

(PRE-FILED)

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**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

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 1, 2006

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CHAPTER \_\_\_\_\_

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)

1 BY adding to  
2 Article - Housing and Community Development  
3 Section 12-101 through 23-101, inclusive, and the various titles to be under the  
4 new division "Division II. Housing Authorities"  
5 Annotated Code of Maryland  
6 (2005 Volume)

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9 Maryland be repealed in its entirety.

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

12 **Article - Housing and Community Development**

13 DIVISION II. HOUSING AUTHORITIES.  
14 TITLE 12. PROVISIONS OF STATEWIDE APPLICABILITY.  
15 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

16 12-101. DEFINITIONS.

17 (A) IN GENERAL.

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

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

20 The only changes are in style.

21 (B) AREA OF OPERATION.

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

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

26 Defined term: "Authority" § 12-101

27 (C) AUTHORITY.

28 "AUTHORITY" MEANS A PUBLIC CORPORATION CREATED AS A HOUSING  
29 AUTHORITY UNDER THIS DIVISION II.

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

32 (D) BOND.

33 "BOND" INCLUDES A NOTE, AN INTERIM CERTIFICATE, A DEBENTURE, AND ANY  
34 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

1 and not a legislative role.

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

3 "Political subdivision" § 12-101

4 (F) CODE AUTHORITY.

5 "CODE AUTHORITY" MEANS AN AUTHORITY ACTIVATED ON OR AFTER JULY 1,  
6 1990.

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

9 Defined term: "Authority" § 12-101

10 (G) COUNTY.

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

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

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

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

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

28 (H) CUSTODIAN OF RECORDS.

29 "CUSTODIAN OF RECORDS" MEANS:

30 (1) THE CLERK OF THE POLITICAL SUBDIVISION;

31 (2) THE OFFICER CHARGED WITH THE DUTIES CUSTOMARILY IMPOSED  
32 ON A CLERK; OR

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

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

3 The references to the defined term "political subdivision" are substituted  
4 for the former references to "local government" to conform to the  
5 terminology used throughout this article.

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

7 (I) ECONOMICALLY DEPRESSED OR PHYSICALLY DETERIORATED AREA.

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

11 (1) DILAPIDATION;

12 (2) OVERCROWDING;

13 (3) FAULTY ARRANGEMENT OR DESIGN; OR

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

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

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

19 The former reference to "any combination of these factors" is deleted as  
20 surplusage.

21 (J) EXTRAORDINARY MAJORITY.

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

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

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

29 Defined terms: "Authority" § 12-101

30 "Legislative body" § 12-101

31 (K) HOUSING PROJECT.

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

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

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

6 (2) "HOUSING PROJECT" INCLUDES:

7 (I) WORK CONNECTED TO PLANNING, CONSTRUCTING,  
8 RECONSTRUCTING, ALTERING, OR REPAIRING IMPROVEMENTS, ACQUIRING  
9 PROPERTY, OR DEMOLISHING STRUCTURES;

10 (II) ADAPTING AN ECONOMICALLY DEPRESSED OR PHYSICALLY  
11 DETERIORATED AREA TO PUBLIC PURPOSES, INCLUDING PARKS AND OTHER  
12 RECREATIONAL OR COMMUNITY PURPOSES; AND

13 (III) ACQUIRING BUILDINGS, LAND, EQUIPMENT, FACILITIES, AND  
14 OTHER REAL OR PERSONAL PROPERTY FOR NECESSARY, CONVENIENT, OR  
15 DESIRABLE:

- 16 1. APPURTENANCES;
- 17 2. STREETS;
- 18 3. SEWERS;
- 19 4. WATER SERVICE;
- 20 5. PARKS;
- 21 6. SITE PREPARATION;
- 22 7. GARDENING; AND
- 23 8. ADMINISTRATIVE, COMMUNITY, HEALTH, RECREATIONAL,  
24 EDUCATIONAL, WELFARE, OR OTHER PURPOSES.

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

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

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

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

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

2 § 12-101

3 "Person" § 12-101

4 "Person of eligible income" § 12-101

5 (L) LEGISLATIVE BODY.

6 "LEGISLATIVE BODY" MEANS THE COUNCIL, COMMISSIONERS, OR OTHER  
7 LEGISLATIVE BODY OF A POLITICAL SUBDIVISION.

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

10 The defined term "political subdivision" is substituted for the former  
11 reference to "the city or county" to conform to the terminology used  
12 throughout this article.

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

14 (M) MILITARY PERSONNEL.

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

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

20 (N) OBLIGEE.

21 "OBLIGEE" INCLUDES:

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

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

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

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

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

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

34 Also in item (1) of this subsection, the former reference to a "noteholder" is

1 deleted as included in the reference to "bondholder".

2 Defined terms: "Authority" § 12-101

3 "Bond" § 12-101

4 "Housing project" § 12-101

5 (O) PERSON.

6 "PERSON" MEANS AN INDIVIDUAL, A RECEIVER, A TRUSTEE, A GUARDIAN, A  
7 PERSONAL REPRESENTATIVE, A FIDUCIARY, A REPRESENTATIVE OF ANY KIND, A  
8 PARTNERSHIP, A FIRM, AN ASSOCIATION, A CORPORATION, A PUBLIC CORPORATION,  
9 OR ANY OTHER ENTITY.

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

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

18 (P) PERSON OF ELIGIBLE INCOME.

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

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

23 (Q) POLITICAL SUBDIVISION.

24 "POLITICAL SUBDIVISION" MEANS A COUNTY OR MUNICIPAL CORPORATION OF  
25 THE STATE.

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

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

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

34 (R) PRE-EXISTING AUTHORITY.

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



1 REVISOR'S NOTE: This subsection is new language derived without  
2 substantive change from the second sentence of former Art. 44A, §  
3 1-103(c).

4 Defined term: "Authority" § 12-101

5 (S) REAL PROPERTY.

6 "REAL PROPERTY" INCLUDES:

7 (1) LAND;

8 (2) IMPROVEMENTS AND FIXTURES ON THE LAND;

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

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

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

15 (II) THE INDEBTEDNESS SECURED BY THOSE LIENS.

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

18 (T) STATE PUBLIC BODY.

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

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

23 The reference to State public "unit" is substituted for the former reference  
24 to State public "body" to conform to the terminology used throughout this  
25 article.

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

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

30 Defined terms: "Authority" § 12-101

31 "Political subdivision" § 12-101

32 REVISOR'S NOTE TO SECTION: Former Art. 44A, § 1-103(k), which defined  
33 "federal government" to mean "the United States of America or any agency

1 or instrumentality, corporate or otherwise, of the United States of  
2 America" is deleted because it merely repeated the ordinary meaning of  
3 "federal government".

4 12-102. FINDINGS.

5 THE GENERAL ASSEMBLY FINDS THAT:

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

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

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

13 (4) THE CONDITIONS:

14 (I) CAUSE DISEASE AND CRIME TO INCREASE AND SPREAD,  
15 THREATEN THE PUBLIC HEALTH, SAFETY, MORALS, AND WELFARE, AND IMPAIR  
16 ECONOMIC VALUES; AND

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

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

22 (I) THERE ARE ECONOMICALLY DEPRESSED OR PHYSICALLY  
23 DETERIORATED AREAS THAT CANNOT BE ASSISTED THROUGH THE PRIVATE  
24 HOUSING MARKET; AND

25 (II) THE PRIVATE HOUSING MARKET CANNOT RELIEVE THE  
26 SHORTAGE OF SAFE AND SANITARY HOUSING FOR INDIVIDUALS OF LOW AND  
27 MODERATE INCOME;

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

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

35 (8) THERE IS A NEED FOR AVAILABLE MORTGAGE CREDIT BECAUSE  
36 MANY PURCHASERS AND OWNERS OF HOUSING CANNOT AFFORD MORTGAGE CREDIT

1 AT THE MARKET INTEREST RATE OR GET MORTGAGE CREDIT BECAUSE THE  
2 MORTGAGE CREDIT MARKET IS SEVERELY RESTRICTED; AND

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

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

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

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

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

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

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

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

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

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

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

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

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

## 1 12-103. PURPOSE OF DIVISION II.

2 THE PURPOSE OF THIS DIVISION II IS TO AUTHORIZE EACH AUTHORITY TO DO  
3 ALL THAT IS NECESSARY OR DESIRABLE TO SECURE THE FINANCIAL AID OR  
4 COOPERATION OF POLITICAL SUBDIVISIONS, STATE GOVERNMENT, OR FEDERAL  
5 GOVERNMENT TO HELP THE AUTHORITY UNDERTAKE, CONSTRUCT, MAINTAIN, OR  
6 OPERATE A HOUSING PROJECT.

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

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

11 Defined terms: "Authority" § 12-101

12 "Housing project" § 12-101

13 "Political subdivision" § 12-101

## 14 12-104. TAX-EXEMPT STATUS.

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

16 IN THIS SECTION, "BALTIMORE HOUSING AUTHORITY ENTITY" MEANS AN  
17 ENTITY:

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

20 (2) IN WHICH THE HOUSING AUTHORITY OF BALTIMORE CITY OR AN  
21 ENTITY WHOLLY OWNED BY THE HOUSING AUTHORITY OF BALTIMORE CITY HAS AN  
22 OWNERSHIP INTEREST.

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

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

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

31 (I) BELONGS TO AN AUTHORITY OR A NONPROFIT HOUSING  
32 CORPORATION; OR

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

35 (3) IN LIEU OF THOSE TAXES AND SPECIAL ASSESSMENTS, AN  
36 AUTHORITY, A NONPROFIT HOUSING CORPORATION, OR A BALTIMORE HOUSING

1 AUTHORITY ENTITY SHALL PAY THE POLITICAL SUBDIVISION IN WHICH A HOUSING  
 2 PROJECT IS WHOLLY OR PARTLY LOCATED AN AMOUNT, IF ANY, THAT MAY BE SET BY  
 3 MUTUAL AGREEMENT AND THAT DOES NOT EXCEED THE AMOUNT OF REGULAR  
 4 TAXES LEVIED ON SIMILAR PROPERTY.

5 (C) REAL PROPERTY OF AUTHORITY.

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

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

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

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

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

15 (I) A MORTGAGE OR DEED OF TRUST RECORDED AGAINST  
 16 PROPERTY OF AN AUTHORITY; OR

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

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

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

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

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

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

34 In subsection (b)(3) of this section, the former reference to a mutual  
 35 agreement "between such authority, entity related to the Housing  
 36 Authority of Baltimore City, or nonprofit housing corporation and the city,

1 the county, or the political subdivision of the State" is deleted as implicit in  
2 the reference to a "mutual agreement".

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

5 Defined terms: "Authority" § 12-101

6 "Housing project" § 12-101

7 "Nonprofit housing corporation" § 12-101

8 "Person of eligible income" § 12-101

9 "Political subdivision" § 12-101

10 "Real property" § 12-101

11 12-105. AREAS OF OPERATION FOR AUTHORITIES.

12 (A) AUTHORITIES OF MUNICIPAL CORPORATIONS.

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

14 (1) OPERATE WITHIN ITS TERRITORIAL BOUNDARIES; AND

15 (2) WITHOUT REGARD TO LOCATION:

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

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

20 (III) DEVELOP, OWN, OR OPERATE A HOUSING PROJECT AT THE  
21 REQUEST OF AND WITHIN THE TERRITORIAL BOUNDARIES OF ANOTHER POLITICAL  
22 SUBDIVISION.

23 (B) AUTHORITIES OF COUNTIES.

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

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

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

28 1. JANUARY 1, 1990, IF THE AUTHORITY IS OF BALTIMORE  
29 CITY; OR

30 2. JANUARY 1, 1991, IF THE AUTHORITY IS OF ANOTHER  
31 COUNTY.

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

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

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

7 It is revised as a substantive provision rather than as a definition for  
8 clarity.

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

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

13 "Authority" § 12-101

14 "County" § 12-101

15 "Housing project" § 12-101

16 "Political subdivision" § 12-101

17 12-106. PERSON OF ELIGIBLE INCOME.

18 (A) QUALIFICATIONS.

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

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

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

27 (B) DETERMINATION OF QUALIFYING INCOME LEVEL.

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

33 (2) DETERMINATION OF QUALIFYING INCOME LEVELS MAY VARY FOR  
34 THE ELDERLY, INDIVIDUALS WITH DISABILITIES, OTHER PERSONS WITH SPECIAL  
35 NEEDS, PARTICULAR PROJECTS OR PROGRAMS, OR PARTICULAR PARTS OF THE  
36 POLITICAL SUBDIVISION.

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

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

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

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

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

13 Defined terms: "Authority" § 12-101

14 "Chief elected official" § 12-101

15 "Person" § 12-101

16 "Person of eligible income" § 12-101

17 "Political subdivision" § 12-101

18 12-107. APPLICATION OF TITLE.

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

21 (1) TAKES PRECEDENCE OVER A CONFLICTING PROVISION OF THIS  
22 TITLE; AND

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

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

27 The references to the defined term "political subdivision" are substituted  
28 for the former references to "local government" to conform to the  
29 terminology used throughout this article.

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

32 Defined terms: "Authority" § 12-101

33 "Political subdivision" § 12-101

34 GENERAL REVISOR'S NOTE TO SUBTITLE

35 Former Art. 44A, § 1-105, which stated that if any provision or application of  
36 former Art. 44A is held invalid, the invalidity does not affect other provisions or



1 application that can be given effect without the invalid provision or application, is  
2 deleted as needless. Under Art. 1, § 23 of the Code, provisions of statutes enacted  
3 after July 1, 1973, are severable unless the statute specifically provides that they are  
4 not.

5 SUBTITLE 2. ESTABLISHMENT AND ORGANIZATION OF AUTHORITIES.

6 12-201. AUTHORITIES ESTABLISHED.

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

10 REVISOR'S NOTE: This section is new language derived without substantive  
11 change from the first clause of the introductory language of former Art.  
12 44A, § 1-203(a).

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

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

17 12-202. ENABLING LEGISLATION.

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

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

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

26 Defined terms: "Authority" § 12-101

27 "Political subdivision" § 12-101

28 12-203. CODE AUTHORITIES.

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

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

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

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

4 In the introductory language of this section, the defined term "code  
5 authority" is substituted for the former reference to "any authority not  
6 activated prior to July 1, 1990" for brevity and to conform to the  
7 terminology used throughout this Division II.

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

10 Defined terms: "Authority" § 12-101

11 "Chief elected official" § 12-101

12 "Code authority" § 12-101

13 "Legislative body" § 12-101

14 12-204. PRE-EXISTING AUTHORITIES.

15 (A) CONTINUING EXISTENCE.

16 EACH PRE-EXISTING AUTHORITY CONTINUES TO EXIST.

17 (B) GENERAL POWERS.

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

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

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

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

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

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

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

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

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

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

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

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

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

15 "Pre-existing authority" § 12-101

16 12-205. ARTICLES OF ORGANIZATION -- IN GENERAL.

17 (A) INCONSISTENCY WITH THIS TITLE PROHIBITED.

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

21 (B) CONTENTS -- REQUIRED TERMS.

22 (1) ARTICLES OF ORGANIZATION SHALL STATE:

23 (I) THE NAME OF THE AUTHORITY, WHICH MAY BE "HOUSING  
24 AUTHORITY OF (HERE INSERT NAME OF POLITICAL SUBDIVISION)" OR SOME OTHER  
25 NAME THAT INCLUDES THE NAME OF THE POLITICAL SUBDIVISION;

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

28 (III) WHETHER APPOINTMENTS OF COMMISSIONERS OF THE  
29 AUTHORITY BY THE CHIEF ELECTED OFFICIAL REQUIRE THE PRIOR APPROVAL OF  
30 THE LEGISLATIVE BODY;

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

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

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

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

6 (2) THE POWERS OF THE AUTHORITY:

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

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

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

15 (C) SAME -- OPTIONAL TERMS.

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

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

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

25 (II) FEDERAL LAW; OR

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

27 (D) SAME -- PROHIBITED TERMS.

