS IN QUESTION.

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 44A, § 2-103(b).

9 The reference to "that purpose" is substituted for the former reference to "a
10 housing project of such character" for brevity.

11 The former reference to a certain bond that shall be considered
12 "conclusively" to have been issued for a housing project is deleted as
13 surplusage.

14 Defined terms: "Bond" § 12-101

15 "Housing project" § 16-101

16 "Montgomery Commission" § 16-101

17 "Person of eligible income" § 16-101

18 16-211. BOND SALES.

19 MONTGOMERY COMMISSION BONDS MAY BE SOLD AT A PUBLIC OR PRIVATE
20 SALE IN THE MANNER AND ON THE TERMS AUTHORIZED BY RESOLUTION OF THE
21 MONTGOMERY COMMISSION.

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 44A, § 2-103(c).

24 The former reference to "the authorities" is deleted as surplusage.

25 Defined terms: "Bond" § 12-101

26 "Montgomery Commission" § 16-101

27 SUBTITLE 3. COLLECTIVE BARGAINING.

28 16-301. SCOPE OF SUBTITLE.

29 THIS SUBTITLE DOES NOT APPLY TO:

30 (1) AN ATTORNEY IN THE GENERAL COUNSEL'S OFFICE;

31 (2) AN EMPLOYEE WHO ASSISTS OR ACTS IN A CONFIDENTIAL CAPACITY
32 FOR AN INDIVIDUAL WHO FORMULATES, DETERMINES, OR CARRIES OUT
33 MANAGEMENT POLICIES IN THE FIELD OF LABOR-MANAGEMENT RELATIONS;

1 (3) A MONTGOMERY COMMISSION MERIT SYSTEM EMPLOYEE DURING
2 THE EMPLOYEE'S INITIAL PROBATIONARY PERIOD; OR

3 (4) A SUPERVISOR, AS DEFINED IN § 2(11) OF THE NATIONAL LABOR
4 RELATIONS ACT, 29 U.S.C. § 152(11).

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 44A, § 2-106(b) and (a)(2) and (3).

7 In the introductory language of this section, the reference to "[t]his
8 subtitle" is substituted for the former reference to "[t]he rights granted to
9 Commission merit system employees under this section" for brevity.

10 In item (3) of this section, the former reference to "the pendency of" an
11 employee's initial probationary period is deleted as surplusage.

12 Also in item (3) of this section, the former phrase "following employment"
13 is deleted as surplusage.

14 Former Art. 44A, § 2-106(a)(1), which was the standard introduction of a
15 definition section, is deleted because no terms are defined for this entire
16 subtitle.

17 Defined term: "Montgomery Commission" § 16-101

18 16-302. BARGAINING UNITS.

19 (A) IN GENERAL.

20 MONTGOMERY COMMISSION EMPLOYEES ARE DIVIDED INTO TWO BARGAINING
21 UNITS:

22 (1) THE OFFICE/PROFESSIONAL/TECHNICAL UNIT; AND

23 (2) THE SERVICE/LABOR/TRADE UNIT.

24 (B) OFFICE/PROFESSIONAL/TECHNICAL UNIT.

25 THE OFFICE/PROFESSIONAL/TECHNICAL UNIT INCLUDES:

26 (1) OFFICE CLASSIFICATION TITLES IN WHICH EMPLOYEES ARE
27 RESPONSIBLE FOR COMMUNICATIONS, RECORDING AND RETRIEVING INFORMATION,
28 AND PAPERWORK REQUIRED IN AN OFFICE;

29 (2) PROFESSIONAL CLASSIFICATION TITLES IN WHICH EMPLOYEES
30 HAVE SPECIAL OR THEORETICAL KNOWLEDGE THAT USUALLY IS ACQUIRED
31 THROUGH COLLEGE TRAINING, OTHER TRAINING THAT PROVIDES COMPARABLE
32 KNOWLEDGE, OR WORK EXPERIENCE;

33 (3) PARAPROFESSIONAL CLASSIFICATION TITLES IN WHICH
34 EMPLOYEES PERFORM, IN A SUPPORTIVE ROLE, SOME DUTIES OF A PROFESSIONAL

1 OR TECHNICIAN THAT USUALLY REQUIRE LESS FORMAL TRAINING OR EXPERIENCE
2 THAN THOSE DUTIES PERFORMED BY THOSE WITH PROFESSIONAL OR TECHNICAL
3 STATUS; AND

4 (4) TECHNICAL CLASSIFICATION TITLES IN WHICH EMPLOYEES HAVE
5 BOTH BASIC SCIENTIFIC OR TECHNICAL KNOWLEDGE AND MANUAL SKILL THAT ARE
6 USUALLY ACQUIRED THROUGH SPECIALIZED POSTSECONDARY SCHOOL EDUCATION
7 OR THROUGH EQUIVALENT ON-THE-JOB TRAINING.

8 (C) SERVICE/LABOR/TRADE UNIT.

9 THE SERVICE/LABOR/TRADE UNIT INCLUDES:

10 (1) CLASSIFICATION TITLES IN WHICH EMPLOYEES:

11 (I) PERFORM SERVICE AND MAINTENANCE;

12 (II) MAY OPERATE SPECIALIZED MACHINERY OR HEAVY
13 EQUIPMENT; AND

14 (III) HAVE DUTIES THAT CONTRIBUTE TO THE COMFORT AND
15 CONVENIENCE OF THE PUBLIC OR TO THE UPKEEP AND CARE OF MONTGOMERY
16 COMMISSION BUILDINGS, FACILITIES, OR GROUNDS; AND

17 (2) CLASSIFICATION TITLES IN WHICH EMPLOYEES MUST HAVE A
18 SPECIAL MANUAL SKILL AND THOROUGH KNOWLEDGE OF PROCESSES THAT ARE
19 ACQUIRED THROUGH ON-THE-JOB TRAINING, EXPERIENCE, APPRENTICESHIP, OR
20 FORMAL TRAINING PROGRAMS.

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 44A, § 2-106(c)(1).

23 In subsection (b)(1) of this section, the former reference to "internal and
24 external" communications is deleted as surplusage.

25 Defined term: "Montgomery Commission" § 16-101

26 16-303. EXCLUSIVE REPRESENTATION OF BARGAINING UNITS.

27 (A) EMPLOYEE ORGANIZATION AS EXCLUSIVE REPRESENTATIVE.

28 (1) THE MONTGOMERY COMMISSION SHALL RECOGNIZE THE RIGHT OF
29 AN EMPLOYEE ORGANIZATION CERTIFIED UNDER THIS SUBTITLE AS THE
30 EXCLUSIVE REPRESENTATIVE OF A BARGAINING UNIT TO REPRESENT THE
31 EMPLOYEES OF THE BARGAINING UNIT IN COLLECTIVE BARGAINING AND IN THE
32 SETTLEMENT OF GRIEVANCES.

33 (2) IF A SINGLE EMPLOYEE ORGANIZATION IS CERTIFIED TO
34 REPRESENT MORE THAN ONE BARGAINING UNIT, THE MONTGOMERY COMMISSION
35 SHALL NEGOTIATE A SINGLE CONTRACT WITH THAT ORGANIZATION COVERING ALL
36 EMPLOYEES THE ORGANIZATION REPRESENTS.

1 (B) DUTIES OF EXCLUSIVE REPRESENTATIVE.

2 (1) AN EMPLOYEE ORGANIZATION CERTIFIED AS THE EXCLUSIVE
3 REPRESENTATIVE OF A BARGAINING UNIT SHALL:

4 (I) SERVE AS THE ONLY BARGAINING AGENT FOR THE UNIT IN
5 COLLECTIVE BARGAINING; AND

6 (II) REPRESENT ALL EMPLOYEES IN THE UNIT FAIRLY, WITHOUT
7 DISCRIMINATION, AND WITHOUT REGARD TO WHETHER AN EMPLOYEE IS A MEMBER
8 OF THE EMPLOYEE ORGANIZATION.

9 (2) AN EMPLOYEE ORGANIZATION MEETS THE REQUIREMENTS OF
10 PARAGRAPH (1)(II) OF THIS SUBSECTION AS LONG AS ITS ACTIONS ARE NOT
11 ARBITRARY, DISCRIMINATORY, OR IN BAD FAITH TOWARD:

12 (I) EMPLOYEES WHO ARE MEMBERS OF THE EMPLOYEE
13 ORGANIZATION; OR

14 (II) EMPLOYEES WHO ARE NOT MEMBERS OF THE EMPLOYEE
15 ORGANIZATION.

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 44A, § 2-106(d) and (c)(2).

18 Defined term: "Montgomery Commission" § 16-101

19 16-304. LABOR RELATIONS ADMINISTRATOR.

20 (A) APPOINTMENT BY EXCLUSIVE REPRESENTATIVE OR REPRESENTATIVES
21 AND MONTGOMERY COMMISSION.

22 THE EXCLUSIVE REPRESENTATIVE OR REPRESENTATIVES AND THE
23 MONTGOMERY COMMISSION SHALL APPOINT A LABOR RELATIONS ADMINISTRATOR
24 FROM A LIST OF FIVE NOMINEES ON WHOM THEY HAVE AGREED.

25 (B) TERM OF ADMINISTRATOR.

26 THE TERM OF THE LABOR RELATIONS ADMINISTRATOR IS 5 YEARS.

27 (C) REAPPOINTMENT.

28 A LABOR RELATIONS ADMINISTRATOR IS ELIGIBLE FOR REAPPOINTMENT.

29 REVISOR'S NOTE: This section is new language derived without substantive
30 change from former Art. 44A, § 2-106(e).

31 In subsection (a) of this section, the provisions in former Art. 44A, §
32 2-106(e)(1) and (2) that required the Montgomery Commission to appoint
33 an experienced neutral third party to serve as labor relations
34 administrator before an administrator is appointed by the exclusive

1 representative or representatives and the Montgomery Commission are
 2 deleted as obsolete. Similarly, former Art. 44A, § 2-106(e)(3), which
 3 required the Montgomery Commission to appoint the next labor relations
 4 administrator for a term not exceeding 1 year if no exclusive
 5 representative has been certified, is deleted as obsolete.

6 Defined term: "Montgomery Commission" § 16-101

7 16-305. EXCLUSIVE REPRESENTATIVE TO SUBMIT COPY OF CONSTITUTION OR
 8 BYLAWS.

9 (A) EXCLUSIVE REPRESENTATIVE -- SUBMISSIONS.

10 AN EMPLOYEE ORGANIZATION THAT IS CERTIFIED OR THAT SEEKS
 11 CERTIFICATION AS AN EXCLUSIVE REPRESENTATIVE SHALL SUBMIT TO THE LABOR
 12 RELATIONS ADMINISTRATOR A COPY OF THE EMPLOYEE ORGANIZATION'S
 13 CONSTITUTION AND BYLAWS AND ANY AMENDMENT TO THEM.

14 (B) CONTENTS OF CONSTITUTION OR BYLAWS.

15 THE CONSTITUTION OR BYLAWS SHALL INCLUDE:

16 (1) A PLEDGE THAT THE EMPLOYEE ORGANIZATION ACCEPTS MEMBERS
 17 WITHOUT REGARD TO AGE, MARITAL STATUS, NATIONAL ORIGIN, RACE, RELIGION,
 18 DISABILITIES, SEXUAL ORIENTATION, OR GENDER;

19 (2) THE RIGHT OF MEMBERS TO PARTICIPATE IN THE AFFAIRS OF THE
 20 EMPLOYEE ORGANIZATION;

21 (3) PROCEDURES FOR PERIODIC ELECTIONS OF OFFICERS BY SECRET
 22 BALLOT;

23 (4) FAIR PROCEDURES GOVERNING DISCIPLINARY ACTIONS;

24 (5) PROCEDURES FOR THE ACCURATE ACCOUNTING OF ALL INCOME
 25 AND EXPENDITURES;

26 (6) A REQUIREMENT THAT A CERTIFIED ANNUAL FINANCIAL REPORT BE
 27 PRODUCED; AND

28 (7) THE RIGHT OF MEMBERS TO INSPECT THE EMPLOYEE
 29 ORGANIZATION'S ACCOUNTS.

30 REVISOR'S NOTE: This section is new language derived without substantive
 31 change from former Art. 44A, § 2-106(f).

32 In subsection (a) of this section, the reference to "any amendment to them"
 33 is substituted for the former reference to "[a]ny changes in the constitution
 34 or bylaws" for brevity.

1 16-306. ELECTIONS FOR EXCLUSIVE REPRESENTATIVE.

2 (A) REQUIREMENT FOR CALLING OF ELECTION.

3 THE LABOR RELATIONS ADMINISTRATOR SHALL HOLD AN ELECTION FOR AN
4 EXCLUSIVE REPRESENTATIVE AFTER:

5 (1) AN EMPLOYEE ORGANIZATION SHOWS BY PETITION THAT AT LEAST
6 30% OF THE ELIGIBLE EMPLOYEES IN A BARGAINING UNIT SUPPORT
7 REPRESENTATION BY AN EXCLUSIVE REPRESENTATIVE FOR COLLECTIVE
8 BARGAINING; OR

9 (2) AN EMPLOYEE OR AN EMPLOYEE ORGANIZATION SHOWS BY
10 PETITION THAT AT LEAST 30% OF THE ELIGIBLE EMPLOYEES IN A BARGAINING UNIT
11 NO LONGER SUPPORT THE CURRENT EXCLUSIVE REPRESENTATIVE.

12 (B) ELECTION PROCEDURES -- TIMING OF ELECTIONS.

13 (1) ELECTIONS MAY NOT BE HELD:

14 (I) WITHIN 1 YEAR AFTER THE DATE OF AN ELECTION UNDER THIS
15 SUBTITLE; OR

16 (II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
17 DURING THE TERM OF A COLLECTIVE BARGAINING AGREEMENT.

18 (2) DURING THE TERM OF A COLLECTIVE BARGAINING AGREEMENT, A
19 PETITION FOR AN ELECTION MAY BE FILED ONLY IN NOVEMBER OF THE FISCAL
20 YEAR IN WHICH THE AGREEMENT EXPIRES.

21 (C) PRE-ELECTION REQUIREMENTS.

22 (1) AT LEAST 30 DAYS BEFORE AN ELECTION UNDER SUBSECTION (A) OF
23 THIS SECTION, THE LABOR RELATIONS ADMINISTRATOR SHALL GET FROM THE
24 MONTGOMERY COMMISSION AND PROVIDE TO THE EMPLOYEE ORGANIZATION A
25 LIST OF THE NAME, HOME ADDRESS, AND TELEPHONE NUMBER OF EACH EMPLOYEE
26 IN THE BARGAINING UNIT.

27 (2) PROVIDING A LIST UNDER THIS SUBSECTION BY THE MONTGOMERY
28 COMMISSION, THE LABOR RELATIONS ADMINISTRATOR, OR ANY MONTGOMERY
29 COMMISSION OFFICIALS, EMPLOYEES, OR OTHER AGENTS DOES NOT VIOLATE §
30 10-617(E) OF THE STATE GOVERNMENT ARTICLE OR ANY STATE OR LOCAL LAW.

