

(PRE-FILED)

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

Requested: November 2, 2005

Introduced and read first time: January 11, 2006

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 1, 2006

CHAPTER _____

1 AN ACT concerning

2 **Housing and Community Development Article - Housing Authorities -**
3 **Cross-References**4 FOR the purpose of correcting certain cross-references to Division II of the Housing
5 and Community Development Article in the Annotated Code of Maryland;
6 making a stylistic change; and generally relating to Division II of the Housing
7 and Community Development Article and cross-references to it.8 BY repealing and reenacting, with amendments,
9 Article 31 - Debt - Public
10 Section 9
11 Annotated Code of Maryland
12 (2003 Replacement Volume and 2005 Supplement)13 BY repealing and reenacting, with amendments,
14 Article 88A - Department of Human Resources
15 Section 17C(a)
16 Annotated Code of Maryland
17 (2003 Replacement Volume and 2005 Supplement)18 BY repealing and reenacting, with amendments,
19 Article - Courts and Judicial Proceedings
20 Section 5-301(d)(15)
21 Annotated Code of Maryland
22 (2002 Replacement Volume and 2005 Supplement)

1 BY repealing and reenacting, with amendments,

2 Article - Criminal Law
3 Section 6-403(e) and 8-523(a)(2)
4 Annotated Code of Maryland
5 (2002 Volume and 2005 Supplement)

6 BY repealing and reenacting, with amendments,

7 Article - Environment
8 Section 9-1601(cc)(2)
9 Annotated Code of Maryland
10 (1996 Replacement Volume and 2005 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article - Housing and Community Development
13 Section 4-408(a), 4-1201(d), 4-1208(f), and 7-210(b)
14 Annotated Code of Maryland
15 (2005 Volume)

16 BY repealing and reenacting, with amendments,

17 Article - Labor and Employment
18 Section 9-404(c)(2)(iv)
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2005 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article - Public Utility Companies
23 Section 7-301(c)(1)(iii) and 7-303(c) and (d)(3)(i)
24 Annotated Code of Maryland
25 (1998 Volume and 2005 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article - State Finance and Procurement
28 Section 4-402(a)(1)(ii)
29 Annotated Code of Maryland
30 (2001 Replacement Volume and 2005 Supplement)

31 BY repealing and reenacting, with amendments,

32 Article - Tax - Property
33 Section 7-215(a) and 7-503(a)(2)(i)1.C. and (ii)1.A.
34 Annotated Code of Maryland
35 (2001 Replacement Volume and 2005 Supplement)

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

3 **Article 31 - Debt - Public**

4 9.

5 The following terms, wherever used or referred to in this subtitle, shall have the
6 following meanings unless a different meaning clearly appears from the context:

7 (a) The term "public body" shall mean any county, public corporation or other
8 political subdivision of this State or any instrumentality or agency of any county,
9 public corporation or other political subdivision of the State, except that said term
10 shall not be construed to include the Mayor and City Council of Baltimore, any
11 municipal corporation subject to the provisions of Article XI-E of the Maryland
12 Constitution, or any housing authority formed pursuant to the provisions of [Article
13 44A of the Code] DIVISION II OF THE HOUSING AND COMMUNITY DEVELOPMENT
14 ARTICLE.

15 (b) The term "bonds" shall mean bonds, interim certificates, revenue bonds or
16 other obligations limited as to source of payment, notes, certificates of indebtedness
17 or other obligations hereafter issued and sold or offered for sale by any public body
18 pursuant to general or special statutory authority heretofore or hereafter granted,
19 except that said term shall not include bonds or other securities issued and sold or
20 offered for sale by any municipal corporation subject to the provisions of Article XI-E
21 of the Maryland Constitution, or by the Mayor and City Council of Baltimore or by
22 any housing authority formed pursuant to the provisions of [Article 44A of the Code]
23 DIVISION II OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE, nor shall it
24 include the following:

25 (1) Bonds, notes or other securities issued in anticipation of the receipt of
26 taxes or for current expenses or to meet emergencies, having a maturity not greater
27 than one year from their date or dates of issue;

28 (2) Bonds issued pursuant to a plan of refunding or refinancing in
29 exchange, bond for bond, for outstanding maturing indebtedness other than current
30 or floating indebtedness, and other than the bonds or notes described in
31 subparagraph (1) hereof, but including in this exception bonds issued pursuant to any
32 plan of composition approved and adopted in a proceeding under Chapter IX of the
33 United States Bankruptcy Act;

34 (3) For the purposes of § 10 of this subtitle only, bonds constituting part
35 of a total authorized issue not exceeding \$25,000.00 aggregate par amount thereof;

36 (4) Bonds sold by any public body to the United States of America or any
37 agency or instrumentality thereof;

38 (5) For the purposes of § 10 of this subtitle only, bonds to be sold to
39 provide funds which, together with grants of financial assistance, allocated by the
40 United States of America or any agency or instrumentality thereof, are to be expended

1 on public works, where, in the opinion of the Attorney General of Maryland, the
2 contract, agreement or other writing having reference to said grant or allocation,
3 contains a stipulation that said grant or allocation is conditioned upon the public body
4 first having entered into a contract with a prospective purchaser for the sale of said
5 bonds when issued.

6

Article 88A - Department of Human Resources

7 17C.

8 (a) (1) In this section the following words have the meanings indicated.