28 ARTICLES OF ORGANIZATION MAY NOT REQUIRE THE AUTHORITY DIRECTLY OR  
29 INDIRECTLY TO PAY ANY OF ITS RESERVES OR OTHER MONEY TO THE POLITICAL  
30 SUBDIVISION.

31 (E) CUSTODIAN TO FILE COPY OF RECOMMENDATION AND OF RESOLUTION  
32 OR ORDINANCE.

33 THE CUSTODIAN OF RECORDS SHALL FILE WITH THE SECRETARY OF STATE A  
34 CERTIFIED COPY OF THE WRITTEN RECOMMENDATION OF THE CHIEF ELECTED  
35 OFFICIAL AND THE RESOLUTION OR ORDINANCE ADOPTING THE ARTICLES OF  
36 ORGANIZATION.

1 (F) ISSUANCE OF CERTIFICATE OF APPROVAL.

2 (1) IF THE SECRETARY OF STATE FINDS THAT THE REQUIREMENTS OF §  
3 12-203 OF THIS SUBTITLE HAVE BEEN MET, THE SECRETARY OF STATE SHALL  
4 ENDORSE THE ARTICLES OF ORGANIZATION "APPROVED" AND ISSUE TO THE  
5 AUTHORITY A CERTIFICATE OF APPROVAL ATTACHED TO THEM AND A CERTIFICATE  
6 OF ORGANIZATION.

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

9 (G) SECRETARY OF STATE TO KEEP RECORDS.

10 THE SECRETARY OF STATE:

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

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

15 (H) EFFECT OF CERTIFICATE OF ORGANIZATION.

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

20 (2) A COPY OF THE CERTIFICATE OF ORGANIZATION IS ADMISSIBLE IN  
21 EVIDENCE.

22 REVISOR'S NOTE: This section is new language derived without substantive  
23 change from former Art. 44A, §§ 1-205, 1-201(d), 1-203(b) through (f), and  
24 1-204(a).

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

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

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

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

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

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

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

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

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

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

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

24 Defined terms: "Authority" § 12-101

25 "Chief elected official" § 12-101

26 "Custodian of records" § 12-101

27 "Housing project" § 12-101

28 "Legislative body" § 12-101

29 "Political subdivision" § 12-101

30 12-206. SAME -- PRE-EXISTING AUTHORITIES.

31 (A) IN GENERAL.

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

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

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

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

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

5 (B) REQUIREMENTS TO ADOPT ARTICLES OF ORGANIZATION -- ALTERNATIVE  
6 1.

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

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

10 (2) APPROVED BY AN EXTRAORDINARY MAJORITY OF THE BOARD OF  
11 COMMISSIONERS OF THE AUTHORITY; AND

12 (3) ADOPTED BY AN EXTRAORDINARY MAJORITY OF THE LEGISLATIVE  
13 BODY.

14 (C) SAME -- ALTERNATIVE 2.

15 BEFORE A PRE-EXISTING AUTHORITY MAY ADOPT ARTICLES OF ORGANIZATION  
16 UNDER THIS SUBSECTION:

17 (1) THE CUSTODIAN OF RECORDS SHALL PROVIDE DOCUMENTATION TO  
18 THE SECRETARY OF STATE THAT WITHIN 5 YEARS BEFORE THE DATE THE  
19 DOCUMENTATION IS SUBMITTED:

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

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

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

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

33 (2) THE ARTICLES OF ORGANIZATION MUST BE:

34 (I) RECOMMENDED IN WRITING BY THE CHIEF ELECTED  
35 OFFICIAL;

1 (II) APPROVED BY A RESOLUTION OF THE BOARD OF  
2 COMMISSIONERS OF THE AUTHORITY; AND

3 (III) ADOPTED BY A RESOLUTION OR ORDINANCE OF THE  
4 LEGISLATIVE BODY.

5 (D) FILINGS BY CUSTODIAN OF RECORDS.

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

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

9 (2) THE ARTICLES OF ORGANIZATION AND THE APPLICABLE  
10 RECOMMENDING, APPROVING, AND ADOPTING INSTRUMENTS DESCRIBED IN  
11 SUBSECTION (B) OR (C)(2) OF THIS SECTION;

12 (3) CERTIFICATION BY THE CUSTODIAN OF RECORDS THAT THE  
13 ARTICLES OF ORGANIZATION HAVE BEEN RECOMMENDED AND ADOPTED BY THE  
14 POLITICAL SUBDIVISION IN ACCORDANCE WITH THE APPLICABLE REQUIREMENTS  
15 OF SUBSECTION (B)(1) AND (3) OR SUBSECTION (C)(2)(I) AND (III) OF THIS SECTION;  
16 AND

17 (4) CERTIFICATION BY THE SECRETARY OF THE PRE-EXISTING  
18 AUTHORITY THAT THE ARTICLES OF ORGANIZATION HAVE BEEN APPROVED BY THE  
19 BOARD OF COMMISSIONERS OF THE AUTHORITY IN ACCORDANCE WITH THE  
20 APPLICABLE REQUIREMENTS OF SUBSECTION (B)(2) OR SUBSECTION (C)(2)(II) OF THIS  
21 SECTION.

22 (E) ISSUANCE OF CERTIFICATE OF APPROVAL.

23 (1) IF THE SECRETARY OF STATE FINDS THAT THE REQUIREMENTS OF  
24 SUBSECTION (B) OR (C) AND SUBSECTION (D) OF THIS SECTION HAVE BEEN  
25 SATISFIED, THE SECRETARY OF STATE SHALL ENDORSE THE ARTICLES AS  
26 "APPROVED" AND ISSUE A CERTIFICATE OF APPROVAL ATTACHED TO THE ENDORSED  
27 ARTICLES.

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

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

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

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



1 In subsection (e)(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 The Housing and Community Development Article Review Committee  
 7 notes, for consideration by the General Assembly, that subsection (c)(1)(ii)  
 8 of this section requires in part that before a pre-existing authority may  
 9 adopt articles of organization, the custodian of records must provide  
 10 documentation that within 5 years before the date the documentation is  
 11 submitted the authority "is operating" one or more housing projects. The  
 12 provision is unclear as to whether it requires an authority to operate one or  
 13 more housing projects at the time the documentation is submitted or  
 14 whether it requires an authority to have operated one or more housing  
 15 projects sometime within 5 years before the documentation is submitted.

16 Defined terms: "Authority" § 12-101

17 "Bond" § 12-101

18 "Chief elected official" § 12-101

19 "Custodian of records" § 12-101

20 "Extraordinary majority" § 12-101

21 "Housing project" § 12-101

22 "Legislative body" § 12-101

23 "Political subdivision" § 12-101

24 "Pre-existing authority" § 12-101

25 12-207. AMENDMENTS TO AND RESTATEMENTS OF ARTICLES OF ORGANIZATION.

26 (A) REQUIREMENTS.

27 ARTICLES OF AMENDMENT OR RESTATEMENT OF ARTICLES OF ORGANIZATION  
 28 OF AN AUTHORITY MUST BE:

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

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

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

34 (B) COMPLIANCE REQUIRED.

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

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

1 A POLITICAL SUBDIVISION MAY NOT AMEND THE ARTICLES OF ORGANIZATION  
2 TO CHANGE THE NUMBER OF COMMISSIONERS OF AN AUTHORITY OR THE LENGTH  
3 OF TERMS OF COMMISSIONERS STATED IN THE INITIAL ARTICLES OF ORGANIZATION.

4 (D) AMENDMENTS TO ARTICLES OF ORGANIZATION OF PRE-EXISTING  
5 AUTHORITY.

6 A POLITICAL SUBDIVISION MAY NOT AMEND THE ARTICLES OF ORGANIZATION  
7 OF A PRE-EXISTING AUTHORITY WITHOUT THE APPROVAL OF THE BOARD OF  
8 COMMISSIONERS OF THE PRE-EXISTING AUTHORITY.

9 (E) FILINGS BY CUSTODIAN OF RECORDS.

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

11 (1) A COPY OF THE ARTICLES OF AMENDMENT OR RESTATEMENT, THE  
12 RECOMMENDING AND ADOPTING INSTRUMENTS REQUIRED BY SUBSECTION (A)(1)  
13 AND (3) OF THIS SECTION, AND ANY APPROVING INSTRUMENT REQUIRED BY  
14 SUBSECTION (A)(2) OF THIS SECTION;

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

19 (3) IF REQUIRED BY SUBSECTION (A)(2) OF THIS SECTION, THE  
20 CERTIFICATION OF THE SECRETARY OF THE AUTHORITY THAT THE ARTICLES OF  
21 AMENDMENT OR RESTATEMENT HAVE BEEN APPROVED BY THE BOARD OF  
22 COMMISSIONERS OF THE AUTHORITY IN ACCORDANCE WITH THE REQUIREMENTS  
23 OF SUBSECTION (A)(2) OF THIS SECTION.

24 (F) ISSUANCE OF CERTIFICATE OF APPROVAL.

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

29 (2) ON ISSUANCE OF THE CERTIFICATE OF APPROVAL, THE ARTICLES OF  
30 AMENDMENT OR RESTATEMENT AS FILED ARE CONSIDERED TO HAVE BEEN  
31 ADOPTED.

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

34 In subsection (a)(1) of this section, the former reference to a "local  
35 government's" chief elected official is deleted as implicit in the defined  
36 term "chief elected official". Similarly, in subsection (a)(3) of this section,  
37 the former reference to a "local government's" legislative body is deleted,  
38 and in subsection (f)(2) of this section, the former reference to a "local

1 government's" custodian of records is deleted.

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

6 In subsection (f)(2) of this section, the statement that on issuance of a  
7 certificate of approval, "the articles of amendment or restatement as filed  
8 are considered to have been adopted" is substituted for the former  
9 statement that articles of amendment or restatement "are effective and are  
10 conclusively considered to have been lawfully and properly adopted" for  
11 brevity.

12 Defined terms: "Authority" § 12-101

13 "Chief elected official" § 12-101

14 "Custodian of records" § 12-101

15 "Legislative body" § 12-101

16 "Political subdivision" § 12-101

17 "Pre-existing authority" § 12-101

18 SUBTITLE 3. COMMISSIONERS.

19 12-301. NUMBER OF COMMISSIONERS OF AN AUTHORITY.

20 THE REQUIRED NUMBER OF COMMISSIONERS OF AN AUTHORITY:

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

23 (2) FOR AN AUTHORITY GOVERNED BY ARTICLES OF ORGANIZATION, IS  
24 THE NUMBER SET FORTH IN THE ARTICLES OF ORGANIZATION AS REQUIRED BY §  
25 12-205(B)(1)(IV) OF THIS TITLE.

26 REVISOR'S NOTE: This section is new language derived without substantive  
27 change from former Art. 44A, § 1-203(b)(4) and the first sentence of §  
28 1-207(d).

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

33 Defined term: "Authority" § 12-101

34 12-302. APPOINTMENT OF COMMISSIONERS OF AN AUTHORITY.

35 (A) APPOINTMENT BY CHIEF ELECTED OFFICIAL.

1 THE CHIEF ELECTED OFFICIAL SHALL APPOINT THE REQUIRED NUMBER OF  
2 COMMISSIONERS OF THE AUTHORITY.

3 (B) CERTIFICATE OF APPOINTMENT.

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

6 (2) THE CERTIFICATE IS CONCLUSIVE EVIDENCE OF THE  
7 APPOINTMENT.

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

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

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

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

18 Defined terms: "Authority" § 12-101

19 "Chief elected official" § 12-101

20 "Custodian of records" § 12-101

21 12-303. ELIGIBILITY TO BE COMMISSIONER OF AN AUTHORITY.

22 (A) EMPLOYEES OF THE AUTHORITY BARRED.

23 A COMMISSIONER OF AN AUTHORITY MAY NOT BE AN EMPLOYEE OF THE  
24 AUTHORITY.

25 (B) EMPLOYEES OF POLITICAL SUBDIVISION LIMITED.

26 (1) IF AN AUTHORITY IS GOVERNED BY ARTICLES OF ORGANIZATION,  
27 ONLY ONE COMMISSIONER OF THE AUTHORITY MAY BE AN EMPLOYEE OF THE  
28 POLITICAL SUBDIVISION.

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

31 (C) ELECTED OFFICIALS OF POLITICAL SUBDIVISION BARRED.

32 A COMMISSIONER OF AN AUTHORITY MAY NOT BE AN ELECTED OFFICIAL OF  
33 THE POLITICAL SUBDIVISION.

34 (D) TENANT OF HOUSING PROJECT NOT BARRED.

1 THIS SUBTITLE DOES NOT BAR A TENANT OF A HOUSING PROJECT OR OF  
2 PROPERTY INCLUDED OR PLANNED TO BE INCLUDED IN A HOUSING PROJECT FROM  
3 BEING A COMMISSIONER OF AN AUTHORITY.

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

6 In subsections (b)(1) and (2) and (c) of this section, references to the  
7 defined term "political subdivision" are substituted for the former  
8 references to "local government" to conform to the terminology used  
9 throughout this article.

10 Defined terms: "Authority" § 12-101

11 "Housing project" § 12-101

12 "Political subdivision" § 12-101

13 12-304. TENURE OF COMMISSIONERS OF AN AUTHORITY.

14 (A) AUTHORITIES GOVERNED BY ARTICLES OF ORGANIZATION.

15 (1) THIS SUBSECTION APPLIES TO AUTHORITIES FOR WHICH THE  
16 SECRETARY OF STATE APPROVES ARTICLES OF ORGANIZATION ON OR AFTER JULY 1,  
17 1990.

18 (2) ALL INITIAL APPOINTMENTS OF COMMISSIONERS OF AN AUTHORITY  
19 AFTER THE SECRETARY OF STATE APPROVES THE ARTICLES OF ORGANIZATION  
20 SHALL HAVE THE SAME EFFECTIVE DATE.

21 (3) THE EFFECTIVE DATE SHALL BE SET FORTH ALONG WITH THE TERM  
22 OF APPOINTMENT ON EACH INITIAL CERTIFICATE OF APPOINTMENT REQUIRED BY §  
23 12-302(B) OF THIS SUBTITLE.

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

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

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

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

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

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

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

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

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

8 (B) AUTHORITIES ADOPTING ARTICLES OF ORGANIZATION.

9 (1) THE TERM OF A COMMISSIONER OF AN AUTHORITY WHO WAS IN  
10 OFFICE BEFORE THE ADOPTION OF ARTICLES OF ORGANIZATION ENDS ON THE  
11 EFFECTIVE DATE OF THE INITIAL APPOINTMENTS UNDER THE ARTICLES OF  
12 ORGANIZATION.

13 (2) EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS  
14 SUBSECTION, BEFORE THE EFFECTIVE DATE OF THE INITIAL APPOINTMENTS UNDER  
15 THE ARTICLES OF ORGANIZATION, THE CHIEF ELECTED OFFICIAL SHALL APPOINT  
16 EACH COMMISSIONER OF AN AUTHORITY WHO WAS IN OFFICE BEFORE THE  
17 ADOPTION OF THE ARTICLES OF ORGANIZATION TO A TERM AS A COMMISSIONER OF  
18 THE AUTHORITY UNDER THE ARTICLES OF ORGANIZATION.

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

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

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

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

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

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

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

1 (D) SERVICE UNTIL SUCCESSOR QUALIFIES; SERVICE WHERE TERM HAS  
2 BEGUN.

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

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

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

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

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

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

21 Former Art. 44A, § 1-204(b), which stated that articles of organization for  
22 pre-existing housing authorities "shall be adopted in accordance with §  
23 1-202 of this subtitle" is deleted as surplusage.

24 Former Art. 44A, § 1-207(c)(2)(ii), which required that once the terms  
25 expire of the initial appointments of commissioners to an authority whose  
26 articles of organization provide for 5-year terms, the succeeding  
27 commissioners will serve terms of 5 years, is deleted as surplusage.  
28 Similarly, former Art. 44A, § 1-207(c)(3)(ii), which required that once the  
29 terms expire of the initial appointments of commissioners to an authority  
30 whose articles of organization provide for 3-year terms, is deleted.

