

SENATE BILL 731

O2, C8
SB 996/08 – EHE & B&T

2lr2617

By: **Senator Muse**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Housing and Community Development – Rent Stabilization**
3 **Program for Seniors**

4 FOR the purpose of establishing the Rent Stabilization Program for Seniors in the
5 Department of Housing and Community Development; extending the Rental
6 Housing Programs Fund to operate, make loans, and pay expenses of the
7 Program; providing for the purposes and scope of the Program; requiring the
8 Department to administer the Program; authorizing the Department to ask the
9 State to increase or replace amounts deposited in the Fund; providing for
10 exemption from the provisions of this Act for certain establishments; restricting
11 the amount of rent landlords may charge certain senior tenants and their
12 households; providing for adjustment of the rent ceiling of individual rental
13 units; making certain landlords eligible for a certain tax credit; requiring a
14 certain registration statement to be filed with the Department; establishing
15 certain procedures for landlords and tenants to petition for a rent ceiling
16 adjustment hearing; requiring the Department to make an official record of a
17 certain hearing; specifying certain factors that the Department must consider in
18 deciding whether to grant an individual adjustment of rent; prohibiting the
19 approval of a certain adjustment of the rent ceiling under certain
20 circumstances; specifying certain times when certain adjustments become
21 effective; requiring the Secretary of the Department to give a certain notice of
22 violations of certain provisions; providing for judicial review of certain decisions,
23 notices, and orders; providing for a certain exemption due to financial hardship;
24 specifying that certain agreements to modify certain provisions of this subtitle
25 are void; authorizing the governing body of a county or municipal corporation to
26 grant, by law, a property tax credit against the county or municipal corporation
27 property tax imposed on rental dwellings of owners who are covered under this
28 Act; imposing a certain penalty; defining certain terms; and generally relating
29 to rent stabilization for senior tenants in the State.

30 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Housing and Community Development
2 Section 4–103 and 4–504
3 Annotated Code of Maryland
4 (2006 Volume and 2011 Supplement)

5 BY adding to
6 Article – Housing and Community Development
7 Section 4–4A–01 through 4–4A–20 to be under the new subtitle “Subtitle 4A.
8 Rent Stabilization Program for Seniors”
9 Annotated Code of Maryland
10 (2006 Volume and 2011 Supplement)

11 BY adding to
12 Article – Tax – Property
13 Section 9–219.1
14 Annotated Code of Maryland
15 (2007 Replacement Volume and 2011 Supplement)

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

18 **Article – Housing and Community Development**

19 4–103.

20 The Division includes:

- 21 (1) the Community Development Administration;
- 22 (2) the Disaster Relief Housing Program;
- 23 (3) the Down Payment and Settlement Expense Loan Program;
- 24 (4) the Elderly Rental Housing Program;
- 25 (5) federal and State weatherization programs;
- 26 (6) the Group Home Financing Program;
- 27 (7) the Lead Hazard Reduction Grant Program;
- 28 (8) the Lead Hazard Reduction Loan Program;
- 29 (9) the local government infrastructure program;
- 30 (10) the Maryland Home Financing Program;

1 (11) the Maryland Housing Rehabilitation Program;

2 (12) the Neighborhood Housing Services Fund;

3 (13) the Operating Assistance Grants Demonstration Projects;

4 (14) the Partnership Rental Housing Program;

5 (15) the Radium Pilot Grant Program;

6 **(16) THE RENT STABILIZATION PROGRAM FOR SENIORS;**

7 ~~[(16)]~~ **(17)** the Rental Allowance Program and other rental assistance
8 programs;

9 ~~[(17)]~~ **(18)** the Rental Housing Production Program; and

10 ~~[(18)]~~ **(19)** the Self-Help Homeownership Technical Assistance
11 Program.

12 **SUBTITLE 4A. RENT STABILIZATION PROGRAM FOR SENIORS.**

13 **4-4A-01.**

14 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
15 **INDICATED.**

16 **(B) (1) “AGGREGATE DISPOSABLE INCOME” MEANS THE SUM OF THE**
17 **INCOME OF ALL MEMBERS OF A HOUSEHOLD RESIDING IN A RENTAL UNIT.**

18 **(2) “AGGREGATE DISPOSABLE INCOME” DOES NOT INCLUDE**
19 **GIFTS OR INHERITANCES, INCREASES IN BENEFITS ACCORDED UNDER THE**
20 **SOCIAL SECURITY ACT, OR A PUBLIC OR PRIVATE PENSION PAID TO A MEMBER**
21 **OF THE HOUSEHOLD.**

22 **(C) “BASE RENT” MEANS THE RENT IN EFFECT UNDER THE CURRENT**
23 **LEASE.**

24 **(D) “FUND” MEANS THE RENTAL HOUSING PROGRAM FUND.**

25 **(E) (1) “HOUSING SERVICES” MEANS ORDINARY REPAIRS AND**
26 **MAINTENANCE THAT ENSURE THE RENTAL UNIT IS HABITABLE.**

