

HOUSE BILL 800

C8, L2

01r0871

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 – Alterations**

3 **MC 02–20**

4 FOR the purpose of requiring the Housing Opportunities Commission of Montgomery
5 County to prepare written minutes of each meeting as soon as practicable after the
6 meeting and stream live video of the open meetings of the Montgomery Commission;
7 ~~requiring the Montgomery Commission to submit its proposed budget to the~~
8 ~~members of the Montgomery County Delegation to the General Assembly by a~~
9 ~~certain date each year;~~ requiring the Montgomery Commission to publish on its
10 website on or before a certain date each year a certain financial report and a certain
11 copy of a certain audit report; requiring that, in performing certain duties, the
12 Montgomery Commission publish certain information of which the Montgomery
13 Commission is not specifically required to deny inspection under a certain act;
14 requiring the Montgomery Commission to report certain payment data in a certain
15 manner on or before a certain date; ~~authorizing the Montgomery Commission to~~
16 ~~enter into an agreement with the county government to include payment data on a~~
17 ~~certain website;~~ requiring the Montgomery Commission to develop and operate a
18 certain searchable website ~~if the Montgomery Commission does not enter into a~~
19 ~~certain agreement with the county government;~~ establishing requirements for the
20 searchable website; providing for the construction of certain provisions of this Act;
21 defining certain terms; and generally relating to the Housing Opportunities
22 Commission of Montgomery County.

23 BY repealing and reenacting, without amendments,

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 Section 16–105
 3 Annotated Code of Maryland
 4 (2019 Replacement Volume and 2019 Supplement)

5 BY adding to
 6 Article – Housing and Community Development
 7 Section 16–107.1 and 16–114
 8 Annotated Code of Maryland
 9 (2019 Replacement Volume and 2019 Supplement)

10 BY repealing and reenacting, with amendments,
 11 Article – Housing and Community Development
 12 Section ~~16–111~~ and 16–112
 13 Annotated Code of Maryland
 14 (2019 Replacement Volume and 2019 Supplement)

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

17 **Article – Housing and Community Development**

18 16–105.

19 The Housing Opportunities Commission of Montgomery County, formerly the
 20 Housing Authority of Montgomery County, is a public body corporate and politic that:

- 21 (1) exercises public and essential governmental functions; and
 22 (2) has all the powers necessary or convenient to carry out the purposes of
 23 this Division II.

24 **16–107.1.**

25 **THE MONTGOMERY COMMISSION SHALL:**

26 **(1) PREPARE WRITTEN MINUTES OF EACH MEETING AS SOON AS**
 27 **PRACTICABLE AFTER THE MEETING; AND**

28 **(2) STREAM LIVE VIDEO OF THE OPEN MEETINGS OF THE**
 29 **MONTGOMERY COMMISSION.**

30 ~~16–111.~~

31 ~~(a) By May 1 of each year, the Montgomery Commission shall submit its proposed~~
 32 ~~budget to the County Council AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE~~

1 ~~GOVERNMENT ARTICLE, TO THE MEMBERS OF THE MONTGOMERY COUNTY~~
2 ~~DELEGATION TO THE GENERAL ASSEMBLY.~~

3 (b) ~~The public shall have an appropriate opportunity to comment on the proposed~~
4 ~~budget.~~

5 16-112.

6 (a) On or before November 30 of each year, the Montgomery Commission shall
7 issue a financial report for the previous fiscal year based on a certified audit.

8 (b) The Montgomery Commission shall publish a summary of the financial report
9 in at least two newspapers of general circulation in the county.

10 (c) (1) ~~ON OR BEFORE NOVEMBER 30~~ **DECEMBER 15** EACH YEAR, THE
11 **MONTGOMERY COMMISSION SHALL PUBLISH ON ITS WEBSITE:**

12 (I) THE FINANCIAL REPORT ISSUED UNDER SUBSECTION (A) OF
13 THIS SECTION; AND

14 (II) A FULL AND COMPLETE COPY OF THE CERTIFIED AUDIT
15 REPORT FOR THE PREVIOUS FISCAL YEAR.