9 (2) "Delinquent tenant" means any tenant of public housing who has
10 been 30 or more days delinquent in paying the tenant's full monthly rent to a public
11 housing authority.12 (3) "Public housing" means any dwelling unit owned, leased, or managed
13 by a public housing authority.14 (4) "Public housing authority" means any of the public corporations
15 created under [Article 44A of the Code] DIVISION II OF THE HOUSING AND
16 COMMUNITY DEVELOPMENT ARTICLE or their designees.

17

Article - Courts and Judicial Proceedings

18 5-301.

19 (d) "Local government" means:

20 (15) Housing authorities created under [Article 44A of the Code]
21 DIVISION II OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE;

22

Article - Criminal Law

23 6-403.

24 (e) This section also applies to property that is used as a housing project and
25 operated by a housing authority or State public body, as those terms are defined in
26 [Article 44A of the Code] DIVISION II OF THE HOUSING AND COMMUNITY
27 DEVELOPMENT ARTICLE, if an authorized agent of the housing authority or State
28 public body gives the required notice specified in subsection (a) or (b) of this section.
29 8-523.30 (a) (2) "Housing agency" means an agency established to administer a
31 housing assistance program under [Article 44A or] the Housing and Community
32 Development Article.

1

Article - Environment

2 9-1601.

3 (cc) (2) "Person" does not include a county, municipal corporation, bi-county
4 or multicounty agency under Article 28 or 29 of the Code, housing authority under
5 [Article 44A of the Code] DIVISION II OF THE HOUSING AND COMMUNITY
6 DEVELOPMENT ARTICLE, school board, community college, or any other unit of a
7 county or municipal corporation.

8

Article - Housing and Community Development

9 4-408.

10 (a) The Administration shall review applications for loans submitted by
11 private or nonprofit sponsors, political subdivisions, or local housing authorities
12 established under [Article 44A of the Code] DIVISION II OF THE HOUSING AND
13 COMMUNITY DEVELOPMENT ARTICLE on behalf of sponsors of proposed elderly rental
14 housing projects.

15 4-1201.

16 (d) "Housing authority" means a housing authority authorized under [Article
17 44A of the Code] DIVISION II OF THE HOUSING AND COMMUNITY DEVELOPMENT
18 ARTICLE.

19 4-1208.

20 (f) For rental housing financed from the Fund and owned or managed by a
21 housing authority, this subtitle supersedes:

22 (1) [Article 44A, §§ 1-401 through 1-403 of the Code] §§ 12-401, 12-402,
23 AND 12-405 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE; and

24 (2) all other restrictions on tenant income under [Article 44A of the
25 Code] DIVISION II OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

26 7-210.

27 (b) In any rental housing project purchased under a right of first purchase
28 under this subtitle and owned or managed by a housing authority authorized under
29 [Article 44A of the Code] DIVISION II OF THE HOUSING AND COMMUNITY
30 DEVELOPMENT ARTICLE, this subtitle supersedes:

31 (1) [Article 44A, §§ 1-401 through 1-403] §§ 12-401, 12-402, AND 12-405
32 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE; and

33 (2) all otherwise applicable restrictions on tenant income under [Article
34 44A] DIVISION II OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

Article - Labor and Employment

1
2 9-404.

3 (c) Subject to the approval of the Commission, a county that participates in a
4 governmental self-insurance group may include in the coverage:

5 (2) regardless of funding:

6 (iv) a housing agency of the county created under [Article 44A of
7 the Code] DIVISION II OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE;

Article - Public Utility Companies

8
9 7-301.

10 (c) (1) This subsection applies to:

11 (iii) a new housing unit that is constructed, managed, operated,
12 developed, or subsidized by a local housing authority established under [Article 44A
13 of the Code] DIVISION II OF THE HOUSING AND COMMUNITY DEVELOPMENT
14 ARTICLE.

15 7-303.

16 (c) Subject to the provisions of this section, and with the approval of the
17 Commission, a local housing authority established under [Article 44A of the Code]
18 DIVISION II OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE may
19 submeter any combination of apartment houses, commercial rental units, dwelling
20 units, office buildings, and shopping centers.

21 (d) (3) (i) The requirements of this paragraph do not apply to units
22 constructed, managed, operated, developed, or subsidized by a local housing authority
23 established under [Article 44A of the Code] DIVISION II OF THE HOUSING AND
24 COMMUNITY DEVELOPMENT ARTICLE.

Article - State Finance and Procurement

25
26 4-402.

27 (a) (1) Except as provided in § 4-409 of this subtitle, this subtitle does not
28 apply to any public improvement made by:

29 (ii) any housing authority created under [Article 44A of the Code]
30 DIVISION II OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE;

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Article - Tax - Property

2 7-215.

3 (a) In this section, "authority" means an authority as defined in [Article 44A,
4 § 1-103 of the Code] § 12-101 OF THE HOUSING AND COMMUNITY DEVELOPMENT
5 ARTICLE.

6 7-503.

7 (a) (2) Real property that meets the requirements of subsection (b) of this
8 section is not subject to property tax if the owner of the real property is:

9 (i) 1. C. a nonprofit housing corporation as defined in
10 [Article 44A, § 1-103(p) of the Code] § 12-104(B) OF THE HOUSING AND COMMUNITY
11 DEVELOPMENT ARTICLE; and

12 (ii) 1. a limited partnership whose managing general partner is:

13 A. a housing authority as defined in [Article 44A , § 1-103(c)
14 of the Code] § 12-101 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE; or

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2006.