

Chapter 657

(House Bill 957)

AN ACT concerning

Housing – ~~Elderly~~ – Accessible Housing for Senior Homeowners ~~Programs~~, Older Adults, and Individuals with Disabilities

FOR the purpose of establishing the Accessible Homes for Senior Homeowners Grant Program; adding a certain grant program to the Maryland Housing Rehabilitation Program; adding a certain grant program to a certain list of special loan programs under the Maryland Housing Rehabilitation Program; authorizing the Department of Housing and Community Development to make certain grants to families of limited income under the Maryland Housing Rehabilitation Program under certain circumstances; providing an exception to the requirement that certain loans comply with certain conditions; authorizing the Department of Housing and Community Development to make grants up to a certain amount to finance certain activities for certain elderly homeowners; authorizing the Department of Housing and Community Development to establish standards to determine eligibility for a certain grant program; providing for the application of a certain grant program; clarifying that rehabilitation projects of an elderly homeowner's home may be financed by a certain grant program; requiring certain persons to comply with a certain checklist when engaging in certain rehabilitation projects; providing categories that a certain checklist must include; requiring the Department of Housing and Community Development to provide a sample of a certain checklist on the Department's Web site; establishing the Option Counselors for Senior Homeowners Pilot Program; providing for the funding for a certain pilot program; providing for a certain application of a certain pilot program; requiring the Department of Aging to make a certain report about a certain pilot program on or before a certain date; authorizing the Department of Aging to establish an advisory committee to oversee the community education and outreach efforts of a certain pilot program requiring the Secretary of Aging to report annually on the operation and performance of certain accessible housing services counseling; requiring certain State agencies to develop certain materials on accessible housing programs and services for older adults and individuals with disabilities; providing for the termination of certain provisions of this Act; altering and defining certain terms; making stylistic changes; and generally relating to accessible housing for senior homeowners ~~programs~~, older adults, and individuals with disabilities.

BY repealing and reenacting, with amendments,

Article – Housing and Community Development

Section 4-505, 4-901(j) and (l), 4-905, 4-916(a), 4-917(b), and 4-923

Annotated Code of Maryland
(2006 Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – Housing and Community Development
Section 4–901(a) and (d)
Annotated Code of Maryland
(2006 Volume and 2012 Supplement)

BY adding to
Article – Housing and Community Development
Section 4–931 ~~and 4–932~~
Annotated Code of Maryland
(2006 Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 10–206
Annotated Code of Maryland
(2007 Volume and 2012 Supplement)

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

Article – Housing and Community Development

4–505.

- (a) In this section, “Fund” means the Special Loan Programs Fund.
- (b) There is a Special Loan Programs Fund.
- (c) As provided in the State budget and subject to subsection (d) of this section, the Department shall use the Fund to:
- (1) operate, pay expenses of, and make loans under the Group Home Financing Program;
 - (2) operate, pay expenses of, and make grants and loans under the Lead Hazard Reduction Grant Program and the Lead Hazard Reduction Loan Program;
 - (3) operate, pay expenses of, and make ~~GRANTS AND~~ loans AND GRANTS under the Maryland Housing Rehabilitation Program, including reserves for anticipated future losses directly related to the Maryland Housing Rehabilitation Program;

(4) make loans AND GRANTS under the Regular Rehabilitation Program; and

(5) make loans **AND GRANTS** under the special loan programs.

(d) During the first 6 months of each fiscal year the Department shall reserve at least 25% of the appropriation for the Fund to make loans to rehabilitate buildings with four or fewer dwelling units.

(e) (1) The Department annually shall allocate money in the Fund to the Lead Hazard Reduction Grant Program and the Lead Hazard Reduction Loan Program.

(2) If the number of eligible applications under the Lead Hazard Reduction Grant Program, or the Lead Hazard Reduction Loan Program is insufficient to commit all money allocated to that Program within 6 months after the allocation, the Department may reallocate the uncommitted money to other programs of the Fund.