27 **(2) “HOUSING SERVICES” INCLUDES:**

1 (I) PAINTING, PROVIDING LIGHT, HEAT, HOT AND COLD
2 WATER, ELEVATOR SERVICE, WINDOW SHADES AND SCREENS, STORAGE,
3 KITCHEN, BATH, AND LAUNDRY FACILITIES;

4 (II) JANITORIAL SERVICES, REFUSE REMOVAL,
5 FURNISHINGS, TELEPHONE, AND PARKING FACILITIES; AND

6 (III) ANY OTHER BENEFIT, PRIVILEGE, OR FACILITY
7 CONNECTED WITH THE USE OR OCCUPANCY OF A RENTAL UNIT, TO INCLUDE A
8 PROPORTIONATE PART OF SERVICES PROVIDED TO COMMON FACILITIES OF THE
9 BUILDING CONTAINING THE RENTAL UNIT.

10 (F) “LANDLORD” MEANS:

11 (1) AN OWNER OF RECORD, A LESSOR, A SUBLESSOR, OR ANY
12 OTHER PERSON OR ENTITY ENTITLED TO RECEIVE RENT FOR THE USE OR
13 OCCUPANCY OF A RENTAL UNIT; OR

14 (2) AN AGENT, A REPRESENTATIVE, OR A SUCCESSOR OF A
15 PERSON OR AN ENTITY LISTED IN ITEM (1) OF THIS SUBSECTION.

16 (G) “PROGRAM” MEANS THE RENT STABILIZATION PROGRAM FOR
17 SENIORS.

18 (H) “PROPERTY” MEANS A PARCEL OF REAL PROPERTY THAT IS
19 ASSESSED AND TAXED AS AN UNDIVIDED WHOLE.

20 (I) (1) “RENT” MEANS THE CONSIDERATION RECEIVED IN
21 CONNECTION WITH THE USE OR OCCUPANCY OF RENTAL UNITS AND THE
22 PROVISION OF HOUSING SERVICES.

23 (2) “RENT” INCLUDES A DEPOSIT, BONUS, BENEFIT, SERVICE
24 RENDERED, GRATUITY DEMANDED, OR GRATUITY RECEIVED IN CONNECTION
25 WITH THE USE OR OCCUPANCY OF RENTAL UNITS AND THE PROVISION OF
26 HOUSING SERVICES.

27 (J) “RENT ADJUSTMENT HEARING” MEANS A HEARING UNDER THIS
28 SUBTITLE TO DETERMINE WHETHER A LANDLORD OR TENANT SHOULD RECEIVE
29 AN INDIVIDUAL ADJUSTMENT OF THE RENT CEILING.

30 (K) “RENTAL UNIT” MEANS:

1 **(1) A BUILDING, STRUCTURE, OR ROOM LOCATED WITHIN A**
2 **STRUCTURE FORMING A SINGLE HABITABLE UNIT WITH FACILITIES THAT ARE**
3 **USED OR INTENDED TO BE USED FOR LIVING, SLEEPING, COOKING, AND EATING**
4 **PURPOSES, INCLUDING ATTACHED LAND; OR**

5 **(2) (I) OTHER REAL OR PERSONAL PROPERTY RENTED OR**
6 **OFFERED FOR RENT FOR RESIDENTIAL USE OR OCCUPANCY THAT IS LOCATED**
7 **IN THE STATE; AND**

8 **(II) ALL HOUSING SERVICES CONNECTED WITH USE OR**
9 **OCCUPANCY OF THAT PROPERTY, INCLUDING COMMON AREAS AND**
10 **RECREATIONAL FACILITIES.**

11 **(L) “RENT CEILING” MEANS THE MAXIMUM ALLOWABLE RENT THAT A**
12 **LANDLORD MAY CHARGE ON A RENTAL UNIT COVERED BY THIS SUBTITLE.**

13 **(M) “SENIOR” MEANS AN INDIVIDUAL WHO IS AT LEAST 62 YEARS OLD.**

14 **(N) “TENANT” MEANS:**

15 **(1) A RENTER, TENANT, SUBTENANT, LESSEE, OR SUBLESSEE OF A**
16 **RENTAL UNIT;**

17 **(2) A SUCCESSOR TO A RENTER’S INTEREST;**

18 **(3) A GROUP OF TENANTS, SUBTENANTS, LESSEES, OR**
19 **SUBLESSEES OF A RENTAL UNIT; OR**

20 **(4) ANOTHER INDIVIDUAL ENTITLED TO THE USE OR OCCUPANCY**
21 **OF THE RENTAL UNIT.**

22 **4-4A-02.**

23 **(A) THIS SUBTITLE DOES NOT APPLY TO A RENTAL UNIT THAT IS**
24 **RENTED PRIMARILY TO A TRANSIENT GUEST FOR USE OR OCCUPANCY FOR**
25 **FEWER THAN 14 CONSECUTIVE DAYS IN AN ESTABLISHMENT INCLUDING**
26 **HOTELS, MOTELS, INNS, TOURIST HOMES, AND ROOMING AND BOARDING**
27 **HOUSES.**

28 **(B) THE PAYMENT OF RENT EVERY 14 DAYS OR LESS MAY NOT BY**
29 **ITSELF EXEMPT A RENTAL UNIT FROM COVERAGE UNDER THIS SUBTITLE.**

