

SENATE BILL 278

L2

71r2280
CF HB 762

By: **Senator McFadden**

Introduced and read first time: January 31, 2007

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2007

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Housing Authority – Continued Occupancy by Family**
3 **Member on Death of Tenant**

4 FOR the purpose of altering the circumstances under which an individual who is the
5 surviving spouse or other immediate family member of a deceased tenant of
6 housing assisted under a program administered by the Housing Authority of
7 Baltimore City and who occupied the premises at the time of the tenant's death
8 may be considered eligible to enter into a lease for continued occupancy;
9 authorizing the Authority to initiate legal proceedings no earlier than a certain
10 time to evict a certain occupant who does not satisfy certain conditions for
11 continued occupancy of the premises; and generally relating to the Housing
12 Authority of Baltimore City.

13 BY repealing and reenacting, with amendments,
14 The Public Local Laws of Baltimore City
15 Section 9–8
16 Article 4 – Public Local Laws of Maryland
17 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article 4 – Baltimore City

9–8.

(A) If a tenant under any demise for the tenant's residential use, **OTHER THAN A TENANT OF HOUSING ASSISTED UNDER A PROGRAM ADMINISTERED BY THE HOUSING AUTHORITY OF BALTIMORE CITY**, shall die, the surviving spouse, or any member of his immediate family who has occupied the premises with the deceased tenant at the time of his death shall have the right, upon payment to the landlord of the agreed rent (including any rent that may be in arrears at the time of tenant's death) to be substituted as tenant to the same extent as the original tenant.

(B) IF A TENANT OF HOUSING ASSISTED UNDER A PROGRAM ADMINISTERED BY THE HOUSING AUTHORITY OF BALTIMORE CITY SHALL DIE, THE SURVIVING SPOUSE OR OTHER MEMBER OF THE DECEASED TENANT'S IMMEDIATE FAMILY WHO IS AN OCCUPANT OF THE PREMISES AT THE TIME OF THE TENANT'S DEATH MAY BE CONSIDERED ELIGIBLE TO ENTER INTO A LEASE IN ACCORDANCE WITH FEDERAL REGULATIONS AND THE ADMISSIONS AND CONTINUED OCCUPANCY POLICY OF THE HOUSING, IF THE OCCUPANT:

(1) IS LISTED AS A HOUSEHOLD MEMBER ON THE DECEASED TENANT'S CURRENT LEASING, RECERTIFICATION, AND RELATED DOCUMENTS; AND

(2) QUALIFIES FOR CONTINUED OCCUPANCY, BASED ON THE ELIGIBILITY REQUIREMENTS SET FORTH IN THE ADMISSIONS AND CONTINUED OCCUPANCY POLICY OF THE HOUSING AND FEDERAL REGULATIONS.

(C) IF THE SURVIVING SPOUSE OR OTHER MEMBER OF THE DECEASED TENANT'S IMMEDIATE FAMILY WHO IS AN OCCUPANT OF THE PREMISES AT THE TIME OF THE TENANT'S DEATH DOES NOT SATISFY THE CONDITIONS IN SUBSECTION (B)(1) AND (2) OF THIS SECTION, THE HOUSING AUTHORITY OF BALTIMORE CITY MAY INITIATE LEGAL PROCEEDINGS TO EVICT THE OCCUPANT NO EARLIER THAN 10 DAYS FOLLOWING THE DATE OF THE TENANT'S DEATH.

(D) If a tenant shall die, the landlord shall have the right to summary ejectment for nonpayment of rent by making the personal representative of the deceased tenant the party defendant.

1 (E) If a tenant shall die and no letter shall be issued on his estate to a
2 personal representative, then the landlord after he shall have filed a statement under
3 oath setting forth these facts shall have the right to proceed in summary ejectment for
4 nonpayment of rent by naming the estate of the deceased tenant as the defendant. In
5 such case the summons shall be served upon the occupant of the premises; and if the
6 premises be unoccupied, then the summons shall be served upon one of the next of kin
7 of the deceased tenant, if known. If there be no occupant at the premises or known
8 next of kin available for service then the summons shall be affixed to the premises.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2007.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.