

# SENATE BILL 22

03

(6lr0053)

## ENROLLED BILL

— Finance/Appropriations —

Introduced by **Chair, Finance Committee (By Request – Departmental – Disabilities)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Department of Disabilities – Housing Programs and Affiliated Foundations –**  
3 **Establishment**

4 FOR the purpose of requiring the Department of Disabilities to establish affordable and  
5 accessible housing programs; authorizing the Department to establish affiliated  
6 foundations to work with certain programs and units of the Department to solicit  
7 and accept funds, partner with individuals and entities, and promote certain  
8 activities that support certain projects; *prohibiting an affiliated foundation from*  
9 *influencing certain determinations made by the Department;* and generally relating  
10 to the establishment of housing programs and affiliated foundations by the  
11 Department of Disabilities.

12 BY repealing and reenacting, with amendments,  
13 Article – Human Services

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#### 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.

*Italics indicate opposite chamber/conference committee amendments.*



1 Section 7–114(b)  
 2 Annotated Code of Maryland  
 3 (2019 Replacement Volume and 2025 Supplement)

4 BY adding to  
 5 Article – Human Services  
 6 Section 7–117  
 7 Annotated Code of Maryland  
 8 (2019 Replacement Volume and 2025 Supplement)

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

11 **Article – Human Services**

12 7–114.

13 (b) The Department shall oversee and administer the following programs and  
 14 units:

15 (1) constituent services and ombudsmen programs;

16 (2) the Assistive Technology Guaranteed Loan Program under Subtitle 6  
 17 of this title;

18 (3) the Office of Personal Assistance Services, including the Attendant  
 19 Care Program under Subtitle 4 of this title;

20 (4) Telecommunications Access of Maryland under Subtitle 8 of this title;

21 (5) Telecommunications Devices and Distribution of Accessible  
 22 Information for Disabled Individuals under Subtitle 9 of this title;

23 (6) the Office of Disability Employment Advancement and Policy; **[and]**

24 (7) the Maryland Assistive Technology Program under Subtitle 14 of this  
 25 title; **AND**

26 **(8) AFFORDABLE AND ACCESSIBLE HOUSING PROGRAMS.**

27 **7–117.**

28 **(A) IN ACCORDANCE WITH § 7–114 OF THIS SUBTITLE, THE DEPARTMENT**  
 29 **MAY ESTABLISH ONE OR MORE AFFILIATED FOUNDATIONS TO WORK WITH THE**  
 30 **MARYLAND ASSISTIVE TECHNOLOGY PROGRAM, THE ASSISTIVE TECHNOLOGY**  
 31 **GUARANTEED LOAN PROGRAM, THE OFFICE OF DISABILITY EMPLOYMENT**

1 **ADVANCEMENT AND POLICY, AND THE DEPARTMENT'S AFFORDABLE AND**  
2 **ACCESSIBLE HOUSING PROGRAMS.**

3 **(B) THE PURPOSE OF AN AFFILIATED FOUNDATION IS TO:**

4 **(1) SOLICIT AND ACCEPT FUNDS AND PARTNER WITH INDIVIDUALS,**  
5 **CORPORATIONS, AND OTHER ENTITIES TO SUPPORT INNOVATIVE PROJECTS**  
6 **DESIGNED TO MAINTAIN, EXPAND, AND ENHANCE THE PROGRAMS AND UNITS**  
7 **SPECIFIED IN SUBSECTION (A) OF THIS SECTION; AND**

8 **(2) PROMOTE ACTIVITIES THAT:**

9 **(I) ENHANCE AWARENESS OF, ACCESS TO, AND EFFECTIVE USE**  
10 **OF ASSISTIVE TECHNOLOGY, ACCESSIBLE INFORMATION TECHNOLOGY, AND**  
11 **ENVIRONMENTAL ADAPTATIONS THAT ALLOW INDIVIDUALS WITH DISABILITIES TO**  
12 **PARTICIPATE IN EMPLOYMENT, EDUCATION, HOUSING, TRANSPORTATION, PUBLIC**  
13 **SAFETY, RECREATION, HEALTH CARE, AND OTHER ASPECTS OF DAILY LIFE;**

14 **(II) SUPPORT TRAINING, TECHNICAL ASSISTANCE, AND**  
15 **REASONABLE ACCOMMODATIONS THAT PROMOTE THE HIRING AND RETENTION OF**  
16 **INDIVIDUALS WITH DISABILITIES IN PRIVATE AND PUBLIC SECTOR EMPLOYMENT;**  
17 **AND**