30 **4-4A-03.**

1 **THERE IS A RENT STABILIZATION PROGRAM FOR SENIORS.**

2 **4-4A-04.**

3 **THE PURPOSES OF THE PROGRAM ARE TO:**

4 **(1) GUARANTEE THAT THE RENTS OF LOW-INCOME SENIORS**
5 **REMAIN AT A CONSTANT, MANAGEABLE LEVEL;**

6 **(2) ENSURE THE SUPPLY OF DECENT, SAFE, AND SANITARY**
7 **RENTAL HOUSING AT COSTS THAT ARE AFFORDABLE TO LOW-INCOME SENIORS;**
8 **AND**

9 **(3) USE AVAILABLE RESOURCES TO SERVE SENIOR RENTERS IN**
10 **NEED.**

11 **4-4A-05.**

12 **THE DEPARTMENT SHALL:**

13 **(1) ADMINISTER THE PROGRAM;**

14 **(2) ADOPT POLICIES TO ENSURE THAT RENTAL PROPERTY IS**
15 **MADE AVAILABLE TO LOW-INCOME SENIORS AND THEIR HOUSEHOLDS; AND**

16 **(3) USE FEDERAL AND STATE PROGRAMS TO HELP CARRY OUT**
17 **THE PROGRAM.**

18 **4-4A-06.**

19 **TO ACHIEVE THE PURPOSES OF THE FUND, THE DEPARTMENT MAY ASK**
20 **THE STATE TO INCREASE OR REPLACE AMOUNTS DEPOSITED WITH THE STATE**
21 **TREASURER IN THE FUND.**

22 **4-4A-07.**

23 **EXCEPT AS PROVIDED IN § 4-4A-08 OF THIS SUBTITLE, THE RENT**
24 **CEILING FOR A RENTAL UNIT MAY NOT EXCEED AN AMOUNT MORE THAN**
25 **ONE-THIRD OF THE TENANT'S AGGREGATE DISPOSABLE INCOME IF:**

26 **(1) THE SOLE TENANT OR THE HEAD OF THE HOUSEHOLD IS A**
27 **SENIOR;**

1 **(2) THE AGGREGATE DISPOSABLE INCOME OF ALL MEMBERS OF**
2 **THE HOUSEHOLD DOES NOT EXCEED \$25,000 AFTER DEDUCTION OF FEDERAL,**
3 **STATE, AND MUNICIPAL CORPORATION INCOME AND SOCIAL SECURITY TAXES;**

4 **(3) THE AGGREGATE DISPOSABLE INCOME FOR THE PAST INCOME**
5 **TAX YEAR OF ALL MEMBERS OF THE HOUSEHOLD RESIDING IN THE RENTAL**
6 **UNIT DOES NOT EXCEED THE MEDIAN STATE INCOME BASED ON INFORMATION**
7 **FROM THE MOST RECENT FEDERAL CENSUS; AND**

8 **(4) THE LANDLORD HAS NOT RECEIVED AN INDIVIDUAL UPWARD**
9 **ADJUSTMENT OF THE RENT CEILING.**

10 **4-4A-08.**

11 **(A) THE DEPARTMENT MAY GRANT TO A LANDLORD A TEMPORARY**
12 **EXEMPTION FROM § 4-4A-07 OF THIS SUBTITLE IN ACCORDANCE WITH THIS**
13 **SECTION.**

14 **(B) (1) TO REQUEST AN EXEMPTION, A LANDLORD SHALL SUBMIT A**
15 **PETITION TO THE DEPARTMENT STATING THE REASONS WHY THE EXEMPTION**
16 **SHOULD BE GRANTED.**

17 **(2) THE DEPARTMENT SHALL INFORM ALL AFFECTED TENANTS**
18 **OF THE LANDLORD'S PETITION.**

19 **(3) ON REQUEST OF AN AFFECTED TENANT, THE DEPARTMENT**
20 **SHALL HOLD AN ADMINISTRATIVE HEARING TO DETERMINE THE FACTS OF THE**
21 **PETITION.**

22 **(C) A TEMPORARY EXEMPTION MAY BE GRANTED FOR NOT MORE THAN**
23 **2 YEARS IF THE DEPARTMENT DETERMINES THAT THE LANDLORD WOULD**
24 **OTHERWISE EXPERIENCE EXTREME FINANCIAL HARDSHIP BECAUSE OF**
25 **MORTGAGE OR FINANCIAL OBLIGATIONS RELATED TO THE PROPERTY:**

26 **(1) INCURRED ON OR BEFORE OCTOBER 1, 2012; OR**

27 **(2) NOT REASONABLY FORESEEABLE AT THE TIME THE**
28 **MORTGAGE WAS ACQUIRED OR THE FINANCIAL OBLIGATIONS INCURRED.**

29 **(D) A TEMPORARY EXEMPTION MAY BE RENEWED FOR AN ADDITIONAL**
30 **2-YEAR PERIOD.**

1 **4-4A-09.**

2 A LANDLORD WHO PROVIDES HOUSING TO A SENIOR TENANT AND IS NOT
3 PERMITTED UNDER § 4-4A-07 OF THIS SUBTITLE TO IMPLEMENT ALL OR PART
4 OF AN INCREASE IN RENT CHARGED IS ELIGIBLE TO RECEIVE A TAX CREDIT FOR
5 EACH UNIT OCCUPIED BY AN ELDERLY TENANT UNDER § 9-219.1 OF THE
6 TAX – PROPERTY ARTICLE.