16 (2) ~~IN SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IN~~
17 ~~PERFORMING THE DUTIES REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION,~~
18 ~~THE MONTGOMERY COMMISSION SHALL PUBLISH ALL INFORMATION IN A PUBLIC~~
19 ~~RECORD THAT RELATES TO A FINANCIAL REPORT OR A CERTIFIED AUDIT REPORT~~
20 ~~OF WHICH THE MONTGOMERY COMMISSION IS NOT SPECIFICALLY REQUIRED TO~~
21 ~~DENY AN INSPECTION UNDER THE PUBLIC INFORMATION ACT.~~

22 (3) PARAGRAPH (2) OF THIS SUBSECTION MAY NOT BE CONSTRUED
23 AS A WAIVER OF INFORMATION THAT IS PROTECTED BY PRIVILEGE.

24 16-114.

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

27 (2) (I) "PAYEE" MEANS A PERSON THAT RECEIVES FROM THE
28 MONTGOMERY COMMISSION AN AGGREGATE PAYMENT OF AT LEAST \$25,000 IN A
29 SINGLE FISCAL YEAR.

30 (II) "PAYEE" DOES NOT INCLUDE:

1 1. AN EMPLOYEE OF THE MONTGOMERY COMMISSION
2 WITH RESPECT TO THE EMPLOYEE'S COMPENSATION; OR

3 2. A RETIREE OF THE MONTGOMERY COMMISSION WITH
4 RESPECT TO THE RETIREE'S RETIREMENT ALLOWANCE.

5 (3) "PAYMENT DATA" MEANS, AT A MINIMUM, THE FOLLOWING
6 INFORMATION FOR A PARTICULAR FISCAL YEAR:

7 (I) THE NAME OF EACH PAYEE THAT RECEIVED A PAYMENT
8 FROM THE MONTGOMERY COMMISSION;

9 (II) THE LOCATION OF THE PAYEE BY POSTAL ZIP CODE;

10 (III) THE AMOUNT OF THE PAYMENT; AND

11 (IV) THE PURPOSE OF THE PAYMENT.

12 (4) "SEARCHABLE WEBSITE" MEANS A WEBSITE CREATED IN
13 ACCORDANCE WITH THIS SECTION THAT ALLOWS A USER TO SEARCH AND DISPLAY
14 PAYMENT DATA OF THE MONTGOMERY COMMISSION.

15 (B) ON OR BEFORE ~~JULY 1, 2021~~ DECEMBER 1, 2021, THE MONTGOMERY
16 COMMISSION SHALL REPORT PAYMENT DATA IN ACCORDANCE WITH SUBSECTION
17 (C) ~~OR (D)~~ OF THIS SECTION.

18 ~~(C) THE MONTGOMERY COMMISSION MAY ENTER INTO AN AGREEMENT
19 WITH THE COUNTY GOVERNMENT TO INCLUDE THE MONTGOMERY COMMISSION'S
20 PAYMENT DATA ON THE SPENDING MONTGOMERY WEBSITE.~~

21 ~~(D) (C) (1) IF THE MONTGOMERY COMMISSION DOES NOT ENTER INTO
22 AN AGREEMENT WITH THE COUNTY GOVERNMENT UNDER SUBSECTION (C) OF THIS
23 SECTION, THE~~ THE MONTGOMERY COMMISSION SHALL DEVELOP AND OPERATE A
24 SINGLE SEARCHABLE WEBSITE ACCESSIBLE TO THE PUBLIC AT NO COST.

25 (2) THE SEARCHABLE WEBSITE SHALL ALLOW A USER TO:

26 (I) SEARCH PAYMENT DATA FOR FISCAL YEAR 2020 AND EACH
27 FISCAL YEAR THEREAFTER; AND

28 (II) SEARCH BY THE FOLLOWING DATA FIELDS:

29 1. PAYEE NAME; AND

1

2. PAYEE ZIP CODE.

2 ~~(E)~~ (D) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE
3 DISCLOSURE OF INFORMATION THAT IS REQUIRED TO BE KEPT CONFIDENTIAL
4 UNDER FEDERAL, STATE, OR LOCAL LAW.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.