31 (D) SECRET BALLOT.

32 AN ELECTION SHALL BE HELD BY SECRET BALLOT.

33 (E) CONTENTS OF BALLOT.

34 THE BALLOT SHALL CONTAIN:

1 (1) THE NAME OF EACH EMPLOYEE ORGANIZATION THAT SUBMITS A
2 VALID PETITION FOR AN ELECTION;

3 (2) THE NAME OF ANY OTHER EMPLOYEE ORGANIZATION SUPPORTED
4 BY A PETITION SIGNED BY AT LEAST 10% OF THE ELIGIBLE EMPLOYEES IN THE
5 BARGAINING UNIT; AND

6 (3) AN OPTION FOR NO REPRESENTATION.

7 (F) RUNOFF ELECTION.

8 IF NONE OF THE CHOICES ON THE BALLOT RECEIVES A MAJORITY OF THE
9 VOTES, THE LABOR RELATIONS ADMINISTRATOR SHALL HOLD A RUNOFF ELECTION
10 BETWEEN THE TWO CHOICES RECEIVING THE MOST VOTES.

11 (G) CERTIFICATION OF EMPLOYEE ORGANIZATION.

12 AFTER THE ELECTION, THE LABOR RELATIONS ADMINISTRATOR SHALL
13 CERTIFY THE EMPLOYEE ORGANIZATION WITH THE MOST VOTES AS THE EXCLUSIVE
14 REPRESENTATIVE.

15 (H) COSTS.

16 THE MONTGOMERY COMMISSION AND THE EMPLOYEE ORGANIZATION SHALL
17 SHARE THE COSTS OF THE ELECTION PROCEDURES EQUALLY.

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 44A, § 2-106(g) and (h)(1).

20 In subsection (b)(1)(i) of this section, the former reference to a "valid"
21 election is deleted as implicit in the reference to an "election".

22 In subsection (c)(2) of this section, the former reference to "statute,
23 regulation, or ordinance" is deleted as included in the reference to "State or
24 local law".

25 In subsection (f) of this section, the former statement that in the runoff
26 election, "the ballot shall contain" the two choices receiving the most votes
27 is deleted as surplusage.

28 Also in subsection (f) of this section, the former phrase "in the initial
29 election" is deleted as surplusage.

30 The Housing and Community Development Article Review Committee
31 notes, for consideration by the General Assembly, that subsection (c)(1) of
32 this section does not require that a dissident employee be sent a list of the
33 name, home address, and telephone number of each employee in the
34 bargaining unit, even though under subsection (a)(2) of this section, such
35 an employee may petition for an election.

36 The Housing and Community Development Article Review Committee also

1 notes, for consideration by the General Assembly, that in subsection (h) of
2 this section, the reference to "the employee organization" that must share
3 the costs of the election procedures would be unclear if more than one
4 organization appeared on the ballot.

5 Defined term: "Montgomery Commission" § 16-101

6 16-307. EMPLOYEE ELIGIBILITY TO VOTE.

7 (A) WHO IS ELIGIBLE TO VOTE.

8 AN INDIVIDUAL IS ELIGIBLE TO VOTE IN AN ELECTION UNDER THIS SUBTITLE
9 ONLY IF THE INDIVIDUAL IS A MONTGOMERY COMMISSION EMPLOYEE TO WHOM
10 THIS SUBTITLE APPLIES.

11 (B) DISPUTE TO BE SUBMITTED TO ADMINISTRATOR.

12 IF THE MONTGOMERY COMMISSION AND AN EMPLOYEE ORGANIZATION
13 DISPUTE THE ELIGIBILITY OF AN EMPLOYEE IN A BARGAINING UNIT, THE DISPUTE
14 SHALL BE SUBMITTED TO THE LABOR RELATIONS ADMINISTRATOR.

15 (C) EVIDENCE ALLOWED AT HEARING.

16 THE LABOR RELATIONS ADMINISTRATOR SHALL HOLD EVIDENTIARY HEARINGS
17 AT WHICH THE MONTGOMERY COMMISSION AND INTERESTED EMPLOYEE
18 ORGANIZATIONS SHALL HAVE THE OPPORTUNITY TO PRESENT:

19 (1) TESTIMONY;

20 (2) DOCUMENTARY AND OTHER EVIDENCE; AND

21 (3) ARGUMENTS.

22 (D) FINAL DECISION BY ADMINISTRATOR.

23 THE DECISION OF THE LABOR RELATIONS ADMINISTRATOR IS FINAL.

24 (E) COSTS OF HEARINGS.

25 THE MONTGOMERY COMMISSION AND THE EMPLOYEE ORGANIZATION SHALL
26 SHARE THE COSTS OF THE HEARINGS EQUALLY.

27 REVISOR'S NOTE: Subsection (a) of this section is new language added to
28 state expressly what was only implied in the former law - that "employee
29 eligibility" concerns the eligibility of Montgomery Commission employees
30 to vote for an exclusive representative.

31 Subsections (b) through (e) of this section are new language derived
32 without substantive change from former Art. 44A, § 2-106(i).

33 Defined term: "Montgomery Commission" § 16-101

1 16-308. COLLECTIVE BARGAINING SUBJECTS.

2 (A) IN GENERAL.

3 THE MONTGOMERY COMMISSION AND AN EMPLOYEE ORGANIZATION
4 CERTIFIED AS EXCLUSIVE REPRESENTATIVE SHALL MEET AND ENGAGE IN
5 COLLECTIVE BARGAINING IN GOOD FAITH ABOUT:

6 (1) SALARY AND WAGES, INCLUDING THE PERCENTAGE OF AN
7 INCREASE IN THE SALARY AND WAGES BUDGET THAT WILL BE DEVOTED TO MERIT
8 INCREMENTS AND CASH AWARDS, BUT SALARIES AND WAGES SHALL BE THE SAME
9 FOR ALL EMPLOYEES IN THE SAME CLASSIFICATION;

10 (2) PENSION AND OTHER RETIREMENT BENEFITS FOR ACTIVE
11 EMPLOYEES;

12 (3) EMPLOYEE BENEFITS SUCH AS INSURANCE, LEAVE, HOLIDAYS, AND
13 VACATIONS;

14 (4) HOURS AND WORKING CONDITIONS;

15 (5) MATTERS AFFECTING THE HEALTH AND SAFETY OF EMPLOYEES;

16 (6) THE EFFECT OF THE EXERCISE OF THE MONTGOMERY
17 COMMISSION'S RIGHTS AND RESPONSIBILITIES UNDER § 16-314 OF THIS SUBTITLE
18 ON EMPLOYEES; AND

19 (7) PROVISIONS FOR ORDERLY PROCESSING AND SETTling
20 GRIEVANCES ABOUT THE INTERPRETATION AND IMPLEMENTATION OF A
21 COLLECTIVE BARGAINING AGREEMENT THAT MAY INCLUDE:

22 (I) PROVISIONS FOR THE EXCLUSIVITY OF FORUM;

23 (II) BINDING THIRD PARTY ARBITRATION, IF:

24 1. THE MONTGOMERY COMMISSION AND THE EMPLOYEE
25 ORGANIZATION SHARE THE COSTS OF BINDING ARBITRATION EQUALLY; AND

26 2. THE ARBITRATOR DOES NOT HAVE AUTHORITY TO
27 AMEND, ADD TO, OR SUBTRACT FROM THE COLLECTIVE BARGAINING AGREEMENT.

28 (B) PROPOSALS AND CONCESSIONS NOT REQUIRED.

29 THIS SECTION DOES NOT REQUIRE THE MONTGOMERY COMMISSION OR THE
30 EMPLOYEE ORGANIZATION TO AGREE TO ANY PROPOSAL OR TO MAKE ANY
31 CONCESSION.

32 (C) PERIOD FOR COLLECTIVE BARGAINING.

33 (1) THE MONTGOMERY COMMISSION AND AN EMPLOYEE
34 ORGANIZATION CERTIFIED AS EXCLUSIVE REPRESENTATIVE:

1 (I) SHALL BEGIN COLLECTIVE BARGAINING ON OR BEFORE
2 SEPTEMBER 1 IN THE FISCAL YEAR BEFORE THE BEGINNING OF A FISCAL YEAR FOR
3 WHICH AN AGREEMENT HAS NOT BEEN REACHED; AND

4 (II) SHALL COMPLETE COLLECTIVE BARGAINING ON OR BEFORE
5 THE FOLLOWING FEBRUARY 1.

6 (2) DURING THE PERIOD SET FORTH IN PARAGRAPH (1) OF THIS
7 SUBSECTION, THE PARTIES SHALL NEGOTIATE IN GOOD FAITH.

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 44A, § 2-106(j).

10 In subsection (a)(7)(ii)2 of this section, the former phrase "the provisions
11 of" the collective bargaining agreement is deleted as surplusage.

12 Defined term: "Montgomery Commission" § 16-101

13 16-309. NEGOTIABILITY DISPUTES.

14 (A) PETITION TO ADMINISTRATOR.

15 IF A PARTY CONSIDERS THAT A BARGAINING PROPOSAL CONTRAVENES THE
16 RIGHTS AND DUTIES OF THE MONTGOMERY COMMISSION UNDER § 16-314 OF THIS
17 SUBTITLE OR OTHERWISE VIOLATES THIS SUBTITLE, THE PARTY SHALL PETITION
18 THE LABOR RELATIONS ADMINISTRATOR FOR A DETERMINATION OF WHETHER THE
19 BARGAINING PROPOSAL IS A NEGOTIABILITY DISPUTE THAT CONTRAVENES THIS
20 SUBTITLE.

21 (B) PROCEDURE FOR RESOLVING DISPUTE.

22 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
23 PROCEDURE FOR RESOLVING A NEGOTIABILITY DISPUTE SHALL FOLLOW THE
24 PROCEDURE FOR REVIEWING UNFAIR LABOR PRACTICE CHARGES.

25 (2) THE LABOR RELATIONS ADMINISTRATOR MAY SHORTEN THE TIME
26 PERIODS OR ORDER ANY EXPEDITED PROCEDURE APPROPRIATE UNDER THE
27 CIRCUMSTANCES.

28 (C) ADMINISTRATOR MAY ORDER WITHDRAWAL OF PROPOSAL.

29 THE LABOR RELATIONS ADMINISTRATOR MAY ORDER A PARTY TO WITHDRAW
30 ALL OR PART OF A BARGAINING PROPOSAL THAT CONTRAVENES THIS SUBTITLE.

31 (D) DECISION AND ORDER ARE FINAL.

32 A DECISION AND ORDER UNDER THIS SECTION IS FINAL UNLESS IT IS
33 APPEALED FOR BEING ARBITRARY, CAPRICIOUS, OR EXCEEDING THE AUTHORITY OF
34 A PARTY.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 44A, § 2-106(k).

3 In subsection (a) of this section, the reference to the rights and duties of
4 the Montgomery Commission under "§ 16-314" of this subtitle is
5 substituted for the former reference to "subsection(s)" - now revised at §
6 16-316 of this subtitle - for accuracy.

7 The Housing and Community Development Article Review Committee
8 notes, for consideration by the General Assembly, that subsection (d) of this
9 section indicates that a decision and order may be appealed for being
10 arbitrary, capricious, or exceeding the authority of a party, but does not
11 identify the body to which an appeal may be taken.

12 Defined term: "Montgomery Commission" § 16-101

13 16-310. MEDIATION -- ARBITRATION.

14 (A) APPOINTMENT OF MEDIATOR-ARBITRATOR.

15 (1) IF THE PARTIES HAVE NOT REACHED AN AGREEMENT ON OR
16 BEFORE DECEMBER 1 ON A COLLECTIVE BARGAINING AGREEMENT THAT WOULD
17 BECOME EFFECTIVE THE FOLLOWING JULY 1, THE PARTIES SHALL JOINTLY APPOINT
18 A MEDIATOR-ARBITRATOR.

19 (2) IF THE PARTIES ARE UNABLE TO AGREE ON A
20 MEDIATOR-ARBITRATOR, THE LABOR RELATIONS ADMINISTRATOR SHALL NAME THE
21 MEDIATOR-ARBITRATOR ON OR BEFORE DECEMBER 7.

22 (3) NOTWITHSTANDING APPOINTMENT OF THE
23 MEDIATOR-ARBITRATOR, THIS SUBSECTION DOES NOT REQUIRE BEGINNING
24 MEDIATION-ARBITRATION BEFORE THE DATE SET FORTH IN SUBSECTION (B)(2) OF
25 THIS SECTION.

26 (B) DECLARATION OF IMPASSE.

27 (1) DURING THE COLLECTIVE BARGAINING:

28 (I) EITHER PARTY MAY DECLARE AN IMPASSE AND REQUEST THE
29 SERVICES OF THE MEDIATOR-ARBITRATOR; OR

30 (II) THE PARTIES MAY JOINTLY REQUEST THE SERVICES OF A
31 MEDIATOR-ARBITRATOR BEFORE AN IMPASSE IS DECLARED.

32 (2) IF THE MEDIATOR-ARBITRATOR FINDS IN THE
33 MEDIATOR-ARBITRATOR'S DISCRETION THAT THE PARTIES ARE AT A BONA FIDE
34 IMPASSE, OR ON FEBRUARY 1, IF THEY STILL HAVE NOT AGREED ON A CONTRACT,
35 WHICHEVER HAPPENS FIRST, THE MEDIATOR-ARBITRATOR SHALL REQUIRE THE
36 PARTIES TO SUBMIT:

1 (I) A JOINT MEMORANDUM LISTING ALL ITEMS TO WHICH THE
2 PARTIES HAVE PREVIOUSLY AGREED; AND

3 (II) A SEPARATE MEMORANDUM OF THE PARTY'S LAST FINAL
4 OFFER PRESENTED IN NEGOTIATIONS ON ALL ITEMS TO WHICH THE PARTIES HAVE
5 NOT PREVIOUSLY AGREED.

6 (C) HEARING ON PROPOSALS.

7 (1) ON OR BEFORE FEBRUARY 10, IF THE PARTIES HAVE NOT AGREED ON
8 A CONTRACT, THE MEDIATOR-ARBITRATOR SHALL HOLD A NONPUBLIC HEARING ON
9 THE PARTIES' PROPOSALS AT A TIME, DATE, AND PLACE CHOSEN BY THE
10 MEDIATOR-ARBITRATOR.

11 (2) EACH PARTY SHALL SUBMIT EVIDENCE OR MAKE ORAL AND
12 WRITTEN ARGUMENT IN SUPPORT OF THE PARTY'S LAST FINAL OFFER.

13 (3) THE MEDIATOR-ARBITRATOR MAY NOT OPEN THE HEARING TO A
14 PERSON WHO IS NOT A PARTY TO THE MEDIATION-ARBITRATION.

15 (D) CHOICE OF MORE REASONABLE PROPOSAL.

16 (1) ON OR BEFORE FEBRUARY 15, THE MEDIATOR-ARBITRATOR SHALL
17 ISSUE A REPORT CHOOSING THE FINAL OFFER, EXCLUSIVE OF WAGES, THAT THE
18 MEDIATOR-ARBITRATOR DETERMINES TO BE MORE REASONABLE WHEN VIEWED AS
19 A WHOLE.