(f) The Fund shall be administered in accordance with this section.

(g) (1) The Fund consists of:

(i) money appropriated by the State for special loan programs, including:

1. the Special Rehabilitation Program under § 4-906(b) of this title;

2. the Regular Rehabilitation Program under § 4-906(b) of this title;

3. the Group Home Financing Program under § 4-602 of this title; [and]

4. the Lead Hazard Reduction Grant Program under § 4-708 of this title and the Lead Hazard Reduction Loan Program under § 4-709 of this title; **AND**

5. THE ACCESSIBLE HOMES FOR SENIOR HOMEOWNERS GRANT PROGRAM UNDER § 4-931 OF THIS TITLE;

(ii) repayments of principal and payments of interest on loans made under these programs;

- (iii) repayments of grants from the Fund;
- (iv) repayments of principal and payments of interest on loans from the Fund;
- (v) money transferred to the Fund in accordance with §§ 4-502(e), 4-503(d), and 4-504(f) of this subtitle and §§ 3-203(i) and 6-310(g) of this article; and
- (vi) investment earnings of the Fund.

(2) The State, under § 4-501(c) of this subtitle, may appropriate to the Fund money received as repayment of principal or payment of interest on a loan made by the Maryland Housing Rehabilitation Program.

(h) Subject to § 7-209 of the State Finance and Procurement Article and except as otherwise provided in the State budget, after the first 8 months of a fiscal year, the Department may transfer unencumbered money in the Fund to any other fund established under this title.

4-901.

(a) In this subtitle the following words have the meanings indicated.

(d) (1) “Family of limited income” means a family or individual whose income does not exceed the limits that the Secretary establishes under § 4-915 of this subtitle.

(2) “Family of limited income” includes a trust described in 42 U.S.C. § 1396p(d)(4), or a trust established for the benefit of an individual with a disability by an individual other than the beneficiary and that is funded with assets that were never owned or controlled by the beneficiary, if:

(i) the income of the trust does not exceed the upper income limits established by the Secretary under § 4-915 of this subtitle; and

(ii) the beneficiary of the trust is an individual who resides in the residential building owned by the trust.

(j) “Program loan” means a loan **OR GRANT** under the Maryland Housing Rehabilitation Program or a special loan program.

(l) “Special loan program” means:

(1) the Accessory, Shared, and Sheltered Housing Program;

- (2) the Indoor Plumbing Program;
- (3) the Lead Paint Abatement Program;
- (4) the Migratory Worker Housing Program; [or]
- (5) the Radon and Asbestos Abatement Pilot Program; AND
- (6) THE ACCESSIBLE HOMES FOR SENIOR HOMEOWNERS GRANT PROGRAM.**

4-905.

The Maryland Housing Rehabilitation Program includes:

- (1) the Accessory, Shared, and Sheltered Housing Program;
- (2) the Indoor Plumbing Program;
- (3) the Migratory Worker Housing Program;
- (4) the Nonprofit Rehabilitation Program; ~~and~~
- (5) the Radon and Asbestos Abatement Pilot Program; AND
- (6) THE ACCESSIBLE HOMES FOR SENIOR HOMEOWNERS GRANT PROGRAM; AND**
- ~~**(7) THE OPTION COUNSELORS FOR SENIOR HOMEOWNERS PILOT PROGRAM.**~~

4-916.

(a) (1) The Department may make Program loans for housing on terms that the Department considers necessary to make the housing affordable to families of limited income.

(2) THE DEPARTMENT MAY MAKE PROGRAM LOANS IN THE FORM OF A GRANT TO A FAMILY OF LIMITED INCOME IF:

(1) THE FAMILY OF LIMITED INCOME OWNS AND OCCUPIES THE DWELLING; AND

(II) THE DEPARTMENT DETERMINES THE FAMILY OF LIMITED INCOME CANNOT UNDERTAKE THE REHABILITATION PROJECT WITHOUT A GRANT.

