

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

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~~ Equal Business

9 Opportunity Commission

10 By amending

11 Title 12. Health and Social Services

12 Subtitle 2. Human Rights

13 Subtitle 4. Commission on Disability Issues

14 Subtitle 5. Older Howard Countians Act.

15 By amending

16 Title 13. Housing and Community Development

17 Subtitle 5. ~~Equal Business Opportunity Commission~~ Tenant Retrofit

18 Loan and Grant Program

19 Subtitle 6. Housing Initiatives Loan Program

20 Subtitle 12. Lease Extension – Conversion of Rental Housing to

21 Condominium Regime

22 Subtitle 13. Howard County Housing Commission Articles of

23 Organization

24 By amending

25 Title 14. Licenses, Permits and Inspections

26 Subtitle 4. Howard County Cable Television Systems Franchise Act

27 By amending

28 Title 17. Public Protection Services

29 Subtitle 6. Towing from Private Property

30 By amending

31 Title 19. Recreation and Parks

1 *Subtitle 5. Public Recreation on Private Lands*

2
3 **Title 3. Buildings**

4 **Subtitle 1. Building Code**

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

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

8 (12) *Subsection 101.4.8 Accessibility.*

9 Add new subsection 101.4.8 after subsection 101.4.7 as follows:

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

13
14 **Title 4. Contracts, Purchasing and Property**

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

16
17 **Sec. 4.601. Commission; membership; duties.**

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

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

1 Commission or by resolution of the County Council or as directed by the County
2 Executive.

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

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

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

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

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

20 (3) *Certification; decertification:*

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

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

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Sec. 4.602. Certification.

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

- (a) *Criteria and Procedures.* The Equal Business Opportunity Commission shall make recommendations to the County Purchasing Agent on:
 - (1) Criteria for certification;
 - (2) Procedures for certification.
- (b) *Notification.* The Equal Business Opportunity Commission shall publish the criteria and procedures for certification and make them available to the public.
- (c) *Reciprocal Certification.* The Equal Business Opportunity Commission may issue reciprocal certification to businesses which are certified in another jurisdiction that administers a substantially equivalent Equal Business Opportunity Program.
- (d) *Investigation by Equal Business Opportunity Officer.* The Equal Business Opportunity Officer shall investigate all applications for certification to determine whether the business meets the criteria established by the Equal Business Opportunity Program. The Equal Business Opportunity Officer shall also investigate written information brought to his/her attention regarding the Applicant's authenticity as a [[minority business enterprise, woman business enterprise or disabled business enterprise]] BUSINESS OWNED BY MINORITIES, WOMEN OR PERSONS WITH DISABILITIES.
- (e) *Decision Final.* A decision by the Equal Business Opportunity Commission whether or not to certify a business is final.

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Sec. 4.603. Decertification.

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

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

Title 12. Health and Social Services
Subtitle 2. Human Rights

Sec. 12.200. Public policy.

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

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

- Race,
- Creed,
- Religion,

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

14 are contrary to the public policy of Howard County.

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

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

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

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Sec. 12.207. Unlawful housing practices.

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

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

- Race,
- Creed,
- Religion,
- [[Handicap,]] DISABILITY,
- Color,
- Sex,
- National origin,
- Age,
- Occupation,
- Marital status,
- Political opinion,
- Sexual orientation,
- Personal appearance,
- Familial status,
- Source of income, or

1 Gender identity or expression

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

3 II. *Unlawful Acts.*

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

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

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

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

22 (1) The lowering of property values; or

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

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

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

1 (1) To refuse to permit, at the expense of [[the handicapped individual]]
2 PERSONS WITH DISABILITIES, reasonable modifications of existing premises
3 occupied or to be occupied by [[the handicapped individual]] PERSONS WITH
4 DISABILITIES if:

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

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

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

16 **Sec. 12.208. Unlawful employment practices.**

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

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

21 Race,

22 Creed,

23 Religion,

24 [[Handicap,]] DISABILITY,

25 Color,

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

13 (d) *Preferential treatment:*

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

20 Race,
21 Creed,
22 Religion,
23 [[Handicap,]] DISABILITY,
24 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, or
10 Gender identity or expression.

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

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

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

16 Race,

17 Creed,

18 Religion,

19 [[Handicap,] DISABILITY,

20 Color,

21 Sex,

22 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 the person(s) are adversely affected in the area of law
10 enforcement.

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

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

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

16 Race,

17 Creed,

18 Religion,

19 [[Handicap,]] DISABILITY

20 Color,

21 Sex,

22 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 the person(s) are adversely affected in the area of public
10 accommodations.

11 **Sec. 12.211. Unlawful financing practices.**

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

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

16 Race,

17 Creed,

18 Religion,

19 [[Handicap,]] DISABILITY,

20 Color,

21 Sex,

22 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 or persons are adversely affected in the area of
10 financing.