20 (2) IN DETERMINING THE MORE REASONABLE OFFER, THE
21 MEDIATOR-ARBITRATOR MAY CONSIDER ONLY:

22 (I) PAST COLLECTIVE BARGAINING CONTRACTS BETWEEN THE
23 PARTIES, INCLUDING THE BARGAINING HISTORY THAT LED TO THE AGREEMENT OR
24 THE PRECOLLECTIVE BARGAINING HISTORY OF EMPLOYEE HOURS, BENEFITS, AND
25 OTHER WORKING CONDITIONS;

26 (II) A COMPARISON OF HOURS, BENEFITS, AND CONDITIONS OF
27 EMPLOYMENT OF SIMILAR EMPLOYEES OF OTHER PUBLIC EMPLOYERS IN THE
28 WASHINGTON METROPOLITAN AREA AND IN THE STATE;

29 (III) A COMPARISON OF HOURS, BENEFITS, AND CONDITIONS OF
30 EMPLOYMENT OF SIMILAR EMPLOYEES OF PRIVATE EMPLOYERS IN MONTGOMERY
31 COUNTY;

32 (IV) THE PUBLIC INTEREST AND WELFARE;

33 (V) THE ABILITY OF THE EMPLOYER TO FINANCE ANY ECONOMIC
34 ADJUSTMENTS REQUIRED UNDER THE PROPOSED AGREEMENT;

35 (VI) THE EFFECTS OF ANY ECONOMIC ADJUSTMENTS ON THE
36 STANDARD OF PUBLIC SERVICES NORMALLY PROVIDED BY THE EMPLOYER; AND

1 (VII) THE ANNUAL INCREASE OR DECREASE IN CONSUMER PRICES
2 FOR ALL ITEMS AS SHOWN IN THE MOST RECENT CONSUMER PRICE INDEX - WAGE
3 EARNERS AND CLERICAL WORKERS ("CPI-W") FOR THE WASHINGTON-BALTIMORE
4 METROPOLITAN AREA.

5 (3) IN DETERMINING THE MORE REASONABLE OFFER, THE
6 MEDIATOR-ARBITRATOR SHALL CONSIDER THAT ALL ITEMS ON WHICH THE PARTIES
7 AGREED BEFORE THE MEDIATION-ARBITRATION ARE INTEGRATED WITH EACH
8 OFFER.

9 (4) THE MEDIATOR-ARBITRATOR MAY NOT RECEIVE OR CONSIDER THE
10 HISTORY OF COLLECTIVE BARGAINING RELATING TO THE IMMEDIATE DISPUTE,
11 INCLUDING ANY OFFERS OF SETTLEMENT NOT CONTAINED IN THE OFFER
12 SUBMITTED TO THE MEDIATOR-ARBITRATOR.

13 (E) FINAL OFFER UNCHANGEABLE.

14 THE MEDIATOR-ARBITRATOR MAY NOT COMPROMISE OR ALTER THE FINAL
15 OFFER THAT THE MEDIATOR-ARBITRATOR CHOOSES.

16 (F) FINAL OFFER AS FINAL AGREEMENT.

17 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND WITHOUT
18 RATIFICATION BY THE PARTIES, THE OFFER THAT THE MEDIATOR-ARBITRATOR
19 CHOOSES AS INTEGRATED WITH THE ITEMS ON WHICH THE PARTIES PREVIOUSLY
20 AGREED IS THE FINAL AGREEMENT BETWEEN THE MONTGOMERY COMMISSION AND
21 THE EXCLUSIVE REPRESENTATIVE.

22 (2) THE ECONOMIC PROVISIONS OF THE FINAL AGREEMENT ARE
23 SUBJECT TO FUNDING BY THE MONTGOMERY COMMISSION.

24 (3) THE MONTGOMERY COMMISSION SHALL APPROPRIATE MONEY IN
25 THE MONTGOMERY COMMISSION'S FINAL BUDGET FOR ALL ECONOMIC PROVISIONS
26 OF THE FINAL AGREEMENT.

27 (4) THE PARTIES SHALL EXECUTE AN AGREEMENT THAT
28 INCORPORATES THE FINAL AGREEMENT, INCLUDING ARBITRATION AWARDS AND
29 ALL ISSUES AGREED TO UNDER THIS SECTION.

30 (G) COSTS OF ARBITRATOR'S SERVICES TO BE SHARED.

31 THE MONTGOMERY COMMISSION AND THE EMPLOYEE ORGANIZATION SHALL
32 SHARE THE COSTS OF THE ARBITRATOR'S SERVICES EQUALLY.

33 REVISOR'S NOTE: This section is new language derived without substantive
34 change from former Art. 44A, § 2-106(1).

35 In subsection (b)(1) of this section, the former reference to "the course of"
36 the collective bargaining is deleted as surplusage.

1 In subsection (b)(2) of this section, the clause "if they still have not agreed
2 on a contract" is added for clarity. Similarly, in subsection (c)(1) of this
3 section, the clause "if the parties have not agreed on a contract" is added.

4 Also in subsection (b)(2) of this section, the former reference to the
5 mediator-arbitrator's "sole" discretion is deleted as surplusage.

6 In subsection (d)(1) of this section, the former reference to final offers
7 "submitted by the parties" is deleted as surplusage.

8 The Housing and Community Development Article Review Committee
9 notes, for consideration by the General Assembly, that subsection (f)(3) of
10 this section requires the Montgomery Commission to appropriate money in
11 the Montgomery Commission's final budget for all economic provisions of
12 the final agreement. This requirement appears to be at odds with §
13 16-313(a) and (b) of this subtitle, which seem to give the Montgomery
14 Commission flexibility in making the appropriation. Under § 16-313(a),
15 the Montgomery Commission must include in its annual proposed budget
16 adequate funding to carry out a collective bargaining agreement, and §
17 16-313(b)(1) seems to contemplate the possibility that the Montgomery
18 Commission may not adequately fund the budget. According to §
19 16-313(b)(1), "[u]nless the Montgomery Commission's budget is funded
20 adequately to carry out the terms of the collective bargaining agreement,
21 the Montgomery Commission and the employee organization shall reopen
22 the negotiated agreement and bargain about the provisions of the
23 agreement not approved by the Montgomery Commission."

24 Defined term: "Montgomery Commission" § 16-101

25 16-311. MEDIATORS.

26 (A) WHEN THEY MAY BE USED.

27 A MEDIATOR MAY BE USED IN COLLECTIVE BARGAINING WHEN:

28 (1) THE MONTGOMERY COMMISSION AND THE EMPLOYEE
29 ORGANIZATION AGREE TO MEDIATION; OR

30 (2) AN IMPASSE RESULTS, AND THE MONTGOMERY COMMISSION OR THE
31 EMPLOYEE ORGANIZATION REQUESTS MEDIATION.

32 (B) CHOOSING A MEDIATOR.

33 (1) THE MONTGOMERY COMMISSION AND THE EMPLOYEE
34 ORGANIZATION TOGETHER SHALL CHOOSE THE MEDIATOR FROM A LIST SUPPLIED
35 BY THE AMERICAN ARBITRATION ASSOCIATION OR THE FEDERAL MEDIATION AND
36 CONCILIATION SERVICE.

1 (2) IF THE MONTGOMERY COMMISSION AND THE EMPLOYEE
2 ORGANIZATION CANNOT AGREE ON A MEDIATOR, THE LABOR RELATIONS
3 ADMINISTRATOR SHALL CHOOSE THE MEDIATOR.

4 (C) COSTS OF MEDIATION TO BE SHARED.

5 THE MONTGOMERY COMMISSION AND THE EMPLOYEE ORGANIZATION SHALL
6 SHARE THE COSTS OF MEDIATION EQUALLY.

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 44A, § 2-106(m).

9 In subsection (b)(2) of this section, the former reference to "mutually" agree
10 is deleted as redundant.

11 Defined term: "Montgomery Commission" § 16-101

12 16-312. COLLECTIVE BARGAINING AGREEMENTS.

13 (A) CONTENTS.

14 (1) THE MONTGOMERY COMMISSION AND AN EMPLOYEE
15 ORGANIZATION CERTIFIED AS THE EXCLUSIVE REPRESENTATIVE OF A BARGAINING
16 UNIT SHALL EXECUTE A COLLECTIVE BARGAINING AGREEMENT INCORPORATING
17 ALL MATTERS OF AGREEMENT ON WAGES, HOURS, AND OTHER TERMS AND
18 CONDITIONS OF EMPLOYMENT.

19 (2) IF A COLLECTIVE BARGAINING AGREEMENT PROVIDES FOR A
20 GRIEVANCE PROCEDURE, THAT GRIEVANCE PROCEDURE SHALL BE THE ONLY
21 PROCEDURE FOR EMPLOYEES IN THE BARGAINING UNIT.

22 (3) THE COLLECTIVE BARGAINING AGREEMENT MAY INCLUDE AN
23 AGENCY SHOP OR OTHER UNION SECURITY PROVISION.

24 (B) AGREEMENT SUPERSEDES ANY CONFLICTING REGULATION OR POLICY.

25 THE COLLECTIVE BARGAINING AGREEMENT SUPERSEDES ANY CONFLICTING
26 REGULATION OR ADMINISTRATIVE POLICY OF THE MONTGOMERY COMMISSION.

27 (C) EFFECTIVE DATE OF BARGAINING AGREEMENT.

28 A COLLECTIVE BARGAINING AGREEMENT TAKES EFFECT ON THE APPROVAL OF
29 THE MONTGOMERY COMMISSION AND THE MEMBERSHIP OF THE EMPLOYEE
30 ORGANIZATION REPRESENTING THE BARGAINING UNIT.

31 (D) EXPIRATION OF BARGAINING AGREEMENT.

32 A SINGLE YEAR OR MULTIPLE-YEAR COLLECTIVE BARGAINING AGREEMENT
33 SHALL EXPIRE AT THE CLOSE OF THE APPROPRIATE FISCAL YEAR.

34 (E) SEVERABILITY OF BARGAINING AGREEMENT.

1 IF A PROVISION IN A COLLECTIVE BARGAINING AGREEMENT IS RULED INVALID
2 OR IS NOT FUNDED ADEQUATELY, THE REST OF THE AGREEMENT REMAINS IN
3 EFFECT UNLESS REOPENED UNDER § 16-313(B) OF THIS SUBTITLE.

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 44A, § 2-106(n) and (p).

6 Defined term: "Montgomery Commission" § 16-101

7 16-313. FUNDING FOR COLLECTIVE BARGAINING.

8 (A) TO BE INCLUDED IN ANNUAL MONTGOMERY COMMISSION BUDGET.

9 THE MONTGOMERY COMMISSION SHALL INCLUDE IN ITS ANNUAL PROPOSED
10 OPERATING BUDGET ADEQUATE FUNDING TO CARRY OUT A COLLECTIVE
11 BARGAINING AGREEMENT.

12 (B) CONDITIONS FOR REOPENING BARGAINING AGREEMENT.

13 (1) UNLESS THE MONTGOMERY COMMISSION'S BUDGET IS FUNDED
14 ADEQUATELY TO CARRY OUT THE TERMS OF THE COLLECTIVE BARGAINING
15 AGREEMENT, THE MONTGOMERY COMMISSION AND THE EMPLOYEE ORGANIZATION
16 SHALL REOPEN THE NEGOTIATED AGREEMENT AND BARGAIN ABOUT THE
17 PROVISIONS OF THE AGREEMENT NOT APPROVED BY THE MONTGOMERY
18 COMMISSION.

19 (2) THE BARGAINING SHALL BEGIN WITHIN 5 DAYS AFTER THE FINAL
20 BUDGET OF THE MONTGOMERY COMMISSION HAS BEEN ADOPTED.

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 44A, § 2-106(o).

23 Defined term: "Montgomery Commission" § 16-101

24 16-314. MONTGOMERY COMMISSION RIGHTS AND DUTIES.

25 (A) IN GENERAL.

26 (1) THIS SUBTITLE AND ANY AGREEMENT MADE UNDER IT DO NOT
27 IMPAIR THE RIGHT AND DUTY OF THE MONTGOMERY COMMISSION TO:

28 (I) DETERMINE THE BUDGET AND MISSION OF THE MONTGOMERY
29 COMMISSION;

30 (II) MAINTAIN AND IMPROVE THE EFFICIENCY AND
31 EFFECTIVENESS OF OPERATIONS;

32 (III) DETERMINE THE SERVICES TO BE RENDERED AND THE
33 OPERATIONS TO BE PERFORMED;

- 1 (IV) DETERMINE THE LOCATION OF FACILITIES AND THE
2 ORGANIZATIONAL STRUCTURE, METHODS, PROCESSES, MEANS, JOB
3 CLASSIFICATIONS, AND PERSONNEL BY WHICH OPERATIONS ARE TO BE
4 CONDUCTED;
- 5 (V) DIRECT AND SUPERVISE EMPLOYEES;
- 6 (VI) HIRE, CHOOSE, AND ESTABLISH THE STANDARDS GOVERNING
7 PROMOTION OF EMPLOYEES, AND CLASSIFY POSITIONS;
- 8 (VII) RELIEVE EMPLOYEES FROM DUTIES BECAUSE OF LACK OF
9 WORK OR MONEY OR WHEN THE MONTGOMERY COMMISSION DETERMINES THAT
10 CONTINUED WORK WOULD BE INEFFICIENT OR NONPRODUCTIVE;
- 11 (VIII) TAKE ACTION TO CARRY OUT THE MISSIONS OF GOVERNMENT
12 IN EMERGENCIES;
- 13 (IX) TRANSFER AND SCHEDULE EMPLOYEES;
- 14 (X) DETERMINE THE SIZE, GRADES, AND COMPOSITION OF THE
15 WORKFORCE;
- 16 (XI) SET THE STANDARDS OF PRODUCTIVITY AND TECHNOLOGY;
- 17 (XII) ESTABLISH EMPLOYEE PERFORMANCE STANDARDS AND
18 EVALUATE AND ASSIGN EMPLOYEES, EXCEPT THAT EVALUATION AND ASSIGNMENT
19 PROCEDURES SHALL BE A SUBJECT FOR BARGAINING;
- 20 (XIII) MAKE AND CARRY OUT SYSTEMS FOR AWARDING
21 OUTSTANDING SERVICE INCREMENTS, EXTRAORDINARY PERFORMANCE AWARDS,
22 AND OTHER MERIT AWARDS;
- 23 (XIV) INTRODUCE NEW OR IMPROVED TECHNOLOGY, RESEARCH,
24 DEVELOPMENT, AND SERVICES;
- 25 (XV) CONTROL AND REGULATE THE USE OF MACHINERY,
26 EQUIPMENT, AND OTHER PROPERTY AND FACILITIES OF THE MONTGOMERY
27 COMMISSION, SUBJECT TO § 16-308(A)(5) OF THIS SUBTITLE;
- 28 (XVI) MAINTAIN INTERNAL SECURITY STANDARDS;
- 29 (XVII) SUSPEND, DISCHARGE, OR OTHERWISE DISCIPLINE
30 EMPLOYEES FOR CAUSE, SUBJECT TO THE GRIEVANCE PROCEDURE SET FORTH IN
31 THE COLLECTIVE BARGAINING AGREEMENT; AND
- 32 (XVIII) ISSUE AND ENFORCE RULES, POLICIES, AND REGULATIONS
33 NECESSARY TO CARRY OUT THIS SUBSECTION AND ALL OTHER MANAGERIAL
34 FUNCTIONS THAT ARE NOT INCONSISTENT WITH THIS DIVISION II, FEDERAL OR
35 STATE LAW, OR THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT.