7 **4-4A-10.**

8 (A) THE DEPARTMENT SHALL REQUIRE A LANDLORD SUBJECT TO THIS
9 SUBTITLE TO FILE WITH THE DEPARTMENT, ON OR BEFORE JANUARY 1, 2013, A
10 RENT REGISTRATION STATEMENT FOR EACH RENTAL UNIT COVERED BY THIS
11 SUBTITLE.

12 (B) IN THE RENT REGISTRATION STATEMENT, A LANDLORD SHALL
13 PROVIDE:

14 (1) THE ADDRESS OF EACH RENTAL UNIT;

15 (2) THE NAME AND ADDRESS OF THE LANDLORD AND MANAGING
16 AGENT, IF ANY;

17 (3) THE DATE ON WHICH THE LANDLORD RECEIVED LEGAL TITLE
18 TO OR EQUITABLE INTEREST IN THE RENTAL UNIT;

19 (4) THE HOUSING SERVICES PROVIDED FOR THE RENTAL UNIT;

20 (5) THE BASE RENT;

21 (6) THE MAXIMUM RENT ALLOWED UNDER § 4-4A-07 OF THIS
22 SUBTITLE; AND

23 (7) THE AMOUNT OF ALL DEPOSITS OR OTHER MONEY IN
24 ADDITION TO PERIODIC RENT DEMANDED OR RECEIVED BY THE LANDLORD IN
25 CONNECTION WITH THE USE OR OCCUPANCY OF THE RENTAL UNIT.

26 (C) THE LANDLORD SHALL FILE A SUPPLEMENTAL RENT REGISTRATION
27 STATEMENT FOR EACH NEW SENIOR TENANT GAINED AFTER THE EFFECTIVE
28 DATE OF THIS SUBTITLE THAT:

29 (1) SHALL PROVIDE THE SAME INFORMATION AS IN SUBSECTION
30 (B) OF THIS SECTION; AND

1 **(2)** MAY ALTER THE BASE RENT AND MAXIMUM RENT ALLOWED
2 UNDER § 4-4A-07 OF THIS SUBTITLE.

3 **(D)** A RENT REGISTRATION STATEMENT PROVIDED BY A LANDLORD IN
4 ACCORDANCE WITH THIS SUBTITLE SHALL INCLUDE AN AFFIDAVIT SIGNED BY
5 THE LANDLORD DECLARING UNDER PENALTY OF PERJURY THAT THE
6 INFORMATION PROVIDED IN THE RENT REGISTRATION STATEMENT IS TRUE TO
7 THE BEST OF THE LANDLORD'S KNOWLEDGE, INFORMATION, AND BELIEF.

8 **(E)** **(1)** A LANDLORD SHALL PAY THE FIRST REGISTRATION FEE
9 ASSESSED UNDER THIS SECTION TO THE DEPARTMENT ON OR BEFORE
10 DECEMBER 1, 2013.

11 **(2)** SUBSEQUENT REGISTRATION FEES SET IN ACCORDANCE WITH
12 SUBSECTION (C) OF THIS SECTION SHALL BE PAID ON OR BEFORE JANUARY 1 OF
13 EACH YEAR.

14 **(F)** THE DEPARTMENT SHALL PROVIDE FORMS FOR THE REGISTRATION
15 INFORMATION REQUIRED BY THIS SECTION.

16 **(G)** **(1)** EVERY REGISTRATION FEE REQUIRED BY THIS SUBTITLE
17 SHALL BE DECLARED DELINQUENT IF THE FEE IS NOT PAID:

18 **(I)** ON OR BEFORE DECEMBER 1, 2013, FOR A LANDLORD
19 WITH A SENIOR TENANT ON OCTOBER 1, 2012; OR

20 **(II)** ON OR BEFORE JANUARY 1 OF THE SUBSEQUENT YEAR
21 WHEN A LANDLORD GAINS A NEW SENIOR TENANT.

22 **(2)** EVERY 6 MONTHS THAT THE FEE REMAINS DELINQUENT, THE
23 FEE SHALL BE INCREASED BY THE AMOUNT OF THE ORIGINAL FEE.

24 **(3)** THE DEPARTMENT MAY WAIVE THE INCREASE IN THE FEE IF
25 PAYMENT IS MADE WITHIN 30 DAYS AFTER THE ORIGINAL DUE DATE.

26 **(4)** A LANDLORD MAY REQUEST THE DEPARTMENT TO WAIVE ALL
27 OR PART OF THE PENALTY ON A SHOWING OF GOOD CAUSE FOR THE
28 DELINQUENT PAYMENT.