31 Defined terms: "Authority" § 12-101

32 "Chief elected official" § 12-101

33 "Legislative body" § 12-101

34 "Political subdivision" § 12-101

35 12-305. CHAIR AND VICE CHAIR.

36 (A) CHAIR.

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

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

3     (B)     VICE CHAIR.

4     AN AUTHORITY SHALL CHOOSE A VICE CHAIR FROM AMONG ITS  
5 COMMISSIONERS.

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

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

15 Defined terms: "Authority" § 12-101

16     "Chief elected official" § 12-101

17 12-306. VESTING OF POWERS; QUORUM; VOTES ON ACTION.

18     (A)     VESTING OF POWERS.

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

20     (B)     QUORUM.

21     A QUORUM IS:

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

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

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

25     (C)     VOTE NEEDED FOR AUTHORITY TO ACT.

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

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

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

33     In subsection (b) of this section, the former reference to the quorum "of the



1 authority for the purpose of conducting its business and exercising its  
2 powers and for all other purposes" is deleted as surplusage.

3 Defined term: "Authority" § 12-101

4 12-307. COMPENSATION AND REIMBURSEMENT.

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

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

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

13 Defined terms: "Authority" § 12-101

14 "Legislative body" § 12-101

15 12-308. STAFF.

16 (A) STAFF.

17 (1) AN AUTHORITY MAY EMPLOY:

18 (I) A SECRETARY, WHO SHALL SERVE AS EXECUTIVE DIRECTOR;  
19 AND

20 (II) TECHNICAL EXPERTS AND OTHER OFFICERS, AGENTS, AND  
21 EMPLOYEES, PERMANENT AND TEMPORARY.

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

24 (B) LEGAL SERVICES.

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

27 (C) DELEGATION OF POWERS AND DUTIES.

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

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

1 Defined terms: "Authority" § 12-101

2 "Political subdivision" § 12-101

3 12-309. LIABILITY OF COMMISSIONERS AND STAFF.

4 (A) STATUS OF COMMISSIONERS AND STAFF.

5 EACH COMMISSIONER, THE EXECUTIVE DIRECTOR, AND EACH EMPLOYEE OF  
6 AN AUTHORITY IS:

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

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

13 (B) IMMUNITY.

14 A COMMISSIONER OF AN AUTHORITY IS NOT LIABLE FOR A STATEMENT MADE  
15 OR ACTION TAKEN IN GOOD FAITH IN THE EXERCISE OR PERFORMANCE OF A POWER  
16 OR DUTY OF THE COMMISSIONER.

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

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

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

25 Defined term: "Authority" § 12-101

26 12-310. PROHIBITED FINANCIAL INTERESTS; DISCLOSURE REQUIREMENTS.

27 (A) IN GENERAL.

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

32 (B) INTERESTS IN CONTRACTS.

33 A COMMISSIONER OR EMPLOYEE OF AN AUTHORITY MAY NOT HAVE ANY  
34 DIRECT OR INDIRECT INTEREST IN A CONTRACT OR PROPOSED CONTRACT FOR

1 MATERIALS OR SERVICES TO BE FURNISHED OR USED IN CONNECTION WITH A  
2 HOUSING PROJECT.

3 (C) DISCLOSURE REQUIREMENTS.

4 (1) A COMMISSIONER OR EMPLOYEE OF AN AUTHORITY WHO OWNS OR  
5 CONTROLS A DIRECT OR INDIRECT INTEREST IN PROPERTY INCLUDED OR PLANNED  
6 TO BE INCLUDED IN A HOUSING PROJECT SHALL IMMEDIATELY DISCLOSE THE  
7 INTEREST IN WRITING TO THE AUTHORITY.

8 (2) THE DISCLOSURE SHALL BE ENTERED IN THE MINUTES OF THE  
9 AUTHORITY.

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

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

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

19 Defined terms: "Authority" § 12-101

20 "Housing project" § 12-101

21 12-311. REMOVAL.

22 (A) IN GENERAL.

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

27 (B) PROCEDURES.

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

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

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

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

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

4 IF A COMMISSIONER OF AN AUTHORITY IS REMOVED, A RECORD OF THE  
5 PROCEEDINGS AND THE CHARGES AND FINDINGS SHALL BE FILED IN THE OFFICE  
6 OF THE CUSTODIAN OF RECORDS.

7 (D) SUSPENSION AND REINSTATEMENT.

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

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

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

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

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

21 Defined terms: "Authority" § 12-101

22 "Chief elected official" § 12-101

23 "Custodian of records" § 12-101

24 "Person" § 12-101

25 12-312. LOANS AND DONATIONS TO CODE AUTHORITY.

26 (A) MONEY FOR ADMINISTRATIVE EXPENSES AND OVERHEAD.

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

29 (I) IMMEDIATELY SHALL ESTIMATE THE AMOUNT OF MONEY  
30 NECESSARY FOR THE ADMINISTRATIVE EXPENSES AND OVERHEAD OF THE CODE  
31 AUTHORITY DURING THE FIRST YEAR THEREAFTER; AND

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

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

1 (B) LOANS FOR POLITICAL SUBDIVISION.

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

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

10 (C) REIMBURSEMENTS.

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

14 (2) THE CODE AUTHORITY, WHEN IT HAS THE MONEY AVAILABLE,  
15 SHALL REIMBURSE THE POLITICAL SUBDIVISION FOR ALL LOANS MADE TO IT BY THE  
16 POLITICAL SUBDIVISION.

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

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

22 The Housing and Community Development Article Review Committee  
23 notes, for consideration by the General Assembly, that in subsection (a)(1)  
24 of this section, the defined term "code authority" is substituted for the  
25 former reference to an authority "which is activated after July 1, 1990" to  
26 conform to the terminology used throughout this Division II. "Code  
27 authority" is defined in § 12-101 of this Division II to mean "an authority  
28 activated on or after July 1, 1990", based on the fact that Chapter 331 of  
29 the Acts of the General Assembly of 1990, which enacted the former law,  
30 took effect on July 1, 1990.

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

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

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

38 "Code authority" § 12-101

39 "Political subdivision" § 12-101

## SUBTITLE 4. DUTIES OF AUTHORITIES.

12-401. STATEMENT OF POLICY.

(A) IN GENERAL.

IT IS STATE POLICY THAT AN AUTHORITY:

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

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

(B) RENTAL RATES.

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

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

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

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

(II) MAINTAIN THE RESERVE;

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

(5) CREATE FUNDS NECESSARY OR DESIRABLE TO:

(I) SUBSIDIZE RENTS;

(II) DEVELOP OR OPERATE HOUSING PROJECTS; OR

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

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

3 In subsections (a)(1) and (b) of this section, the references to "housing  
4 units" are substituted for the former references to "dwelling  
5 accommodations" and "dwellings" to conform to the terminology used  
6 throughout this article.

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

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

12 Defined terms: "Authority" § 12-101

13 "Bond" § 12-101

14 "Housing project" § 12-101

15 "Political subdivision" § 12-101

16 12-402. RENTAL REQUIREMENTS.

17 EXCEPT FOR RENTAL UNITS THAT MAY BE OCCUPIED BY OTHERS UNDER §  
18 12-503(A)(4) OF THIS TITLE, AN AUTHORITY:

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

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

23 (II) AT RENTALS WITHIN THE FINANCIAL REACH OF PERSONS OF  
24 ELIGIBLE INCOME;

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

29 (3) SHALL PROHIBIT SUBLETTING BY TENANTS.

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

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

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

4 Defined terms: "Authority" § 12-101

5 "Housing project" § 12-101

6 "Person" § 12-101

7 "Person of eligible income" § 12-101

8 12-403. APPLICABILITY OF LOCAL LAW.

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

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

15 Defined terms: "Authority" § 12-101

16 "Housing project" § 12-101

17 12-404. OBLIGATIONS OF AUTHORITY TO POLITICAL SUBDIVISION.

18 (A) FINANCIAL REPORT.

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

24 (B) OPERATING BUDGET.

25 THE POLITICAL SUBDIVISION MAY REQUIRE AN AUTHORITY TO PROVIDE IT  
26 WITH AN ANNUAL OPERATING BUDGET AND PROGRAM REPORTS THAT THE  
27 POLITICAL SUBDIVISION DESIGNATES.

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

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

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

31 (2) CONDUCT AN AUDIT OF THE AUTHORITY.

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

34 In this section, the defined term "political subdivision" is substituted for  
35 the former reference to "local government" to conform to the terminology



1 used throughout this article.

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

5 Defined terms: "Authority" § 12-101

6 "Custodian of records" § 12-101

7 "Political subdivision" § 12-101

8 12-405. POWER OF AUTHORITY TO VEST RIGHTS IN OBLIGEE.

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

11 (1) TAKE POSSESSION OF A HOUSING PROJECT;

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

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

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

17 Defined terms: "Authority" § 12-101

18 "Housing project" § 12-101

19 "Obligee" § 12-101

20 SUBTITLE 5. POWERS AND LIMITATIONS ON POWERS.

21 12-501. STATUS OF AUTHORITIES.

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

23 (1) EXERCISES PUBLIC AND ESSENTIAL GOVERNMENTAL FUNCTIONS;  
24 AND

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

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

31 The former reference to powers necessary or convenient to "effectuate" the  
32 purposes of this Division II is deleted in light of the reference to powers to  
33 "carry out" the purposes.

34 The former reference to the "provisions" of this Division II is deleted as

1 surplusage.

2 Defined term: "Authority" § 12-101

3 12-502. ENUMERATED POWERS.

4 (A) IN GENERAL.

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

7 (B) LEGAL.

8 AN AUTHORITY MAY:

9 (1) SUE AND BE SUED;

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

11 (3) HAVE PERPETUAL EXISTENCE;

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

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

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

17 (C) HOUSING PROJECTS.

18 AN AUTHORITY MAY ALSO:

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

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

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

27 (I) A HOUSING PROJECT; OR

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

29 (4) NOTWITHSTANDING ANY OTHER LAW, REQUIRE IN A CONTRACT IN  
30 CONNECTION WITH A HOUSING PROJECT THAT THE CONTRACTOR AND ANY  
31 SUBCONTRACTORS COMPLY WITH:

1 (I) REQUIREMENTS ABOUT MINIMUM WAGES AND MAXIMUM  
2 HOURS OF LABOR; AND

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

5 (D) RENTS, PROPERTY, AND INSURANCE.

6 AN AUTHORITY MAY ALSO:

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

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

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

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

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

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

18 (7) INSURE OR PROVIDE FOR THE INSURANCE OF REAL OR PERSONAL  
19 PROPERTY OR OPERATIONS OF THE AUTHORITY AGAINST ANY RISKS OR HAZARDS;  
20 AND

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

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

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

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

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

34 AN AUTHORITY MAY ALSO:

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

3 (2) DETERMINE WHERE:

4 (I) ECONOMICALLY DEPRESSED OR PHYSICALLY DETERIORATED  
5 AREAS EXIST; OR

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

8 (3) MAKE STUDIES AND RECOMMENDATIONS ON CLEARING,  
9 REPLANNING, AND RECONSTRUCTING ECONOMICALLY DEPRESSED OR PHYSICALLY  
10 DETERIORATED AREAS AND PROVIDING HOUSING FOR PERSONS OF ELIGIBLE  
11 INCOME;

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

14 (5) CONDUCT RESEARCH, STUDIES, AND EXPERIMENTS ON HOUSING  
15 ISSUES.

16 (G) HEARINGS.

17 ACTING THROUGH ONE OR MORE OF ITS COMMISSIONERS OR DESIGNEES, AN  
18 AUTHORITY MAY ALSO:

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

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

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

27 (I) ABATE OR REQUIRE THE CORRECTION OF NUISANCES OR LIKE  
28 CONDITIONS; OR

29 (II) DEMOLISH UNSAFE OR UNSANITARY STRUCTURES.

30 (H) NOT-FOR-PROFIT CORPORATIONS.

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

35 (I) EMINENT DOMAIN.

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

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

7 (II) THE LEGISLATIVE BODY AND THE CHIEF ELECTED OFFICIAL  
8 APPROVE.

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

12 (II) REAL PROPERTY THAT BELONGS TO THE STATE OR A  
13 POLITICAL SUBDIVISION MAY NOT BE ACQUIRED WITHOUT THE CONSENT OF THE  
14 STATE OR THE POLITICAL SUBDIVISION.

15 (J) ARRANGEMENTS WITH GOVERNMENT AND NONGOVERNMENTAL  
16 SOURCES.

17 AN AUTHORITY MAY ALSO:

18 (1) BORROW MONEY AND ACCEPT GRANTS AND OTHER FINANCIAL  
19 ASSISTANCE FROM THE POLITICAL SUBDIVISION, THE STATE, AND THE FEDERAL  
20 GOVERNMENT AND ACCEPT GRANTS FROM NONGOVERNMENTAL SOURCES FOR A  
21 HOUSING PROJECT IN ITS AREA OF OPERATION;

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

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

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

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

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

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

- 1 In subsection (b)(6) of this section, the former reference to an authority's  
2 power to carry into effect the "powers" and purposes of the authority is  
3 deleted as redundant.
- 4 In subsection (c)(2) of this section, the former reference to "any part  
5 thereof" is deleted as included in the reference to "housing project".
- 6 In subsection (c)(3) of this section, the reference to a "governmental unit" is  
7 substituted for the former reference to "[public] agency" to conform to the  
8 terminology used throughout this article. Similarly, in subsection (g)(3) of  
9 this section, the reference to "governmental units" is substituted for the  
10 former reference to "agencies".
- 11 Also in subsection (c)(3) of this section, the former reference to "agency,  
12 public or private" is deleted as included in the defined term "person".
- 13 In subsection (c)(4) of this section, the reference to "any other" law is  
14 substituted for the former reference to "anything to the contrary contained  
15 in this article or in any other provision of law" for brevity.
- 16 Also in subsection (c)(4) of this section, the former reference to  
17 "stipulations" is deleted as surplusage.
- 18 In subsection (d)(2) of this section, the former reference to "lease" is deleted  
19 as included in the reference to "rent out".
- 20 Also in subsection (d)(2) of this section, the former reference to "dwellings"  
21 is deleted as included in the reference to "houses".
- 22 In subsection (d)(5) and (6) of this section, the former references to  
23 "interest therein" are deleted as included in the references to "any real or  
24 personal property".
- 25 In subsection (f)(1) and (3) of this section, the references to "housing" are  
26 substituted for the former references to "dwelling accommodations" to  
27 conform to the terminology used throughout this article.
- 28 In subsection (f)(1) of this section, the former reference to "means and  
29 methods" is deleted in light of the reference to "ways".
- 30 In subsection (f)(4) of this section, the former reference to "the city, the  
31 county" is deleted as included in the defined term "political subdivision".
- 32 In subsection (g)(1) of this section, the reference to "evidence" is  
33 substituted for the former reference to "proof" for accuracy. Similarly, the  
34 reference to any matter that the authority may examine if it is material "to  
35 its duties" is substituted for the former reference to "for its information".
- 36 In subsection (g)(2) of this section, the former reference to a "building" is  
37 deleted as included in the reference to "property".

1 In subsection (i)(1)(ii) of this section, the former reference to the chief  
2 elected official "of the local jurisdiction" is deleted as implicit in the defined  
3 term "chief elected official".

4 In subsection (j)(1) and (2) of this section, references to the defined term  
5 "political subdivision" are substituted for the former references to "local"  
6 government to conform to the terminology used throughout this article.

7 In subsection (j)(1) of this section, the former reference to "for or in aid of"  
8 a housing project is deleted as surplusage.

9 In subsection (j)(3) of this section, the former phrase "to these ends," is  
10 deleted as surplusage.

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

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

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

17 "Authority" § 12-101

18 "Bonds" § 12-101

19 "Chief elected official" § 12-101

20 "Housing project" § 12-101

21 "Legislative body" § 12-101

22 "Person" § 12-101

23 "Person of eligible income" § 12-101

24 "Political subdivision" § 12-101

25 "Real property" § 12-101

26 12-503. SAME -- POWERS AUTHORIZED BY ARTICLES OF ORGANIZATION.