18 **(III) CREATE OPPORTUNITIES FOR INTEGRATED, AFFORDABLE,**  
19 **AND ACCESSIBLE HOUSING FOR INDIVIDUALS WITH DISABILITIES TO LIVE IN THE**  
20 **COMMUNITIES OF THEIR CHOICE.**

21 **(C) (1) THE DEPARTMENT SHALL:**

22 **(I) DEVELOP POLICIES FOR OPERATING EACH AFFILIATED**  
23 **FOUNDATION THAT THE DEPARTMENT ESTABLISHES, INCLUDING THE AFFILIATED**  
24 **FOUNDATION NAME; AND**

25 **(II) SUBMIT EACH POLICY DEVELOPED TO THE OFFICE OF THE**  
26 **ATTORNEY GENERAL AND THE STATE ETHICS COMMISSION FOR REVIEW AND, IF**  
27 **APPROPRIATE, APPROVAL IN ACCORDANCE WITH PARAGRAPHS (2) AND (3) OF THIS**  
28 **SUBSECTION.**

29 **(2) THE OFFICE OF THE ATTORNEY GENERAL SHALL:**

30 **(I) REVIEW THE POLICIES THE DEPARTMENT DEVELOPS**  
31 **UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR FORM AND LEGAL SUFFICIENCY;**  
32 **AND**

1 (II) IF APPROPRIATE, APPROVE THE POLICIES FOR USE IN  
2 GOVERNING THE DEPARTMENT'S RELATIONSHIP WITH THE AFFILIATED  
3 FOUNDATION.

4 (3) THE STATE ETHICS COMMISSION SHALL:

5 (I) REVIEW THE POLICIES THE DEPARTMENT DEVELOPS  
6 UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT PERTAIN TO CONFLICTS OF  
7 INTEREST; AND

8 (II) IF APPROPRIATE, APPROVE THE POLICIES FOR USE IN  
9 GOVERNING AN OFFICIAL OR EMPLOYEE OF THE DEPARTMENT WHO ALSO SERVES  
10 AS A DIRECTOR OR AN OFFICIAL OF THE AFFILIATED FOUNDATION.

11 (D) (1) AN AFFILIATED FOUNDATION MAY SOLICIT AND RECEIVE  
12 CONTRIBUTIONS FROM BUSINESSES, GOVERNMENTAL ENTITIES, NONPROFIT  
13 ORGANIZATIONS, AND INDIVIDUALS INTERESTED IN THE PROMOTION OF PROGRAMS  
14 AND UNITS ADMINISTERED OR SUPPORTED BY THE DEPARTMENT.

15 (2) IN ACCORDANCE WITH § 7-113 OF THIS SUBTITLE AUTHORIZING  
16 THE SECRETARY TO RECEIVE FUNDS FROM ANY PUBLIC OR PRIVATE SOURCE TO  
17 CARRY OUT THE POWERS AND DUTIES OF THE DEPARTMENT, THE SECRETARY  
18 SHALL RECEIVE AND DEPOSIT FUNDS FROM AN AFFILIATED FOUNDATION INTO A  
19 SEPARATE SPECIAL FUND.

20 (E) (1) AN AFFILIATED FOUNDATION ESTABLISHED UNDER THIS  
21 SECTION MAY NOT:

22 (I) BE CONSIDERED AN AGENCY OR INSTRUMENTALITY OF THE  
23 STATE OR A UNIT OF THE EXECUTIVE BRANCH FOR ANY PURPOSE;

24 (II) MAKE, INFLUENCE, OR PARTICIPATE IN DETERMINATIONS  
25 REGARDING ELIGIBILITY FOR ANY PROGRAM, BENEFIT, OR SERVICES ADMINISTERED  
26 OR SUPPORTED BY THE DEPARTMENT; OR

27 (III) ESTABLISH, INFLUENCE, OR IMPLEMENT PUBLIC POLICY,  
28 PROGRAM STANDARDS, PRIORITIES, OR ELIGIBILITY CRITERIA FOR THE  
29 DEPARTMENT.

30 (2) A FINANCIAL OBLIGATION OR LIABILITY OF AN AFFILIATED  
31 FOUNDATION ESTABLISHED UNDER THIS SECTION MAY NOT BE CONSIDERED A DEBT  
32 OR AN OBLIGATION OF THE STATE OR THE DEPARTMENT.

