

County Council of Howard County, Maryland

2014 Legislative Session

Legislative Day No. 4

Bill No. 14 - 2014

Introduced by:

Council Member Jennifer Terrasa

Co-sponsored by:

Council Member Calvin Ball

Council Member Courtney Watson

AN ACT amending the building code to conform terms relating to persons with disabilities; amending the Equal Business Opportunity Commission to conform terms relating to persons with disabilities; amending the human rights provisions to conform terms relating to persons with disabilities; amending housing and community development programs to conform terms relating to persons with disabilities; amending the Howard County Cable Television Systems Franchise Act to conform terms relating to persons with disabilities; amending towing provisions to conform terms relating to persons with disabilities; amending recreations and parks provisions to conform terms relating to persons with disabilities; and generally relating to people with disabilities.

Introduced and read first time _____, 2014. Ordered posted and hearing scheduled.

By order _____
Sheila Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2014.

By order _____
Sheila Tolliver, Administrator

This Bill was read the third time on _____, 2014 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Sheila Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2014 at ___ a.m./p.m.

By order _____
Sheila Tolliver, Administrator

Approved by the County Executive _____, 2014

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the
2 Howard County Code is amended as follows:

3 *By amending*

4 *Title 3. Buildings.*

5 *Subtitle 1. Building Codes.*

6 *By amending*

7 *Title 4. Contracts, Purchasing and Property*

8 *Subtitle 6. Tenant Retrofit Loan and Grant Program*

9 *By amending*

10 *Title 12. Health and Social Services*

11 *Subtitle 2. Human Rights*

12 *Subtitle 4. Commission on Disability Issues*

13 *Subtitle 5. Older Howard Countians Act.*

14 *By amending*

15 *Title 13. Housing and Community Development*

16 *Subtitle 5. Equal Business Opportunity Commission*

17 *Subtitle 6. Housing Initiatives Loan Program*

18 *Subtitle 12. Lease Extension – Conversion of Rental Housing to*
19 *Condominium Regime*

20 *Subtitle 13. Howard County Housing Commission Articles of*
21 *Organization*

22 *By amending*

23 *Title 14. Licenses, Permits and Inspections*

24 *Subtitle 4. Howard County Cable Television Systems Franchise Act*

25 *By amending*

26 *Title 17. Public Protection Services*

27 *Subtitle 6. Towing from Private Property*

28 *By amending*

29 *Title 19. Recreation and Parks*

30 *Subtitle 5. Public Recreation on Private Lands*

31

1 **Title 3. Buildings**

2 **Subtitle 1. Building Code**

3 **Sec. 3.101. Amendments to the International Building Code, 2012 Edition.**

4 (b) *Local Amendments.* The following amendments modify certain provisions of the
5 adopted Code.

6 (12) *Subsection 101.4.8 Accessibility.*

7 Add new subsection 101.4.8 after subsection 101.4.7 as follows:

8 101.4.8 Accessibility. The provisions of the Maryland Accessibility Code shall
9 apply to all matters affecting [[handicapped]] accessibility and use of buildings
10 and sites FOR PERSONS WITH DISABILITIES.

11 **Title 4. Contracts, Purchasing and Property**

12 **Subtitle 6. Equal Business Opportunity Commission**

13 **Sec. 4.601. Commission; membership; duties.**

14
15 (j) *Duties and Responsibilities.* The purpose of the Equal Business Opportunity
16 Commission is to assist the efforts of the County in procuring goods and services
17 from [[minority business enterprises, woman business enterprises and disabled
18 business enterprises]] BUSINESSES OWNED BY MINORITIES, WOMEN AND PERSONS WITH
19 DISABILITIES pursuant to the County's Equal Business Opportunity Program and to
20 monitor the activities of the economic development authority to determine its efforts
21 to include equal business opportunity concerns in its activities and programs.
22

23 (1) *Studies and surveys of equal business opportunity.* The Commission shall
24 conduct surveys and studies in the following areas as they relate to equal
25 business opportunity. These surveys and studies may be initiated by the
26 Commission or by resolution of the County Council or as directed by the County
27 Executive.

28 (i) County policies and procedures in procurement and contracting;

1 (ii) The general conditions and problems encountered by business owners who
2 are minority individuals, women, and individuals with disabilities;

3 (iii) Opportunities for [[minority business enterprises, women business
4 enterprises and disabled business enterprises]] BUSINESSES OWNED BY
5 MINORITIES, WOMEN AND PERSONS WITH DISABILITIES to contribute to the
6 economic and employment development of the County; and

7 (iv) Evidence of discrimination with respect to [[minority business enterprises,
8 woman business enterprises and disabled business enterprises]] BUSINESSES
9 OWNED BY MINORITIES, WOMEN AND PERSONS WITH DISABILITIES.