27 (A) ENUMERATED.

28 IF AUTHORIZED UNDER ITS ARTICLES OF ORGANIZATION, AN AUTHORITY  
29 WITHIN ITS AREA OF OPERATION MAY:

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

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

34 (3) PURCHASE MORTGAGES SECURED BY HOUSING FOR PERSONS OF  
35 ELIGIBLE INCOME;

36 (4) SUBJECT TO ANY APPLICABLE AGREEMENT, ALLOW A NUMBER OF  
37 RESIDENTS OF A HOUSING PROJECT OR A PART OF ONE THAT THE AUTHORITY

1 FINANCES TO HAVE INCOMES ABOVE THE LEVELS FOR PERSONS OF ELIGIBLE  
 2 INCOME, IF THE NUMBER DOES NOT EXCEED THE PERCENTAGE ALLOWED IN THE  
 3 ARTICLES OF ORGANIZATION, WHICH MAY NOT EXCEED 80%;

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

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

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

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

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

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

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

19 (7) ACT AND INVEST AS A GENERAL PARTNER AND AS A LIMITED  
 20 PARTNER IN HOUSING PROJECTS.

21 (B) EFFECT ON OTHER POWERS.

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

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

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

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



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

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

7 The Housing and Community Development Article Review Committee  
8 notes, for consideration by the General Assembly, that in subsection (a)(6)  
9 of this section an authority may, with the approval of the legislative body  
10 and the chief elected official, acquire, develop, construct, rehabilitate, own,  
11 operate, and lease commercial facilities that are not adjacent to the site of  
12 a housing project and that are not intended substantially for the use and  
13 benefit of the tenants of the housing project.

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

15 "Authority" § 12-101

16 "Chief elected official" § 12-101

17 "Housing project" § 12-101

18 "Legislative body" § 12-101

19 "Person" § 12-101

20 "Person of eligible income" § 12-101

21 12-504. SAME -- EFFECT ON ECONOMIC COMPETITION.

22 (A) IN GENERAL.

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

26 (B) EFFECT OF SECTION.

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

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

31 Former Art. 44A, § 1-303(a)(2)(i) through (iii), which stated that this  
32 section does not: (1) grant to the authority powers in any substantive area  
33 not otherwise granted to the authority by other public general or public  
34 local law; (2) restrict the authority from exercising any power granted to  
35 the authority by other public general or public local law or otherwise; and  
36 (3) authorized the authority or its officers to engage in any activity which  
37 is beyond their power under other public general law, public local law, or  
38 otherwise is deleted as unnecessary.

39 Defined term: "Authority" § 12-101

1 12-505. EXEMPTION FROM STATE LAW ON PROPERTY TRANSACTIONS.

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

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

7 The defined term "State public body" is substituted for the former  
8 reference to "public bodies" to conform to the terminology used throughout  
9 this Division II.

10 Defined terms: "Authority" § 12-101

11 "State public body" § 12-101

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

14 (A) AMONG AUTHORITIES.

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

19 (B) STATE PUBLIC BODIES AND AUTHORITIES.

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

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

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

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

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

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

1 (II) MAY LAST FOR ANY LENGTH OF TIME, NOTWITHSTANDING ANY  
2 OTHER LAW;

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

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

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

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

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

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

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

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

23 (D) STATE PUBLIC BODY MAY INCUR ENTIRE EXPENSE OF PUBLIC  
24 IMPROVEMENTS.

25 (1) THE STATE PUBLIC BODY MAY INCUR THE ENTIRE EXPENSE OF ANY  
26 PUBLIC IMPROVEMENT THAT THE STATE PUBLIC BODY MAKES UNDER THIS  
27 SECTION.

28 (2) NOTWITHSTANDING ANY OTHER LAW, A STATE PUBLIC BODY MAY  
29 MAKE A SALE, CONVEYANCE, LEASE, OR AGREEMENT PROVIDED FOR IN THIS  
30 SECTION WITHOUT APPRAISAL, PUBLIC NOTICE, ADVERTISEMENT, OR PUBLIC  
31 BIDDING.

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

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

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

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

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

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

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

13 Defined terms: "Authority" § 12-101

14 "Housing project" § 12-101

15 "State public body" § 12-101

16 12-507. HOUSING PROJECTS TAKEN OVER BY STATE PUBLIC BODY FROM FEDERAL  
17 GOVERNMENT.

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

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

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

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

28 Defined terms: "Authority" § 12-101

29 "Housing project" § 12-101

30 "State public body" § 12-101

31 SUBTITLE 6. HOUSING FOR MILITARY PERSONNEL.

32 12-601. DEVELOPMENT AND ADMINISTRATION OF PROJECTS FOR MILITARY  
33 HOUSING BY AUTHORITIES.

34 (A) ALLOWED.

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

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

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

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

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

14 (II) AS AGENT FOR THE FEDERAL GOVERNMENT.

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

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

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

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

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

31 Also in subsection (b)(1) of this section, the former statement that an  
32 authority has all the rights, powers, privileges, and immunities "in the  
33 same manner as though all the provisions of law applicable to housing  
34 projects for persons of eligible income were applicable to projects developed  
35 or administered to assure the availability of safe and sanitary dwellings for  
36 military personnel as provided in this subtitle" is deleted in light of the  
37 reference to an authority's having "all the rights, powers, privileges, and  
38 immunities under this subtitle that it has under any law relating to the  
39 ownership, development, or administration of housing projects for persons

1 of eligible income".

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

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

8 Defined terms: "Authority" § 12-101

9 "Housing project" § 12-101

10 "Military personnel" § 12-101

11 "Person of eligible income" § 12-101

12 12-602. COOPERATION WITH FEDERAL GOVERNMENT.

13 AN AUTHORITY MAY:

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

18 (2) DEVELOP OR ADMINISTER SUCH A PROJECT FOR THE FEDERAL  
19 GOVERNMENT.

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

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

24 Defined terms: "Authority" § 12-101

25 "Military personnel" § 12-101

26 12-603. COOPERATION WITH STATE PUBLIC BODIES.

27 A STATE PUBLIC BODY HAS THE SAME RIGHTS AND POWERS TO COOPERATE  
28 WITH AUTHORITIES IN THE DEVELOPMENT OR ADMINISTRATION OF PROJECTS TO  
29 MAKE SAFE AND SANITARY HOUSING AVAILABLE FOR MILITARY PERSONNEL THAT  
30 THE STATE PUBLIC BODY HAS UNDER THIS DIVISION II TO ASSIST IN THE  
31 DEVELOPMENT OR ADMINISTRATION OF HOUSING PROJECTS FOR PERSONS OF  
32 ELIGIBLE INCOME.

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

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

1 Defined terms: "Authority" § 12-101

2 "Military personnel" § 12-101

3 "Person of eligible income" § 12-101

4 "State public body" § 12-101

5 12-604. BONDS.

6 BONDS ISSUED BY AN AUTHORITY FOR A PROJECT DEVELOPED OR  
7 ADMINISTERED UNDER THIS SUBTITLE ARE LEGAL INVESTMENTS TO THE SAME  
8 EXTENT AND FOR THE SAME BODIES AND OFFICERS AS BONDS ISSUED UNDER ANY  
9 OTHER SECTION OF THIS DIVISION II TO DEVELOP A HOUSING PROJECT FOR  
10 PERSONS OF ELIGIBLE INCOME.

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

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

15 The former references to "other obligations" are deleted as included in the  
16 references to "bonds".

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

23 Defined terms: "Bond" § 12-101

24 "Housing project" § 12-101

25 "Person" § 12-101

26 "Person of eligible income" § 12-101

27 12-605. SUBTITLE AS INDEPENDENT AUTHORIZATION TO DEVELOP OR ADMINISTER  
28 HOUSING FOR MILITARY PERSONNEL.

29 (A) IN GENERAL.

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

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

34 (2) COOPERATE WITH, OR ACT AS AGENT FOR, THE FEDERAL  
35 GOVERNMENT IN THE DEVELOPMENT OR ADMINISTRATION OF SIMILAR PROJECTS  
36 BY THE FEDERAL GOVERNMENT.

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

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

5 (C) POWER OF AUTHORITY.

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

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

10 (2) GET FINANCIAL AID; AND

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

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

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

16 Defined terms: "Authority" § 12-101

17 "Military personnel" § 12-101

18 12-606. AUTHORITY AS AGENT OR LESSEE OF FEDERAL GOVERNMENT.

19 AN AUTHORITY MAY EXERCISE ITS POWERS ANYWHERE IN THE STATE AS AN  
20 AGENT OR LESSEE OF THE FEDERAL GOVERNMENT IN THE DEVELOPMENT,  
21 CONSTRUCTION, OPERATION, OR MANAGEMENT OF A PROJECT UNDERTAKEN BY  
22 THE FEDERAL GOVERNMENT FOR HOUSING MILITARY PERSONNEL.

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

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

27 Defined terms: "Authority" § 12-101

28 "Military personnel" § 12-101

29 12-607. EFFECT OF SUBTITLE.

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

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

33 (B) SUBTITLE NOT LIMITING.



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

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

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

7 Defined term: "Authority" § 12-101

8 SUBTITLE 7. BONDS.

9 12-701. POWER TO ISSUE AND SECURE BONDS.

10 (A) ISSUING BONDS.

11 AN AUTHORITY MAY:

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

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

14 (3) ISSUE ANY KINDS OF BONDS, INCLUDING BONDS ON WHICH THE  
15 PRINCIPAL AND INTEREST ARE PAYABLE:

16 (I) ONLY FROM THE INCOME AND REVENUES OF THE HOUSING  
17 PROJECT FINANCED WITH THE PROCEEDS OF THE BONDS OR WITH THESE  
18 PROCEEDS AND A GRANT FROM THE STATE OR FEDERAL GOVERNMENT IN AID OF  
19 THE HOUSING PROJECT;

20 (II) ONLY FROM THE INCOME AND REVENUES OF DESIGNATED  
21 HOUSING PROJECTS WHETHER OR NOT THEY WERE FINANCED WHOLLY OR PARTLY  
22 WITH THE PROCEEDS OF THE BONDS; OR

23 (III) FROM ITS REVENUES GENERALLY.

24 (B) SECURING BONDS.

25 TO SECURE ANY OF ITS BONDS, AN AUTHORITY MAY PLEDGE ANY REVENUE OR  
26 MORTGAGE A HOUSING PROJECT OR OTHER PROPERTY OF THE AUTHORITY.

27 REVISOR'S NOTE: This section is new language derived without substantive  
28 change from former Art. 44A, § 1-501(a).

29 In subsection (a)(1) of this section, the former phrase "from time to time in  
30 its discretion" is deleted as surplusage.

31 In subsection (b) of this section, the former reference to "projects" is deleted  
32 as included in the reference to "property".

1 Defined terms: "Authority" § 12-101

2 "Bond" § 12-101

3 "Housing project" § 12-101

4 12-702. NATURE OF BONDS.

5 (A) PUBLIC PURPOSE.

6 BONDS OF AN AUTHORITY ARE ISSUED FOR AN ESSENTIAL PUBLIC AND  
7 GOVERNMENTAL PURPOSE.

8 (B) LIABILITY.

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

11 (2) NEITHER THE STATE NOR A POLITICAL SUBDIVISION IS LIABLE ON  
12 THE BONDS.

13 (C) DEBT.

14 THE BONDS OF AN AUTHORITY:

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

17 (2) ARE PAYABLE ONLY OUT OF MONEY OR PROPERTY OF THE  
18 AUTHORITY; AND

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

21 (D) FREE FROM TAXATION.

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

26 (E) BONDS AS NEGOTIABLE INSTRUMENTS.

27 BONDS ISSUED BY AN AUTHORITY ARE NEGOTIABLE FOR THE PURPOSES OF  
28 THE MARYLAND UNIFORM COMMERCIAL CODE, SUBJECT TO THE REGISTRATION  
29 PROVISIONS OF THE CODE.

30 (F) BONDS AS INVESTMENTS.

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

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

3 (II) BANKS, TRUST COMPANIES, SAVINGS AND LOAN  
4 ASSOCIATIONS, INVESTMENT COMPANIES, AND OTHERS CARRYING ON A BANKING  
5 BUSINESS;

6 (III) INSURANCE COMPANIES, INSURANCE ASSOCIATIONS, AND  
7 OTHERS CARRYING ON AN INSURANCE BUSINESS;

8 (IV) PERSONAL REPRESENTATIVES, GUARDIANS, TRUSTEES, AND  
9 OTHER FIDUCIARIES; AND

10 (V) ALL OTHER PERSONS.

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

13 (G) BONDS AS SECURITIES.

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

18 (H) SOURCE OF AUTHORIZATION.

19 (1) THIS SUBSECTION:

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

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

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

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

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

36 In subsection (b)(1) of this section, the former phrase "by reason of the

- 1 issuance thereof" is deleted as surplusage.
- 2 In the introductory language of subsection (c) of this section, the former  
3 references to "other obligations" are deleted as included in the defined  
4 term "bond[s]".
- 5 In subsection (d) of this section, the former reference to bonds that shall "at  
6 all times" be free from taxation is deleted as surplusage.
- 7 Also in subsection (d) of this section, the former reference to "the  
8 municipalities" is deleted as included in the reference to the defined term  
9 "political subdivision[s]".
- 10 Also in subsection (d) of this section, the former reference to political  
11 subdivisions "of the State" is deleted as surplusage.
- 12 In subsection (f)(1) of this section, the former statement that bonds may be  
13 "legally and properly" invested is deleted as surplusage. Similarly, in  
14 subsection (g) of this section, the former statement that bonds that may  
15 "properly and legally" be deposited is deleted.
- 16 In subsection (f)(1)(i) of this section, the reference to "governmental" units  
17 is substituted for the former reference to "public" units to conform to the  
18 terminology used throughout this article.
- 19 In subsection (h)(1)(ii) of this section, the statement "does not determine"  
20 is substituted for the former reference "not intending to effect a  
21 determination" for clarity.
- 22 In subsection (h)(2) of this section, the former statement that an authority  
23 is authorized "to function" is deleted as surplusage.
- 24 The Housing and Community Development Article Review Committee  
25 notes, for consideration by the General Assembly, that in subsection  
26 (f)(1)(ii) of this section, the reference to "banks" is substituted for the  
27 former reference to "bonds" to correct a typographical error.

28 Defined terms: "Authority" § 12-101

29 "Bond" § 12-101

30 "Political subdivision" § 12-101

31 12-703. BOND AUTHORIZATION, CONTENTS, SALE, AND CHARACTER.

32 (A) AUTHORIZATION, PROVISIONS, AND SALE.

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

35 (2) THE RESOLUTION, THE TRUST INDENTURE, OR THE MORTGAGE  
36 SHALL PROVIDE FOR THE BONDS:

- 1 (I) A DATE OR DATES;
- 2 (II) THE TIME OR TIMES OF MATURITY;
- 3 (III) THE INTEREST RATE OR RATES;
- 4 (IV) THE DENOMINATION OR DENOMINATIONS;
- 5 (V) WHETHER THEY WILL BE IN COUPON OR REGISTERED FORM;
- 6 (VI) THE CONVERSION OR REGISTRATION PRIVILEGES;
- 7 (VII) THEIR RANK OR PRIORITY;
- 8 (VIII) THE MANNER OF EXECUTION;
- 9 (IX) THE MEDIUM OF PAYMENT;
- 10 (X) THE PLACE OR PLACES OF PAYMENT; AND
- 11 (XI) THE TERMS OF REDEMPTION, WITH OR WITHOUT PREMIUM.

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

14 (B) SIGNATURE OF OFFICIAL WHO LEAVES OFFICE BEFORE DELIVERY OF  
 15 BOND.

16 IF A COMMISSIONER OR OFFICER OF THE AUTHORITY WHOSE SIGNATURE IS ON  
 17 A BOND OR COUPON LEAVES OFFICE BEFORE THE BOND IS DELIVERED, THE  
 18 SIGNATURE NEVERTHELESS IS VALID AND SUFFICIENT, THE SAME AS IF THE  
 19 COMMISSIONER OR OFFICER HAD REMAINED IN OFFICE UNTIL DELIVERY.

