

Bill No. 25-20
Concerning: Rental Assistance -
Amendments
Revised: 7/16/2020 Draft No. 3
Introduced: June 16, 2020
Enacted: July 29, 2020
Executive: August 7, 2020
Effective: November 6, 2020
Sunset Date: None
Ch. 23, Laws of Mont. Co. 2020

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the Request of the County Executive

AN ACT to:

- (1) change the age of eligibility for the Rental Assistance Program;
- (2) clarify the definition of a person with a documented disability;
- (3) remove the prohibition of eligibility of County residents without immigration documentation;
- (4) provide that the benefit amount for the Program is established in regulations; and
- (5) generally amend County law regarding the Rental Assistance Program.

By amending

Montgomery County Code
Chapter 41A, Rental Assistance
Sections 41A-2, 41A-3, and 41A-5

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 41A-2, 41A-3, and 41A-5 are amended as follows:**

2 **41A-2. Definitions.**

3 In this Article, the following words have the meanings indicated:

4 (a) *Applicant* means a person, commonly the head-of-household, who
 5 applies for rental assistance on behalf of a household.

6 * * *

7 (e) [*Disabled person* means any individual who:

8 (1) receives disability benefits under the Social Security Act or the
 9 Railroad Retirement Act, or from a federal, state, or local
 10 government disability retirement system; or

11 (2) has a physical, mental, or emotional impairment that substantially
 12 limits one or more major life activities of the individual as the
 13 Department determines after the individual submits a statement of
 14 condition of disability from the individual’s physician.

15 (f)] *Eligible Household* means a household that [:

16 (1)] meets the standards of eligibility adopted in regulations, and
 17 includes one or more of the following:

18 (1) a person with a documented disability and any others who live with
 19 the person under the same rental agreement;

20 (2) a person 55 years of age or older, and any others who live with the
 21 person under the same rental agreement; or

22 (3) a person who is a participant designated by the Director as eligible
 23 for participation.

24 [(2) resides in an eligible rental unit.]

25 (f) [(g)] *Eligible rental unit* means a rental unit in the County:

26 (1) that conforms to the standards adopted in regulations;

27 (2) for which the household has a rental agreement; and

28 (3) that maintains all licenses and permits as required by Chapter 29.

29 (g) [(h)] (1) *Gross income* means the total household income from all sources,
30 whether or not reported on a federal or state income tax return.

31 (2) *Gross income* does not include losses from business, rental, or
32 capital transactions and certain third-party, educational, and
33 restitution payments specified in regulations.

34 [(i)] *Household* means:

35 (1) two or more persons, whether or not related, who live together in
36 an eligible rental unit;

37 (2) a disabled person; or

38 (3) a person 62 years of age or older.

39 All persons living in an eligible rental unit must be treated as one
40 household for the purposes of determining eligibility.]

41 (h) *Person with a documented disability* means a person who:

42 (1) receives disability benefits under the Social Security Act or the
43 Railroad Retirement Act, or from a federal, state, or local
44 government disability retirement system; or

45 (2) has a physical, mental, or emotional impairment that substantially
46 limits one or more major life activities of the individual as the
47 Department determines after the individual submits a statement of
48 condition of disability from the individual's physician.

49 [(i)] [(j)] *Recipient* means a person who is receiving benefits on behalf of a
50 household under this Article. A recipient includes a person who reapplies
51 for benefits before the end of that person's eligibility period. Each
52 recipient must be at least 18 years old, a resident of the County, reside at
53 the application rental unit, and be a member of the household.

- 54 (j) [(k)] *Rental unit* means a unit occupied by not more than one household,
 55 which includes:
- 56 (1) a detached or attached single family home or townhouse;
 - 57 (2) an apartment in a multi-family facility;
 - 58 (3) a condominium or cooperative unit in a multi-family [multifamily]
 59 facility;
 - 60 (4) a rental mobile home in a licensed mobile home park, or a rented
 61 mobile home pad on which the applicant has placed a mobile home
 62 in a licensed mobile home park; or
 - 63 (5) a room or group of rooms in an attached or detached single family
 64 home or townhouse, apartment, condominium or cooperative.

65 **41A-3. Eligibility for Rental Assistance Program benefits.**

66 (a) A household is eligible to receive Rental Assistance Program benefits if
 67 the household meets the standards established in regulations. The
 68 standards of eligibility must consider, but are not limited to, the following
 69 elements:

70 * * *

71 [(c) A household is not eligible for benefits under this Article if the applicant
 72 is an undocumented resident. An undocumented resident applicant may
 73 receive benefits if a child for whom the applicant receives Temporary
 74 Cash Assistance benefits resides in the household.]

75 **41A-5. Rental assistance benefits.**

76 * * *

77 (a) [[Benefits under this Article must be paid in accordance with regulation.]]
 78 [The regulation must specify the amount of the benefit, considering the
 79 actual monthly rent paid by a tenant for a rental unit. The regulation may
 80 also consider a maximum allowable rent cost, based on household size


81 and other variables. Maximum benefit amounts may be established for
 82 classes of eligible households based on age, household size, and other
 83 variables specified by regulation.

84 (1) The percentages must vary based upon the number of individuals
 85 in the household.

86 (2) The office of landlord-tenant affairs must at least annually
 87 determine the average rental costs for rental units of different sizes
 88 in Montgomery County.] [[By Method 3 regulation, the
 89 Department must annually set and disseminate a schedule of the
 90 benefit amount.]] Benefits under this Article must be paid in
 91 accordance with criteria set by Method 2 regulation. However, the
 92 specific minimum and maximum benefit that may be paid to an
 93 eligible household must be determined annually by Method 3
 94 regulation.

95 * * *

Approved:



Sidney Katz, President, County Council 7/29/2020
Date

Approved:



Marc Elrich, County Executive 8/7/2020
Date

This is a correct copy of Council action.



Selena Mendy Singleton, Esq. Clerk of the Council 8/9/2020
Date