10 (2) *Recommendations for changes.* On the basis of evidence, surveys and studies
11 made pursuant to this section, the Commission shall recommend to the County
12 Executive, the County Purchasing Agent, the County Council and the economic
13 development authority changes in existing laws, policies, programs and
14 practices designed to ensure equal business opportunity for [[minority business
15 enterprises, woman business enterprises, and disabled business enterprises]]
16 BUSINESSES OWNED BY MINORITIES, WOMEN AND PERSONS WITH DISABILITIES.

17 (3) *Certification; decertification:*

18 (i) The Commission shall, on behalf of the County, certify as to the
19 authenticity of [[minority business enterprises, woman business enterprises
20 and disabled business enterprises]] BUSINESSES OWNED BY MINORITIES,
21 WOMEN AND PERSONS WITH DISABILITIES pursuant to section 4.602 of this
22 subtitle.

23 (ii) The Commission may hear and decide appeals regarding the decertification
24 of [[minority business enterprises, woman business enterprises and disabled
25 business enterprises]] BUSINESSES OWNED BY MINORITIES, WOMEN AND
26 PERSONS WITH DISABILITIES pursuant to section 4.603 of this subtitle.

27

28

1 **Sec. 4.602. Certification.**

2 The County's Equal Business Opportunity Program will require that, in order to take
3 advantage of the program, A business be certified as authentic [[minority business
4 enterprises, woman business enterprises and disabled business enterprises]] A BUSINESS
5 OWNED BY MINORITIES, WOMEN AND PERSONS WITH DISABILITIES.

6 (a) *Criteria and Procedures.* The Equal Business Opportunity Commission shall make
7 recommendations to the County Purchasing Agent on:

8 (1) Criteria for certification;

9 (2) Procedures for certification.

10 (b) *Notification.* The Equal Business Opportunity Commission shall publish the criteria
11 and procedures for certification and make them available to the public.

12 (c) *Reciprocal Certification.* The Equal Business Opportunity Commission may issue
13 reciprocal certification to businesses which are certified in another jurisdiction that
14 administers a substantially equivalent Equal Business Opportunity Program.

15 (d) *Investigation by Equal Business Opportunity Officer.* The Equal Business
16 Opportunity Officer shall investigate all applications for certification to determine
17 whether the business meets the criteria established by the Equal Business
18 Opportunity Program. The Equal Business Opportunity Officer shall also investigate
19 written information brought to his/her attention regarding the Applicant's authenticity
20 as a [[minority business enterprise, woman business enterprise or disabled business
21 enterprise]] BUSINESS OWNED BY MINORITIES, WOMEN OR PERSONS WITH DISABILITIES.

22 (e) *Decision Final.* A decision by the Equal Business Opportunity Commission whether
23 or not to certify a business is final.

24

25

26

1 **Sec. 4.603. Decertification.**

2 (c) *Investigation of Complaints.* The Equal Business Opportunity Officer shall
3 investigate sworn, written allegations that a certified business has:

- 4 (1) Practiced fraud or deceit for the purpose of obtaining certification;
- 5 (2) Furnished incomplete or substantially inaccurate ownership or financial
6 information to the County;
- 7 (3) Failed to report a change which affects its qualification for certification; or
- 8 (4) Fraudulently subcontracted work to a business which is not a [[minority
9 business enterprise, woman business enterprise or disabled business enterprise]]
10 BUSINESS OWNED BY MINORITIES, WOMEN OR PERSONS WITH DISABILITIES; or
- 11 (5) Willfully violated the purchasing code.

12

13

Title 12. Health and Social Services

14

Subtitle 2. Human Rights

15 **Sec. 12.200. Public policy.**

16 I. *Equal Opportunity in Howard County.* The Howard County Government shall foster
17 and encourage the growth and development of Howard County so that all persons
18 shall have an equal opportunity to pursue their lives free of discrimination.

19 II. *Discriminatory Practices Contrary to Public Policy.* Discrimination practices based
20 upon:

21 Race,

22 Creed,

23 Religion,

24 [[Handicap,]] DISABILITY,

25 Color,

- 1 Sex,
- 2 National origin,
- 3 Age,
- 4 Occupation,
- 5 Marital status,
- 6 Political opinion,
- 7 Sexual orientation,
- 8 Personal appearance,
- 9 Familial status,
- 10 Source of income, or
- 11 Gender identity or expression

12 are contrary to the public policy of Howard County.