20 (C) PURPOSE OF BOND.

21 A BOND RECITING IN SUBSTANCE THAT IT HAS BEEN ISSUED BY AN AUTHORITY  
 22 TO AID IN FINANCING A HOUSING PROJECT TO PROVIDE HOUSING FOR PERSONS OF  
 23 ELIGIBLE INCOME SHALL BE CONSIDERED TO HAVE BEEN ISSUED FOR THAT  
 24 PURPOSE IN A PROCEEDING INVOLVING THE VALIDITY OR ENFORCEABILITY OF THE  
 25 BOND OR ITS SECURITY.

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

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

31 Also in subsection (b) of this section, the reference to a commissioner or  
 32 officer who "leaves office" is substituted for the former reference to a  
 33 commissioner or officer who "shall cease to be such commissioners or

1 officers" for brevity.

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

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

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

10 Defined terms: "Authority" § 12-101

11 "Bond" § 12-101

12 "Housing project" § 12-101

13 "Person" § 12-101

14 "Person of eligible income" § 12-101

15 12-704. POWERS OF AUTHORITY REGARDING BONDS AND LEASE OBLIGATIONS.

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

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

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

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

24 (3) COVENANT AGAINST:

25 (I) PLEDGING ANY OR ALL OF ITS RENTS, FEES, OR OTHER  
26 REVENUE;

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

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

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

33 (5) COVENANT AS TO WHAT OTHER DEBTS OR OBLIGATIONS IT MAY  
34 INCUR;

35 (6) COVENANT AS TO:

- 1 (I) THE BONDS TO BE ISSUED;
- 2 (II) THEIR ISSUANCE, IN ESCROW OR OTHERWISE; AND
- 3 (III) THE USE AND DISPOSITION OF THEIR PROCEEDS;
- 4 (7) PROVIDE FOR THE REPLACEMENT OF LOST, DESTROYED, OR  
5 MUTILATED BONDS;
- 6 (8) COVENANT AGAINST EXTENDING THE TIME FOR THE PAYMENT OF  
7 ITS BONDS OR INTEREST ON THEM;
- 8 (9) REDEEM THE BONDS, COVENANT FOR THEIR REDEMPTION, AND  
9 PROVIDE THE TERMS AND CONDITIONS FOR THEIR REDEMPTION;
- 10 (10) COVENANT, SUBJECT TO THE LIMITATIONS IN THIS DIVISION II, AS  
11 TO:
- 12 (I) THE RENTS AND FEES TO BE CHARGED IN THE OPERATION OF A  
13 HOUSING PROJECT OR PROJECTS;
- 14 (II) THE AMOUNT TO BE RAISED EACH YEAR OR OTHER PERIOD BY  
15 RENTS, FEES, AND OTHER REVENUES; AND
- 16 (III) THE USE AND DISPOSITION OF THE RENTS, FEES, AND OTHER  
17 REVENUES;
- 18 (11) CREATE OR AUTHORIZE THE CREATION OF SPECIAL FUNDS FOR  
19 MONEY HELD FOR CONSTRUCTION OR OPERATING COSTS, DEBT SERVICE RESERVES,  
20 OR OTHER PURPOSES, AND COVENANT AS TO THE USE AND DISPOSITION OF THE  
21 MONEY HELD IN THOSE FUNDS;
- 22 (12) PRESCRIBE ANY PROCEDURE BY WHICH THE TERMS OF CONTRACTS  
23 WITH BONDHOLDERS MAY BE AMENDED OR ABROGATED, THE DOLLAR AMOUNT OF  
24 BONDS WHOSE HOLDERS MUST CONSENT TO AN AMENDMENT OR ABROGATION, AND  
25 THE WAY IN WHICH CONSENT MAY BE GIVEN;
- 26 (13) COVENANT AS TO THE USE OF ANY OR ALL OF THE AUTHORITY'S  
27 REAL OR PERSONAL PROPERTY, THE REPLACEMENT OF THE PROPERTY, THE  
28 INSURANCE TO BE CARRIED ON THE PROPERTY, AND THE USE AND DISPOSITION OF  
29 INSURANCE MONEY;
- 30 (14) COVENANT AS TO THE RIGHTS, LIABILITIES, POWERS, AND DUTIES  
31 ARISING ON THE BREACH BY IT OF A COVENANT, CONDITION, OR OBLIGATION;
- 32 (15) COVENANT AND PRESCRIBE AS TO THE EVENTS OF DEFAULT AND  
33 TERMS AND CONDITIONS ON WHICH ANY OR ALL OF ITS BONDS BECOME OR MAY BE  
34 DECLARED DUE BEFORE MATURITY, AND AS TO THE TERMS AND CONDITIONS ON  
35 WHICH A DECLARATION AND ITS CONSEQUENCES MAY BE WAIVED;

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

3 (I) PAYMENT OF THE BONDS; OR

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

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

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

9 (II) COLLECT THE RENTS AND REVENUES; AND

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

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

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

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

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

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

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

25 (B) LIENS OF PLEDGES.

26 (1) A PLEDGE MADE BY AN AUTHORITY IS BINDING FROM THE TIME THE  
27 PLEDGE IS MADE.

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

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

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



1 (II) THE DETERMINATION OR OTHER INSTRUMENT HAS BEEN  
2 RECORDED OR FILED.

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

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

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

9 In subsection (a)(20) of this section, the former statement that an authority  
10 has the power "[t]o exercise all or any part or combination of the powers  
11 herein granted" is deleted as implicit in this subsection.

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

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

16 Defined terms: "Authority" § 12-101

17 "Bond" § 12-101

18 "Housing project" § 12-101

19 "Person" § 12-101

20 "Real property" § 12-101

21 12-705. RIGHTS OF OBLIGEEES.

22 (A) IN GENERAL.

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

26 (1) BY A WRIT OF MANDAMUS OR A PROCEEDING AT LAW OR IN EQUITY,  
27 COMPEL THE AUTHORITY AND THE AUTHORITY'S COMMISSIONERS, OFFICERS,  
28 AGENTS, OR EMPLOYEES TO PERFORM EACH TERM, PROVISION, AND COVENANT  
29 CONTAINED IN A CONTRACT OF THE AUTHORITY WITH OR FOR THE BENEFIT OF THE  
30 OBLIGEE;

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

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

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

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

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

6 (I) HOLDS OR REPRESENTS A SPECIFIED AMOUNT IN BONDS OR  
 7 NOTES; OR

8 (II) HOLDS A MORTGAGE, DEED OF TRUST, SECURITY INSTRUMENT,  
 9 OR LEASE.

10 (C) SAME -- ENUMERATED.

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

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

16 (II) REQUIRE THE AUTHORITY AND ITS COMMISSIONERS TO  
 17 ACCOUNT AS IF THE AUTHORITY AND ITS COMMISSIONERS WERE TRUSTEES OF AN  
 18 EXPRESS TRUST; AND

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

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

22 (I) ENTER AND TAKE POSSESSION OF THE HOUSING PROJECT OR  
 23 ANY PART OF THE HOUSING PROJECT;

24 (II) OPERATE AND MAINTAIN IT; AND

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

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

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

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

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

1 Defined terms: "Authority" § 12-101

2 "Housing project" § 12-101

3 "Obligee" § 12-101

4 TITLE 13. CITY OF ANNAPOLIS.

5 13-101. DEFINITIONS.

6 (A) IN GENERAL.

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

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

10 (B) ANNAPOLIS AUTHORITY.

11 "ANNAPOLIS AUTHORITY" MEANS THE HOUSING AUTHORITY OF THE CITY OF  
12 ANNAPOLIS.

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

15 (C) COMMISSIONER.

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

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

19 13-102. APPLICABILITY OF TITLE 12.

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

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

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

25 13-103. HOUSING AUTHORITY OF THE CITY OF ANNAPOLIS ESTABLISHED.

26 THE HOUSING AUTHORITY OF THE CITY OF ANNAPOLIS IS A PUBLIC BODY  
27 CORPORATE AND POLITIC THAT:

28 (1) EXERCISES PUBLIC AND ESSENTIAL GOVERNMENTAL FUNCTIONS;  
29 AND

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

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

3 The former reference to "provisions" is deleted in light of the reference to  
4 "purposes".

5 13-104. ANNAPOLIS AUTHORITY.

6 (A) MEMBERSHIP.

7 (1) THE ANNAPOLIS AUTHORITY CONSISTS OF SEVEN COMMISSIONERS  
8 APPOINTED BY THE MAYOR OF ANNAPOLIS.

9 (2) OF THE SEVEN COMMISSIONERS:

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

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

14 (B) TENURE; VACANCIES.

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

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

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

20 (4) A COMMISSIONER WHO IS APPOINTED AFTER A TERM HAS BEGUN  
21 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED  
22 AND QUALIFIES.

23 (C) RESTRICTION ON EMPLOYMENT.

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

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

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

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

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

7 In subsection (b)(2) of this section, the reference to terms being staggered  
8 as required by the terms provided for Commissioners on "October 1, 2006"  
9 is substituted for the former obsolete reference to terms being staggered as  
10 required by the terms provided on "July 1, 2002". This substitution is not  
11 intended to alter the term of any member of the Commission. *See* § \_\_\_\_ of  
12 Ch. \_\_\_\_, Acts of 2006. The terms of the members serving on October 1,  
13 2006, end as follows: (1) three Commissioners on July 31, 2007; (2) one  
14 Commissioner on July 31, 2008; (3) one Commissioner on July 31, 2009;  
15 and (4) two Commissioners on July 31, 2011.

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

17 "Commissioner" § 13-101

18 13-105. STATUS OF COMMISSIONERS AND ANNAPOLIS AUTHORITY PERSONNEL.

19 (A) COMMISSIONERS AND PERSONNEL AS LOCAL OFFICIALS.

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

23 (B) DISCLOSURE OF CONFLICTS OF INTEREST.

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

27 (2) THE ANNAPOLIS AUTHORITY SHALL ADOPT REGULATIONS TO CARRY  
28 OUT THIS SUBSECTION.

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

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

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

34 "Commissioner" § 13-101

1 13-106. REMOVAL OF EXECUTIVE DIRECTOR.

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

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

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

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

9 "Commissioner" § 13-101

10 13-107. ANNAPOLIS AUTHORITY MEETINGS.

11 (A) NOTICE REQUIRED.

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

16 (2) THE NOTICE SHALL CONTAIN:

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

18 (II) A SUMMARY OF THE SUBJECT MATTER TO BE CONSIDERED AT  
19 THE MEETING.

20 (3) THE CHAIR OF THE ANNAPOLIS AUTHORITY MAY WAIVE THE NOTICE  
21 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR AN EMERGENCY  
22 MEETING IF:

23 (I) NOTICE CANNOT REASONABLY BE GIVEN; AND

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

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

30 (B) CLOSED SESSIONS.

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

33 (I) DISCUSS THE APPOINTMENT, EMPLOYMENT, ASSIGNMENT,  
34 PROMOTION, DISCIPLINE, DEMOTION, REMOVAL, OR RESIGNATION OF APPOINTEES,

1 EMPLOYEES, OR OFFICIALS OVER WHOM THE ANNAPOLIS AUTHORITY HAS  
2 JURISDICTION;

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

5 (III) CONSULT WITH COUNSEL;

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

8 (V) COMPLY WITH A SPECIFIC CONSTITUTIONAL, STATUTORY, OR  
9 JUDICIALLY IMPOSED REQUIREMENT THAT PREVENTS PUBLIC DISCLOSURES ABOUT  
10 A PARTICULAR PROCEEDING OR MATTER; OR

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

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

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

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

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

24 "Real property" § 12-101

25 13-108. ACTIONS NEEDING APPROVAL IN OPEN MEETING.

26 (A) IN GENERAL.

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

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

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

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

35 (B) REIMBURSEMENTS REQUIRE ADVANCE APPROVAL.

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

4 (C) EMERGENCY CONTRACTS ALLOWED.

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

9 (D) RECOVERY OF MONEY.

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

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

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

18 In subsection (a)(3) of this section, the former phrase "but not limited to" is  
19 deleted in light of Art. 1, § 30, which provides that the word "including"  
20 means "by way of illustration" and not "by way of limitation".

21 In subsection (c) of this section, the former introductory phrase  
22 "[n]otwithstanding the other provisions of this subsection" is deleted as  
23 unnecessary in light of the standard phrase used to signal an exception  
24 that is used in subsection (a) of this section.

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

26 "Commissioner" § 13-101

27 "Person" § 12-101

28 13-109. PURCHASES BY ANNAPOLIS AUTHORITY.

29 (A) PURCHASING PROVISIONS.

30 THE ANNAPOLIS AUTHORITY SHALL ADOPT PURCHASING PROVISIONS THAT  
31 CONFORM TO THE CODE OF THE CITY OF ANNAPOLIS.

32 (B) REQUIREMENTS GOVERNING PURCHASES.

33 ALL PURCHASES BY THE ANNAPOLIS AUTHORITY THAT ARE NOT SPECIFICALLY  
34 REGULATED BY FEDERAL PROCUREMENT REQUIREMENTS SHALL BE MADE:

35 (1) AS PROVIDED BY THE PROVISIONS ADOPTED UNDER THIS SECTION;  
36 OR



1 (2) AS APPROVED BY FEDERAL AUTHORITIES.

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

4 In subsection (a) of this section, the former reference to the "relevant  
5 provisions of the" Code of the City of Annapolis is deleted as surplusage.

6 The Housing and Community Development Article Review Committee  
7 notes, for consideration by the General Assembly, that in subsection (b)(2)  
8 of this section, the Committee has decided that the phrase "as approved by  
9 federal authorities" refers to purchases the Annapolis Authority makes  
10 rather than the purchasing provisions the Annapolis Authority adopts.

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

12 13-110. BUDGET.

13 (A) SUMMARY REQUIRED 30 DAYS BEFORE SUBMISSION OF BUDGET.

14 AT LEAST 30 DAYS BEFORE SUBMISSION OF THE PROPOSED ANNUAL  
15 OPERATING BUDGET TO THE UNITED STATES DEPARTMENT OF HOUSING AND  
16 URBAN DEVELOPMENT, THE ANNAPOLIS AUTHORITY SHALL PUBLISH A BRIEF  
17 SUMMARY OF THE PROPOSED ANNUAL OPERATING BUDGET IN AT LEAST TWO  
18 NEWSPAPERS OF GENERAL CIRCULATION IN THE CITY OF ANNAPOLIS.

19 (B) MEETING TO BE HELD 2 WEEKS BEFORE SUBMISSION OF BUDGET.

20 AT LEAST 2 WEEKS BEFORE THE SUBMISSION OF A PROPOSED ANNUAL  
21 OPERATING BUDGET, THE ANNAPOLIS AUTHORITY SHALL HOLD AN OPEN MEETING  
22 THAT GIVES THE PUBLIC AN ADEQUATE OPPORTUNITY TO COMMENT TO THE  
23 EXECUTIVE DIRECTOR OF THE ANNAPOLIS AUTHORITY AND ITS BOARD OF  
24 COMMISSIONERS.

25 (C) BUDGET TO BE MADE AVAILABLE 5 DAYS BEFORE MEETING.

26 AT LEAST 5 DAYS BEFORE THE OPEN MEETING REQUIRED UNDER SUBSECTION  
27 (B) OF THIS SECTION, THE ANNAPOLIS AUTHORITY SHALL MAKE THE PROPOSED  
28 ANNUAL OPERATING BUDGET AVAILABLE TO THE PUBLIC.

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

31 In subsection (b) of this section, the former reference to an opportunity to  
32 comment "on the proposed annual budget" is deleted as surplusage.

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

34 13-111. ANNUAL AUDIT.

35 (A) TO BE SUBMITTED BY ANNAPOLIS AUTHORITY.

1 BEFORE MARCH 1 OF EACH YEAR, THE ANNAPOLIS AUTHORITY SHALL SUBMIT  
2 AN AUDIT OF ITS BOOKS AND RECORDS TO THE MAYOR OF ANNAPOLIS AND CITY  
3 COUNCIL OF ANNAPOLIS.