29 **(H)** WITHIN 30 DAYS AFTER THE FILING OF A RENT REGISTRATION
30 STATEMENT, THE DEPARTMENT SHALL PROVIDE A COPY OF THE STATEMENT TO
31 THE HEAD OF THE HOUSEHOLD OF THE RENTAL UNIT.

1 **(I) (1) A LANDLORD SHALL REGISTER WITH THE DEPARTMENT A**
2 **RENTAL UNIT LEASED TO A SENIOR TENANT WITHIN 60 DAYS AFTER EXECUTION**
3 **OF THE LEASE.**

4 **(2) THE REGISTRATION FEE FOR FIRST-TIME REGISTRATION**
5 **SHALL BE PRORATED BASED ON THE NUMBER OF MONTHS REMAINING UNTIL**
6 **THE NEXT REGISTRATION DEADLINE.**

7 **(J) (1) A LANDLORD IS NOT IN COMPLIANCE WITH THIS SECTION**
8 **WITH RESPECT TO A GIVEN RENTAL UNIT UNTIL THE LANDLORD COMPLETES**
9 **REGISTRATION OF ALL COVERED UNITS IN THE SAME PROPERTY.**

10 **(2) A LANDLORD SHALL COMPLETE REGISTRATION WHEN THE**
11 **LANDLORD PROVIDES ALL REQUIRED INFORMATION AND PAYS ALL**
12 **OUTSTANDING FEES.**

13 **(K) A LANDLORD MAY NOT:**

14 **(1) PASS ALONG A REGISTRATION FEE TO A TENANT WITHOUT**
15 **THE PRIOR EXPRESS APPROVAL OF THE DEPARTMENT; OR**

16 **(2) PASS ALONG A PENALTY TO A TENANT UNDER ANY**
17 **CIRCUMSTANCES.**

18 **4-4A-11.**

19 **(A) TO RECEIVE AN ADJUSTMENT OF THE RENT CEILING OF INDIVIDUAL**
20 **RENTAL UNITS, A LANDLORD OR TENANT SHALL SUBMIT A PETITION FOR AN**
21 **INDIVIDUAL RENT CEILING ADJUSTMENT HEARING TO THE DEPARTMENT.**

22 **(B) THE PETITION SHALL BE ON A FORM THAT THE DEPARTMENT**
23 **PROVIDES.**

24 **(C) THE DEPARTMENT MAY SET A REASONABLE PER-UNIT FEE BASED**
25 **ON THE EXPENSES OF PROCESSING THE PETITION TO BE PAID BY THE**
26 **PETITIONER AT THE TIME OF FILING.**

27 **(D) THE DEPARTMENT SHALL:**

28 **(1) NOTIFY THE NONFILING PARTY OF THE RECEIPT OF A**
29 **PETITION FOR ADJUSTMENT OF RENT; AND**

1 **(2) PROVIDE A COPY OF THE PETITION TO THE NONFILING PARTY.**

2 **(E) UNLESS THERE IS A SHOWING OF GOOD CAUSE AGAINST**
3 **CONSOLIDATION:**

4 **(1) ALL PETITIONS FILED BY LANDLORDS PERTAINING TO**
5 **TENANTS IN THE SAME BUILDING SHALL BE CONSOLIDATED; AND**

6 **(2) ALL PETITIONS FILED BY TENANTS OCCUPYING THE SAME**
7 **BUILDING SHALL BE CONSOLIDATED.**

8 **(F) ALL PARTIES TO A HEARING SHALL BE SENT NOTICE OF THE TIME,**
9 **DATE, AND PLACE OF THE HEARING.**

10 **(G) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE**
11 **DEPARTMENT MAY REFUSE TO HOLD A HEARING OR GRANT AN INDIVIDUAL**
12 **RENT CEILING ADJUSTMENT FOR A RENTAL UNIT IF AN INDIVIDUAL RENT**
13 **CEILING ADJUSTMENT HEARING HAS BEEN HELD AND A FINAL DECISION**
14 **RENDERED WITHIN THE PREVIOUS 6 MONTHS.**

15 **(H) A PETITION UNDER THIS SECTION MAY NOT BE FILED ON OR**
16 **BEFORE JANUARY 1, 2013.**

17 **4-4A-12.**

18 **(A) (1) THE DEPARTMENT MAY REQUIRE A PARTY TO AN INDIVIDUAL**
19 **RENT CEILING ADJUSTMENT HEARING TO PROVIDE PERTINENT BOOKS,**
20 **RECORDS, AND PAPERS IN ADDITION TO THAT INFORMATION CONTAINED IN THE**
21 **REGISTRATION STATEMENT.**

22 **(2) ALL DOCUMENTS REQUIRED UNDER THIS SECTION SHALL BE**
23 **MADE AVAILABLE TO THE PARTIES INVOLVED BEFORE THE HEARING.**

24 **(3) IF INFORMATION FILED IN A PETITION OR IN ADDITIONAL**
25 **SUBMISSIONS IS INADEQUATE OR FALSE, ACTION MAY NOT BE TAKEN ON THAT**
26 **PETITION UNTIL ACCURATE INFORMATION IS PROVIDED.**