1 (F) (1) NOTWITHSTANDING §§ 5-501 THROUGH 5-504 OF THE GENERAL  
2 PROVISIONS ARTICLE, AN OFFICIAL OR EMPLOYEE OF THE DEPARTMENT MAY  
3 BECOME A DIRECTOR OR AN OFFICIAL OF AN AFFILIATED FOUNDATION  
4 ESTABLISHED UNDER THIS SECTION.

5 (2) AN OFFICIAL OR EMPLOYEE OF THE DEPARTMENT WHO SERVES  
6 AS A DIRECTOR OR AN OFFICIAL OF AN AFFILIATED FOUNDATION ESTABLISHED  
7 UNDER THIS SECTION:

8 (I) MAY NOT BE COMPENSATED, DIRECTLY OR INDIRECTLY, BY  
9 THE AFFILIATED FOUNDATION; AND

10 (II) MAY BE REIMBURSED FOR BONA FIDE EXPENSES INCURRED  
11 IN THE PERFORMANCE OF ACTIVITIES UNDERTAKEN ON BEHALF OF THE  
12 AFFILIATED FOUNDATION AS AUTHORIZED BY THE DEPARTMENT AND THE BOARD  
13 OF DIRECTORS OF THE AFFILIATED FOUNDATION.

14 (3) (I) THE DEPARTMENT SHALL NOTIFY THE STATE ETHICS  
15 COMMISSION IN WRITING WHENEVER THE DEPARTMENT ALLOWS AN OFFICIAL OR  
16 EMPLOYEE OF THE DEPARTMENT TO SERVE AS A DIRECTOR OR AN OFFICIAL OF AN  
17 AFFILIATED FOUNDATION.

18 (II) WITHIN 30 DAYS AFTER RECEIPT OF THE NOTICE UNDER  
19 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STATE ETHICS COMMISSION SHALL  
20 NOTIFY THE DEPARTMENT OF ANY OBJECTIONS OR CONCERNS PERTAINING TO THE  
21 JOINT SERVICE IDENTIFIED IN THE NOTICE.

22 (III) ON RECEIPT OF A NOTICE FROM THE STATE ETHICS  
23 COMMISSION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE DEPARTMENT  
24 SHALL REEXAMINE THE JOINT SERVICE IDENTIFIED IN THE NOTICE.

25 (4) ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE DEPARTMENT  
26 SHALL REPORT TO THE GOVERNOR, THE LEGISLATIVE POLICY COMMITTEE OF THE  
27 GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT  
28 ARTICLE, AND THE STATE ETHICS COMMISSION ON:

29 (I) THE NAMES OF THE OFFICIALS AND EMPLOYEES SERVING  
30 AS A DIRECTOR OR AN OFFICIAL OF AN AFFILIATED FOUNDATION; AND

31 (II) HOW THE POLICIES ADOPTED UNDER SUBSECTION (C) OF  
32 THIS SECTION HAVE BEEN IMPLEMENTED IN THE PRECEDING CALENDAR YEAR.

1 (G) (1) EACH YEAR, THE DEPARTMENT SHALL HIRE AN INDEPENDENT  
2 CERTIFIED PUBLIC ACCOUNTANT TO:

3 (I) AUDIT AN AFFILIATED FOUNDATION ESTABLISHED UNDER  
4 THIS SECTION; AND

5 (II) SUBMIT TO THE DEPARTMENT A REPORT ON THE AUDIT OF  
6 THE AFFILIATED FOUNDATION.

7 (2) NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, IF AN  
8 AFFILIATED FOUNDATION HAS NOT BEEN AUDITED WITHIN THE PAST YEAR:

9 (I) THE AFFILIATED FOUNDATION MAY NOT SOLICIT AND  
10 RECEIVE CONTRIBUTIONS; AND

11 (II) THE DEPARTMENT MAY NOT ACCEPT CONTRIBUTIONS  
12 FROM THE AFFILIATED FOUNDATION.

13 (H) CONTRIBUTIONS ACCEPTED BY THE DEPARTMENT FROM AN  
14 AFFILIATED FOUNDATION ESTABLISHED UNDER THIS SECTION ARE SUPPLEMENTAL  
15 TO AND ARE NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE  
16 WOULD BE APPROPRIATED IN THE ANNUAL BUDGET BILL OR CAPITAL BUDGET BILL  
17 FOR THE DEPARTMENT.

18 (I) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT OR RESTRICT THE  
19 AUTHORITY OF THE DEPARTMENT OR OTHER AUTHORIZED GOVERNMENTAL  
20 ENTITIES TO DETERMINE ELIGIBILITY OR MAKE POLICY DECISIONS.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2026.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.