4 (B) AUDIT REQUIREMENTS.

5 THE AUDIT SHALL:

6 (1) BE PERFORMED IN ACCORDANCE WITH THE FEDERAL SINGLE AUDIT  
7 ACT, 31 U.S.C. §§ 7501-7507;

8 (2) FOLLOW GENERALLY ACCEPTED GOVERNMENTAL AUDITING  
9 STANDARDS; AND

10 (3) BE PERFORMED BY AN INDEPENDENT CERTIFIED PUBLIC  
11 ACCOUNTANT APPROVED BY THE ANNAPOLIS AUTHORITY AND BY FEDERAL  
12 AUTHORITIES.

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

15 In subsection (a) of this section, the reference to "books and records" is  
16 added to state expressly what was only implied in the former law - that  
17 the books and records of the Annapolis Authority shall be submitted for  
18 audit.

19 The Housing and Community Development Article Review Committee  
20 notes, for consideration by the General Assembly, that this section does not  
21 state the time period that the audited books and records are to cover.

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

23 REVISOR'S NOTE TO TITLE: Former Art. 44A, § 10-102(c), which authorized  
24 the Annapolis Authority to exercise its powers even if to do so would  
25 displace or limit economic competition, and which specifies that this law  
26 does not grant powers in a substantive area not granted to the Authority  
27 by other law, restrict the Annapolis Authority from exercising other  
28 powers, authorize the Annapolis Authority or its officers to engage in an  
29 activity that is beyond their power, or preempt or supersede the regulatory  
30 authority of a State unit, is deleted as redundant of § 12-504 of this article.

31 TITLE 14. ANNE ARUNDEL COUNTY.

32 14-101. APPLICABILITY OF TITLE 12.

33 TITLE 12 OF THIS ARTICLE APPLIES TO THE HOUSING COMMISSION OF ANNE  
34 ARUNDEL COUNTY, FORMERLY THE HOUSING AUTHORITY OF ANNE ARUNDEL  
35 COUNTY, EXCEPT WHERE IT IS INCONSISTENT WITH THIS TITLE.

1 REVISOR'S NOTE: This section is new language derived without substantive  
2 change from former Art. 44A, § 7-101.

3 The reference to the Housing "Commission" is substituted for the former  
4 obsolete reference to the Housing "Authority". Additionally, the phrase  
5 "formerly the Housing Authority of Anne Arundel County" is added for  
6 clarity.

7 14-102. HOUSING COMMISSION OF ANNE ARUNDEL COUNTY ESTABLISHED.

8 THE HOUSING COMMISSION OF ANNE ARUNDEL COUNTY IS A PUBLIC BODY  
9 CORPORATE AND POLITIC THAT:

10 (1) EXERCISES PUBLIC AND ESSENTIAL GOVERNMENTAL FUNCTIONS;  
11 AND

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

14 REVISOR'S NOTE: This section is new language added to state expressly what  
15 was only implied in the former law -- that the Housing Commission of  
16 Anne Arundel County exists as a public body corporate and politic,  
17 exercising public and essential governmental functions, and having all the  
18 powers necessary or convenient to carry out the purposes of this Division  
19 II.

20 14-103. MEMBERSHIP.

21 (A) SEVEN COMMISSIONERS.

22 THE HOUSING COMMISSION OF ANNE ARUNDEL COUNTY CONSISTS OF SEVEN  
23 COMMISSIONERS, APPOINTED BY THE COUNTY EXECUTIVE.

24 (B) 5-YEAR TERM.

25 THE TERM OF A COMMISSIONER IS 5 YEARS.

26 (C) STAGGERED TERMS.

27 THE TERMS OF THE COMMISSIONERS ARE STAGGERED AS REQUIRED BY THE  
28 TERMS PROVIDED FOR COMMISSIONERS OF THE HOUSING COMMISSION OF ANNE  
29 ARUNDEL COUNTY ON OCTOBER 1, 2006.

30 (D) SUCCESSION.

31 A COMMISSIONER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY  
32 FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
33 QUALIFIES.

34 REVISOR'S NOTE: This section is new language derived without substantive  
35 change from former Art. 44A, § 7-102.

1 In subsection (a) of this section, the reference to seven commissioners,  
 2 "appointed by the County Executive" is new language added to state  
 3 expressly what was only implied in the former law -- that the County  
 4 Executive is the official who has the authority to appoint commissioners of  
 5 the Housing Commission of Anne Arundel County.

6 Also in subsection (a) of this section, the former phrase "[n]otwithstanding  
 7 §§ 1-202 through 1-204 of this article" is deleted as unnecessary, because  
 8 those sections -- now revised at §§ 12-203 through 12-206 of this article  
 9 -- do not conflict with subsection (a) of this section.

10 The former requirement that "[t]he 5 persons serving as Commissioners of  
 11 the Authority on July 1, 1977 shall continue to serve until their respective  
 12 terms expire and their successors have been appointed and qualified" is  
 13 deleted as obsolete.

14 In subsection (c) of this section, the reference to terms being staggered as  
 15 required by the terms provided for commissioners on "October 1, 2006" is  
 16 substituted for the former obsolete reference to the County Executive  
 17 designating "2 additional persons to serve as Commissioners, 1 of whom  
 18 shall be appointed for a term of 1 year and the other for a term of 2 years,  
 19 from their respective dates of appointment. Thereafter their successors  
 20 shall be appointed for terms of 5 years". This substitution is not intended  
 21 to alter the term of any member of the Commission. *See* § \_\_\_\_ of Ch. \_\_\_\_,  
 22 Acts of 2006. The terms of the members serving on October 1, 2006, end as  
 23 follows: (1) 1 on December 31, 2007; (2) 1 on June 30, 2008; (3) 1 on  
 24 January 31, 2009; (4) 1 on June 30, 2009; (5) 1 on January 31, 2010; (6) 1  
 25 on January 31, 2011; and (7) 1 on January 31, 2013.

26 TITLE 15. BALTIMORE CITY.

27 15-101. DEFINITIONS.

28 (A) IN GENERAL.

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

30 REVISOR'S NOTE: This subsection is new language added as the standard  
 31 introduction to a definition section.

32 (B) BALTIMORE AUTHORITY.

33 "BALTIMORE AUTHORITY" MEANS THE HOUSING AUTHORITY OF BALTIMORE  
 34 CITY.

35 REVISOR'S NOTE: This subsection is new language added to provide a  
 36 convenient reference to the Housing Authority of Baltimore City.

37 (C) HOUSING PROJECT.

1 (1) "HOUSING PROJECT" MEANS A WORK OR UNDERTAKING THAT IS  
2 PLANNED, ACQUIRED, OWNED, USED, DEVELOPED, CONSTRUCTED,  
3 RECONSTRUCTED, REHABILITATED, OR IMPROVED TO PROVIDE:

4 (I) HOUSING, OF WHICH A SUBSTANTIAL PART SHALL BE FOR  
5 PERSONS OF ELIGIBLE INCOME; AND

6 (II) STREETS, ROADS, SEWERS, WATER SERVICE, AND OTHER  
7 SUPPORTING PUBLIC OR PRIVATE COMMERCIAL, EDUCATIONAL, CULTURAL,  
8 RECREATIONAL, COMMUNITY, OR CIVIC FACILITIES THAT ARE NEEDED FOR SOUND  
9 COMMUNITY DEVELOPMENT.

10 (2) "HOUSING PROJECT" INCLUDES LANDS, BUILDINGS,  
11 IMPROVEMENTS, AND OTHER REAL OR PERSONAL PROPERTY.

12 REVISOR'S NOTE: This subsection is new language derived without  
13 substantive change from former Art. 44A, § 3-102(e), the second sentence  
14 of (j), and the third sentence of § 3-103(c).

15 In paragraph (1) of this subsection, the former reference to "any  
16 undertaking or project, or portion thereof," is deleted as surplusage.

17 In paragraph (1)(i) of this subsection, the reference to "housing" is  
18 substituted for the former reference to "dwelling accommodations" to  
19 conform to the terminology used throughout this article.

20 In paragraph (2)(i) of this subsection, the former reference to  
21 "mixed ... properties, or interest therein" is deleted as included in the  
22 reference to "real or personal" property.

23 Also in paragraph (2)(i) of this subsection, the reference to property that is  
24 "used" is added for clarity.

25 (D) PERSON OF ELIGIBLE INCOME.

26 "PERSON OF ELIGIBLE INCOME" MEANS AN INDIVIDUAL OR A FAMILY THAT  
27 LACKS SUFFICIENT INCOME OR ASSETS WITHOUT FINANCIAL ASSISTANCE TO LIVE  
28 IN DECENT, SAFE, AND SANITARY HOUSING WITHOUT OVERCROWDING.

29 REVISOR'S NOTE: This subsection is new language derived without  
30 substantive change from former Art. 44A, § 3-102(f) and the second  
31 sentence of § 3-103(c).

32 The former phrase "as applied to the Housing Authority of Baltimore City"  
33 is deleted as surplusage.

34 The former phrase "(as determined by the Mayor of Baltimore City or his  
35 designee)" is deleted as unnecessary in light of § 12-106 of this article.

36 The reference to "housing" is substituted for the former reference to

1 "dwellings" to conform to the terminology used throughout this article.

2 GENERAL REVISOR'S NOTE TO SECTION:

3 Former Art. 44A, § 3-102(g), which defined the terms "resolution" and  
4 "ordinance" to refer when applicable to an ordinance of the Mayor and City Council of  
5 Baltimore, is deleted as unnecessary because the phrase "resolution or ordinance of  
6 the legislative body", which clearly encompasses an ordinance of the Mayor and City  
7 Council of Baltimore, is used throughout this Division II. *See, e.g.*, § 12-202 of this  
8 article.

9 15-102. APPLICABILITY OF TITLE 12.

10 TITLE 12 OF THIS ARTICLE APPLIES TO THE BALTIMORE AUTHORITY EXCEPT  
11 WHERE IT IS INCONSISTENT WITH THIS TITLE.

12 REVISOR'S NOTE: This section is new language derived without substantive  
13 change from former Art. 44A, § 3-101.

14 Defined term: "Baltimore Authority" § 15-101

15 15-103. FINDINGS.

16 THE GENERAL ASSEMBLY FINDS THAT:

17 (1) IN BALTIMORE CITY AND IN THE AREA OF OPERATION OF THE  
18 BALTIMORE AUTHORITY THERE IS UNSAFE AND UNSANITARY HOUSING, AND THERE  
19 IS A CRITICAL SHORTAGE OF DECENT, SAFE, AND SANITARY HOUSING THAT  
20 PERSONS OF ELIGIBLE INCOME CAN AFFORD TO RENT OR BUY;

21 (2) AS A RESULT OF THIS SHORTAGE, PERSONS OF ELIGIBLE INCOME  
22 MUST OCCUPY OVERCROWDED AND CONGESTED HOUSING OR MUST PAY TOO MUCH  
23 OF THEIR INCOME FOR SHELTER;

24 (3) THESE CONDITIONS REQUIRE TOO MUCH PUBLIC MONEY TO BE  
25 SPENT FOR PUBLIC HEALTH AND SAFETY, FIRE AND ACCIDENT PROTECTION, CRIME  
26 PREVENTION AND PUNISHMENT, AND OTHER PUBLIC SERVICES AND FACILITIES;

27 (4) THE SHORTAGE OF DECENT, SAFE, AND SANITARY HOUSING CANNOT  
28 BE WHOLLY RELIEVED THROUGH PRIVATE ENTERPRISE, AND THEREFORE BUILDING  
29 HOUSING FOR PERSONS OF ELIGIBLE INCOME AND SPENDING PUBLIC MONEY TO  
30 HELP GET IT BUILT DO NOT COMPETE WITH PRIVATE ENTERPRISE;

31 (5) THE CONSTRUCTION AND OPERATION OF HOUSING TO REMEDY THE  
32 CONDITIONS DESCRIBED IN THIS SECTION AND THE IMPLEMENTATION OF THIS  
33 TITLE ARE VALID PUBLIC PURPOSES AND ESSENTIAL GOVERNMENT FUNCTIONS FOR  
34 WHICH PUBLIC MONEY MAY BE SPENT; AND

35 (6) THE PROVISIONS OF THIS TITLE ARE NECESSARY IN THE PUBLIC  
36 INTEREST.

1 REVISOR'S NOTE: This section is new language derived without substantive  
2 change from former Art. 44A, §§ 3-102(a) and 3-103(a) and (b).

3 In the introductory language of this section, the clause "[t]he General  
4 Assembly declares" is substituted for the former clause "[i]t is hereby found  
5 and declared" to conform to the terminology used throughout this article.  
6 Similarly, in item (5) of this section, the former phrase "hereby declared as  
7 a matter of legislative determination" is deleted.

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

11 In item (3) of this section, the clause "these conditions require too much  
12 public money to be spent" is substituted for the former clause "the  
13 aforesaid conditions necessitate excessive and disproportionate  
14 expenditures of public funds" for brevity.

15 In item (7) of this section, the former statement that the public interest  
16 "requires the remedying of these conditions" is deleted as surplusage.

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

18 "Baltimore Authority" § 15-101

19 "Person of eligible income" § 12-101

20 15-104. BALTIMORE AUTHORITY ESTABLISHED.

21 THE HOUSING AUTHORITY OF BALTIMORE CITY IS A PUBLIC BODY CORPORATE  
22 AND POLITIC THAT:

23 (1) EXERCISES PUBLIC AND ESSENTIAL GOVERNMENTAL FUNCTIONS;  
24 AND

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

27 REVISOR'S NOTE: This section is new language derived without substantive  
28 change from the first sentence of former Art. 44A, § 3-102(b).

29 The former reference to "effectuate" is deleted in light of the reference to  
30 "carry out".

31 Also the former reference to "provisions" is deleted in light of the reference  
32 to "purposes".

33 15-105. POWERS OF BALTIMORE AUTHORITY.

34 (A) IN GENERAL.

1 IN ADDITION TO THE POWERS LISTED ELSEWHERE IN THIS DIVISION II AND  
 2 ANY POWERS GIVEN BY LOCAL LAW, THE BALTIMORE AUTHORITY WITHIN ITS AREA  
 3 OF OPERATION MAY:

4 (1) MAKE MORTGAGE LOANS;

5 (2) MAKE RENT SUBSIDY PAYMENTS TO OR FOR PERSONS OF ELIGIBLE  
 6 INCOME;

7 (3) MAKE CONSTRUCTION LOANS AND LONG-TERM MORTGAGE LOANS  
 8 TO ANY PERSON TO PRODUCE HOUSING FOR PERSONS OF ELIGIBLE INCOME; AND

9 (4) PURCHASE AND INSURE MORTGAGES SECURED BY HOUSING FOR  
 10 PERSONS OF ELIGIBLE INCOME.

11 (B) NUMBER OF RESIDENTS WHO NEED NOT BE PERSONS OF ELIGIBLE  
 12 INCOME.

13 NOT MORE THAN 80% OF THE RESIDENTS OF A HOUSING PROJECT MAY HAVE  
 14 INCOMES ABOVE THE LEVELS FOR PERSONS OF ELIGIBLE INCOME.

15 (C) EFFECT OF LISTING OF POWERS.

16 THE LISTING OF POWERS IN THIS SECTION DOES NOT IMPLY THAT THE  
 17 EXERCISE OF THOSE POWERS BY THE BALTIMORE AUTHORITY BEFORE JULY 1, 1990,  
 18 WAS UNAUTHORIZED.

19 (D) POWER OF BALTIMORE AUTHORITY NOT LIMITED BY § 12-402.

20 THE POWER OF THE BALTIMORE AUTHORITY TO RENT HOUSING TO PERSONS  
 21 OF ELIGIBLE INCOME IS NOT LIMITED BY § 12-402 OF THIS ARTICLE.

22 REVISOR'S NOTE: This section is new language derived without substantive  
 23 change from former Art. 44A, § 3-102(c), (k), the second sentence of (b),  
 24 and the first sentence of (j).