1 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THIS
 2 SUBTITLE AND ANY AGREEMENT MADE UNDER IT DO NOT IMPAIR THE RIGHT AND
 3 RESPONSIBILITY OF THE MONTGOMERY COMMISSION TO CREATE, ALTER, COMBINE,
 4 CONTRACT OUT, OR ABOLISH A JOB CLASSIFICATION, DEPARTMENT, OPERATION,
 5 UNIT, OR OTHER DIVISION OR SERVICE.

6 (II) THE MONTGOMERY COMMISSION MAY UNDERTAKE THE
 7 CONTRACTING OF WORK THAT WILL DISPLACE EMPLOYEES ONLY IF THE
 8 MONTGOMERY COMMISSION GIVES WRITTEN NOTICE TO THE CERTIFIED
 9 REPRESENTATIVE AT LEAST 90 DAYS BEFORE SIGNING THE CONTRACT OR WITHIN A
 10 DIFFERENT PERIOD THAT IS AGREED TO BY THE PARTIES.

11 (B) PROHIBITED ACTS.

12 (1) THE MONTGOMERY COMMISSION MAY NOT:

13 (I) INTERFERE WITH, COERCE, OR RESTRAIN AN EMPLOYEE IN
 14 THE EXERCISE OF RIGHTS UNDER THIS SUBTITLE;

15 (II) DOMINATE, INTERFERE WITH, OR ASSIST IN THE FORMATION,
 16 ADMINISTRATION, OR EXISTENCE OF ANY EMPLOYEE ORGANIZATION OR
 17 CONTRIBUTE FINANCIAL ASSISTANCE OR OTHER SUPPORT TO AN EMPLOYEE
 18 ORGANIZATION;

19 (III) ENCOURAGE OR DISCOURAGE MEMBERSHIP IN AN EMPLOYEE
 20 ORGANIZATION BY DISCRIMINATING AGAINST AN EMPLOYEE THROUGH HIRING,
 21 TENURE, PROMOTION, OR OTHER CONDITIONS OF EMPLOYMENT;

22 (IV) DISCHARGE OR DISCRIMINATE AGAINST AN EMPLOYEE
 23 BECAUSE THE EMPLOYEE HAS SIGNED OR FILED AN AFFIDAVIT, PETITION, OR
 24 COMPLAINT OR GIVEN ANY INFORMATION OR TESTIMONY UNDER THIS SUBTITLE; OR

25 (V) REFUSE TO BARGAIN IN GOOD FAITH WITH AN EMPLOYEE
 26 ORGANIZATION THAT IS CERTIFIED AS THE EXCLUSIVE REPRESENTATIVE OF A
 27 BARGAINING UNIT OVER ANY SUBJECT OF BARGAINING OR REFUSE TO PARTICIPATE
 28 IN GOOD FAITH IN THE MEDIATION, FACT-FINDING, OR GRIEVANCE PROCEDURE
 29 UNDER THIS SUBTITLE.

30 (2) PARAGRAPH (1)(II) OF THIS SUBSECTION DOES NOT PROHIBIT THE
 31 MONTGOMERY COMMISSION FROM ALLOWING EMPLOYEES TO NEGOTIATE OR TO
 32 CONFER WITH THE MONTGOMERY COMMISSION OVER LABOR MATTERS DURING
 33 WORK HOURS WITHOUT THE LOSS OF PAY OR TIME.

34 REVISOR'S NOTE: This section is new language derived without substantive
 35 change from former Art. 44A, § 2-106(q).

36 In subsection (a)(1)(i) of this section, the former references to an "overall"
 37 budget are deleted as surplusage. Similarly, in subsection (a)(1)(iv) of this
 38 section, the former reference to the "overall" organizational structure is
 39 deleted as surplusage.

1 In subsection (a)(1)(xviii) of this section, the former reference to "the
2 provisions of" this subsection is deleted as surplusage.

3 In subsection (a)(2)(ii) of this section, the former reference to a period "of
4 time" is deleted as implicit in the reference to "period".

5 Defined term: "Montgomery Commission" § 16-101

6 16-315. PROHIBITIONS AGAINST EMPLOYEE ORGANIZATIONS.

7 (A) IN GENERAL.

8 AN EMPLOYEE ORGANIZATION MAY NOT:

9 (1) INTERFERE WITH, RESTRAIN, OR COERCE ANY EMPLOYEE IN THE
10 EMPLOYEE'S EXERCISE OF A RIGHT UNDER THIS SUBTITLE;

11 (2) CAUSE OR ATTEMPT TO CAUSE THE MONTGOMERY COMMISSION TO
12 DISCRIMINATE AGAINST AN EMPLOYEE IN THE EMPLOYEE'S EXERCISE OF A RIGHT
13 UNDER THIS SUBTITLE;

14 (3) COERCE, DISCIPLINE, FINE, OR ATTEMPT TO COERCE A MEMBER OF
15 AN EMPLOYEE ORGANIZATION AS PUNISHMENT OR REPRISAL;

16 (4) COERCE, DISCIPLINE, FINE, OR ATTEMPT TO COERCE A MEMBER OF
17 AN EMPLOYEE ORGANIZATION TO IMPEDE THE MEMBER'S WORK PERFORMANCE;

18 (5) REFUSE TO NEGOTIATE IN GOOD FAITH WITH THE MONTGOMERY
19 COMMISSION AS REQUIRED BY THIS SUBTITLE; OR

20 (6) FAIL OR REFUSE TO COOPERATE IN IMPASSE PROCEDURES AND
21 IMPASSE DECISIONS AS REQUIRED BY THIS SUBTITLE.

22 (B) WHO MAY CHARGE EMPLOYEE ORGANIZATION WITH VIOLATING
23 EMPLOYEE RIGHTS.

24 AN INDIVIDUAL MAY FILE AN UNFAIR LABOR CHARGE AGAINST AN EMPLOYEE
25 ORGANIZATION FOR A VIOLATION OF SUBSECTION (A)(3) OR (4) OF THIS SECTION
26 ONLY IF THE INDIVIDUAL IS A MONTGOMERY COMMISSION EMPLOYEE TO WHOM
27 THIS SUBTITLE APPLIES.

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 44A, § 2-106(r).

30 Defined term: "Montgomery Commission" § 16-101

31 16-316. RIGHTS OF MONTGOMERY COMMISSION EMPLOYEES.

32 (A) IN GENERAL.

33 EMPLOYEES OF THE MONTGOMERY COMMISSION RETAIN THE RIGHT TO:

- 1 (1) FORM, JOIN, OR ASSIST AN EMPLOYEE ORGANIZATION;
- 2 (2) BARGAIN COLLECTIVELY THROUGH A REPRESENTATIVE THAT THE
3 EMPLOYEES HAVE CHOSEN;
- 4 (3) ENGAGE IN OTHER LAWFUL CONCERTED ACTIVITIES FOR THE
5 PURPOSE OF COLLECTIVE BARGAINING; OR
- 6 (4) REFRAIN FROM AN ACTIVITY COVERED UNDER THIS SUBSECTION.
- 7 (B) PRESENTING A GRIEVANCE TO MONTGOMERY COMMISSION.

8 WHEN AN EMPLOYEE HAS A GRIEVANCE UNDER A COLLECTIVE BARGAINING
9 AGREEMENT, THE EMPLOYEE MAY PRESENT THE GRIEVANCE TO THE MONTGOMERY
10 COMMISSION BUT MAY DO SO ONLY THROUGH THE EMPLOYEE ORGANIZATION
11 CERTIFIED AS THE EXCLUSIVE REPRESENTATIVE FOR THE BARGAINING UNIT.

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 44A, § 2-106(s).

14 Defined term: "Montgomery Commission" § 16-101

15 16-317. STRIKES.

16 (A) "STRIKE" DEFINED.

17 IN THIS SECTION, "STRIKE" MEANS THE ACTION OF AN EMPLOYEE, IN CONCERT
18 WITH OTHERS, TO:

- 19 (1) REFUSE TO REPORT TO WORK;
- 20 (2) STOP OR SLOW DOWN WORK; OR
- 21 (3) ABSTAIN WHOLLY OR PARTLY FROM THE FULL, FAITHFUL, AND
22 PROPER PERFORMANCE OF DUTIES WHEN THE OBJECT IS TO INDUCE, INFLUENCE,
23 OR COERCE A CHANGE IN THE TERMS, CONDITIONS, RIGHTS, OR PRIVILEGES OF
24 EMPLOYMENT.

25 (B) STRIKES BY MONTGOMERY COMMISSION EMPLOYEES PROHIBITED.

26 A MONTGOMERY COMMISSION EMPLOYEE, A GROUP OF MONTGOMERY
27 COMMISSION EMPLOYEES, OR AN EMPLOYEE ORGANIZATION MAY NOT ENGAGE IN,
28 INDUCE, INITIATE, OR RATIFY A STRIKE BY MONTGOMERY COMMISSION EMPLOYEES.

29 (C) INJUNCTIONS.

30 IF A STRIKE OCCURS, ON REQUEST OF THE MONTGOMERY COMMISSION, A
31 COURT OF COMPETENT JURISDICTION MAY ENJOIN THE STRIKE.

32 (D) STRIKING EMPLOYEES PROHIBITED FROM RECEIVING COMPENSATION
33 FROM MONTGOMERY COMMISSION.

1 AN EMPLOYEE MAY NOT RECEIVE COMPENSATION FROM THE MONTGOMERY
2 COMMISSION WHILE THE EMPLOYEE IS ENGAGED IN A STRIKE.

3 (E) DISCIPLINARY ACTION AGAINST STRIKING EMPLOYEES.

4 (1) IF AN EMPLOYEE ENGAGES IN, INDUCES, INITIATES, OR RATIFIES A
5 STRIKE, THE MONTGOMERY COMMISSION MAY TAKE APPROPRIATE DISCIPLINARY
6 ACTION AGAINST THE EMPLOYEE, INCLUDING SUSPENSION OR DISCHARGE.

7 (2) THE LABOR RELATIONS ADMINISTRATOR SHALL HOLD A HEARING
8 ON THE DISCIPLINARY ACTION AT WHICH THE MONTGOMERY COMMISSION, THE
9 EMPLOYEE, AND ANY INTERESTED EMPLOYEE ORGANIZATION MAY PRESENT
10 EVIDENCE AND ARGUMENT.

11 (F) REVOCATION OF CERTIFICATION OF EMPLOYEE ORGANIZATION.

12 (1) IF THE LABOR RELATIONS ADMINISTRATOR FINDS AFTER A
13 HEARING THAT AN EMPLOYEE ORGANIZATION CERTIFIED AS AN EXCLUSIVE
14 REPRESENTATIVE ASSISTED, AUTHORIZED, OR INITIATED A STRIKE INVOLVING THE
15 REFUSAL OF MONTGOMERY COMMISSION EMPLOYEES TO REPORT FOR WORK, THE
16 LABOR RELATIONS ADMINISTRATOR SHALL REVOKE THE CERTIFICATION OF THE
17 EMPLOYEE ORGANIZATION.

18 (2) AN EMPLOYEE ORGANIZATION DECERTIFIED UNDER PARAGRAPH (1)
19 OF THIS PARAGRAPH MAY NOT BE RECERTIFIED FOR 2 YEARS AFTER THE END OF
20 THE STRIKE.

21 (3) IF THE LABOR RELATIONS ADMINISTRATOR FINDS AFTER A
22 HEARING THAT AN EMPLOYEE ORGANIZATION CERTIFIED AS AN EXCLUSIVE
23 REPRESENTATIVE ASSISTED, AUTHORIZED, OR INITIATED ANY OTHER KIND OF
24 STRIKE, THE LABOR RELATIONS ADMINISTRATOR MAY REVOKE THE CERTIFICATION
25 OF THE EMPLOYEE ORGANIZATION FOR UP TO 1 YEAR FROM THE END OF THE
26 STRIKE.

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 44A, § 2-106(t).

29 Defined term: "Montgomery Commission" § 16-101

30 16-318. UNFAIR LABOR PRACTICES.

31 (A) UNFAIR LABOR PRACTICES.

32 IT IS AN UNFAIR LABOR PRACTICE FOR THE MONTGOMERY COMMISSION OR AN
33 EMPLOYEE ORGANIZATION CERTIFIED AS AN EXCLUSIVE REPRESENTATIVE OF A
34 BARGAINING UNIT TO VIOLATE THE RIGHTS OF A MONTGOMERY COMMISSION
35 EMPLOYEE UNDER THIS SUBTITLE.

36 (B) SUBMISSION OF THE CHARGE.

1 WITHIN 30 BUSINESS DAYS AFTER AN ALLEGED UNFAIR LABOR PRACTICE
2 OCCURS, THE PARTY CHARGING THE UNFAIR LABOR PRACTICE SHALL SUBMIT THE
3 CHARGE IN WRITING TO THE LABOR RELATIONS ADMINISTRATOR AND THE PARTY
4 ALLEGED TO HAVE COMMITTED THE UNFAIR LABOR PRACTICE.

5 (C) HEARING.

6 (1) WITHIN 15 BUSINESS DAYS AFTER A PARTY SUBMITS AN UNFAIR
7 LABOR PRACTICE CHARGE, THE PARTY SHALL ASK THE LABOR RELATIONS
8 ADMINISTRATOR TO HOLD A HEARING AND DECIDE WHETHER AN UNFAIR LABOR
9 PRACTICE HAS OCCURRED.

10 (2) THE LABOR RELATIONS ADMINISTRATOR SHALL HOLD A HEARING
11 AND MAKE FINDINGS OF FACT AND CONCLUSIONS OF LAW.

12 (D) RELIEF.

13 (1) IF THE LABOR RELATIONS ADMINISTRATOR FINDS THAT A PARTY
14 HAS COMMITTED AN UNFAIR LABOR PRACTICE, THE LABOR RELATIONS
15 ADMINISTRATOR SHALL:

16 (I) ORDER THAT PARTY TO CEASE AND DESIST FROM THE UNFAIR
17 LABOR PRACTICE; AND

18 (II) ORDER ALL RELIEF NECESSARY TO:

19 1. REMEDY THE VIOLATION OF THIS SUBTITLE; AND

20 2. MAKE WHOLE ANY INJURED EMPLOYEE OR PARTY AND
21 RESTORE THE EMPLOYEE OR PARTY TO THE POSITION OR CONDITION IN WHICH THE
22 EMPLOYEE OR PARTY WOULD HAVE BEEN BUT FOR THE VIOLATION.