27 **(4) THE DEPARTMENT SHALL CONDUCT A BUILDING INSPECTION**
28 **IF THE DEPARTMENT FINDS GOOD CAUSE TO BELIEVE THAT THE**
29 **DEPARTMENT'S CURRENT INFORMATION DOES NOT MATCH THE CURRENT**
30 **CONDITION OF THE CONTROLLED RENTAL UNIT.**

1 **(5) THE TENANT MAY REQUEST THE DEPARTMENT TO ORDER AN**
2 **INSPECTION BEFORE THE DATE OF THE HEARING.**

3 **(B) THE DEPARTMENT MAY ADMINISTER OATHS AND AFFIRMATIONS**
4 **FOR THE HEARING.**

5 **(C) AN INDIVIDUAL RENT CEILING ADJUSTMENT HEARING IS OPEN TO**
6 **THE PUBLIC.**

7 **4-4A-13.**

8 **(A) THE DEPARTMENT SHALL MAKE AN OFFICIAL RECORD OF THE**
9 **HEARING THAT SHALL BE THE EXCLUSIVE RECORD FOR DECISION ON THE**
10 **ISSUES AT THE HEARING.**

11 **(B) THE RECORD SHALL BE AVAILABLE FOR PUBLIC INSPECTION AND**
12 **COPYING DURING REASONABLE BUSINESS HOURS.**

13 **(C) THE RECORD OF THE HEARING SHALL INCLUDE:**

14 **(1) ALL EXHIBITS, PAPERS, AND DOCUMENTS REQUIRED TO BE**
15 **FILED OR ACCEPTED INTO EVIDENCE DURING THE PROCEEDINGS;**

16 **(2) A LIST OF PARTICIPANTS PRESENT;**

17 **(3) A SUMMARY OF ALL TESTIMONY ACCEPTED IN THE**
18 **PROCEEDINGS;**

19 **(4) A STATEMENT OF ALL MATERIALS OFFICIALLY NOTICED;**

20 **(5) ALL RECOMMENDED DECISIONS, ORDERS, OR RULINGS;**

21 **(6) ALL FINAL DECISIONS, ORDERS, OR RULINGS; AND**

22 **(7) THE REASON FOR EACH FINAL DECISION, ORDER, OR RULING.**

23 **(D) THE PARTIES SHALL BE GIVEN NOTICE OF THE DECISION AND A**
24 **COPY OF THE FINDINGS OF FACT AND LAW THAT THE DECISION IS BASED ON,**
25 **INCLUDING NOTICE OF THEIR RIGHT TO SEEK JUDICIAL REVIEW OF THE**
26 **DECISION.**

27 **4-4A-14.**

1 **(A) IN DECIDING WHETHER TO GRANT AN INDIVIDUAL ADJUSTMENT OF**
2 **RENT, THE DEPARTMENT SHALL CONSIDER:**

3 **(1) THE MEDIAN INCOME FOR THE AREA;**

4 **(2) THE MINIMUM INCOME NEEDED TO AFFORD AVAILABLE**
5 **STANDARD RENTAL UNITS IN THE AREA; AND**

6 **(3) ANY OTHER FACTOR THE DEPARTMENT CONSIDERS**
7 **RELEVANT.**

8 **(B) (1) AN INDIVIDUAL ADJUSTMENT OF RENT MAY NOT BE GRANTED**
9 **IF:**

10 **(I) THE ADJUSTMENT IS NOT SUPPORTED BY THE**
11 **PREPONDERANCE OF THE EVIDENCE SUBMITTED AT A RENT ADJUSTMENT**
12 **HEARING; OR**

13 **(II) THE LANDLORD REASONABLY COULD HAVE FORESEEN**
14 **AT THE TIME OF REFINANCING THAT INCREASED EXPENSES COULD NOT BE**
15 **COVERED BY THE RENT SCHEDULE THEN IN EXISTENCE BECAUSE OF:**

16 **1. INCREASED INTEREST;**

17 **2. OTHER EXPENSES IF THE UPWARD ADJUSTMENT**
18 **RESULTS FROM THE LANDLORD'S REFINANCING OF THE RENTAL UNIT, UNLESS**
19 **THAT REFINANCING IS NECESSARY FOR THE LANDLORD TO MAKE CAPITAL**
20 **IMPROVEMENTS; OR**

21 **3. EXPENSES RESULTING FROM THE SALE OF THE**
22 **PROPERTY, EXCEPT FOR CASES OF INDIVIDUAL HARDSHIP.**

23 **(2) THE DEPARTMENT MAY NOT AUTHORIZE AN UPWARD**
24 **ADJUSTMENT OF AN INDIVIDUAL RENT CEILING IF THE LANDLORD FAILS TO:**

25 **(I) COMPLY, AFTER ORDER OF THE DEPARTMENT, WITH**
26 **THIS SUBTITLE, ORDERS THAT THE DEPARTMENT ISSUES, OR REGULATIONS**
27 **THAT THE DEPARTMENT ADOPTS; OR**