25 In subsection (a) of this section, the former authorization of the Baltimore  
 26 Authority to "exercise all or any part or combination of such powers to  
 27 provide for housing or housing projects for persons of eligible income" is  
 28 deleted as surplusage.

29 In subsection (a)(2) of this section, the reference to the ability of the  
 30 Baltimore Authority to make rent subsidy payments to "or for" persons of  
 31 eligible income is added to clarify that the payments may be made to third  
 32 parties, such as landlords, on behalf of persons of eligible income.

33 In subsection (b) of this section, the former reference to the power of the  
 34 Baltimore Authority "[w]ithin its area of operation: to exercise each of the  
 35 powers enumerated from time to time in § 1-302(a) of this article" is  
 36 deleted as surplusage.



1 In subsection (c) of this section, the reference to "July 1, 1990", which is the  
 2 date this section became effective, is substituted for the former reference to  
 3 "the effective date hereof" for clarity.

4 The Housing and Community Development Article Review Committee  
 5 notes, for consideration by the General Assembly, that in subsection (b) of  
 6 this section, the former reference to the ability of the Housing Authority of  
 7 Baltimore City "to exercise each of the powers enumerated from time to  
 8 time in § 1-302(a) of this article" and the former reference "[f]or the  
 9 purposes of § 1-302(a)(4) of this article", which modified the maximum  
 10 percentage of housing project residents with incomes above the levels for  
 11 persons of eligible income, are deleted as meaningless. Former Art. 44A, §  
 12 1-302(a) -- now revised at § 12-503(a) of this article -- applies only to an  
 13 authority that is authorized under articles of organization. The Housing  
 14 Authority of Baltimore City has not adopted articles of organization.

15 Former Art. 44A, § 3-102(d), which authorized the Baltimore Authority to  
 16 exercise its powers even if to do so would displace or limit economic  
 17 competition, and which specified that this title did not grant powers in a  
 18 substantive area not granted to the Authority by other law, restrict the  
 19 Baltimore Authority from exercising other powers, authorize the Baltimore  
 20 Authority or its officers to engage in an activity that is beyond their power,  
 21 or preempt or supersede the regulatory authority of a State unit, is deleted  
 22 as redundant of § 12-504 of this article.

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

24 "Baltimore Authority" § 15-101

25 "Housing project" § 15-101

26 "Person" § 1-101

27 "Person of eligible income" § 12-101

28 15-106. HOUSING EMPLOYEES ELIGIBLE TO BE COMMISSIONERS.

29 AN EMPLOYEE OF THE BALTIMORE CITY DEPARTMENT OF HOUSING AND  
 30 COMMUNITY DEVELOPMENT OR OF ANY UNIT SUCCEEDING TO ITS FUNCTIONS MAY  
 31 BE A COMMISSIONER OF THE BALTIMORE AUTHORITY.

32 REVISOR'S NOTE: This section is new language derived without substantive  
 33 change from former Art. 44A, § 3-102(h).

34 The former phrase "[n]otwithstanding § 1-207(b) of this article" is deleted  
 35 as surplusage.

36 Defined term: "Baltimore Authority" § 15-101

37 15-107. BOARD OF ESTIMATES APPROVAL REQUIRED.

38 A HOUSING PROJECT MAY NOT BE COMMENCED, ARRANGED, CONTRACTED FOR,  
 39 OR CARRIED OUT IN THE CITY OF BALTIMORE UNLESS THE BOARD OF ESTIMATES OF  
 40 BALTIMORE CITY APPROVES ITS LOCATION.

1 REVISOR'S NOTE: This section is new language derived without substantive  
2 change from former Art. 44A, § 3-102(i).

3 The former phrase "[n]otwithstanding § 1-301 of this article" is deleted as  
4 surplusage.

5 The former requirement that the location of a housing project be  
6 "submitted to" the Board of Estimates of Baltimore City for approval is  
7 deleted as included in the requirement that a housing project may not be  
8 commenced unless the Board of Estimates "approves" its location.

9 Defined term: "Housing project" § 12-101

10 15-108. BALTIMORE AUTHORITY POLICE FORCE.

11 (A) "BALTIMORE AUTHORITY POLICE OFFICER" DEFINED.

12 IN THIS SECTION, "BALTIMORE AUTHORITY POLICE OFFICER" MEANS A  
13 MEMBER OF THE HOUSING AUTHORITY OF BALTIMORE CITY POLICE FORCE WHO,  
14 WHEN ACTING IN AN OFFICIAL CAPACITY, MAY MAKE ARRESTS.

15 (B) HOUSING AUTHORITY OF BALTIMORE CITY POLICE FORCE --  
16 ESTABLISHED.

17 THERE IS A HOUSING AUTHORITY OF BALTIMORE CITY POLICE FORCE.

18 (C) BALTIMORE AUTHORITY POLICE OFFICERS -- APPOINTMENT.

19 THE EXECUTIVE DIRECTOR OF THE BALTIMORE AUTHORITY OR THE  
20 DIRECTOR'S DESIGNEE SHALL APPOINT THE BALTIMORE AUTHORITY POLICE  
21 OFFICERS.

22 (D) SAME -- POWERS ON BALTIMORE AUTHORITY PROPERTY.

23 (1) A BALTIMORE AUTHORITY POLICE OFFICER HAS ALL OF THE  
24 POWERS OF A LAW ENFORCEMENT OFFICER IN THE STATE.

25 (2) A BALTIMORE AUTHORITY POLICE OFFICER MAY EXERCISE THESE  
26 POWERS ON PROPERTY THAT IS OWNED, LEASED, OPERATED BY, OR UNDER THE  
27 CONTROL OF THE BALTIMORE AUTHORITY.

28 (3) A BALTIMORE AUTHORITY POLICE OFFICER MAY EXERCISE THESE  
29 POWERS ELSEWHERE ONLY IF:

30 (I) DOING SO IS NECESSARY TO FACILITATE THE ORDERLY FLOW  
31 OF TRAFFIC TO OR FROM PROPERTY THAT IS OWNED, LEASED, OPERATED BY, OR  
32 UNDER THE CONTROL OF THE BALTIMORE AUTHORITY; OR

33 (II) THE OFFICER IS:

34 1. ORDERED TO DO SO BY THE MAYOR OF BALTIMORE CITY;

1 2. ASKED OR AUTHORIZED TO DO SO BY THE POLICE  
2 COMMISSIONER OF BALTIMORE CITY; OR

3 3. ENGAGED IN FRESH PURSUIT OF A SUSPECTED  
4 OFFENDER.

5 (E) ADOPTION OF STANDARDS REQUIRED.

6 (1) THE BALTIMORE AUTHORITY SHALL ADOPT STANDARDS,  
7 QUALIFICATIONS, AND PREREQUISITES OF CHARACTER, TRAINING, EDUCATION,  
8 HUMAN AND PUBLIC RELATIONS, EXPERIENCE, AND PERFORMANCE FOR BALTIMORE  
9 AUTHORITY POLICE OFFICERS.

10 (2) TO THE EXTENT FEASIBLE, THE STANDARDS SHALL BE SIMILAR TO  
11 THOSE ADOPTED FOR THE BALTIMORE CITY POLICE DEPARTMENT.

12 (F) EFFECT OF SECTION.

13 (1) THIS SECTION DOES NOT:

14 (I) TREAT A BALTIMORE AUTHORITY POLICE OFFICER AS A  
15 MEMBER OF THE BALTIMORE CITY POLICE DEPARTMENT; OR

16 (II) AFFECT THE SALARY, BENEFITS, OR RETIREMENT PROGRAM OF  
17 AN EMPLOYEE OF THE BALTIMORE AUTHORITY.

18 (2) THE LIST OF POWERS IN THIS SECTION DOES NOT IMPLY THAT THE  
19 EXERCISE OF POWERS BY THE BALTIMORE AUTHORITY BEFORE JULY 1, 1991, WAS  
20 UNAUTHORIZED.

21 REVISOR'S NOTE: This section is new language derived without substantive  
22 change from former Art. 44A, § 3-104.

23 In subsection (e)(1) of this section, the former reference to the performance  
24 "of duties" is deleted as surplusage.

25 In subsection (f)(2) of this section, the date of "July 1, 1991" is substituted  
26 for the former reference to the "effective date of this act" for clarity. "[T]his  
27 act" referred to Chapter 665 of the Acts of 1991, which took effect on July  
28 1, 1991.

29 Defined term: "Baltimore Authority" § 15-101

30 15-109. EMPLOYEE RELATIONS.

31 (A) COLLECTIVE BARGAINING.

32 (1) THE BALTIMORE AUTHORITY MAY RECOGNIZE AND ENGAGE IN  
33 COLLECTIVE BARGAINING WITH THE EXCLUSIVE BARGAINING REPRESENTATIVES  
34 OF ALL APPROPRIATE EMPLOYEE BARGAINING UNITS, INCLUDING UNITS  
35 CONSISTING OF:

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- 1 (I) MAINTENANCE, HOUSEKEEPING, AND TECHNICAL PERSONNEL;
- 2 (II) ADMINISTRATIVE AND CLERICAL PERSONNEL; AND
- 3 (III) SUPERVISORY PERSONNEL.

4 (2) THE POWER UNDER PARAGRAPH (1) OF THIS SECTION INCLUDES THE  
5 POWER OF THE BALTIMORE AUTHORITY TO:

6 (I) DEAL WITH AND, THROUGH AN EXCLUSIVE BARGAINING  
7 REPRESENTATIVE, ADDRESS GRIEVANCES AND SETTLE DISPUTES;

8 (II) MEET AND BARGAIN IN GOOD FAITH WITH AN EXCLUSIVE  
9 BARGAINING REPRESENTATIVE ABOUT WAGES, HOURS, WORKING CONDITIONS, AND  
10 OTHER TERMS AND CONDITIONS OF EMPLOYMENT TO FORM A BINDING LABOR  
11 AGREEMENT; AND

12 (III) DRAFT AND EXECUTE LABOR AGREEMENTS THAT LAST NOT  
13 MORE THAN 3 CONSECUTIVE FISCAL YEARS.

14 (3) A BARGAINING UNIT UNDER PARAGRAPH (1) OF THIS SUBSECTION  
15 MAY NOT INCLUDE:

16 (I) CONFIDENTIAL EMPLOYEES;

17 (II) CONTRACTUAL EMPLOYEES EMPLOYED FOR LESS THAN 5  
18 CONSECUTIVE YEARS;

19 (III) PROBATIONARY EMPLOYEES;

20 (IV) ATTORNEYS IN THE GENERAL COUNSEL'S OFFICE;

21 (V) SUPERVISORS, AS DEFINED IN 29 U.S.C. § 152(11); OR

22 (VI) EMPLOYEES WHOSE MAIN RESPONSIBILITY IS TO MANAGE OR  
23 DIRECT INDEPENDENTLY THE ASSETS AND AFFAIRS OF THE BALTIMORE AUTHORITY.

24 (B) BINDING ARBITRATION.

25 THE BALTIMORE AUTHORITY MAY ENGAGE IN BINDING THIRD-PARTY  
26 ARBITRATION OF:

27 (1) DISPUTES OVER A TERM OR CONDITION OF EMPLOYMENT; AND

28 (2) GRIEVANCES THAT RELATE TO THE INTERPRETATION OR  
29 APPLICATION OF A WRITTEN COLLECTIVE BARGAINING AGREEMENT, EMPLOYMENT  
30 REGULATION, OR WORK RULE.

31 (C) COLLECTIVE BARGAINING.

1 THE BALTIMORE AUTHORITY MAY EXERCISE ANY POWER THAT IS NECESSARY  
2 AND APPROPRIATE TO ESTABLISH AND IMPLEMENT A SYSTEM OF COLLECTIVE  
3 BARGAINING WITH ITS EMPLOYEES.

4 REVISOR'S NOTE: This section is new language derived without substantive  
5 change from former Art. 44A, § 3-105.

6 In subsection (a)(1) of this section, references to maintenance,  
7 housekeeping, technical, administrative, clerical, and supervisory  
8 "personnel" are added for clarity.

9 Defined term: "Baltimore Authority" § 15-101

10 GENERAL REVISOR'S NOTE TO TITLE:

11 The first sentence of former Art. 44A, § 5-103(c), which stated that the State  
12 public body has the powers enumerated in this Division II to aid and cooperate with  
13 the Baltimore Authority in the planning, undertaking, construction, or operation of  
14 housing projects for persons of eligible income, is deleted as unnecessary in light of §  
15 12-506(b) of this article.

16 TITLE 16. HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY.

17 SUBTITLE 1. DEFINITIONS; ORGANIZATION AND ADMINISTRATION OF  
18 MONTGOMERY COMMISSION.

19 16-101. DEFINITIONS.

20 (A) IN GENERAL.

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

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

24 (B) COMMISSIONER.

25 "COMMISSIONER" MEANS A COMMISSIONER OF THE MONTGOMERY  
26 COMMISSION.

27 REVISOR'S NOTE: This subsection is new language added to provide a  
28 convenient reference to a Commissioner of the Montgomery Housing  
29 Opportunities Commission.

30 (C) HOUSING PROJECT.

31 "HOUSING PROJECT" MEANS AN UNDERTAKING OR PROJECT, INCLUDING  
32 LANDS, BUILDINGS AND IMPROVEMENTS, AND REAL AND PERSONAL PROPERTY,  
33 THAT IS PLANNED, ACQUIRED, OWNED, USED, DEVELOPED, CONSTRUCTED,  
34 RECONSTRUCTED, REHABILITATED, OR IMPROVED TO PROVIDE:

1 (1) HOUSING, A SUBSTANTIAL PART OF WHICH IS FOR PERSONS OF  
2 ELIGIBLE INCOME; AND

3 (2) STREETS, ROADS, SEWER AND WATER SERVICE, AND OTHER  
4 SUPPORTING PUBLIC OR PRIVATE COMMERCIAL, EDUCATIONAL, CULTURAL,  
5 RECREATIONAL, COMMUNITY, OR CIVIC FACILITIES NEEDED FOR SOUND  
6 COMMUNITY DEVELOPMENT.

7 REVISOR'S NOTE: This subsection is new language derived without  
8 substantive change from the first sentence of former Art. 44A, § 2-102(f)  
9 and the third sentence of § 2-105(b).

10 In the introductory language of this subsection, the reference to property  
11 that is "used" is added to state expressly what was only implied in the  
12 former law.

13 Also in the introductory language of this subsection, the former reference  
14 to "portion thereof" is deleted as included in the reference to an  
15 "undertaking or project".

16 Also in the introductory language of this subsection, the former references  
17 to "mixed" property and "interest therein" are deleted as included in the  
18 reference to "real and personal" property.

19 Also in the introductory language of this subsection, the former reference  
20 to "persons of eligible income" is deleted in light of § 16-108 of this subtitle.

21 In item (1) of this subsection, the reference to "housing" is substituted for  
22 the former reference to "dwelling accommodations" to conform to the  
23 terminology used throughout this article.

24 Defined terms: "Person of eligible income" § 16-101

25 "Real property" § 12-101

26 (D) MONTGOMERY COMMISSION.

27 "MONTGOMERY COMMISSION" MEANS THE HOUSING OPPORTUNITIES  
28 COMMISSION OF MONTGOMERY COUNTY.

29 REVISOR'S NOTE: This subsection is new language added to provide a  
30 convenient reference to the Housing Opportunities Commission of  
31 Montgomery County.

32 (E) PERSON OF ELIGIBLE INCOME.

33 "PERSON OF ELIGIBLE INCOME" MEANS AN INDIVIDUAL OR FAMILY THAT  
34 QUALIFIES UNDER § 16-108 OF THIS SUBTITLE.

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

1 16-102. APPLICABILITY OF TITLE 12.

2 TITLE 12 OF THIS ARTICLE APPLIES TO THE MONTGOMERY COMMISSION  
3 EXCEPT 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, § 2-101.

6 Defined term: "Montgomery Commission" § 16-101

7 16-103. SCOPE OF TITLE.

8 THIS TITLE APPLIES ONLY TO MONTGOMERY COUNTY.

9 REVISOR'S NOTE: This section is new language added for clarity.

10 16-104. FINDINGS.