23 (2) RELIEF MAY INCLUDE REINSTATEMENT, RESTITUTION, BACK PAY,
24 AND INJUNCTIONS.

25 (3) RELIEF MAY NOT INCLUDE ATTORNEY FEES, PUNITIVE DAMAGES,
26 CONSEQUENTIAL DAMAGES, OR DAMAGES FOR PAIN, SUFFERING, OR EMOTIONAL
27 DISTRESS.

28 (E) DECISION OF ADMINISTRATOR IS FINAL.

29 THE DECISION OF THE LABOR RELATIONS ADMINISTRATOR IS FINAL UNLESS
30 APPEALED ON THE BASIS OF BEING ARBITRARY, CAPRICIOUS, OR EXCEEDING
31 AUTHORITY.

32 (F) DISMISSAL OF CHARGES.

33 IF THE LABOR RELATIONS ADMINISTRATOR FINDS THAT THE PARTY CHARGED
34 WITH THE UNFAIR LABOR PRACTICE HAS NOT COMMITTED ANY PROHIBITED
35 PRACTICE, THE LABOR RELATIONS ADMINISTRATOR SHALL ISSUE AN ORDER
36 DISMISSING THE CHARGES.

1 (G) SHARING OF COSTS.

2 THE MONTGOMERY COMMISSION AND THE EMPLOYEE ORGANIZATION SHALL
3 SHARE THE COST OF ANY UNFAIR LABOR PRACTICE PROCEEDING EQUALLY.

4 (H) ACTION TO ENFORCE THE ORDER.

5 IF THE PARTY FOUND TO HAVE COMMITTED THE UNFAIR LABOR PRACTICE
6 FAILS OR REFUSES TO COMPLY WITH THE LABOR RELATIONS ADMINISTRATOR'S
7 DECISION, THE CHARGING PARTY MAY FILE AN ACTION TO ENFORCE THE ORDER
8 WITH THE CIRCUIT COURT FOR A COUNTY IN WHICH ANY OF THE INVOLVED
9 EMPLOYEES WORK.

10 REVISOR'S NOTE: Subsections (a) through (c)(1) and (d) through (h) of this
11 section are new language derived without substantive change from former
12 Art. 44A, § 2-106(u).

13 Subsection (c)(2) of this section is new language added to state expressly
14 what was only implied in the former law - that the labor relations
15 administrator is required to hold a hearing and make certain findings and
16 conclusions.

17 In subsection (c)(1) of this section, the references to "the party" are
18 substituted for the former reference to "the Commission and the employee
19 organization" to conform to the terminology used in subsection (b) of this
20 section and to avoid the erroneous implication that the Commission and
21 the employee organization must jointly ask the labor relations
22 administrator to hold a hearing.

23 In subsection (d) of this section, the former reference to "the provisions of"
24 subsection (d)(3) of this section is deleted as surplusage.

25 The Housing and Community Development Article Review Committee
26 notes, for consideration by the General Assembly, that subsection (e) of this
27 section indicates that a decision of the labor relations administrator may
28 be appealed, but the subsection does not identify the body to which an
29 appeal may be taken.

30 In subsection (h) of this section, the former reference to the administrator's
31 decision "in whole or in part" is deleted as surplusage.

32 Defined terms: "County" § 12-101

33 "Montgomery Commission" § 16-101

34 16-319. PERSONAL OPINIONS.

35 (A) SCOPE.

36 THIS SECTION APPLIES TO THE EXPRESSION OF ANY PERSONAL VIEW,
37 ARGUMENT, OR OPINION OR THE MAKING OF ANY PERSONAL STATEMENT THAT:

1 (1) DOES NOT CONTAIN A THREAT OF REPRISAL, FORCE, OR PROMISE OF
2 BENEFIT;

3 (2) WAS NOT MADE UNDER COERCIVE CONDITIONS; AND

4 (3) (I) PUBLICIZES A REPRESENTATIONAL ELECTION OR
5 ENCOURAGES EMPLOYEES TO EXERCISE THEIR RIGHT TO VOTE IN THE ELECTION;

6 (II) CORRECTS THE RECORD WITH RESPECT TO A FALSE OR
7 MISLEADING STATEMENT MADE BY ANY PERSON; OR

8 (III) INFORMS EMPLOYEES OF THE MONTGOMERY COMMISSION'S
9 POLICY ABOUT LABOR-MANAGEMENT RELATIONS AND REPRESENTATION.

10 (B) PERSONAL OPINION NOT UNFAIR LABOR PRACTICE OR GROUNDS FOR
11 ELECTION SET ASIDE.

12 THE EXPRESSION OF ANY PERSONAL VIEW, ARGUMENT, OPINION, OR
13 STATEMENT DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS NOT:

14 (1) AN UNFAIR LABOR PRACTICE UNDER THIS SUBTITLE; OR

15 (2) GROUNDS FOR SETTING ASIDE AN ELECTION HELD UNDER THIS
16 SUBTITLE.

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 44A, § 2-106(v).

19 In subsection (a)(3)(i) of this section, the former reference to "the fact of" a
20 representational election is deleted as surplusage.

21 Also in subsection (a)(3)(i) of this section, the word "or" is substituted for
22 the former word "and" to indicate that the section applies to an expression
23 or statement that may either publicize an election or encourage employees
24 to exercise their right to vote in the election but that is not required to do
25 both.

26 In subsection (b) of this section, the former reference to "the provisions of "
27 this section is deleted as surplusage.

28 Defined term: "Montgomery Commission" § 16-101

29 TITLE 17. PRINCE GEORGE'S COUNTY.

30 17-101. DEFINITIONS.

31 (A) IN GENERAL.

32 IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

1 REVISOR'S NOTE: This subsection is new language added as the standard
2 introduction to a definition section.

3 (B) CONTINUING CARE FACILITY.

4 "CONTINUING CARE FACILITY" MEANS A FACILITY IN WHICH SHELTER AND
5 MEDICAL AND NURSING SERVICES OR OTHER HEALTH RELATED SERVICES ARE
6 MADE AVAILABLE:

7 (1) TO AN INDIVIDUAL WHO IS 60 YEARS OLD OR OLDER AND NOT
8 RELATED BY BLOOD OR MARRIAGE TO THE PROVIDER;

9 (2) FOR THE LIFE OF THE INDIVIDUAL OR FOR A PERIOD EXCEEDING 1
10 YEAR; AND

11 (3) UNDER A WRITTEN AGREEMENT THAT REQUIRES A TRANSFER OF
12 ASSETS OR AN ENTRANCE FEE, NOTWITHSTANDING PERIODIC CHARGES.

13 REVISOR'S NOTE: This subsection is new language derived without
14 substantive change from former Art. 44A, § 4-102(h)(2).

15 The statement that continuing care means "shelter and medical and
16 nursing services or other health related services that are made available:
17 (1) to an individual who is 60 years old or older and not related by blood or
18 marriage to the provider; (2) for the life of the individual or for a period
19 exceeding 1 year; and (3) under a written agreement that requires a
20 transfer of assets or an entrance fee, notwithstanding periodic charges" is
21 substituted for the former reference to the definition "under Article 70B, §
22 7 of the Code" for clarity.

23 (C) HOUSING PROJECT.

24 (1) "HOUSING PROJECT" MEANS A WORK OR UNDERTAKING TO PROVIDE
25 DECENT, SAFE, AND SANITARY URBAN OR RURAL APARTMENTS, OR OTHER HOUSING
26 FOR THE PERSONS OF ELIGIBLE INCOME WHO LIVE IN THE AREA OF THE HOUSING.

27 (2) "HOUSING PROJECT" INCLUDES BUILDINGS, LAND, EQUIPMENT,
28 FACILITIES, AND OTHER REAL OR PERSONAL PROPERTY THAT IS PLANNED,
29 ACQUIRED, OWNED, USED, DEVELOPED, RECONSTRUCTED, REHABILITATED, OR
30 IMPROVED TO PROVIDE:

31 (I) THE HOUSING; OR

32 (II) THE NECESSARY, CONVENIENT, OR DESIRABLE:

33 1. APPURTENANCES, STREETS, ROADS, SEWERS, WATER
34 SERVICE, PARKS, SITE PREPARATION, OR GARDENING; OR

1 Defined terms: "Area of operation" § 12-101

2 "Housing project" § 17-101

3 "Prince George's Authority" § 17-101

4 (E) PRINCE GEORGE'S AUTHORITY.

5 "PRINCE GEORGE'S AUTHORITY" MEANS THE HOUSING AUTHORITY OF PRINCE
6 GEORGE'S COUNTY.

7 REVISOR'S NOTE: This subsection is new language added to provide a
8 convenient reference to the Housing Authority of Prince George's County.

9 17-102. APPLICABILITY OF TITLE 12.

10 TITLE 12 OF THIS ARTICLE APPLIES TO THE PRINCE GEORGE'S AUTHORITY AND
11 OTHER HOUSING AUTHORITIES IN PRINCE GEORGE'S COUNTY EXCEPT WHERE IT IS
12 INCONSISTENT WITH THIS TITLE.

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 44A, § 4-101.

15 Defined term: "Prince George's Authority" § 17-101

16 17-103. FINDINGS.

17 (A) IN GENERAL.

18 THE GENERAL ASSEMBLY FINDS THAT:

19 (1) THERE ARE IN PRINCE GEORGE'S COUNTY:

20 (I) A SHORTAGE OF DECENT, SAFE, AND ADEQUATE HOUSING AND
21 CONTINUING CARE FACILITIES FOR THE ELDERLY;

22 (II) ECONOMICALLY DEPRESSED AREAS; AND

23 (III) HOUSING IN NEED OF REHABILITATION;

24 (2) AS A RESULT OF THESE CONDITIONS:

25 (I) COUNTY RESIDENTS ARE FORCED TO OCCUPY OVERCROWDED,
26 CONGESTED, AND DETERIORATED HOUSING AND LIVE IN DEPRESSED
27 NEIGHBORHOODS; AND

28 (II) MANY OF THE ELDERLY MUST REMAIN IN HOUSING THAT IS
29 ILL-SUITED TO THEIR CURRENT NEEDS AND ABILITIES;

30 (3) THESE CONDITIONS REQUIRE TOO MUCH PUBLIC MONEY TO BE
31 SPENT FOR PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND WELFARE, AND FOR
32 OTHER PUBLIC SERVICES AND FACILITIES;

1 (4) THE OPERATION OF CONTINUING CARE FACILITIES ABSORBS COSTS
2 OF HEALTH, SAFETY, AND SOCIAL SERVICES OF THE RESIDENTS OF THOSE
3 FACILITIES WHILE ADDING TO THE AVAILABLE HOUSING STOCK OF THE COUNTY;

4 (5) PRIVATE ENTERPRISE ALONE CANNOT WHOLLY MEET THE NEED TO:

5 (I) RELIEVE THE SHORTAGE OF DECENT, SAFE, AND ADEQUATE
6 HOUSING AND CONTINUING CARE FACILITIES;

7 (II) REVITALIZE DEPRESSED NEIGHBORHOODS; AND

8 (III) REHABILITATE HOUSING;

9 (6) THE CONSTRUCTION AND REHABILITATION OF HOUSING,
10 INCLUDING CONTINUING CARE FACILITIES FOR COUNTY RESIDENTS, AND THE
11 ACQUISITION AND EXPENDITURE OF PUBLIC MONEY TO PRODUCE THAT HOUSING
12 THEREFORE DO NOT COMPETE WITH PRIVATE ENTERPRISE;

13 (7) A NEED EXISTS FOR MORTGAGE CREDIT TO BE MADE AVAILABLE
14 FOR CONSTRUCTING NEW HOUSING AND REHABILITATING EXISTING HOUSING FOR
15 MANY BUYERS AND OWNERS OF HOUSING WHO CANNOT AFFORD MORTGAGE CREDIT
16 AT THE MARKET INTEREST RATE OR GET MORTGAGE CREDIT BECAUSE THE
17 MORTGAGE CREDIT MARKET IS SEVERELY RESTRICTED;

18 (8) (I) THERE IS A NEED TO:

19 1. ACQUIRE, CONSTRUCT, AND REHABILITATE CONTINUING
20 CARE FACILITIES AT THE LEAST COST TO THOSE WHO USE THEM;

21 2. CONSTRUCT HOUSING THAT IS DECENT, SAFE, AND
22 ADEQUATE; AND

23 3. REHABILITATE HOUSING TO MAKE IT DECENT, SAFE, AND
24 ADEQUATE; AND

25 (II) IT IS IN THE PUBLIC INTEREST TO EXPEND PUBLIC RESOURCES
26 AND GIVE ASSISTANCE TO MEET THIS NEED;

27 (9) MANY FAMILIES LIVE IN HOUSING THAT IS DECENT AND SAFE, BUT
28 IS INADEQUATE FOR THE SIZE OF THE FAMILY;

29 (10) SOME OF THOSE FAMILIES COULD AFFORD TO BUY NEW HOUSING IF
30 THEIR EXISTING HOMES COULD BE SOLD TO SMALLER FAMILIES FOR WHOM THE
31 HOMES WOULD BE MORE ADEQUATE;

32 (11) MANY POTENTIAL BUYERS OF THESE EXISTING HOMES ARE
33 FIRST-TIME BUYERS, WHO FIND IT DIFFICULT OR IMPOSSIBLE TO AFFORD NEWLY
34 CONSTRUCTED HOUSING BECAUSE THEY DO NOT HAVE AN EQUITY INTEREST IN
35 THEIR PRESENT HOUSING TO HELP FINANCE A HOME PURCHASE; AND

1 (12) THEREFORE, IT IS IN THE PUBLIC INTEREST TO HELP FIRST-TIME
 2 HOMEBUYERS ACQUIRE EXISTING HOUSING AS WELL AS NEWLY CONSTRUCTED OR
 3 REHABILITATED HOUSING, AS THE ASSISTANCE WILL:

4 (I) HELP NONHOMEOWNERS ACQUIRE HOUSING;

5 (II) HELP HOMEOWNERS TO ACQUIRE MORE ADEQUATE HOUSING;
 6 AND

7 (III) STIMULATE THE PRIVATE SECTOR PRODUCTION OF NEW
 8 HOUSING.

9 (B) EFFECT OF SECTION.

10 THE GENERAL ASSEMBLY FINDS THAT THIS TITLE:

11 (1) CREATES A SOUND HOUSING STOCK;

12 (2) CONTRIBUTES TOWARDS A BALANCED ECONOMY;

13 (3) PROMOTES THE HEALTH, WELFARE, AND SAFETY OF THE
 14 RESIDENTS; AND

15 (4) SERVES VALID PUBLIC PURPOSES.

16 REVISOR'S NOTE: This section is new language derived without substantive
 17 change from former Art. 44A, § 4-102(a).

18 In subsection (a) of this section, the statement "[t]he General Assembly
 19 finds" is substituted for the former statement "[i]t is found and declared"
 20 for clarity and to conform to the terminology used throughout this article.
 21 Similarly, in subsection (b) of this section, the statement "[t]he General
 22 Assembly finds" is substituted for the former statement "[a]ccordingly, the
 23 provisions of this section are declared as a matter of legislative
 24 determination".

