

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 1045 (Senator McFadden)(By Request – Baltimore City Administration)
Education, Health, and Environmental Affairs Environmental Matters

Baltimore City - Housing Authority Tenants - Right of Tenant Substitution

This bill conforms State law to federal regulations by exempting a tenant of the Housing Authority of Baltimore City (HABC) from the right of tenant substitution. If a tenant of HABC dies, the surviving spouse or a member of the tenant's immediate family residing with the tenant at the time of death does not have the right to be substituted as tenant instead; however, a member of the deceased's immediate family who is an approved occupant of the unit must have the right of substitution in accordance with federal regulation.

Fiscal Summary

State Effect: None. The bill conforms State law to the federal regulations in effect.

Local Effect: None. HABC tenants are currently governed by federal regulations for housing authorities regarding the right of substitution.

Small Business Effect: None.

Analysis

Current Law: In Baltimore City, if a tenant of a residential unit dies, the surviving spouse or a member of the tenant's immediate family residing with the tenant at the time of death has the right to be substituted as tenant to the same extent as the original tenant (*i.e.*, can remain tenant until the lease is up, and has the same rights and responsibilities as the original tenant).

Background: HABC is governed by federal regulations for housing authorities. Under those regulations, a family member of a deceased tenant who is living in the same unit as the deceased has the right of substitution under limited circumstances: (1) the new tenant must have passed a criminal background check; (2) the rent must be determined by the new tenant's income, and not the income of the deceased; and (3) the substitute tenant, while having the right to become a tenant of the housing authority, may not necessarily be allowed to remain in the same unit.

Additional Information

Prior Introductions: None.

Cross File: HB 1720 (Delegate Marriott) (By Request – Baltimore City Administration) – Rules and Executive Nominations.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Housing and Community Development, Baltimore City, Department of Legislative Services

Fiscal Note History: First Reader - March 17, 2006
ncs/hlb Revised - Senate Third Reader - April 4, 2006

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