28 **(II) BRING THE RENTAL UNIT INTO COMPLIANCE WITH THE**
29 **IMPLIED WARRANTY OF HABITABILITY.**

30 **4-4A-15.**

1 **(A) THE DEPARTMENT SHALL RENDER A FINAL DECISION ON AN**
2 **INDIVIDUAL RENT CEILING ADJUSTMENT PETITION WITHIN 120 DAYS**
3 **FOLLOWING THE DATE OF FILING OF THE INDIVIDUAL RENT CEILING**
4 **ADJUSTMENT PETITION, UNLESS THE CONDUCT OF THE PETITIONER OR OTHER**
5 **GOOD CAUSE IS RESPONSIBLE FOR THE DELAY.**

6 **(B) ALLOWABLE RENT INCREASES UNDER AN INDIVIDUAL UPWARD**
7 **ADJUSTMENT OF THE RENT CEILING SHALL BECOME EFFECTIVE 30 DAYS AFTER**
8 **THE DAY ON WHICH THE LANDLORD GIVES THE TENANT WRITTEN NOTICE OF**
9 **THE RENT INCREASE.**

10 **(C) A DOWNWARD INDIVIDUAL ADJUSTMENT OF THE RENT CEILING**
11 **THAT THE DEPARTMENT MAKES SHALL TAKE EFFECT WITHIN 30 DAYS AFTER**
12 **THE EFFECTIVE DATE SET BY THE DEPARTMENT FOR THE DOWNWARD**
13 **ADJUSTMENT.**

14 **4-4A-16.**

15 **(A) A PERSON AGGRIEVED BY THE FINAL DECISION OF THE**
16 **DEPARTMENT ON PETITION FOR INDIVIDUAL RENT CEILING ADJUSTMENT MAY**
17 **SEEK JUDICIAL REVIEW OF THE DECISION IN ACCORDANCE WITH TITLE 10,**
18 **SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE (ADMINISTRATIVE**
19 **PROCEDURE ACT – CONTESTED CASES) AND THE MARYLAND RULES WITHIN 30**
20 **DAYS AFTER THE RENDERING OF THE DECISION.**

21 **(B) THE REVIEW SHALL BE LIMITED SOLELY TO ERRORS OF LAW AND**
22 **QUESTIONS OF CONSTITUTIONALITY.**

23 **(C) THE DECISION OF THE DEPARTMENT ON AN INDIVIDUAL RENT**
24 **ADJUSTMENT PETITION IN A CASE ON APPEAL SHALL BE STAYED PENDING A**
25 **DECISION OF THE COURT.**

26 **4-4A-17.**

27 **(A) IF THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT**
28 **DETERMINES THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THERE HAS**
29 **BEEN A VIOLATION OF THIS SUBTITLE, THE SECRETARY SHALL GIVE NOTICE OF**
30 **THE ALLEGED VIOLATION TO THE PERSON RESPONSIBLE.**

31 **(B) THE NOTICE SHALL:**

32 **(1) BE IN WRITING;**

1 **(2) INCLUDE A STATEMENT OF THE REASONS WHY IT IS BEING**
2 **ISSUED;**

3 **(3) STATE A REASONABLE TIME FOR THE PERFORMANCE OF AN**
4 **ACT IT REQUIRES;**

5 **(4) BE SERVED ON THE LANDLORD; AND**

6 **(5) CONTAIN:**

7 **(I) AN OUTLINE OF REMEDIAL ACTION TO BE TAKEN TO**
8 **EFFECT COMPLIANCE WITH THIS SUBTITLE; AND**

9 **(II) A STATEMENT ADVISING THE RECIPIENT THAT:**

10 **1. THE VIOLATION MUST BE CORRECTED WITHIN 30**
11 **DAYS AFTER THE DAY ON WHICH NOTICE IS SERVED;**

12 **2. IF THE RECIPIENT FAILS TO CORRECT THE**
13 **VIOLATION WITHIN THE 30-DAY PERIOD, A NONCOMPLIANCE CHARGE SHALL BE**
14 **IMPOSED BY THE DEPARTMENT; AND**

15 **3. FOR EACH SUCCESSIVE 30-DAY PERIOD THAT THE**
16 **RECIPIENT DOES NOT SEEK A HEARING OR CORRECT THE VIOLATION, AN**
17 **ADDITIONAL CITATION WILL BE DELIVERED ADVISING THE RECIPIENT OF AN**
18 **ADDITIONAL NONCOMPLIANCE CHARGE.**

19 **(C) THE DEPARTMENT MAY SEEK INJUNCTIVE RELIEF TO SECURE**
20 **COMPLIANCE WITH THIS SECTION.**

21 **4-4A-18.**

22 **(A) A PERSON AGGRIEVED BY A NOTICE OR ORDER ISSUED IN**
23 **CONNECTION WITH THE ENFORCEMENT OF THIS SUBTITLE MAY FILE A NOTICE**
24 **OF APPEAL WITH THE DEPARTMENT REQUESTING A HEARING.**