13 X. *[[Handicap]]* DISABILITY means with respect to an individual:

- 14 (a) A physical or mental impairment which substantially limits one or more of the
- 15 individual's major life activities; or
- 16 (b) A record of having such an impairment; or
- 17 (c) Being regarded as having such an impairment.

18 But the term *[[handicap]]* "DISABILITY" does not include current illegal use of or
19 addiction to a controlled dangerous substance as defined in section 102 of the Controlled
20 Substance Act (21 U.S.C. 802).

21
22
23

1 **Sec. 12.207. Unlawful housing practices.**

2 I. *Definitions.* Words and phrases used in this section have their usual meanings except
3 as defined below:

4 (a) *Discrimination/discriminatory* means acting or failing to act, or unduly delaying
5 any action regarding any person(s) because of:

6 Race,

7 Creed,

8 Religion,

9 [[Handicap,]] DISABILITY,

10 Color,

11 Sex,

12 National origin,

13 Age,

14 Occupation,

15 Marital status,

16 Political opinion,

17 Sexual orientation,

18 Personal appearance,

19 Familial status,

20 Source of income, or

21 Gender identity or expression

22 in such a way that such person(s) are adversely affected in the area of housing.

1 II. *Unlawful Acts.*

2 (c) *Availability of residential real estate transactions, access to multiple listing*
3 *services and real estate brokers' organizations, etc.:*

4 (1) It shall be unlawful for any person or other entity whose business includes
5 engaging in residential real estate related transactions to discriminate
6 against any person in making available a transaction, or in the terms or
7 conditions of a transaction.

8 (2) Nothing in paragraph (1) above prohibits a person engaged in the business
9 of furnishing appraisals of real property to take into consideration factors
10 other than race, creed, religion, [[handicap,]] DISABILITY, color, sex,
11 national origin, age, occupation, marital status, political opinion, sexual
12 orientation, personal appearance, familial status or source of income.

13 (d) *Property values, changes in nature of neighborhood.* It shall be unlawful if
14 because of discrimination, any person, firm or association, whether or not acting
15 for monetary gain, represents that the existing or potential proximity of real
16 property owned, used or occupied by persons of any particular race, creed,
17 religion, [[handicap,]] DISABILITY, color, sex; national origin, age, occupation,
18 marital status, political opinion, sexual orientation, personal appearance, familial
19 status or source of income will or may result in:

20 (1) The lowering of property values; or

21 (2) A change in the racial, religious or ethnic character of the block,
22 neighborhood or area in which the property is located; or

23 (3) A decline in quality of the schools and institutions serving the area.

24
25 (f) *Modifications for [[handicapped individuals]] PERSONS WITH DISABILITIES.* It
26 shall be unlawful:

27 (1) To refuse to permit, at the expense of [[the handicapped individual]]
28 PERSONS WITH DISABILITIES, reasonable modifications of existing premises

1 occupied or to be occupied by [[the handicapped individual]] PERSONS WITH
2 DISABILITIES if:

3 (i) The modifications may be necessary to afford the [[handicapped
4 individual]] PERSONS WITH DISABILITIES full enjoyment of the dwelling;
5 and

6 (ii) For a rental dwelling, the tenant agrees that, upon vacating the
7 dwelling, he or she will restore the interior of the dwelling to the
8 condition that existed before the modification, reasonable wear and tear
9 excepted.

10 (2) To refuse to make reasonable accommodations in rules, policies, practices,
11 or services when the accommodations may be necessary to afford [[a
12 handicapped individual]] PERSONS WITH DISABILITIES equal opportunity to
13 use and enjoy a dwelling.

14 **Sec. 12.208. Unlawful employment practices.**

15 I. *Definitions.* Words and phrases used in this section have their usual meanings except
16 as defined below:

17 (a) *Discrimination/discriminatory* means acting or failing to act, or unduly delaying
18 any action regarding any person because of:

19 Race,

20 Creed,

21 Religion,

22 [[Handicap,]] DISABILITY,

23 Color,

24 Sex,

25 National origin,

1 Age,
2 Occupation,
3 Marital status,
4 Political opinion,
5 Sexual orientation,
6 Personal appearance,
7 Familial status, or
8 Gender identity or expression

9 in such a way that such person(s) are adversely affected in the area of
10 employment. Discrimination does not include providing services or
11 accommodations to employees that are distinctly personal or private in nature.

12 (d) *Preferential treatment:*

13 (1) No employer, employment agency, labor organization or joint labor
14 management committee may be required to grant preferential treatment to
15 any person(s) because of any unbalance, compared to the general public, in
16 the percentage or total number of people with the following characteristics
17 employed, referred for employment, classified, admitted for membership or
18 admitted to apprenticeship or training programs:

- 19 Race,
- 20 Creed,
- 21 Religion,
- 22 [[Handicap,]] DISABILITY,
- 23 Color,
- 24 Sex,

1 National origin,
2 Age,
3 Occupation,
4 Marital status,
5 Political opinion,
6 Sexual orientation,
7 Personal appearance,
8 Familial status, or
9 Gender identity or expression.