11 **Sec. 12.400. Definitions.**

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

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

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

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

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

23 (c) *Qualifications:*

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

- 1 (2) All members shall:
- 2 (i) Have evinced a broad based interest in, and/or experience with, issues
3 involving [[individuals with disabling conditions]] PERSONS WITH
4 DISABILITIES; and
- 5 (ii) Be willing and able to commit time and effort to actively pursue the
6 responsibilities of a working Commission.
- 7 (3) At least eight of the members of the Commission shall be [[individuals with
8 disabling conditions]]PERSONS WITH DISABILITIES.
- 9 (4) Two members of the Commission shall be a board or staff member of an agency
10 providing services to [[individuals with disabling conditions]]PERSONS WITH
11 DISABILITIES.
- 12 (5) Two members of the Commission shall be a relative of [[an individual with a
13 disabling condition]] PERSONS WITH A DISABILITIES.
- 14 (d) *Meetings.* The Commission shall meet regularly at the call of the Chairperson or at
15 the call of a majority of its members. The Committee shall meet as frequently as
16 necessary to perform its duties, but at least six times a year.
- 17 (e) *Staff.* The County Executive shall designate a disabilities issues coordinator who
18 shall serve as Executive Secretary to the Commission and shall also serve as the 504
19 compliance monitor for the County.
- 20 (f) *Rules and Regulations.* The Commission has the option of establishing committees
21 for the proper and efficient performance of its duties. Committees may include
22 nonmembers of the Commission.
- 23 (g) *Records.* The records of the Commission's activities and the minutes of its meetings
24 shall be kept on file and open to the public.
- 25 (h) *Duties and Responsibilities:*
- 26 (1) *Public awareness.* The Commission on Disability Issues shall:
- 27 (i) Listen to the concerns of [[individuals with disabling conditions]] PERSONS
28 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 **Sec. 13.500. Definitions.**

4 (h) Qualified tenant means an Applicant who:

5 (1) Is or resides with a [[handicapped]] person WITH A DISABILITY
6 as defined by the Fair Housing Amendments Act of 1988 (42.
7 U.S.C. 361);

8 (2) Has a lease to rent and occupy a residence in Howard County
9 for at least one year following approval of the loan or grant; and

10 (3) Meets the eligibility requirements of this subtitle.

11 (i) Retrofit improvements means reasonable modifications of existing
12 premises occupied or to be occupied by a [[handicapped]] person WITH A
13 DISABILITY that are necessary to afford the [[handicapped]] person WITH A
14 DISABILITY full enjoyment of the premises. Retrofit improvements may
15 include, but are not limited to:

16 (1) The installation of grabbars, ramps, and electrical aids for
17 hearing and visually impaired tenants; and

18 (2) The relocation or modification of doorways, fixtures, and
19 appliances for accessibility.

20
21 **Subtitle 6. Housing Initiatives Loan Program.**

22 **Sec. 13.602. Purpose.**

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

27 **Subtitle 12. Lease Extensions – Conversion of Rental Housing to**
28 **Condominium Regime**

1 **Sec. 13.1201. Definitions.**

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

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

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

7 (3) BEING REGARDED AS HAVING SUCH AN IMPAIRMENT.
8

9 **Sec. 13.1202. Lease extensions.**

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

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

14 (2) Has included a senior citizen or *[[a handicapped person]] PERSON WITH A*
15 *DISABILITY*, as defined in section 11-137 of the Real Property Article of the
16 Annotated Code of Maryland, as a member for at least 12 months preceding the
17 180 days' notice of intention to convert.

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

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

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

25 (d) *Nonapplicability.* This section does not apply to any household whose lease term
26 expires during the 180-day period after notice of intent to convert and which has

1 given notice of intent not to renew the lease prior to the giving of notice of intent to
2 convert.

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

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

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

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

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

19 (f) *Offering of Lease Extension:*

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

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

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

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

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

5 c. The following notice:

6 *Right To Lease Extensions*
7 *for Certain Households*
8 *Under Howard County Law*

9 A developer who converts this rental facility to a condominium must offer
10 extended leases to qualified households for up to 20 percent of the units in
11 the rental facility. Certain households which receive extended leases will
12 have the right to continue renting their residences for at least six years from
13 the date of this notice. Certain other households which receive extended
14 leases will have the right to continue renting their residences for at least 3
15 years from the date of this notice. Rents under these extended leases may
16 only be increased once a year and are limited by increases in the cost-of-
17 living index.

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

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

26 (2) Annual income for the present members of your household must not
27 have exceeded 80 percent of the median annual income for Howard
28 County.

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

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

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

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

17 If the number of qualified households requesting extended leases exceeds
18 20 percent of the units in this facility, priority shall be given as follows:

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

21 (2) Next priority shall go to households whose annual income is less than
22 80 percent of the median annual income for Howard County.

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

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

1 If you return the enclosed form and lease by _____ (60th day from
2 the date of this notice) you will be notified within 75 days of the date of this
3 notice, or in other words, by _____ (75th day from the date of this
4 notice) whether you are qualified and whether your household falls within
5 the limitations.