25 In subsection (a)(2) of this section, the phrase "of these conditions" is added
 26 for clarity.

27 In subsection (a)(3) of this section, the reference to "too much public money
 28 to be spent" is substituted for the former reference to "excessive and
 29 disproportionate expenditures of public funds" for brevity.

30 In subsection (a)(5) of this section, the former reference to "the operation
 31 of" private enterprise is deleted as surplusage.

32 In subsection (a)(12) of this section, the former reference to help "directly"
 33 first-time homebuyers is deleted as surplusage.

34 Defined term: "Continuing care facility" § 17-101

1 17-104. HOUSING AUTHORITY OF PRINCE GEORGE'S COUNTY ESTABLISHED.

2 THE HOUSING AUTHORITY OF PRINCE GEORGE'S COUNTY IS A PUBLIC BODY
3 CORPORATE AND POLITIC THAT:

4 (1) EXERCISES PUBLIC AND ESSENTIAL GOVERNMENTAL FUNCTIONS;
5 AND

6 (2) HAS ALL THE POWERS NECESSARY OR CONVENIENT TO CARRY OUT
7 THE PURPOSES OF THIS DIVISION II.

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 44A, § 4-102(b)(1) and the first sentence of (c), as
10 they described the nature of the Housing Authority of Prince George's
11 County.

12 In item (2) of this section, the former reference to "effectuates" is deleted as
13 included in the reference to "carry out".

14 Also in item (2) of this section, the former reference to carrying out the
15 "provisions" of this Division II is deleted as included in the reference to
16 carrying out the "purposes" of this Division II.

17 17-105. PRINCE GEORGE'S AUTHORITY.

18 (A) MEMBERSHIP.

19 (1) THE PRINCE GEORGE'S AUTHORITY CONSISTS OF SEVEN
20 COMMISSIONERS NOMINATED BY THE COUNTY EXECUTIVE AND CONFIRMED BY THE
21 COUNTY COUNCIL.

22 (2) THE COUNTY COUNCIL SHALL HOLD A PUBLIC HEARING BEFORE
23 VOTING WHETHER TO CONFIRM EACH NOMINEE.

24 (B) TENURE; VACANCIES.

25 (1) THE TERM OF A PRINCE GEORGE'S AUTHORITY COMMISSIONER IS 5
26 YEARS.

27 (2) THE TERMS OF COMMISSIONERS ARE STAGGERED AS REQUIRED BY
28 THE TERMS OF THE MEMBERS SERVING ON OCTOBER 1, 2006.

29 (3) AT THE END OF A TERM, A COMMISSIONER CONTINUES TO SERVE
30 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

31 (4) A COMMISSIONER WHO IS APPOINTED AFTER A TERM HAS BEGUN
32 SERVES ONLY FOR THE REST OF THAT TERM AND UNTIL A SUCCESSOR IS APPOINTED
33 AND QUALIFIES.

34 (C) REMOVAL.

1 THE COUNTY EXECUTIVE MAY REMOVE A COMMISSIONER WITH THE APPROVAL
2 OF THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY.

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 44A, § 4-102(b)(3), (4), the first sentence of (2),
5 and, as it related to the number of commissioners, (1), and the last clause
6 of § 4-102(1).

7 In subsection (a)(1) of this section, the former reference to the
8 commissioners "exercising the powers and duties set forth in this [Division
9 II]" is deleted as surplusage.

10 In subsection (b)(2) of this section, the reference to terms being staggered
11 as required by the terms provided for commissioners on "October 1, 2006"
12 is substituted for the former obsolete reference to terms being staggered as
13 required by the terms provided on "July 1, 1983". This substitution is not
14 intended to alter the term of any member of the Prince George's Authority.
15 See § ____ of Ch. __, Acts of 2006. The terms of the members serving on
16 October 1, 2006, end as follows: (1) one commissioner on October 24, 2006;
17 (2) three commissioners on October 24, 2007; (3) one commissioner on
18 October 24, 2008; and (4) two commissioners on October 24, 2009.

19 Defined term: "Prince George's Authority" § 17-101

20 17-106. CHAIR.

21 THE COUNTY EXECUTIVE SHALL CHOOSE THE CHAIR OF THE PRINCE GEORGE'S
22 AUTHORITY FROM AMONG ITS COMMISSIONERS.

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from the second sentence of former Art. 44A, § 4-102(b)(2).

25 The reference to "chair" is substituted for the former reference to
26 "chairman" because SG § 2-1238 requires the use of words that are neutral
27 as to gender to the extent practicable. See General Revisor's Note to this
28 Division II.

29 Defined term: "Prince George's Authority" § 17-101

30 17-107. POWERS OF PRINCE GEORGE'S AUTHORITY.

31 (A) IN GENERAL.

32 IN ADDITION TO THE POWERS LISTED ELSEWHERE IN THIS DIVISION II, THE
33 PRINCE GEORGE'S AUTHORITY MAY:

34 (1) EXERCISE ALL OR ANY PART OF THOSE POWERS TO PROVIDE
35 HOUSING, HOUSING REHABILITATION, HOUSING PROJECTS, INTEGRALLY RELATED
36 COMMERCIAL STRUCTURES, AND THEIR FINANCING FOR COUNTY RESIDENTS;

1 (2) EXERCISE OTHER FUNCTIONS AND RESPONSIBILITIES REQUIRED BY
2 THE COUNTY, INCLUDING COMMUNITY DEVELOPMENT; AND

3 (3) ACQUIRE AND SPEND PUBLIC MONEY FOR ANY PURPOSE
4 AUTHORIZED UNDER THIS DIVISION II, IF THE EXERCISE OF ALL POWERS OF THE
5 PRINCE GEORGE'S AUTHORITY IS IN ACCORDANCE WITH PRINCE GEORGE'S COUNTY
6 LAW OR A CONTRACT OR CONTRACTS WITH PRINCE GEORGE'S COUNTY.

7 (B) REPORT.

8 AS REQUIRED BY PRINCE GEORGE'S COUNTY, THE PRINCE GEORGE'S
9 AUTHORITY ANNUALLY SHALL ISSUE A FINANCIAL REPORT FOR THE PREVIOUS
10 FISCAL YEAR BASED ON A CERTIFIED AUDIT.

11 (C) POWER OF COUNTY.

12 PRINCE GEORGE'S COUNTY BY LOCAL LAW MAY REQUIRE THE PRINCE
13 GEORGE'S AUTHORITY TO COMPLY WITH BUDGETARY, FINANCIAL, PERSONNEL, AND
14 ETHICS PROCEDURES OF THE COUNTY.

15 (D) FINANCING POWERS -- IN GENERAL.

16 WITH THE APPROVAL OF THE PRINCE GEORGE'S COUNTY GOVERNING BODY,
17 THE PRINCE GEORGE'S AUTHORITY WITHIN ITS AREA OF OPERATION ALSO MAY:

18 (1) MAKE CONSTRUCTION LOANS AND LONG-TERM MORTGAGE LOANS
19 TO ANY PERSON TO PRODUCE HOUSING UNDER THIS TITLE;

20 (2) BUY AND INSURE MORTGAGES SECURED BY SUCH HOUSING; AND

21 (3) MAKE OR BUY MORTGAGE LOANS TO HELP FIRST-TIME
22 HOMEBUYERS TO BUY EXISTING HOMES, IF:

23 (I) THE FIRST-TIME HOMEBUYERS:

24 1. ARE RESIDENTS OF THE COUNTY;

25 2. QUALIFY BASED ON INCOME LIMITS ESTABLISHED BY
26 THE PRINCE GEORGE'S AUTHORITY WITH THE APPROVAL OF THE COUNTY
27 GOVERNING BODY; AND

28 3. ARE BUYING HOUSING DETERMINED TO BE DECENT,
29 SAFE, AND ADEQUATE ACCORDING TO STANDARDS ADOPTED BY THE PRINCE
30 GEORGE'S AUTHORITY; AND

31 (II) THE PRINCE GEORGE'S AUTHORITY DETERMINES THAT
32 INCOME FROM THE ASSISTANCE PROGRAM WILL COVER THE COSTS OF THE
33 PROGRAM.

34 (E) SAME -- BONDS.

1 (1) WITH THE APPROVAL OF THE PRINCE GEORGE'S COUNTY
 2 GOVERNING BODY, THE PRINCE GEORGE'S AUTHORITY WITHIN ITS AREA OF
 3 OPERATION MAY FINANCE HOUSING, HOUSING REHABILITATION, A HOUSING
 4 PROJECT, OR A CONTINUING CARE FACILITY AUTHORIZED BY THIS TITLE BY ISSUING
 5 AND SELLING THE BONDS OF ANY TYPE.

6 (2) BONDS THAT MAY BE ISSUED UNDER THIS SUBSECTION INCLUDE
 7 THOSE ON WHICH THE PRINCIPAL AND INTEREST ARE PAYABLE:

8 (I) ONLY FROM THE INCOME AND REVENUES OF THE HOUSING
 9 PROJECT OR CONTINUING CARE FACILITY THAT IS FINANCED WITH THE PROCEEDS
 10 OF THE BONDS OR WITH BOTH THOSE PROCEEDS AND A FEDERAL GRANT;

11 (II) ONLY FROM THE INCOME AND REVENUES OF DESIGNATED
 12 HOUSING PROJECTS WHETHER OR NOT THEY WERE FINANCED WHOLLY OR PARTLY
 13 WITH THE PROCEEDS OF THE BONDS; OR

14 (III) FROM ITS REVENUES GENERALLY.

15 (3) A BOND UNDER THIS SUBSECTION MAY BE SECURED BY PLEDGE OF
 16 ANY REVENUE OR A MORTGAGE OF A HOUSING PROJECT, PROJECTS, OR OTHER
 17 PROPERTY OF THE PRINCE GEORGE'S AUTHORITY.

18 (4) BONDS OF THE PRINCE GEORGE'S AUTHORITY MAY BE SOLD AT
 19 PUBLIC OR PRIVATE SALE IN THE MANNER AND ON THE TERMS THAT ARE
 20 AUTHORIZED BY RESOLUTION OF THE PRINCE GEORGE'S AUTHORITY.

21 (F) EFFECT OF SECTION.

22 THIS SECTION DOES NOT PREEMPT OR SUPERSEDE THE REGULATORY
 23 AUTHORITY OF A STATE GOVERNMENTAL UNIT UNDER STATE LAW.

24 REVISOR'S NOTE: This section is new language derived without substantive
 25 change from former Art. 44A, § 4-102(b) through (g) and the second
 26 sentence of (c).

27 In subsection (a)(3) of this section, the former reference to "pursuant to" is
 28 deleted as included in the reference to "in accordance with".

29 In subsection (e)(1) of this section, the former phrase "authorized by this
 30 section" is deleted as surplusage.

31 In subsection (d)(1) of this section, the former reference to "firm,
 32 partnership, association, joint venture, or private or public corporation" is
 33 deleted as included in the defined term "person".

34 In subsection (f) of this section, the former references to granting to the
 35 Prince George's Authority "powers in any substantive area not otherwise
 36 granted to the Authority by other public general or public local law ...
 37 restrict[ing] the Authority from exercising any power granted to the

1 Authority by other public general or public local law or otherwise ... [and]
2 authoriz[ing] the Authority or its officer to engage in any activity which is
3 beyond their power under other public general law, public local law, or
4 otherwise" are deleted as unnecessary.

5 The Housing and Community Development Article Review Committee
6 notes, for consideration by the General Assembly, that in subsection (b) of
7 this section, the Prince George's Authority is required to issue a financial
8 report for the previous fiscal year based on a certified audit, but the
9 subject of the audit or to whom the report is to be sent is not stated.

10 Former Art. 44A, § 4-102(g)(1), which stated that the Prince George's
11 Authority may exercise its powers even if economic competition is
12 displaced or limited as a result, is deleted as needless in light of § 12-504
13 of this article.

14 Defined terms: "Area of operation" § 12-101

15 "Bond" § 12-101

16 "Continuing care facility" § 17-101

17 "Governing body" § 12-101

18 "Housing project" § 17-101

19 "Person" § 12-101

20 "Person of eligible income" § 17-101

21 "Prince George's Authority" § 17-101

22 GENERAL REVISOR'S NOTE TO TITLE:

23 Former Art. 44A § 4-102(l), as it authorized the County Executive and the
24 County Council of Prince George's County to perform the acts required or authorized
25 by this Division II to be performed by the chief elected official and the legislative body,
26 respectively, is deleted as surplusage.

27 TITLE 18. QUEEN ANNE'S COUNTY.

28 18-101. DEFINITIONS.

29 (A) IN GENERAL.

30 IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

31 REVISOR'S NOTE: This subsection is new language derived without
32 substantive change from former Art. 44A, § 6-102(a)(1).

33 (B) BOARD OF COUNTY COMMISSIONERS.

34 "BOARD OF COUNTY COMMISSIONERS" MEANS THE BOARD OF COUNTY
35 COMMISSIONERS OF QUEEN ANNE'S COUNTY.

36 REVISOR'S NOTE: This subsection is new language added to provide a concise
37 reference to the Board of County Commissioners of Queen Anne's County.

1 (C) HOUSING PROJECT.

2 (1) "HOUSING PROJECT" MEANS A WORK OR UNDERTAKING TO PROVIDE
3 HOUSING FOR PERSONS OF ELIGIBLE INCOME.

4 (2) "HOUSING PROJECT" INCLUDES:

5 (I) BUILDINGS, LAND, IMPROVEMENTS, AND OTHER REAL OR
6 PERSONAL PROPERTY THAT IS PLANNED, ACQUIRED, OWNED, USED, DEVELOPED,
7 RECONSTRUCTED, REHABILITATED, OR IMPROVED; AND

8 (II) STREETS, ROADS, SEWERS, WATER SERVICE, AND SUPPORTING
9 PUBLIC OR PRIVATE COMMERCIAL, EDUCATIONAL, CULTURAL, RECREATIONAL,
10 COMMUNITY, AND CIVIC FACILITIES THAT ARE NEEDED FOR SOUND COMMUNITY
11 DEVELOPMENT.

12 REVISOR'S NOTE: This subsection is new language derived without
13 substantive change from former Art. 44A, § 6-102(a)(2).

14 In paragraph (1) of this subsection, the former reference to a "portion of it
15 [an undertaking or project]" is deleted as surplusage.

16 In paragraph (2)(i) of this subsection, the reference to property that is
17 "used" is added to state expressly what was only implied in the former law
18 - that a housing project includes property that is in any way used.

19 Also in paragraph (2)(i) of this subsection, the reference to "housing" is
20 substituted for the former reference to "dwelling accommodations" to
21 conform to the terminology used throughout this article.

22 Also in paragraph (2)(i) of this subsection, the former reference to
23 "mixed ... [properties] or an interest in them" is deleted as included in the
24 reference to "real or personal" property.

25 Defined terms: "Person of eligible income" § 18-101

26 "Real property" § 12-101

27 (D) PERSON OF ELIGIBLE INCOME.