10 **Sec. 12.209. Unlawful law enforcement practices.**

11 I. *Definitions.* Words and phrases used in this section shall have their usual meanings
12 except as defined below:

13 (a) *Discrimination/discriminatory* means acting or failing to act, or unduly delaying
14 any action regarding any person(s) because of:

15 Race,

16 Creed,

17 Religion,

18 [[Handicap,]] DISABILITY,

19 Color,

20 Sex,

21 National origin,

22 Age,

1 Occupation,
2 Marital status,
3 Political opinion,
4 Sexual orientation,
5 Personal appearance,
6 Familial status, or
7 Gender identity or expression
8 in such a way that the person(s) are adversely affected in the area of law
9 enforcement.

10 **Sec. 12.210. Unlawful public accommodations practices.**

11 I. *Definitions.* Words and phrases used in this section shall have their usual meanings,
12 except as defined below:

13 (a) *Discrimination/discriminatory* means acting, or failing to act or unduly delaying
14 any action regarding any person(s) because of:

15 Race,

16 Creed,

17 Religion,

18 [[Handicap,]] DISABILITY

19 Color,

20 Sex,

21 National origin,

22 Age,

1 Occupation,
2 Marital status,
3 Political opinion,
4 Sexual orientation,
5 Personal appearance,
6 Familial status, or
7 Gender identity or expression
8 in such a way that the person(s) are adversely affected in the area of public
9 accommodations.

10 **Sec. 12.211. Unlawful financing practices.**

11 I. *Definitions.* Words and phrases used in this section shall have their usual meanings
12 except as defined below:

13 (a) *Discrimination/discriminatory* means acting or failing to act or unduly delaying
14 any action regarding any persons because of:

15 Race,

16 Creed,

17 Religion,

18 [[Handicap,]] DISABILITY,

19 Color,

20 Sex,

21 National origin,

22 Age,

1 Occupation,
2 Marital status,
3 Political opinion,
4 Sexual orientation,
5 Personal appearance,
6 Familial status, or
7 Gender identity or expression
8 in such a way that such person or persons are adversely affected in the area of
9 financing.

10 **Sec. 12.400. Definitions.**

11 Words and phrases used in this subtitle shall have their usual meanings, except as
12 specifically defined in this section.

13 (a) *[[Individual with a disabling condition]] PERSON WITH A DISABILITY* means an
14 individual who has a physical or mental impairment that substantially limits one or
15 more major life activities, has a record of such an impairment, or is regarded as
16 having such an impairment.

17 **Sec. 12.401. Commission on disability issues.**

18 (a) *General Provisions.* General provisions regarding the following are set forth in
19 subtitle 3, "Boards and Commissions," of title 6, "County Executive and the
20 Executive Branch," of the Howard County Code.

21 (b) *Membership.* There is a Commission on Disability Issues consisting of 15 members.

22 (c) *Qualifications:*

23 (1) At least 13 of the 15 members shall be residents of Howard County.

24 (2) All members shall:

- 1 (i) Have evinced a broad based interest in, and/or experience with, issues
2 involving [[individuals with disabling conditions]] PERSONS WITH
3 DISABILITIES; and
- 4 (ii) Be willing and able to commit time and effort to actively pursue the
5 responsibilities of a working Commission.
- 6 (3) At least eight of the members of the Commission shall be [[individuals with
7 disabling conditions]]PERSONS WITH DISABILITIES.
- 8 (4) Two members of the Commission shall be a board or staff member of an agency
9 providing services to [[individuals with disabling conditions]]PERSONS WITH
10 DISABILITIES.
- 11 (5) Two members of the Commission shall be a relative of [[an individual with a
12 disabling condition]] PERSONS WITH A DISABILITIES.
- 13 (d) *Meetings.* The Commission shall meet regularly at the call of the Chairperson or at
14 the call of a majority of its members. The Committee shall meet as frequently as
15 necessary to perform its duties, but at least six times a year.
- 16 (e) *Staff.* The County Executive shall designate a disabilities issues coordinator who
17 shall serve as Executive Secretary to the Commission and shall also serve as the 504
18 compliance monitor for the County.
- 19 (f) *Rules and Regulations.* The Commission has the option of establishing committees
20 for the proper and efficient performance of its duties. Committees may include
21 nonmembers of the Commission.
- 22 (g) *Records.* The records of the Commission's activities and the minutes of its meetings
23 shall be kept on file and open to the public.
- 24 (h) *Duties and Responsibilities:*
- 25 (1) *Public awareness.* The Commission on Disability Issues shall:
- 26 (i) Listen to the concerns of [[individuals with disabling conditions]] PERSONS
27 WITH DISABILITIES, their families, friends, service providers and interested

1 citizens by holding public forums or hearings, and/or conducting surveys
2 and studies.