[(2)] (3) The terms may include:

(i) deferred payment of principal and interest until the maturity date or the date of any sale or other transfer of the building or an interest in the building;

(ii) an interest rate as low as 0% or as high as is reasonable, given the incomes of the proposed occupants, if the interest rate does not violate any federal regulation governing the borrowing of money by the State;

(iii) increased interest rates or accelerated payments of principal and interest, if the borrower no longer qualifies for the Program loan; and

(iv) advance payments to a nonprofit sponsor for certain development costs, including architectural, engineering, and attorneys' fees.

4-917.

(b) (1) Except as provided under paragraphs (2), (3), [and] (4), AND (5) of this subsection, a Program loan of more than \$5,000 shall be secured wholly or partly by a recorded mortgage or deed of trust on real property.

(2) A Program loan to a political subdivision may be secured by a recorded mortgage, deed of trust on real property, or other security device acceptable to the Department.

(3) A Program loan to a trust described in 42 U.S.C. § 1396p(d)(4) may be secured by a recorded mortgage, deed of trust on real property, or other security device acceptable to the Department.

(4) (i) Subject to subparagraph (ii) of this paragraph, a Program loan to a member of a cooperative housing corporation may be secured by a perfected security interest in the member's cooperative interest.

(ii) Before a Program loan is secured by a perfected security interest in the member's cooperative interest, the Department shall enter into an agreement with the cooperative housing corporation that establishes the rights and obligations of the Department and the cooperative housing corporation with respect to the secured cooperative interest.

(5) A PROGRAM LOAN IN THE FORM OF A GRANT MAY BE UNSECURED OR SECURED BY A MORTGAGE, DEED OF TRUST, OR OTHER SECURITY DEVICE ACCEPTABLE TO THE DEPARTMENT.

4-923.

(a) The purpose of a rehabilitation project is:

(1) to bring a building to a decent, safe, and sanitary condition in accordance with applicable codes and standards, including those for construction, health, safety, fire, and occupancy;

(2) to maintain the building in that condition;

(3) to make the building more useful and attractive;

(4) to conform the building to the appropriate minimum livability code;

(5) to acquire a building containing more than four dwelling units for the purposes set forth in items (1) through (4) of this subsection;

(6) to provide, under applicable special loan programs:

(i) lead paint abatement;

(ii) indoor plumbing; or

(iii) shared, accessory, or sheltered housing;

(7) in the case of a loan **OR GRANT** to an elderly household or a disabled homeowner, to modify or improve a dwelling to make it more accessible or functional for the occupants, if the building is, or after improvements will be, structurally sound and free of health and safety hazards; or

(8) to provide, under applicable special loan pilot programs, radon abatement or asbestos abatement.

(b) (1) The applicable codes and standards under subsection (a)(1) of this section are:

(i) those in force in the political subdivision where the building is located; or

(ii) those that the Department sets by regulation for that political subdivision solely for purposes of this subtitle, if the political subdivision

lacks codes and standards that the Secretary considers sufficient to promote the objectives of this subtitle.

(2) With the approval of the local enforcement authority, the Secretary may allow exceptions to a code or standard to preserve the historic or architectural value of a building undergoing rehabilitation under this subtitle.

~~(c) (1) IN ADDITION TO ANY APPLICABLE CODES AND STANDARDS, A GOVERNMENT UNIT, NONPROFIT AGENCY, OR PRIVATE COMPANY ENGAGING IN A REHABILITATION PROJECT INVOLVING AN ELDERLY HOUSEHOLD SHALL COMPLY WITH A CHECKLIST THAT ADDRESSES THE SPECIFIC SAFETY NEEDS OF ELDERLY HOMEOWNERS.~~

~~(2) THE UNIFORM HOME SAFETY CHECKLIST SHALL INCLUDE THE FOLLOWING CATEGORIES:~~

~~(i) LIGHTING;~~

~~(ii) FLOORING; AND~~

~~(iii) RAILS AND SUPPORT.~~

~~(3) THE DEPARTMENT SHALL PROVIDE A SAMPLE UNIFORM HOME SAFETY CHECKLIST ON THE DEPARTMENT'S WEB SITE.~~

4-931.