11 THE GENERAL ASSEMBLY FINDS THAT:

12 (1) THERE IS UNSAFE AND UNSANITARY HOUSING IN THE COUNTY AND  
13 THERE IS A CRITICAL SHORTAGE OF DECENT, SAFE, AND SANITARY HOUSING THAT  
14 PERSONS OF ELIGIBLE INCOME CAN AFFORD TO RENT OR BUY;

15 (2) AS A RESULT, PERSONS OF ELIGIBLE INCOME MUST OCCUPY  
16 OVERCROWDED AND CONGESTED HOUSING OR MUST PAY TOO MUCH OF THEIR  
17 INCOME FOR SHELTER;

18 (3) THESE CONDITIONS CAUSE TOO MUCH PUBLIC MONEY TO BE SPENT  
19 FOR CRIME PREVENTION AND PUNISHMENT, PUBLIC HEALTH AND SAFETY, FIRE AND  
20 ACCIDENT PROTECTION, AND OTHER PUBLIC SERVICES AND FACILITIES;

21 (4) THERE IS A PUBLIC EMERGENCY IN THE COUNTY CAUSED IN PART  
22 BY RAPIDLY RISING CONSTRUCTION COSTS, OPERATING AND MAINTENANCE  
23 EXPENSES, AND THE INCREASE IN CONVERSIONS OF RENTAL HOUSING TO  
24 CONDOMINIUMS;

25 (5) THE SERIOUS PROBLEMS CREATED BY THESE INFLATIONARY  
26 CONDITIONS AND CONVERSIONS INCLUDE:

27 (I) A MAJOR DISPLACEMENT OF LARGE NUMBERS OF TENANTS,  
28 INCLUDING ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES, FROM  
29 THEIR HOUSING;

30 (II) A SCARCITY OF LOW AND MODERATE INCOME HOUSING ON  
31 THE MARKET AS DEMAND FOR SUCH HOUSING INCREASES;

32 (III) TOO FEW RENTAL UNITS AVAILABLE, PLANNED, OR UNDER  
33 CONSTRUCTION TO REPLACE THE RENTAL UNITS BEING CONVERTED INTO  
34 CONDOMINIUMS; AND

1 (IV) FRUSTRATION OF GENERAL PLAN CONCEPTS OF BALANCED  
 2 HOUSING MIX AND ADEQUATE HOUSING FOR ALL ECONOMIC SEGMENTS OF THE  
 3 COMMUNITY;

4 (6) THE SHORTAGE OF DECENT, SAFE, AND SANITARY HOUSING CANNOT  
 5 BE WHOLLY RELIEVED THROUGH PRIVATE ENTERPRISE, AND THEREFORE BUILDING  
 6 HOUSING FOR PERSONS OF ELIGIBLE INCOME AND SPENDING PUBLIC MONEY TO  
 7 HELP GET IT BUILT OR READY FOR USE DO NOT COMPETE WITH PRIVATE  
 8 ENTERPRISE;

9 (7) TO REMEDY THESE CONDITIONS, CONSTRUCTION AND OPERATION  
 10 OF SUCH HOUSING AS SET FORTH IN THIS TITLE ARE VALID PUBLIC PURPOSES AND  
 11 ESSENTIAL GOVERNMENT FUNCTIONS FOR WHICH PUBLIC MONEY MAY BE SPENT;  
 12 AND

13 (8) THIS TITLE IS NECESSARY IN THE PUBLIC INTEREST.

14 REVISOR'S NOTE: This section is new language derived without substantive  
 15 change from former Art. 44A, §§ 2-102(a) and 2-105(a).

16 In the introductory language of this section, the former reference to  
 17 "declare[s]" is deleted in light of the reference to "finds". Similarly, in item  
 18 (7) of this section, the former phrase "hereby declared as a matter of  
 19 legislative determination" is deleted.

20 In items (1), (5)(i), and (6) of this section, references to "housing" are  
 21 substituted for former references to "dwelling accommodations", "dwelling  
 22 units", and "dwellings" to conform to the terminology used throughout this  
 23 article.

24 In item (2) of this section, the reference to "too much" is substituted for the  
 25 former phrase "inordinate share" for brevity.

26 In item (3) of this section, the reference to "cause too much public money"  
 27 is substituted for the former reference to "necessitate excessive and  
 28 disproportionate expenditures of public funds" for brevity. Similarly, in  
 29 item (5)(iii) of this section, the reference to "too few" is substituted for the  
 30 former reference to "inadequate numbers of".

31 In item (4) of this section, the phrase "in part" is substituted for the former  
 32 phrase "among other things" for brevity.

33 In the introductory language of item (5) of this section, the former phrase  
 34 "resulting from" is deleted in light of the phrase "created by".

35 In item (6) of this section, the former reference to "through the operation  
 36 of" private enterprise is deleted as surplusage.

37 Also in item (6) of this section, the former reference to "the purposes set  
 38 forth in this subsection" is deleted as surplusage.



1 In item (7) of this section, the former reference to "use" is deleted as  
2 included in the reference to "purposes".

3 Defined term: "Person of eligible income" § 12-101

4 16-105. MONTGOMERY COMMISSION -- ESTABLISHED.

5 THE HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY,  
6 FORMERLY THE HOUSING AUTHORITY OF MONTGOMERY COUNTY, IS A PUBLIC BODY  
7 CORPORATE AND POLITIC THAT:

8 (1) EXERCISES PUBLIC AND ESSENTIAL GOVERNMENTAL FUNCTIONS;  
9 AND

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

12 REVISOR'S NOTE: This section is new language derived without substantive  
13 change from the first part of the first sentence of former Art. 44A, §  
14 2-102(b)(1) and the first sentence of (c).

15 In item (2) of this section, the former reference to "effectuate" is deleted in  
16 light of the reference to "carry out".

17 Also in item (2) of this section, the former reference to "provisions" is  
18 deleted in light of the reference to "purposes".

19 16-106. SAME -- MEMBERSHIP, TENURE, AND REMOVAL.

20 (A) MEMBERSHIP.

21 (1) THE MONTGOMERY COMMISSION CONSISTS OF SEVEN  
22 COMMISSIONERS NOMINATED BY THE COUNTY EXECUTIVE AND APPROVED BY THE  
23 COUNTY COUNCIL.

24 (2) THE COUNTY COUNCIL SHALL CONDUCT A PUBLIC INTERVIEW WITH  
25 EACH NOMINEE BEFORE VOTING ON WHETHER TO APPROVE THE NOMINEE'S  
26 APPOINTMENT.

27 (B) TENURE.

28 THE TERM OF A COMMISSIONER IS 5 YEARS.

29 (C) REMOVAL.

30 REMOVAL OF A COMMISSIONER BY THE COUNTY EXECUTIVE REQUIRES THE  
31 APPROVAL OF THE COUNTY COUNCIL.

32 REVISOR'S NOTE: This section is new language derived without substantive  
33 change from former Art. 44A, § 2-102(b) and the second clause of § 2-104.

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

4 Also in subsection (a) of this section, the former reference to "[a]fter June  
5 30, 1982" is deleted as surplusage.

6 In subsection (a)(2) of this section, the former reference to a public  
7 interview of a nominee "for appointment to the Commission" is deleted as  
8 surplusage.

9 Defined terms: "Commissioner" § 16-101

10 "Montgomery Commission" § 16-101

11 16-107. POWERS OF THE MONTGOMERY COMMISSION.

12 (A) IN GENERAL.

13 UNDER THE POWERS GIVEN ELSEWHERE IN THIS DIVISION II, THE  
14 MONTGOMERY COMMISSION MAY PROVIDE HOUSING OR HOUSING PROJECTS FOR  
15 PERSONS OF ELIGIBLE INCOME, BUT MAY DO SO ONLY IN ACCORDANCE WITH LOCAL  
16 LAW OR UNDER A CONTRACT WITH MONTGOMERY COUNTY.

17 (B) SPECIFIC POWERS.

18 IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION AND IN ADDITION TO  
19 THE POWERS LISTED ELSEWHERE IN THIS DIVISION II OR GIVEN BY LOCAL LAW, THE  
20 MONTGOMERY COMMISSION MAY:

21 (1) MAKE MORTGAGE LOANS AND RENT SUBSIDY PAYMENTS TO  
22 PERSONS OF ELIGIBLE INCOME;

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

25 (3) PURCHASE MORTGAGES SECURED BY HOUSING FOR PERSONS OF  
26 ELIGIBLE INCOME.

27 REVISOR'S NOTE: This section is new language derived without substantive  
28 change from former Art. 44A, § 2-102(c) and (d).

29 In subsection (a) of this section, the former reference to "contracts" is  
30 deleted as implicit in the reference to "a contract" in light of Art. 1, § 8,  
31 which states that the singular always includes the plural, and vice versa,  
32 except where such construction would be unreasonable.

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

36 Former Art. 44A, § 2-102(e), which provided that the Montgomery

1 Commission may exercise its powers even if to do so would displace or limit  
2 economic competition, and that this section does not grant or restrict  
3 powers that are not otherwise granted or restricted, is deleted in light of §  
4 12-504 of this article.

5 Defined terms: "Housing project" § 16-101

6 "Montgomery Commission" § 16-101

7 "Person" § 1-101

8 "Person of eligible income" § 16-101

9 16-108. PERSON OF ELIGIBLE INCOME.

10 (A) QUALIFICATIONS.

11 AN INDIVIDUAL OR FAMILY QUALIFIES AS A PERSON OF ELIGIBLE INCOME IF  
12 THE INDIVIDUAL OR FAMILY LACKS ENOUGH INCOME OR ASSETS WITHOUT  
13 FINANCIAL ASSISTANCE TO LIVE IN DECENT, SAFE, AND SANITARY HOUSING  
14 WITHOUT OVERCROWDING.

15 (B) DETERMINATION BY COUNTY EXECUTIVE.

16 (1) THE COUNTY EXECUTIVE, OR THE COUNTY EXECUTIVE'S DESIGNEE,  
17 SHALL DETERMINE WHETHER AN INDIVIDUAL OR FAMILY QUALIFIES AS A PERSON  
18 OF ELIGIBLE INCOME.

19 (2) FOR ELDERLY INDIVIDUALS, INDIVIDUALS WITH DISABILITIES, AND  
20 OTHER INDIVIDUALS OR FAMILIES WITH SPECIAL NEEDS, THE COUNTY EXECUTIVE  
21 OR THE COUNTY EXECUTIVE'S DESIGNEE MAY ADJUST THE REQUIREMENTS FOR  
22 QUALIFYING AS A PERSON OF ELIGIBLE INCOME IF THE COUNTY EXECUTIVE OR  
23 DESIGNEE CONSIDERS THAT OTHER STANDARDS ARE MORE APPROPRIATE TO  
24 ACHIEVE THE PUBLIC PURPOSES STATED IN THIS SUBTITLE.

25 (3) A DETERMINATION MADE UNDER THIS SUBSECTION IS CONCLUSIVE  
26 OF THE MATTERS DETERMINED.

27 (C) CHANGE TO "PERSON OF ELIGIBLE INCOME" DEFINITION.

28 (1) THE COUNTY EXECUTIVE MAY CHANGE THE DEFINITION OF  
29 "PERSON OF ELIGIBLE INCOME" BY ISSUING A PROPOSED REGULATION.

30 (2) THE REGULATION SHALL TAKE EFFECT ONLY AFTER A PUBLIC  
31 HEARING HELD IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE COUNTY  
32 COUNCIL.

33 REVISOR'S NOTE: This section is new language derived without substantive  
34 change from the third through seventh sentences of former Art. 44A, §  
35 2-102(c) and the second sentence of § 2-105(b).

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

1 Defined term: "Person of eligible income" § 16-101

2 16-109. SUBSTANTIAL PART OF HOUSING FOR PERSONS OF ELIGIBLE INCOME.

3 A SUBSTANTIAL PART OF THE HOUSING IN A HOUSING PROJECT IS DEEMED TO  
4 BE FOR PERSONS OF ELIGIBLE INCOME IF:

5 (1) AFTER FINANCING IS PROVIDED BY THE MONTGOMERY  
6 COMMISSION, 50% OR MORE OF THE HOUSING UNITS ARE OCCUPIED FIRST BY  
7 PERSONS OF ELIGIBLE INCOME;

8 (2) 20% OR MORE OF THE HOUSING UNITS ARE FOR LOW-INCOME  
9 PERSONS WHO ARE ASSISTED OR WHO ARE ELIGIBLE TO BE ASSISTED WITH  
10 FEDERAL SUBSIDIES; OR

11 (3) THE OWNERS OF THE HOUSING CERTIFY TO THE MONTGOMERY  
12 COMMISSION THAT THEY WILL MAKE THEIR BEST EFFORTS TO MEET THE STANDARD  
13 UNDER ITEM (1) OR (2) OF THIS SUBSECTION.

14 REVISOR'S NOTE: This section is new language derived without substantive  
15 change from the second and third sentences of former Art. 44A, § 2-102(f).

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

19 In item (3) of this section, the reference to "the standard under item (1) or  
20 (2) of this subsection" is substituted for the former reference to "this  
21 section" for clarity.

22 Also in item (3) of this section, the former phrase "for purposes of this  
23 section" is deleted as surplusage.

24 Defined terms: "Housing project" § 16-101

25 "Montgomery Commission" § 16-101

26 "Person of eligible income" § 16-101

27 16-110. ASSISTED FAMILY HOUSING.

28 (A) DEFINITIONS.

29 IN THIS SECTION, THE TERMS "ASSISTED FAMILY HOUSING" AND "MODERATE  
30 PRICED DWELLING UNITS" HAVE THE MEANINGS STATED IN MONTGOMERY COUNTY  
31 LAW.

32 (B) SCOPE.

33 THIS SECTION DOES NOT APPLY TO PROPOSED SCATTERED SITES AND  
34 MODERATE PRICED DWELLING UNITS:

35 (1) THAT ARE ACQUIRED FOR ASSISTED FAMILY HOUSING;

1 (2) THAT ARE PROPOSED BY THE MONTGOMERY COMMISSION; AND

2 (3) FOR WHICH A PUBLIC HEARING IS NOT REQUIRED UNDER  
3 MONTGOMERY COUNTY LAW.

4 (C) PUBLIC HEARING AND REPORT.

5 (1) THE MONTGOMERY COMMISSION SHALL HOLD A PUBLIC HEARING  
6 ON ANY ASSISTED FAMILY HOUSING IT PROPOSES AND REPORT IN WRITING THE  
7 FINDINGS AND CONCLUSIONS FROM THE HEARING.

8 (2) AT LEAST 15 DAYS BEFORE THE HEARING, THE MONTGOMERY  
9 COMMISSION SHALL GIVE NOTICE OF THE HEARING BY A DISPLAY ADVERTISEMENT  
10 IN TWO NEWSPAPERS OF GENERAL CIRCULATION IN THE COUNTY.

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

13 In subsection (a) of this section, the reference to "Montgomery County law"  
14 is substituted for the former reference to "[c]ounty government" to conform  
15 to the terminology used in this subsection.

16 Also in subsection (a) of this section, the former reference to "proposed  
17 scattered sites" is deleted for accuracy, as that term is not defined in  
18 Montgomery County law.

19 In subsection (c)(1) of this section, the former reference to the Montgomery  
20 Commission's proposed assisted family housing "which was the subject of  
21 the public hearing" is deleted as surplusage.

22 Defined term: "Montgomery Commission" § 16-101

23 16-111. BUDGET.

24 (A) SUBMISSION TO COUNTY COUNCIL.

25 BY MAY 1 OF EACH YEAR, THE MONTGOMERY COMMISSION SHALL SUBMIT ITS  
26 PROPOSED BUDGET TO THE COUNTY COUNCIL.

27 (B) PUBLIC COMMENT.

28 THE PUBLIC SHALL HAVE AN APPROPRIATE OPPORTUNITY TO COMMENT ON  
29 THE PROPOSED BUDGET.

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

32 In subsection (b) of this section, the former phrase "of the Housing  
33 Opportunities Commission" is deleted as surplusage.

34 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.