

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 948 (Delegate Haynes, *et al.*)
Environment and Transportation

Senior Apartment Housing Facilities - Baltimore City - Security Guard Services

This bill requires a property management company of a “senior apartment housing facility” in Baltimore City to contract with a licensed security guard agency to provide security services at the facility at all times when the property management company is not open for conducting business at the facility.

Fiscal Summary

State Effect: The bill is not anticipated to affect State operations or finances.

Local Effect: Baltimore City expenditures increase minimally to provide security at two facilities, as discussed below. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: “Licensed security guard agency” and “security guard services” have the meanings stated in § 19-101 of the Business Occupations and Professions Article.

“Senior apartment housing facility” means a residential rental facility that is privately or publicly funded, contains 50 or more units, and is intended and operated for occupancy by individuals 55 years of age or older. “Senior apartment housing facility” does not include a nursing home or an assisted living facility.

Current Law/Background: Statute does not require property management companies that operate senior apartment housing facilities in Baltimore City to have a security guard on-site at all times when the property management company is not open for business at the apartment facility.

Housing for Older Persons

Housing that is intended and operated for occupancy by individuals 55 years of age or older is generally referred to as “housing for older persons.” According to the U.S. Department of Housing and Urban Development (HUD), the Fair Housing Act specifically exempts some senior housing facilities and communities from liability for familial status discrimination. Exempt senior housing facilities or communities can lawfully refuse to sell or rent dwellings to families with minor children. In order to qualify for the “housing for older persons” exemption, a facility or community must prove that:

- at least 80% of the units have at least one occupant who is 55 years of age or older;
- the facility or community publishes and adheres to policies and procedures that demonstrate the intent to operate as “55 or older” housing; and
- the facility or community complies with HUD’s regulatory requirements for age verification of residents.

The “housing for older persons” exemption does not protect senior housing facilities or communities from liability for housing discrimination based on race, color, religion, sex, disability, or national origin.

The total number of senior apartment housing facilities in Baltimore City is unknown.

Local Expenditures: Baltimore City expenditures increase minimally to provide security at two facilities that likely meet the definition of senior apartment housing facility as included in the bill. The number of affected facilities is expected to decrease to one in 2018, when one of the affected facilities is transitioned to private operation. A precise estimate of the cost of providing security services is not available at this time. However, as Baltimore City already provides security at other facilities on an as-needed basis, the overall impact is expected to be minimal.

Small Business Effect: Small business property management companies that manage senior apartment housing facilities in Baltimore City may experience increased costs associated with contracting with a security guard agency in order to meet the bill’s requirements. Small business security guard agencies may experience an increase in business as a result of the same requirement.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City; Office of the Attorney General (Consumer Protection Division); Judiciary (Administrative Office of the Courts); Department of Housing and Community Development; U.S. Department of Housing and Urban Development; Department of Legislative Services

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