3 (ii) Develop activities which will increase public awareness of the concerns and
4 contributions in our community of [[individuals with disabling
5 conditions]]PERSONS WITH DISABILITIES.

6 (iii) Promote equal rights and opportunities for all [[individuals with disabling
7 conditions]]PERSONS WITH DISABILITIES, including identifying barriers to
8 these rights and recommending necessary policies and actions to remove
9 those barriers.

10 (2) *Advise on governmental programs, policies and budget.* The Commission on
11 Disability Issues shall:

12 (i) Review overall services and activities of governmental agencies providing
13 services to [[individuals with disabling conditions]]PERSONS WITH
14 DISABILITIES, including collecting data and reviewing reports and
15 publications.

16 (ii) Advise the County Executive and County Council on the needs,
17 inequalities, unmet needs, and gaps in such areas as housing, transportation,
18 recreation, employment, education, community services, treatment,
19 rehabilitation and related matters, which may preclude the full integration of
20 persons with [[disabling conditions]]DISABILITIES into the community.

21 (iii) Make recommendations to the County Executive and County Council
22 regarding the impact of County Government policies, programs, services
23 and facilities on [[individuals with disabling conditions]]PERSONS WITH
24 DISABILITIES.

25 (iv) Make recommendations during the budget development process regarding
26 the funding of programs for persons with disabilities; review the County
27 Executive's budget recommendations for such programs and make
28 recommendations prior to the budget's submission to the County Council.

1 (v) Identify and recommend to the County Executive and the County Council
2 appropriate sources of State and Federal financial assistance for purposes of
3 comprehensively assisting [[individuals with disabilities]]PERSONS WITH
4 DISABILITIES.

5 (vi) Submit an annual report to the County Council and the County Executive
6 which sets forth the status of citizens with disabilities and makes
7 recommendations for the most effective delivery of services and programs,
8 annual priorities for delivery of services to individuals and funding
9 proposals as may be appropriate.

10 (vii) Advise the County Executive on other matters related to [[individuals with
11 disabling conditions]]PERSONS WITH DISABILITIES.

12 (3) *Compliance.* The Commission on Disability Issues shall assist the County
13 Government in ensuring compliance with the requirements of Section 504 of the
14 rehabilitation act of 1973 and the Americans with Disabilities Act of 1990.

15
16 **Subtitle 5. Older Howard Countians Act**

17 **Sec. 12.500. Office on aging.**

18 (3) Subject to existing law, review and coordinate all local programs and services,
19 both public and private, insofar as they relate and are important to the well-being
20 of the County's aged, including, but not limited to, programs and services in the
21 areas of income, maintenance, public health, mental health, housing and urban
22 development, employment, education, recreation and rehabilitation of [[the
23 physically and mentally handicapped]] PERSONS WITH DISABILITIES.

1 **Title 13. Housing and Community Development**

2 **Subtitle 5. Tenant Retrofit Loan and Grant Program.**

3
4 **Sec. 13.602. Purpose.**

5 The purpose of the program is to provide loans to group home sponsors to finance the
6 costs of acquiring, constructing, and modifying buildings which will provide group
7 homes for low-income elderly, [[handicapped, and disabled individuals]] AND PERSONS
8 WITH DISABILITIES, and other citizens of the County with special housing needs.

9 **Subtitle 12. Lease Extensions – Conversion of Rental Housing to**
10 **Condominium Regime**

11 **Sec. 13.1201. Definitions.**

12 (d) *[[Handicapped person]] PERSON WITH A DISABILITY* means a person with *[[a*
13 *measurable limitation of mobility due to congenital defect, disease or trauma.]]*:

14 (1) A PHYSICAL OR MENTAL IMPAIRMENT WHICH SUBSTANTIALLY LIMITS ONE
15 OR MORE OF THE INDIVIDUAL'S MAJOR LIFE ACTIVITIES;

16 (2) A RECORD OF HAVING SUCH AN IMPAIRMENT; OR

17 (3) BEING REGARDED AS HAVING SUCH AN IMPAIRMENT.
18

19 **Sec. 13.1202. Lease extensions.**

20 (b) *Six-Year Lease Extensions.* The owner shall offer an extended lease of six years to a
21 household which:

22 (1) Has a total income which does not exceed 80 percent of the median income for
23 Howard County; and

24 (2) Has included a senior citizen or *[[a handicapped person]] PERSON WITH A*
25 *DISABILITY*, as defined in section 11-137 of the Real Property Article of the

1 Annotated Code of Maryland, as a member for at least 12 months preceding the
2 180 days' notice of intention to convert.