6 If you receive an extended lease, you may cancel it by giving three months'
7 written notice if more than a year remains on the lease, or by giving one
8 month's written notice if less than a year remains on the lease. The
9 developer may cancel the extended lease, giving you 60 days' written
10 notice, if the senior citizen or [[handicapped person]] PERSON WITH A
11 DISABILITY no longer resides in the household or the household no longer
12 meets the income qualifications.

13 You may apply for an extended lease and, at the same time, choose to
14 purchase your unit. If you apply for and receive an extended lease, your
15 purchase contract will be void. If you do not receive an extended lease, your
16 purchase contract will be effective and you will be obligated to buy your
17 unit.

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

23 a. The completed notarized application:

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

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

1 (iii) Setting forth facts showing that a member of the household is a senior
2 citizen or [[a handicapped person]] A PERSON WITH A DISABILITY and
3 setting forth facts indicating the length of time that the senior citizen or
4 [[handicapped person]] A PERSON WITH A DISABILITY has been a
5 member of the household (if the qualification for lease extension is
6 based in whole or in part upon the inclusion of a senior citizen or
7 [[handicapped]] A person WITH A DISABILITY in the household).

8 b. A signed extended lease.

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

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

15 b. Whether a lease extension has become effective.

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

19 a. A notice indicating the number of units in the rental facility being made
20 available to qualified households pursuant to subsections (b) and (c) of this
21 section; and

22 b. A list of all households meeting the criteria of subsections (b) and (c)
23 indicating the priority of each in relation to the total number of units being
24 made available; and

25 c. A list of households submitting notarized applications who do not meet the
26 criteria for lease extensions; and

27 d. A list of all households as to whom an extended lease has become effective,
28 specifying the criteria under which each household qualified.

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

2 (1) The six-year extended lease shall commence on acceptance of the lease and shall
3 terminate not less than six years from the giving of notice of intent to convert.

4 (2) The three-year extended lease shall provide for a term commencing on
5 acceptance of the lease and terminating not less than three years from the giving
6 of notice of intent to convert.

7 (3) The rental fee for the unit may be increased annually on the date of
8 commencement of the lease.

9 (4) The annual increase in the rental fee may not exceed an amount determined by
10 multiplying the annual rent for the preceding year by the percentage increase for
11 the rent component of the U.S. Consumer Price Index for Urban Wage Earners
12 and Clerical Workers (CPI—W) (1967—100) as published by the U.S.
13 Department of Labor, for the most recent 12-month period.

14 (5) Except as otherwise permitted by this subtitle, the extended lease shall contain
15 the same terms and conditions as the lease in effect on the day preceding the
16 giving of notice of intent to convert.

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

19 (1) Indicating the age and physical mobility status of each household member if the
20 lease extension was granted in whole or in part on the basis of age or
21 [[handicapped]]DISABILITY; and

22 (2) Giving documented evidence of the household's annual income if the lease
23 extension was granted in whole or in part on the basis of income.

24

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

26 **Sec. 13.1303. Definitions.**

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

1 (1) As to developments that are State or Federally funded, individuals or families
2 who meet the income requirements of the State or Federal program involved;
3 and

4 (2) As to other developments, individuals or families who lack sufficient income or
5 assets (as determined by the County Executive or the County Executive's
6 designee, which designee may include, without limitation, either the Executive
7 Director or the Commissioners) to enable them, without financial assistance, to
8 purchase or rent decent, safe, and sanitary dwellings without overcrowding.

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

12 **Sec. 13.1321. Nondiscrimination.**

13 The Commission shall not discriminate on the basis of race, color, creed, religion,
14 national origin, sex, [[marital]]MARITAL status, [[physical or mental
15 handicap]]DISABILITY, occupation, political opinion, sexual orientation, personal
16 appearance or age (except with respect to a project intended in whole or in part for
17 elderly persons) in leasing or otherwise providing dwelling accommodations or in any
18 other aspect of the development, administration, or operation of any housing
19 development or undertaking of the Commission, or in any aspect of employment by the
20 Commission or any sponsor, developer, or contractor involved in the construction, repair
21 or maintenance of any property or program of the Commission.

22

23

24 **Title 14. Licenses, Permits and Inspections**

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

26 **Sec. 14.413. Reports and records.**

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

4

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

7

Title 17. Public Protection Services

8

Subtitle 6. Towing From Private Property

9

Sec. 17.600. Purpose; scope; definition.

10

(b) *Scope:*

11

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

12

13

(2) This subtitle does not apply to:

14

(i) Towing initiated by the vehicle owner;

15

(ii) Towing approved or requested by a Police Officer, firefighter, or rescue
16 squad member in the course of removing impediments to traffic or during
17 the course of a criminal investigation or under State law regulating
18 abandoned vehicles;

18

19

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

20

(iv) Towing from a marked fire lane;

21

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

22

23

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

24

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

25

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

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

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

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

11

12

Title 19. Recreation and Parks

13

Subtitle 5. Public Recreation on Private Land

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

15 No person shall be denied the use of a designated open space area solely because of
16 discrimination based on race, creed, religion, [[physical or mental handicap]] DISABILITY,
17 color, sex, national origin, age, occupation, marital status, political opinion, sexual
18 orientation or personal appearance.

19

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

22