28 "PERSON OF ELIGIBLE INCOME" MEANS AN INDIVIDUAL OR A FAMILY THAT
29 LACKS SUFFICIENT INCOME OR ASSETS WITHOUT FINANCIAL ASSISTANCE TO LIVE
30 IN DECENT, SAFE, AND SANITARY HOUSING WITHOUT OVERCROWDING.

31 REVISOR'S NOTE: This subsection is new language derived without
32 substantive change from former Art. 44A, § 6-102(a)(3).

33 The reference to "housing" is substituted for the former reference to
34 "dwellings" to conform to the terminology used throughout this article.

35 (E) QUEEN ANNE'S AUTHORITY.

1 "QUEEN ANNE'S AUTHORITY" MEANS THE HOUSING AUTHORITY OF QUEEN
2 ANNE'S COUNTY.

3 REVISOR'S NOTE: This subsection is new language added to provide a
4 convenient reference to the Housing Authority of Queen Anne's County.

5 18-102. APPLICABILITY OF TITLE 12.

6 TITLE 12 OF THIS ARTICLE APPLIES TO THE QUEEN ANNE'S AUTHORITY EXCEPT
7 WHERE IT IS INCONSISTENT WITH THIS TITLE.

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 44A, § 6-101.

10 Defined term: "Queen Anne's Authority" § 18-101

11 18-103. ESTABLISHMENT OF QUEEN ANNE'S AUTHORITY.

12 THE HOUSING AUTHORITY OF QUEEN ANNE'S COUNTY IS A PUBLIC BODY
13 CORPORATE AND POLITIC THAT:

14 (1) EXERCISES PUBLIC AND ESSENTIAL GOVERNMENTAL FUNCTIONS;
15 AND

16 (2) HAS ALL THE POWERS NECESSARY OR CONVENIENT TO CARRY OUT
17 THE PURPOSES OF THIS DIVISION II.

18 REVISOR'S NOTE: This section is new language added to state expressly what
19 was only implied in the former law -- that the Housing Authority of Queen
20 Anne's County exists as a public body corporate and politic, exercising
21 public and essential governmental functions, and having all the powers
22 necessary or convenient to carry out the purposes of this Division II.

23 18-104. ACTIONS REQUIRED OF BOARD OF COUNTY COMMISSIONERS.

24 (A) SCOPE OF SECTION.

25 THIS SECTION DOES NOT APPLY IF ITS APPLICATION WOULD DISQUALIFY THE
26 STATE OR A COUNTY FROM RECEIVING FEDERAL MONEY.

27 (B) IN GENERAL.

28 (1) THE BOARD OF COUNTY COMMISSIONERS SHALL:

29 (I) ADOPT POLICIES, REGULATIONS, OR AMENDMENTS THAT ARE
30 NECESSARY TO IMPLEMENT:

31 1. FEDERALLY OR STATE ASSISTED HOUSING PROGRAMS;
32 AND

1 (4) WAIVE MAXIMUM INCOME LIMITS FOR PERSONS 65 YEARS OF AGE OR
2 OLDER.

3 (B) SALE OF BONDS.

4 THE QUEEN ANNE'S AUTHORITY MAY SELL ITS BONDS AT PUBLIC OR PRIVATE
5 SALE IN THE MANNER AND ON THE TERMS THAT IT AUTHORIZES BY RESOLUTION.

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 44A, § 6-102(c) and (e).

8 In subsection (a)(2) of this section, the reference to the ability of the Queen
9 Anne's Authority to make rent subsidy payments to "or for" persons of
10 eligible income is added to clarify that the payments may be made to third
11 parties, such as landlords, on behalf of persons of eligible income.

12 In subsection (a)(3) of this section, the former reference to "firm,
13 partnership, association, joint venture, or corporation, public or private" is
14 deleted as included in the reference to the defined term "person".

15 In subsection (a)(4) of this section, the reference to "maximum" income
16 limits is added for clarity.

17 Former Art. 44A, § 6-102(d), which authorized the Queen Anne's Authority
18 to exercise its powers even if to do so would displace or limit economic
19 competition, and which specified that this title did not grant powers in a
20 substantive area not granted to the Authority by other law, restrict the
21 Queen Anne's Authority from exercising other powers, authorize the Queen
22 Anne's Authority or its officers to engage in an activity that is beyond their
23 power, or preempt or supersede the regulatory authority of a State unit, is
24 deleted as redundant of § 12-504 of this article.

25 Defined terms: "Board of County Commissioners" § 18-101

26 "Bond" § 12-101

27 "Person" § 12-101

28 "Person of eligible income" § 18-101

29 "Queen Anne's Authority" § 18-101

30 TITLE 19. ST. MARY'S COUNTY.

31 19-101. APPLICABILITY OF TITLE 12.

32 TITLE 12 OF THIS ARTICLE APPLIES TO THE HOUSING AUTHORITY OF ST. MARY'S
33 COUNTY EXCEPT WHERE IT IS INCONSISTENT WITH THIS TITLE.

34 REVISOR'S NOTE: This section is new language derived without substantive
35 change from former Art. 44A, § 11-101.

1 19-102. HOUSING AUTHORITY OF ST. MARY'S COUNTY.

2 (A) ESTABLISHED.

3 THE HOUSING AUTHORITY OF ST. MARY'S COUNTY IS A PUBLIC BODY
4 CORPORATE AND POLITIC THAT:

5 (1) EXERCISES PUBLIC AND ESSENTIAL GOVERNMENTAL FUNCTIONS;
6 AND

7 (2) HAS ALL THE POWERS NECESSARY OR CONVENIENT TO CARRY OUT
8 THE PURPOSES OF THIS DIVISION II.

9 (B) COMPOSITION.

10 (1) THE HOUSING AUTHORITY OF ST. MARY'S COUNTY CONSISTS OF
11 SEVEN MEMBERS APPOINTED BY THE COMMISSIONERS FOR ST. MARY'S COUNTY.

12 (2) THE TERM OF A MEMBER IS 5 YEARS.

13 (3) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY
14 THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSIONERS OF THE HOUSING
15 AUTHORITY OF ST. MARY'S COUNTY ON OCTOBER 1, 2006.

16 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
17 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
18 QUALIFIES.

19 REVISOR'S NOTE: Subsection (a) of this section is new language added to
20 state expressly what was only implied in the former law -- that the
21 Housing Authority of St. Mary's County exists as a public body corporate
22 and politic, exercising public and essential governmental functions, and
23 having all the powers necessary or convenient to carry out the purposes of
24 this Division II.

25 Subsection (b) of this section is new language derived without substantive
26 change from former Art. 44A, § 11-102.

27 In subsection (b)(1) of this section, the former phrase "[n]otwithstanding §
28 1-206(a) of this article" - now § 12-207(c) of this article - is deleted as
29 unnecessary in light of § 19-101 of this title.

30 Also in subsection (b)(1) of this section, the former phrase that "from July
31 1, 2002" the Housing Authority of St. Mary's County consists of seven
32 members is deleted as surplusage.

33 In subsection (b)(3) of this section, the reference to terms being staggered
34 as required by the terms provided for Board members on "October 1, 2006"
35 is substituted for the former obsolete reference to the Commissioners for
36 St. Mary's County's designating "two additional persons to serve as

1 Commissioners, one of whom shall be appointed for a term of 1 year and
2 the other for a term of 2 years, from their respective dates of appointment.
3 Thereafter their successors shall be appointed for terms of 5 years". This
4 substitution is not intended to alter the term of any member of the
5 Commission. *See* § ____ of Ch. ____, Acts of 2006. The terms of the
6 members serving on October 1, 2006, end as follows: (1) three on June 30,
7 2007; (2) two on June 30, 2008; and (3) two on June 30, 2009.

8 TITLE 20. SOMERSET COUNTY.

9 20-101. APPLICABILITY OF TITLE 12.

10 TITLE 12 OF THIS ARTICLE APPLIES TO SOMERSET COUNTY EXCEPT WHERE IT
11 IS INCONSISTENT WITH THIS TITLE.

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 44A, § 8-101.

14 20-102. MEMBERSHIP OF HOUSING AUTHORITIES.

15 IN SOMERSET COUNTY, MEMBERS OF THE COUNCIL OF A MUNICIPAL
16 CORPORATION MAY SERVE AS COMMISSIONERS OF THE HOUSING AUTHORITY OF
17 THE MUNICIPAL CORPORATION.

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 44A, § 8-102.

20 The references to a "municipal corporation" are substituted for the former
21 references to an "incorporated cit[y]" and "city" to conform to the
22 terminology used in Md. Constitution, Art. XI-E.

23 The former phrase "[n]otwithstanding § 1-207(b) of this article" - now §
24 12-303 of this article - is deleted as unnecessary in light of § 20-101 of this
25 title.

26 TITLE 21. WASHINGTON COUNTY.

27 21-101. DEFINED TERMS.

28 (A) IN GENERAL.

29 IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

30 REVISOR'S NOTE: This subsection is new language derived without
31 substantive change from former Art. 44A, § 5-102(a)(1).

32 (B) BOARD OF COUNTY COMMISSIONERS.

33 "BOARD OF COUNTY COMMISSIONERS" MEANS THE BOARD OF COUNTY
34 COMMISSIONERS OF WASHINGTON COUNTY.

1 REVISOR'S NOTE: This subsection is new language added to provide a
2 convenient reference to the Board of County Commissioners of Washington
3 County.

4 (C) HOUSING PROJECT.

5 (1) "HOUSING PROJECT" MEANS A WORK OR UNDERTAKING THAT IS
6 PLANNED, ACQUIRED, OWNED, USED, DEVELOPED, CONSTRUCTED,
7 RECONSTRUCTED, REHABILITATED, OR IMPROVED TO PROVIDE:

8 (I) HOUSING OF WHICH A SUBSTANTIAL PART SHALL BE FOR
9 PERSONS OF ELIGIBLE INCOME; AND

10 (II) STREETS, ROADS, SEWERS, WATER SERVICE, AND OTHER
11 SUPPORTING PUBLIC OR PRIVATE COMMERCIAL, EDUCATIONAL, CULTURAL,
12 RECREATIONAL, COMMUNITY, OR CIVIC FACILITIES THAT ARE NEEDED FOR SOUND
13 COMMUNITY DEVELOPMENT.

14 (2) "HOUSING PROJECT" INCLUDES LANDS, BUILDINGS,
15 IMPROVEMENTS, AND OTHER REAL OR PERSONAL PROPERTY.

16 REVISOR'S NOTE: This subsection is new language derived without
17 substantive change from former Art. 44A, § 5-102(a)(2) and the third
18 sentence of § 5-103(c).

19 In paragraph (1) of this subsection, the defined term "housing project" is
20 substituted for the former defined term "housing or housing project for
21 persons of eligible income" for brevity in light of the defined term "person
22 of eligible income".

23 Also in paragraph (1) of this subsection, the reference to "work" is
24 substituted for the former reference to "project" to avoid repeating part of
25 the defined term "housing project" in the definition.

26 Also in paragraph (1) of this subsection, the former references to an
27 undertaking or project, or "portion thereof" is deleted as surplusage.
28 Similarly, the former reference to properties "or interest therein" is
29 deleted.

30 Also in paragraph (1) of this subsection, the reference to "used" is added for
31 clarity.

32 In paragraph (1)(i) of this subsection, the reference to "housing" is
33 substituted for the former reference to "dwelling accommodations" to
34 conform to the terminology used throughout this article.

35 In paragraph (2) of this subsection, the former reference to "mixed"
36 properties is deleted as included in the reference to "real" and "personal"
37 properties.

1 Defined term: "Person of eligible income" § 21-101

2 (D) PERSON OF ELIGIBLE INCOME.

3 "PERSON OF ELIGIBLE INCOME" MEANS AN INDIVIDUAL OR FAMILY WHO THE
4 WASHINGTON AUTHORITY DETERMINES LACKS SUFFICIENT INCOME OR ASSETS
5 WITHOUT FINANCIAL ASSISTANCE TO LIVE IN DECENT, SAFE, AND SANITARY
6 HOUSING WITHOUT OVERCROWDING.

7 REVISOR'S NOTE: This subsection is new language derived without
8 substantive change from former Art. 44A, § 5-102(a)(3) and the second
9 sentence of § 5-103(c).

10 The reference to "an individual or family" is substituted for the former
11 reference to "persons who individually or part of a family unit" for brevity.

12 The reference to "housing" is substituted for the former reference to
13 "dwellings" to conform to the terminology used throughout this article.

14 (E) WASHINGTON AUTHORITY.

15 "WASHINGTON AUTHORITY" MEANS THE HOUSING AUTHORITY OF
16 WASHINGTON COUNTY.

17 REVISOR'S NOTE: This subsection is new language added to provide a
18 convenient reference to the Housing Authority of Washington County.

19 21-102. FINDINGS.

20 THE GENERAL ASSEMBLY FINDS THAT:

21 (1) THERE ARE IN THE AREA OF OPERATION OF THE WASHINGTON
22 AUTHORITY UNSAFE AND UNSANITARY HOUSING AND A SHORTAGE OF SAFE AND
23 SANITARY HOUSING FOR PERSONS OF ELIGIBLE INCOME;

24 (2) THESE CONDITIONS CAUSE TOO MUCH PUBLIC MONEY TO BE SPENT
25 FOR CRIME PREVENTION AND PUNISHMENT, PUBLIC HEALTH AND SAFETY, FIRE AND
26 ACCIDENT PROTECTION, AND OTHER PUBLIC SERVICES AND FACILITIES;

27 (3) THE PUBLIC INTEREST REQUIRES THE REMEDYING OF THESE
28 CONDITIONS;

29 (4) THE ASSISTANCE PROVIDED UNDER THIS TITLE TO REMEDY THESE
30 CONDITIONS IS A PUBLIC USE AND PURPOSE AND AN ESSENTIAL GOVERNMENTAL
31 FUNCTION FOR WHICH PUBLIC MONEY MAY BE SPENT; AND

32 (5) THIS TITLE IS NECESSARY IN THE PUBLIC INTEREST.

33 REVISOR'S NOTE: This section is new language derived without substantive
34 change from former Art. 44A, § 5-103(a) and (b).

1 In item (1) of this section, the reference to "housing" is substituted for the
2 former reference to "dwelling accommodations" to conform to the
3 terminology used throughout this article.

4 Also in item (1) of this section, the former reference to housing "conditions"
5 is deleted as surplusage.

6 In item (2) of this section, the reference to "cause too much public money"
7 is substituted for the former reference to "necessitate excessive and
8 disproportionate expenditures of public funds" for brevity.

9 Defined terms: "Person of eligible income" § 21-101

10 "Washington Authority" § 21-101

11 21-103. APPLICABILITY OF TITLE 12.

12 TITLE 12 OF THIS ARTICLE APPLIES TO THE WASHINGTON AUTHORITY EXCEPT
13 WHERE IT IS INCONSISTENT WITH THIS TITLE.

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 44A, § 5-101.

16 Defined term: "Washington Authority" § 21-101

17 21-104. ESTABLISHMENT OF WASHINGTON AUTHORITY.

