

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 919
Appropriations

(Delegate Haynes, *et al.*)

Judicial Proceedings

Baltimore City – Senior Apartment Housing Facilities – Security Services

This bill requires a property management company of a “senior apartment housing facility” that is located in a specified geographic focus area in Baltimore City to contract with a licensed security guard agency or an off-duty law enforcement officer 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: The bill is not anticipated to affect Baltimore City operations or finances.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The bill applies *only* in a geographic area in Baltimore City designated by the Mayor’s Office of Sustainable Solutions under the Mayor’s Violence Reduction Initiative (VRI) that is located in an area designated by the United States Post Office as zip code number 21217 or 21223.

“Law enforcement officer” has the meaning stated in § 3–101 of the Public Safety Article. “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 age 55 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 specified areas of Baltimore City to have a security guard on the site at all times when the property management company is not open for business at the apartment facility.

“Law enforcement officer” means an individual who in an official capacity is authorized by law to make arrests, and is a member of one of the law enforcement agencies specified in statute. “Licensed security guard agency” means a person who is licensed by the Secretary of State Police to conduct a business that provides security guard services. “Security guard services” includes any activity that is performed for compensation as a security guard to protect any individual or property, with specified exceptions.

Housing for Older Persons

Housing that is intended and operated for occupancy by individuals age 55 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. 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 age 55 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.

The Mayor's Violence Reduction Initiative

According to the Mayor's Office of Sustainable Solutions, VRI was implemented in September 2017 to reinforce the importance of interagency collaboration. The initiative is built on five performance goals: (1) communication and cross-agency relationship building; (2) prioritization of geographic areas; (3) rapid deployment of resources/agency services; (4) priority business inspections and outreach; and (5) data analysis and performance management.

According to its [2018 performance report](#), VRI focuses on eight target zones within the city to prioritize services and law enforcement activities. The zones were determined through an analysis by the Mayor's Office of Criminal Justice to encompass areas disproportionately impacted by violent crime and most in need of city services. The two zip codes specified in the bill overlap with portions of the western and central target zones.

Small Business Effect: Small business property management companies that manage senior apartment housing facilities in the designated areas of Baltimore City may experience increased costs associated with contracting with a security guard agency or an off-duty law enforcement officer 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: HB 687 of 2018, a similar bill, received a hearing in the House Environment and Transportation Committee, but no further action was taken. HB 948 of 2017 was assigned to the House Environment and Transportation Committee, but no further action was taken.

Cross File: None.

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

Fiscal Note History:
an/kdm

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