3 (c) *Three-Year Lease Extensions.* The owner shall offer an extended lease of three years
4 to any household which:

5 (1) Has a total annual income which does not exceed 80 percent of the median
6 annual income for Howard County; or

7 (2) Includes a senior citizen or [[a handicapped person]] PERSON WITH A DISABILITY
8 as a household member for at least 12 months preceding the notice of intent to
9 convert.

10 (d) *Nonapplicability.* This section does not apply to any household whose lease term
11 expires during the 180-day period after notice of intent to convert and which has
12 given notice of intent not to renew the lease prior to the giving of notice of intent to
13 convert.

14 (e) *Priority.* If more than 20 percent of the units are occupied by households eligible for
15 lease extension, priority for lease extension shall be as follows:

16 (1) The owner shall first give priority to households eligible for six-year lease
17 extensions. If more than 20 percent of the units are occupied by households
18 eligible for six-year lease extensions, the owner shall assign priority on the basis
19 of length of residence in the facility, with priority going to households with
20 longest residence in the facility.

21 (2) The owner shall give next priority to households whose total annual income
22 does not exceed 80 percent of the median annual income for Howard County
23 and which have included a senior citizen or a [[handicapped]] person WITH A
24 DISABILITY as a household member for less than 12 months preceding the notice
25 of intent to convert.

26 (3) The owner shall give next priority to households whose total income does not
27 exceed 80 percent of the median annual income for Howard County.

28 (4) The owner shall give next priority to households which include a senior citizen
29 or [[a handicapped person]] PERSON WITH A DISABILITY as a household member.

1 (f) *Offering of Lease Extension:*

2 (1) Lease extension; owner's notice to tenants: Simultaneously with giving the
3 notice of intent to convert and in addition to the requirements of State law, the
4 owner shall send to all tenants, except those excluded by subsection (d) of this
5 section:

6 a. An application on which shall be included all of the information required by
7 subsection (f)(2) of this section;

8 b. A lease containing the terms required by this section and clearly indicating
9 that the lease will be effective only if:

10 (i) The tenant executes and returns the lease not later than 60 days after the
11 giving of notice of intent to convert; and

12 (ii) The household is allocated one of the units required to be made
13 available to qualified households.

14 c. The following notice:

15 *Right To Lease Extensions*
16 *for Certain Households*
17 *Under Howard County Law*

18 A developer who converts this rental facility to a condominium must offer
19 extended leases to qualified households for up to 20 percent of the units in
20 the rental facility. Certain households which receive extended leases will
21 have the right to continue renting their residences for at least six years from
22 the date of this notice. Certain other households which receive extended
23 leases will have the right to continue renting their residences for at least 3
24 years from the date of this notice. Rents under these extended leases may
25 only be increased once a year and are limited by increases in the cost-of-
26 living index.

1 To qualify for a six-year extended lease, you must be current in your rental
2 payments and otherwise in good standing under your existing lease, and
3 meet all of the following criteria:

4 (1) A member of the household must be [[a handicapped person]] PERSON
5 WITH A DISABILITY or a senior citizen who is at least 62 years of age
6 and must be living in your unit as of the date of this notice and must
7 have been a member of your household for at least 12 months
8 preceding the date of this notice; and

9 (2) Annual income for the present members of your household must not
10 have exceeded 80 percent of the median annual income for Howard
11 County.

12 To qualify for a three-year extended lease, you must be current in your
13 rental payments and otherwise in good standing under your existing lease,
14 and meet at least one of the following criteria:

15 (1) The annual income for the present members of your household must
16 not have exceeded 80 percent of the median annual income for Howard
17 County; or

18 (2) A member of the household must be [[a handicapped person]] A
19 PERSON WITH A DISABILITY or a senior citizen who is at least 62 years of
20 age and must be living in your unit as of the date of this notice.

21 If your household meets the qualifications, is current in its rental payments
22 and otherwise in good standing under its current lease and desires an
23 extended lease, then you must complete the enclosed application, have it
24 notarized, sign the lease and return them to (address of owner or developer)
25 within 60 days of the date of this notice. If your completed, notarized form
26 and signed lease are not received within that time, you will not be entitled to
27 an extended lease.