18 THE HOUSING AUTHORITY OF WASHINGTON COUNTY IS A PUBLIC BODY
19 CORPORATE AND POLITIC THAT:

20 (1) EXERCISES PUBLIC AND ESSENTIAL GOVERNMENTAL FUNCTIONS;
21 AND

22 (2) HAS ALL THE POWERS NECESSARY OR CONVENIENT TO CARRY OUT
23 THE PURPOSES OF THIS DIVISION II.

24 REVISOR'S NOTE: This section is new language added to state expressly what
25 was only implied in the former law -- that the Housing Authority of
26 Washington County exists as a public body corporate and politic, exercising
27 public and essential governmental functions, and having all the powers
28 necessary or convenient to carry out the purposes of this Division II.

29 21-105. ACTIONS REQUIRED OF COUNTY COMMISSIONERS.

30 (A) SCOPE OF SECTION.

31 THIS SECTION DOES NOT APPLY IF ITS APPLICATION WOULD DISQUALIFY THE
32 STATE OR A COUNTY FROM RECEIVING FEDERAL MONEY.

33 (B) IN GENERAL.

34 (1) THE BOARD OF COUNTY COMMISSIONERS SHALL:

1 (I) ADOPT POLICIES, REGULATIONS, OR AMENDMENTS THAT ARE
2 NECESSARY TO IMPLEMENT:

3 1. FEDERALLY OR STATE ASSISTED HOUSING PROGRAMS;
4 AND

5 2. LOCALLY FUNDED HOUSING PROGRAMS UNDERTAKEN IN
6 ACCORDANCE WITH THIS DIVISION II;

7 (II) REVIEW AND APPROVE EACH HOUSING PROJECT THAT THE
8 WASHINGTON AUTHORITY PROPOSES BEFORE THE HOUSING PROJECT MAY BE
9 STARTED; AND

10 (III) ESTABLISH MAXIMUM INCOME LIMITS FOR PERSONS OF
11 ELIGIBLE INCOME.

12 (2) FOR SPECIAL HOUSING PROJECTS, THE BOARD OF COUNTY
13 COMMISSIONERS MAY ESTABLISH EXCEPTIONS TO THE MAXIMUM INCOME LIMITS
14 FOR PERSONS OF ELIGIBLE INCOME.

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 44A, § 5-102(b).

17 In subsection (b)(1)(iii) and (2) of this section, the references to "maximum"
18 income limits are substituted for former references to "upper" income limit
19 or limits to conform to the terminology used throughout this article.

20 In subsection (b)(2) of this section, the reference to upper income limits "for
21 persons of eligible income" is added for clarity.

22 The Housing and Community Development Article Review Committee
23 notes, for consideration by the General Assembly, that in subsection (b)(2)
24 of this section, the term "special housing projects" is undefined.

25 Defined terms: "Board of County Commissioners" § 21-101

26 "County" § 12-101

27 "Housing project" § 21-101

28 "Person of eligible income" § 21-101

29 "Washington Authority" § 21-101

30 21-106. POWERS OF WASHINGTON AUTHORITY.

31 (A) IN GENERAL.

32 SUBJECT TO THE POWER OF THE BOARD OF COUNTY COMMISSIONERS UNDER §
33 21-105 OF THIS TITLE, THE WASHINGTON AUTHORITY, IN ADDITION TO THE POWERS
34 LISTED IN THIS DIVISION II AND PROVIDED BY LOCAL LAW, MAY:

35 (1) MAKE MORTGAGE LOANS;

1 (2) MAKE RENT SUBSIDY PAYMENTS TO OR FOR PERSONS OF ELIGIBLE
2 INCOME;

3 (3) MAKE CONSTRUCTION LOANS AND LONG-TERM MORTGAGE LOANS
4 TO A PERSON TO PRODUCE HOUSING FOR PERSONS OF ELIGIBLE INCOME; OR

5 (4) WAIVE MAXIMUM INCOME LIMITS FOR PERSONS 65 YEARS OF AGE OR
6 OLDER.

7 (B) SALE OF BONDS.

8 THE WASHINGTON AUTHORITY MAY SELL ITS BONDS AT PUBLIC OR PRIVATE
9 SALE IN THE MANNER AND ON THE TERMS THAT IT AUTHORIZES BY RESOLUTION.

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 44A, § 5-102(c) and (e).

12 In subsection (a)(2) of this section, the reference to the ability of the
13 Washington Authority to make rent subsidy payments to "or for" persons of
14 eligible income is added to clarify that the payments may be made to third
15 parties, such as landlords, on behalf of persons of eligible income.

16 Also in subsection (a)(2) of this section, the former reference to "firm,
17 partnership, association, joint venture, or corporation, public or private" is
18 deleted as included in the reference to the defined term "person".

19 Former Art. 44A, § 5-102(d), which authorized the Washington Authority
20 to exercise its powers even if to do so would displace or limit economic
21 competition, and which specified that this title did not grant powers in a
22 substantive area not granted to the Authority by other law, restrict the
23 Washington Authority from exercising other powers, authorize the
24 Washington Authority or its officers to engage in an activity that is beyond
25 their power, or preempt or supersede the regulatory authority of a State
26 unit, is deleted as redundant of § 12-504 of this article.

27 Defined terms: "Board of County Commissioners" § 21-101

28 "Bond" § 12-101

29 "Person" § 12-101

30 "Person of eligible income" § 21-101

31 "Washington Authority" § 21-101

32 GENERAL REVISOR'S NOTE TO TITLE:

33 The first sentence of former Art. 44A, § 5-103(c), which stated that the State
34 public body has the powers enumerated in this Division II to aid and cooperate with
35 the Washington Authority in the planning, undertaking, construction, or operation of
36 housing projects for persons of eligible income, is deleted as unnecessary in light of §
37 12-506(b) of this article.

1 TITLE 22. INDIAN HOUSING AUTHORITIES.

2 22-101. APPLICABILITY OF TITLE 12.

3 TITLE 12 OF THIS ARTICLE APPLIES TO INDIAN HOUSING AUTHORITIES EXCEPT
4 WHERE IT IS INCONSISTENT WITH THIS TITLE.

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 44A, § 9-101.

7 22-102. ESTABLISHMENT OF HOUSING AUTHORITY BY INDIAN TRIBE.

8 AN INDIAN TRIBE MAY ESTABLISH AN AUTHORITY ON APPROVAL BY
9 ORDINANCE OR RESOLUTION OF THE GOVERNING BODY AND CHIEF ELECTED
10 OFFICIAL OF THE POLITICAL SUBDIVISION WHERE THE AUTHORITY IS TO BE
11 LOCATED.

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 44A, § 9-102(a).

14 The defined term "political subdivision" is substituted for the former
15 reference to "local jurisdiction" to conform to the terminology used
16 throughout this article.

17 The Housing and Community Development Article Review Committee
18 notes, for consideration by the General Assembly, that the term "Indian
19 tribe" is undefined in this article. For the law governing Maryland Indian
20 status, *see* Art. 41, § 6-909.

21 Defined terms: "Authority" § 12-101

22 "Chief elected official" § 12-101

23 "Governing body" § 12-101

24 "Political subdivision" § 12-101

25 22-103. PARTICIPATION IN STATE OR FEDERAL PROGRAMS.

26 (A) IN GENERAL.

27 AN INDIAN AUTHORITY MAY DO ANYTHING NECESSARY OR CONVENIENT TO
28 PARTICIPATE IN ANY STATE OR FEDERAL PROGRAM OF LOW AND MODERATE
29 INCOME HOUSING ASSISTANCE AND COMMUNITY DEVELOPMENT, INCLUDING:

30 (1) ENTERING INTO AND PERFORMING A CONTRACT OR AGREEMENT
31 WITH THE STATE, THE UNITED STATES, OR A UNIT OF THE FEDERAL GOVERNMENT;

32 (2) DEVELOPING OR OPERATING A HOUSING PROJECT IF APPROVAL BY
33 ORDINANCE OR RESOLUTION IS OBTAINED FROM THE GOVERNING BODY AND CHIEF
34 ELECTED OFFICIAL OF THE POLITICAL SUBDIVISION WHERE THE HOUSING PROJECT
35 IS LOCATED; AND

1 (3) ACTING AS A PUBLIC HOUSING AGENCY WITHIN THE MEANING OF
2 FEDERAL LAW AND AS AN AUTHORITY WITHIN THE MEANING OF STATE LAW.

3 (B) DEPARTMENT OR LOCAL HOUSING AUTHORITY ACTING ON BEHALF OF
4 INDIANS.

5 THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT OR AN
6 AUTHORITY, ACTING AS A LOCAL PUBLIC AGENCY OR PUBLIC HOUSING AGENCY, MAY
7 DO ANYTHING NECESSARY OR CONVENIENT ON BEHALF OF NATIVE AMERICAN
8 INDIANS OR AN INDIAN TRIBE IN THE STATE.

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 44A, § 9-102(b) and (c).

11 In subsection (a)(2) of this section, the defined term "political subdivision"
12 is substituted for the former reference to "local jurisdiction" to conform to
13 the terminology used throughout this article.

14 In subsection (b) of this section, the former reference to acting "generally"
15 as a local public agency or public housing agency is deleted as surplusage.

16 Defined terms: "Authority" § 12-101

17 "Housing project" § 12-101

18 "Political subdivision" § 12-101

19 TITLE 23. SHORT TITLE.

20 23-101. SHORT TITLE.

21 THIS DIVISION II IS THE HOUSING AUTHORITIES LAW.

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 44A, § 1-101.

24 GENERAL REVISOR'S NOTE TO DIVISION II

25 This revision contains the second of two divisions ("Division II") that constitute
26 the Housing and Community Development Article. Division II contains the revision of
27 local housing authorities. Division I of the article, enacted in 2005, revised the laws
28 governing the housing, community, and heritage programs of the Department of
29 Housing and Community Development.

30 The Department of Legislative Services is charged with revising the law in a
31 clear, concise, and organized manner, without changing the effect of the law. One
32 precept of code revision has been that, once something is said, it should be said in the
33 same way every time. To that end, the Housing and Community Development Article
34 Review Committee conformed the language and organization of Division II to that of
35 previously enacted revised articles to the extent possible.

1 It is the manifest intent both of the General Assembly and the Housing and
2 Community Development Article Review Committee that this bulk revision of the
3 substantive housing and community development law of the State render no
4 substantive change. The guiding principle of the preparation of Division II is that
5 stated in *Welch v. Humphrey*, 200 Md. 410, 417 (1952):

6 [T]he principal function of a Code is to reorganize the statutes and state them in
7 simpler form. Consequently any changes made in them by a Code are presumed to be
8 for the purpose of clarity rather than change of meaning. Therefore, even a change in
9 the phraseology of a statute by a codification thereof will not ordinarily modify the
10 law, unless the change is so radical and material that the intention of the Legislature
11 to modify the law appears unmistakably from the language of the Code. (citations
12 omitted)

13 Accordingly, except to the extent that changes, which are noted in Revisor's Notes,
14 clarify the former law, the enactment of this Division II in no way is intended to make
15 any change to the substantive law of Maryland relating to local housing authorities.

16 Throughout this Division II, as in other revised articles, the word "regulations"
17 generally is substituted for former references to "rules and regulations" to
18 distinguish, to the extent possible, between regulations of executive units and rules of
19 judicial or legislative units and to establish consistency in the use of the words. This
20 substitution conforms to the practice of the Division of State Documents. However, in
21 some instances, references to "rules" of executive agencies are retained to reflect that
22 the agency has adopted rules to govern the internal management of the agency.

23 In many provisions in this Division II, as in other revised articles, the term
24 "unit" is substituted for former references to governmental entities such as an
25 "agency", "office", or "commission". In revised articles of the Code, the term "unit" is
26 used as the general term for an organization in government because it is broad
27 enough to include all such entities.

28 References to current units and positions are substituted for obsolete references
29 to entities and positions that have been abolished or have otherwise ceased to exist.

30 Also throughout this Division II, references to the "chair" of a committee or
31 other unit are substituted for former references to "chairman" in accordance with the
32 style manual of the Office of Policy Analysis of the Department of Legislative
33 Services. SG § 2-1238(11) requires the Office of Policy Analysis to include in the style
34 manual "a drafting rule that requires, to the extent practicable, the use of words that
35 are neutral as to gender except for a subject matter that specifically applies only to
36 one gender and except for a name or organizational title".

37 Also throughout this Division II, for clarity and consistency, references to "the
38 residents of the State" are substituted for former references to "citizens of the State"
39 and "citizens of this State" because the meaning of the word "citizen" is unclear and
40 the attribute of State residency seems the most relevant in the context of this Division
41 II.

1 In some instances, the staff of the Department of Legislative Services may
2 create "Special Revisor's Notes" to reflect the substantive effect of legislation enacted
3 during the 2006 Session on some provisions of this Division II.

4 SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act affects
5 the term of office of an appointed or elected member of any commission, office,
6 department, agency, or other unit. An individual who is a member of a unit on the
7 effective date of this Act shall remain a member for the balance of the term to which
8 appointed or elected, unless the member sooner dies, resigns, or is removed under
9 provisions of law.

10 SECTION 4. AND BE IT FURTHER ENACTED, That, except as expressly
11 provided to the contrary in this Act, any transaction or employment status affected by
12 or flowing from any change of nomenclature or any statute amended, repealed, or
13 transferred by this Act and validly entered into or existing before the effective date of
14 this Act and every right, duty, or interest flowing from a statute amended, repealed,
15 or transferred by this Act remains valid after the effective date of this Act and may be
16 terminated, completed, consummated, or enforced as required or allowed by any
17 statute amended, repealed, or transferred by this Act as though the repeal,
18 amendment, or transfer had not occurred. If a change in name or designation of any
19 State unit, the successor unit shall be considered in all respects as having the powers
20 and obligations granted the former unit.

21 SECTION 5. AND BE IT FURTHER ENACTED, That the continuity of every
22 commission, office, department, agency, or other unit is retained. The personnel,
23 records, files, furniture, fixtures, and other properties and all appropriations, credits,
24 assets, liabilities, and obligations of each retained unit are continued as the
25 personnel, records, files, furniture, fixtures, properties, appropriations, credits,
26 assets, liabilities, and obligations of the unit under the laws enacted by this Act.

27 SECTION 6. AND BE IT FURTHER ENACTED, That the publisher of the
28 Annotated Code of Maryland, in consultation with and subject to the approval of the
29 Department of Legislative Services, shall correct, with no further action required by
30 the General Assembly, cross-references and terminology rendered incorrect by this
31 Act or by any other Act of the General Assembly of 2006 that affects provisions
32 enacted by this Act. The publisher shall adequately describe any such correction in an
33 editor's note following the section affected.

34 SECTION 7. AND BE IT FURTHER ENACTED, That the Revisor's Notes,
35 Special Revisor's Notes, General Revisor's Notes, captions, and catchlines contained
36 in this Act are not law and may not be considered to have been enacted as a part of
37 this Act.

38 SECTION 8. AND BE IT FURTHER ENACTED, That it is the intention of the
39 General Assembly that, except as expressly provided in this Act, this Act shall be
40 construed as a nonsubstantive revision, and may not otherwise be construed to render
41 any substantive change in the law of the State.

1 SECTION 9. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2006.