25 **(B) THE NOTICE OF APPEAL SHALL INCLUDE A BRIEF STATEMENT OF**
26 **THE BASIS FOR THE APPEAL.**

27 **(C) THE NOTICE OF APPEAL SHALL BE SIGNED AND IN WRITING.**

1 **(D) ON RECEIPT OF A NOTICE OF APPEAL, THE DEPARTMENT SHALL**
2 **SET A TIME AND PLACE FOR THE HEARING AND NOTIFY THE APPLICANT.**

3 **(E) (1) AFTER THE HEARING, THE DEPARTMENT MAY AFFIRM,**
4 **AMEND, MODIFY, OR WITHDRAW THE NOTICE OR ORDER.**

5 **(2) THE DECISION OF THE DEPARTMENT SHALL CONSTITUTE AN**
6 **ORDER.**

7 **(3) THE DEPARTMENT MAY ASSESS A CIVIL PENALTY AGAINST A**
8 **PERSON WHO FAILS, REFUSES, OR NEGLECTS TO COMPLY WITH THE ORDER.**

9 **4-4A-19.**

10 **AN AGREEMENT, WHETHER ORAL, WRITTEN, OR IMPLIED, BETWEEN A**
11 **LANDLORD AND A TENANT THAT PURPORTS TO WAIVE OR MODIFY A PROVISION**
12 **OF THIS SUBTITLE IS CONTRARY TO PUBLIC POLICY AND IS VOID.**

13 **4-4A-20.**

14 **THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
15 **SUBTITLE.**

16 **4-504.**

17 (a) In this section, "Fund" means the Rental Housing Programs Fund.

18 (b) There is a Rental Housing Programs Fund.

19 (c) (1) The Department shall use the Fund to:

20 (i) operate, make loans, and pay expenses of the Maryland
21 Housing Rehabilitation Program, including reserves for anticipated future losses
22 directly related to the Maryland Housing Rehabilitation Program, as provided in the
23 State budget; [and]

24 (ii) operate, make loans, and pay expenses of the Rental
25 Housing Production Program; **AND**

26 **(III) OPERATE, MAKE LOANS, AND PAY EXPENSES OF THE**
27 **RENT STABILIZATION PROGRAM FOR SENIORS.**

28 (2) The Administration shall use the Fund to operate, make loans, and
29 pay expenses of the Elderly Rental Housing Program.

1 (3) (i) The Administration may use the Fund to make deferred
2 payment loans to approved applicants to enable the applicants to acquire, construct, or
3 rehabilitate elderly rental housing projects or to convert existing rental housing to
4 elderly rental housing projects.

5 (ii) Deferred payment loans may be subordinate to other
6 financing.

7 (d) The Administration shall administer the Fund.

8 (e) (1) The Fund consists of:

9 (i) money appropriated by the State for rental housing
10 programs, including the Elderly Rental Housing Program under § 4-402 of this title,
11 the Multifamily Rehabilitation Program under § 4-906(b) of this title, the Nonprofit
12 Rehabilitation Program under § 4-929 of this title, and the Rental Housing Production
13 Program under § 4-1502 of this title;

14 (ii) repayments and prepayments of loans made under the
15 programs set forth in item (i) of this paragraph;

16 (iii) money appropriated under § 4-501(c) of this subtitle;

17 (iv) money transferred to the Fund in accordance with
18 §§ 4-502(e), 4-503(d), and 4-505(h) of this subtitle and §§ 3-203(i) and 6-310(g) of this
19 article; and

20 (v) investment earnings of the Fund.

21 (2) The State, under § 4-501(c) of this subtitle, may appropriate to the
22 Fund money received as repayment of principal or payment of interest on a loan made
23 by the Maryland Housing Rehabilitation Program.

24 (f) (1) When the Department issues a binding commitment to make a
25 loan, the Department shall withdraw from the Fund an amount equal to the
26 commitment.

27 (2) Subject to § 7-209 of the State Finance and Procurement Article
28 and except as otherwise provided in the State budget, after the first 8 months of a
29 fiscal year the Department may transfer unencumbered money in the Fund to any
30 other fund established under this title.

31 **Article – Tax – Property**

32 **9-219.1.**

1 **(A) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE**
2 **GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION MAY**
3 **GRANT, BY LAW, A PROPERTY TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL**
4 **CORPORATION PROPERTY TAX IMPOSED ON RENTAL DWELLINGS OF**
5 **LANDLORDS THAT ARE SUBJECT TO THE PROVISIONS OF TITLE 4, SUBTITLE 4A**
6 **OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE FOR A TENANT**
7 **WHO IS AT LEAST 62 YEARS OLD.**

8 **(B) THE COUNTY OR MUNICIPAL CORPORATION MAY PROVIDE, BY LAW,**
9 **FOR:**

10 **(1) THE SPECIFIC REQUIREMENTS FOR ELIGIBILITY FOR A TAX**
11 **CREDIT AUTHORIZED UNDER THIS SECTION;**

12 **(2) ADDITIONAL LIMITATIONS ON ELIGIBILITY FOR THE CREDIT;**

13 **(3) THE AMOUNT AND DURATION OF THE CREDIT; AND**

14 **(4) ANY OTHER PROVISION APPROPRIATE TO IMPLEMENT THE**
15 **CREDIT.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2012.