28 If the number of qualified households requesting extended leases exceeds
29 20 percent of the units in this facility, priority shall be given as follows:

1 (1) First priority shall go to households qualified for six-year lease
2 extensions.

3 (2) Next priority shall go to households whose annual income is less than
4 80 percent of the median annual income for Howard County.

5 (3) Last priority shall go to households which include a senior citizen or [[a
6 handicapped person]] A PERSON WITH A DISABILITY.

7 Due to the 20 percent limitation, your application for an extended lease
8 must be processed prior to your lease becoming final. Your lease will
9 become final if it is determined that your household is qualified and falls
10 within the limitations.

11 If you return the enclosed form and lease by _____ (60th day from
12 the date of this notice) you will be notified within 75 days of the date of this
13 notice, or in other words, by _____ (75th day from the date of this
14 notice) whether you are qualified and whether your household falls within
15 the limitations.

16 If you receive an extended lease, you may cancel it by giving three months'
17 written notice if more than a year remains on the lease, or by giving one
18 month's written notice if less than a year remains on the lease. The
19 developer may cancel the extended lease, giving you 60 days' written
20 notice, if the senior citizen or [[handicapped person]] PERSON WITH A
21 DISABILITY no longer resides in the household or the household no longer
22 meets the income qualifications.

23 You may apply for an extended lease and, at the same time, choose to
24 purchase your unit. If you apply for and receive an extended lease, your
25 purchase contract will be void. If you do not receive an extended lease, your
26 purchase contract will be effective and you will be obligated to buy your
27 unit.

1 (2) *Application for lease extension by tenants to owner.* Within 60 days of the
2 owner's giving notice of intent to convert and of the sending of the notice of
3 right to a lease extension, application for lease extension and a copy of the lease,
4 any household desiring a lease extension pursuant to this subtitle shall complete
5 the application supplied by the landlord providing the owner with the following:

6 a. The completed notarized application:

7 (i) Stating that the household is applying for an extended lease under this
8 subtitle; and

9 (ii) Setting forth the household's annual income for the calendar year
10 preceding the giving of notice of intent to convert, together with
11 reasonable supporting documentation; and

12 (iii) Setting forth facts showing that a member of the household is a senior
13 citizen or [[a handicapped person]] A PERSON WITH A DISABILITY and
14 setting forth facts indicating the length of time that the senior citizen or
15 [[handicapped person]] A PERSON WITH A DISABILITY has been a
16 member of the household (if the qualification for lease extension is
17 based in whole or in part upon the inclusion of a senior citizen or
18 [[handicapped]] A person WITH A DISABILITY in the household).

19 b. A signed extended lease.

20 (3) *Notification to households who have applied for lease extension.* Within 75 days
21 after giving of notice of intent to convert, the owner shall notify each household
22 which submits the documents required by subsection (f)(2) above with the
23 following:

24 a. Whether the household meets the criteria for lease extension and, if not, an
25 explanation of which criteria have not been met.

26 b. Whether a lease extension has become effective.

27 (4) *Notification to Howard County Office of Consumer Affairs.* Within 75 days after
28 giving of notice of intent to convert, the owner shall provide the Howard County
29 Office of Consumer Affairs with the following:

- 1 a. A notice indicating the number of units in the rental facility being made
2 available to qualified households pursuant to subsections (b) and (c) of this
3 section; and
- 4 b. A list of all households meeting the criteria of subsections (b) and (c)
5 indicating the priority of each in relation to the total number of units being
6 made available; and
- 7 c. A list of households submitting notarized applications who do not meet the
8 criteria for lease extensions; and
- 9 d. A list of all households as to whom an extended lease has become effective,
10 specifying the criteria under which each household qualified.

11 (g) *Terms of Lease and Rent:*

- 12 (1) The six-year extended lease shall commence on acceptance of the lease and shall
13 terminate not less than six years from the giving of notice of intent to convert.
- 14 (2) The three-year extended lease shall provide for a term commencing on
15 acceptance of the lease and terminating not less than three years from the giving
16 of notice of intent to convert.
- 17 (3) The rental fee for the unit may be increased annually on the date of
18 commencement of the lease.
- 19 (4) The annual increase in the rental fee may not exceed an amount determined by
20 multiplying the annual rent for the preceding year by the percentage increase for
21 the rent component of the U.S. Consumer Price Index for Urban Wage Earners
22 and Clerical Workers (CPI—W) (1967—100) as published by the U.S.
23 Department of Labor, for the most recent 12-month period.
- 24 (5) Except as otherwise permitted by this subtitle, the extended lease shall contain
25 the same terms and conditions as the lease in effect on the day preceding the
26 giving of notice of intent to convert.