(A) IN THIS SECTION, "GRANT PROGRAM" MEANS THE ACCESSIBLE HOMES FOR SENIOR HOMEOWNERS GRANT PROGRAM.

(B) THERE IS AN ACCESSIBLE HOMES FOR SENIOR HOMEOWNERS GRANT PROGRAM.

(C) THE DEPARTMENT MAY MAKE A GRANT ~~OF UP TO \$25,000 PER HOUSEHOLD~~ TO FINANCE AN ACCESSIBILITY-RELATED RENOVATION OR REPAIR ACTIVITY FOR AN ELDERLY HOMEOWNER.

(D) THE DEPARTMENT MAY ESTABLISH STANDARDS TO DETERMINE THE ELIGIBILITY OF AN APPLICANT UNDER THE GRANT PROGRAM.

(E) IN DETERMINING WHETHER TO MAKE A GRANT UNDER THE GRANT PROGRAM, THE DEPARTMENT SHALL REQUIRE THAT AN APPLICANT SUBMIT EVIDENCE THAT THE APPLICANT CANNOT UNDERTAKE THE RENOVATION AND REPAIRS WITHOUT A GRANT.

(F) GRANTS UNDER THE GRANT PROGRAM MAY BE USED IN CONJUNCTION WITH OTHER:

- (1) ACCESSIBLE HOUSING FOR SENIORS LOANS; AND
- (2) SPECIAL LOAN PROGRAMS UNDER THIS SUBTITLE.

(G) THE DEPARTMENT MAY REQUIRE THAT ALL OR PART OF THE GRANT UNDER THE GRANT PROGRAM BE REPAID IF CONDITIONS SPECIFIED BY THE DEPARTMENT OCCUR.

Article – Human Services

10-206.

(a) (1) With the advice and recommendation of the Commission on Aging, the Secretary shall report to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly on or before January 1 of each year.

[(b)] (2) The report shall include:

[(1)] (I) a description of the senior citizen activities centers in each county;

[(2)] (II) the allocation and use of funds made available for senior citizen activities centers;

[(3)] (III) the results of any studies; and

[(4)] (IV) any recommendations for legislation.

(B) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE SECRETARY SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE OPERATION AND PERFORMANCE OF ACCESSIBLE HOUSING SERVICES COUNSELING PROVIDED BY THE AGING AND DISABILITY RESOURCE CENTER PROGRAM.

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

~~Article – Housing and Community Development~~

~~4-932.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) "DEPARTMENT" MEANS THE DEPARTMENT OF AGING.~~

~~(3) "LOW INCOME ELDERLY HOMEOWNER" MEANS A HOMEOWNER WHO:~~

~~(i) IS AT LEAST 55 YEARS OF AGE; AND~~

~~(ii) HAS AN INCOME OF 80% OF THE AREA MEDIAN INCOME OR LESS PER YEAR.~~

~~(4) "OPTION COUNSELORS PROGRAM" MEANS THE OPTION COUNSELORS FOR SENIOR HOMEOWNERS PILOT PROGRAM.~~

~~(B) THERE IS AN OPTION COUNSELORS FOR SENIOR HOMEOWNERS PILOT PROGRAM.~~

~~(C) THE PURPOSE OF THE OPTION COUNSELORS PROGRAM IS TO ASSIST LOW INCOME ELDERLY HOMEOWNERS WITH ACCESSIBILITY RELATED REPAIR AND RENOVATION NEEDS.~~

~~(D) THE OPTION COUNSELORS PROGRAM SHALL BE OPEN TO COMMUNITIES WITH HIGH CONCENTRATIONS OF LOW INCOME ELDERLY HOMEOWNERS, INCLUDING PORTIONS OF:~~

