

HOUSE BILL 791

L1

0lr0447

By: **Montgomery County Delegation**

Introduced and read first time: February 3, 2020

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2020

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Housing Opportunities Commission – Procurement**

3 **MC 5–20**

4 FOR the purpose of ~~requiring the Housing Opportunities Commission of Montgomery~~
5 ~~County to adopt procurement provisions that conform to certain provisions of the~~
6 ~~Montgomery County Code and the Montgomery County Code of Regulations;~~
7 ~~requiring certain purchases by the Housing Opportunities Commission of~~
8 ~~Montgomery County to be made as provided in certain procurement provisions or as~~
9 ~~approved by federal authorities~~ prohibiting the Commission from awarding a certain
10 contract unless the action is approved in advance by the Commission except under
11 certain circumstances; authorizing the Commission or the Executive Director in an
12 emergency to award a certain contract under certain circumstances; providing for
13 the application of this Act; and generally relating to the Housing Opportunities
14 Commission of Montgomery County.

15 BY ~~repealing and reenacting, with amendments,~~ adding to
16 Article – Housing and Community Development
17 Section ~~16–107~~ 16–107.1
18 Annotated Code of Maryland
19 (2019 Replacement Volume and 2019 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 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.



1 Article – Housing and Community Development

2 ~~16-107.~~

3 ~~(a) Under the powers given elsewhere in this Division II, the Montgomery~~
 4 ~~Commission may provide housing or housing projects for persons of eligible income, but~~
 5 ~~may do so only in accordance with local law or under a contract with Montgomery County.~~

6 ~~(b) In accordance with subsection (a) of this section and in addition to the powers~~
 7 ~~listed elsewhere in this Division II or given by local law, the Montgomery Commission may:~~

8 ~~(1) make mortgage loans and rent subsidy payments to persons of eligible~~
 9 ~~income;~~

10 ~~(2) make construction loans and long term mortgage loans to any person~~
 11 ~~to produce housing for persons of eligible income; and~~

12 ~~(3) purchase mortgages secured by housing for persons of eligible income.~~

13 ~~(c) Under the powers listed elsewhere in this Division II, the Montgomery~~
 14 ~~Commission may:~~

15 ~~(1) enter into development agreements as may be necessary or convenient~~
 16 ~~in which:~~

17 ~~(i) at least 50% of the units are initially occupied by individuals of~~
 18 ~~families whose income individually or as part of a family unit is equal to or less than:~~

19 ~~1. 60% of the median income for the statistical area in which~~
 20 ~~the units are located as determined by the federal Office of Management and Budget; or~~

21 ~~2. a lesser income that may be determined by the chief~~
 22 ~~elected official or chief elected official's designee in the jurisdiction in which the property is~~
 23 ~~located; or~~

24 ~~(ii) at least 20% of the units are initially occupied by individuals who~~
 25 ~~are eligible for federal subsidies; and~~

26 ~~(2) contract to furnish services, consultation, advice, and assistance to~~
 27 ~~other housing authorities or other persons in or outside of the State to assist in developing,~~
 28 ~~managing, renovating, or constructing housing described under item (1) of this subsection.~~

29 ~~(D) (1) THE MONTGOMERY COMMISSION SHALL ADOPT PROCUREMENT~~
 30 ~~PROVISIONS THAT CONFORM TO THE MONTGOMERY COUNTY CODE AND THE~~
 31 ~~MONTGOMERY COUNTY CODE OF REGULATIONS.~~

1 ~~(2) ALL PURCHASES BY THE MONTGOMERY COMMISSION THAT ARE~~
2 ~~NOT SPECIFICALLY REGULATED BY FEDERAL PROCUREMENT REQUIREMENTS~~
3 ~~SHALL BE MADE:~~

4 ~~(I) AS PROVIDED BY THE PROVISIONS ADOPTED UNDER THIS~~
5 ~~SUBSECTION; OR~~

6 ~~(H) AS APPROVED BY FEDERAL AUTHORITIES.~~

7 16-107.1.

8 (A) THIS SECTION APPLIES ONLY TO PROCUREMENT CONTRACTS OF THE
9 MONTGOMERY COMMISSION THAT ARE NOT SPECIFICALLY REGULATED BY
10 FEDERAL PROCUREMENT REQUIREMENTS.

11 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, UNLESS
12 THE CONTRACT IS APPROVED IN ADVANCE BY THE MONTGOMERY COMMISSION AT
13 AN OPEN MEETING, THE MONTGOMERY COMMISSION MAY NOT AWARD A CONTRACT
14 EXCEEDING \$150,000.

15 (C) IN AN EMERGENCY, THE MONTGOMERY COMMISSION OR THE
16 EXECUTIVE DIRECTOR MAY AWARD A CONTRACT EXCEEDING \$150,000 IF THE
17 CONTRACT IS BROUGHT BEFORE THE MONTGOMERY COMMISSION FOR REVIEW AT
18 ITS NEXT REGULARLY SCHEDULED MEETING.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.