

Department of Legislative Services

Maryland General Assembly

2007 Session

FISCAL AND POLICY NOTE

Revised

Senate Bill 278

(Senator McFadden)

Judicial Proceedings

Environmental Matters

**Baltimore City - Housing Authority - Continued Occupancy by Family Member
on Death of Tenant**

This bill conforms State law to federal regulations by excluding a tenant of the Housing Authority of Baltimore City (HABC) from the right of tenant substitution applicable in Baltimore City. 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 to the same extent as the original tenant; however, the surviving spouse or a member of the deceased's immediate family who is an occupant of the unit may be considered eligible for a lease in accordance with federal regulation. The individual must be listed as a household member on the deceased tenant's lease, recertification and related documents, and qualify for continued occupancy under federal regulation and the admissions policy of HABC. HABC must wait 10 days following the tenant's death before starting eviction proceedings against a noneligible surviving spouse of a family member.

Fiscal Summary

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

Local Effect: None. HABC tenants are currently governed by federal regulations for housing authorities regarding the right of substitution. Requiring HABC to wait 10 days before starting eviction proceedings against a noneligible family member would have minimal or no fiscal effect.

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.*, the individual can remain as a 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 which 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.

HABC manages (directly and through contracted managers) 14,000 occupied and vacant units, with approximately 20,000 residents "of record." Approximately 21,000 applicants/households are on the public housing waitlist. The average length of time these applicants have been on the waitlist is three years.

Additional Information

Prior Introductions: A similar bill, SB 1045 of 2006, passed the Senate and was heard by the House Environmental Matters Committee but no further action was taken.

Cross File: HB 762 (Delegate Anderson, *et al.*) – Environmental Matters.

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 - February 27, 2007
mll/hlb Revised - Senate Third Reader - March 27, 2007

Analysis by: Nora C. McArdle

Direct Inquiries to:
(410) 946-5510
(301) 970-5510