~~(1) ANNE ARUNDEL COUNTY;~~

~~(2) BALTIMORE CITY;~~

~~(3) BALTIMORE COUNTY;~~

~~(4) GARRETT COUNTY; AND~~

~~(5) WICOMICO COUNTY.~~

~~(E) (1) THE OPTION COUNSELORS PROGRAM SHALL PROVIDE LOCAL NONPROFIT AGENCIES AND GOVERNMENT UNITS LOCATED IN THE COUNTIES LISTED IN SUBSECTION (D) OF THIS SECTION WITH OPTION COUNSELORS TRAINED TO ASSIST ELDERLY HOMEOWNERS THROUGH THE PROCESS OF REPAIRING AND RENOVATING THE ELDERLY HOMEOWNERS' HOMES.~~

~~(2) AN OPTION COUNSELOR SHALL:~~

~~(I) HAVE A WELL DEVELOPED KNOWLEDGE OF THE LOCAL, STATE, AND FEDERAL RESOURCES AVAILABLE TO HELP ELDERLY HOMEOWNERS WITH HOME REPAIR AND RENOVATION NEEDS;~~

~~(II) LISTEN TO ISSUES OF CONCERN AND COUNSEL ELDERLY HOMEOWNERS ON HOW TO ADDRESS THE ISSUES OF CONCERN; AND~~

~~(III) HELP ELDERLY HOMEOWNERS APPLY TO SPECIFIC HOUSING, LOAN, OR GRANT PROGRAMS.~~

~~(F) THE OPTION COUNSELORS PROGRAM SHALL BE FUNDED AS PROVIDED IN THE STATE BUDGET.~~

~~(G) THE DEPARTMENT SHALL DISTRIBUTE GRANTS TO ADMINISTER THE OPTION COUNSELORS PROGRAM TO EACH LOCAL AREA AGENCY ON AGING LOCATED IN THE COUNTIES LISTED IN SUBSECTION (D) OF THIS SECTION.~~

~~(H) ON OR BEFORE DECEMBER 31, 2013, AND EACH YEAR THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE OPERATION AND PERFORMANCE OF THE OPTION COUNSELORS FOR SENIOR HOMEOWNERS PILOT PROGRAM.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That the Secretary of Aging may establish an advisory committee to oversee the community education and outreach efforts under the Option Counselors for Senior Homeowners Pilot Program established under Section 2 of this Act.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2013.~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Department of Aging, the Department of Housing and Community Development, the Maryland Department of Disabilities, and the Department of Health and Mental Hygiene shall work collaboratively so as to provide a coordinated system of information and access for older adults and individuals with disabilities by:

- (1) developing information;
- (2) expanding on the Uniform Home Safety Checklist;

(3) studying the feasibility of instituting an option counselors program administered by the Aging and Disability Resource Center in the Department of Aging; and

(4) providing training materials on accessible housing programs and services that will be used by the option counselors in the Aging and Disability Resource Center Program.

(b) The training materials developed shall be designed to ensure that an option counselor will have a well-developed knowledge of:

(1) the local, State, and federal resources available to help homeowners who are older adults and individuals with disabilities with home repair and renovation needs;

(2) how to listen to issues of concern and counsel homeowners who are older adults and individuals with disabilities on how to address issues of concern; and

(3) how to assist homeowners who are older adults and individuals with disabilities apply to specific housing, loan, or grant programs.

(c) The counseling provided by the Aging and Disability Resource Center Program on accessible housing programs and services shall be statewide, with particular attention given to communities with high concentrations of low-income elderly homeowners, including portions of:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Garrett County;

(5) Wicomico County; and

(6) Prince George's County.

SECTION ~~5~~ 3. AND BE IT FURTHER ENACTED, That ~~Section 2~~ of this Act shall take effect October 1, 2013. ~~It~~ Section 2 of this Act shall remain effective for a period of 3 years and, at the end of September 30, 2016, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 16, 2013.