27 (h) *Periodic Reporting of Income and Household Status.* Each April 15, households
28 granted extended leases pursuant to this subtitle shall report to the owner:

- 1 (1) Indicating the age and physical mobility status of each household member if the
2 lease extension was granted in whole or in part on the basis of age or
3 [[handicapped]]DISABILITY; and
- 4 (2) Giving documented evidence of the household's annual income if the lease
5 extension was granted in whole or in part on the basis of income.

6

7 **Subtitle 13. Howard County Housing Commission Articles of Organization**

8 **Sec. 13.1303. Definitions.**

9 (i) *Persons of eligible income* means:

- 10 (1) As to developments that are State or Federally funded, individuals or families
11 who meet the income requirements of the State or Federal program involved;
12 and
- 13 (2) As to other developments, individuals or families who lack sufficient income or
14 assets (as determined by the County Executive or the County Executive's
15 designee, which designee may include, without limitation, either the Executive
16 Director or the Commissioners) to enable them, without financial assistance, to
17 purchase or rent decent, safe, and sanitary dwellings without overcrowding.

18 The determination of income levels may vary with respect to the elderly, [[the disabled,
19 other persons with special needs,]] PERSONS WITH DISABILITIES, or particular
20 developments or programs.

21 **Sec. 13.1321. Nondiscrimination.**

22 The Commission shall not discriminate on the basis of race, color, creed, religion,
23 national origin, sex, [[marital]]MARITAL status, [[physical or mental
24 handicap]]DISABILITY, occupation, political opinion, sexual orientation, personal
25 appearance or age (except with respect to a project intended in whole or in part for
26 elderly persons) in leasing or otherwise providing dwelling accommodations or in any
27 other aspect of the development, administration, or operation of any housing

1 development or undertaking of the Commission, or in any aspect of employment by the
2 Commission or any sponsor, developer, or contractor involved in the construction, repair
3 or maintenance of any property or program of the Commission.

4

5

6

Title 14. Licenses, Permits and Inspections

7

Subtitle 4. Howard County Cable Television Systems Franchise Act

8

Sec. 14.413. Reports and records.

9 (a) Within three months of the close of its fiscal year, a franchisee shall file with the
10 Cable Administrator and with the County Council an annual report that includes the
11 following information:

12

13 (8) A report on the number of elderly and [[handicapped]] subscribers WITH
14 DISABILITIES receiving any rate discounts and the amount of the discounts.

15

Title 17. Public Protection Services

16

Subtitle 6. Towing From Private Property

17

Sec. 17.600. Purpose; scope; definition.

18

(b) *Scope:*

19

(1) This subtitle applies to the towing of a vehicle from private property without the
20 consent of the vehicle owner.

21

(2) This subtitle does not apply to:

22

(i) Towing initiated by the vehicle owner;

23

(ii) Towing approved or requested by a Police Officer, firefighter, or rescue
24 squad member in the course of removing impediments to traffic or during

1 the course of a criminal investigation or under State law regulating
2 abandoned vehicles;

3 (iii) Towing a vehicle during a repossession of the vehicle;

4 (iv) Towing from a marked fire lane;

5 (v) Towing from a designated [[handicapped parking space]] AS A PARKING
6 SPACE FOR PERSONS WITH DISABILITIES;

7 (vi) Towing from the yard or driveway of a single-family dwelling; or

8 (vii) Towing from land immediately adjoining an electric or telephone utility
9 building or structure that is not open to the general public.

10 **Sec. 17.606. [[Handicapped vehicle owners.]] LICENSE PLATES AND PLACARDS FOR**
11 **PERSONS WITH DISABILITIES.**

12 A vehicle with a valid [[handicapped registration plate or valid disabled person's parking
13 permit]] LICENSE PLATE OR PLACARD FOR PERSONS WITH DISABILITIES conspicuously
14 displayed shall not be towed from private property without the consent of the vehicle
15 owner unless:

16 (a) The tow is expressly authorized by a Police Officer or member of the
17 Department of Fire and Rescue Services; or

18 (b) The vehicle is blocking a clearly marked fire lane or access to another vehicle,
19 the property, or a building.

20

21 **Title 19. Recreation and Parks**

22 **Subtitle 5. Public Recreation on Private Land**

23 **Sec. 19.513. Discrimination prohibited in open space area:**

24 No person shall be denied the use of a designated open space area solely because of
25 discrimination based on race, creed, religion, [[physical or mental handicap]] DISABILITY,

1 color, sex, national origin, age, occupation, marital status, political opinion, sexual
2 orientation or personal appearance.

3

4 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County,
5 *Maryland, that this Act shall become effective 61 days after its enactment.*

6