

Amendment 1 to Council Bill No. 14-2014

BY: Jennifer Terrasa

Legislative Day No. 5

Date: May 5, 2014

Amendment No. 1

(This amendment corrects a reference.)

1 On page 1, in line 8, strike “*Tenant Retrofit Loan Grant Program*” and substitute “*Equal*
2 *Business Opportunity Commission*”.

3

4 Also on page 1, in line 16, strike “*Equal Business Opportunity Commission*” and
5 substitute “*Tenant Retrofit Loan Grant Program*”.

6

7 On page 18, in line 3 insert:

8 **“Sec. 13.500. Definitions.**

9 (h) Qualified tenant means an Applicant who:

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

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

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

16 (i) Retrofit improvements means reasonable modifications of existing
17 premises occupied or to be occupied by a [[handicapped]] person WITH A
18 DISABILITY that are necessary to afford the [[handicapped]] person WITH A
19 DISABILITY full enjoyment of the premises. Retrofit improvements may
20 include, but are not limited to:

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7

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

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

Subtitle 6. Housing Initiatives Loan Program.”

Amendment to Council Bill 12-2014

BY: Jennifer Terrasa

Legislative Day No: __

Date: May 5, 2014

Amendment No.

1 *(This amendment changes the distance requirement from a three-mile radius to every school*
2 *within the subject property's attendance area or every elementary, middle, and high school*
3 *within a one-mile radius if there are more than one of the same organizational level schools*
4 *within a mile of the subject property).*
5
6
7

8 On the title page, in line 3 of the title, after "to", strike "any school within a three-mile
9 radius of the subject property" and substitute the following: "certain schools that may be
10 impacted by future development projects".
11

12 On page 2, in lines 9 and 10 and 17 and 18, and on page 4, in lines 20 and 21, in each
13 instance, strike the entire sentence except for the numbering or lettering, and substitute the
14 following:

15 "THE PRINCIPALS AND PTA PRESIDENTS OF:

- 16 1. ALL SCHOOLS WITHIN THE ATTENDANCE AREA OF THE SUBJECT PROPERTY; OR
17 2. EVERY SCHOOL WITHIN A ONE-MILE RADIUS OF THE SUBJECT PROPERTY, IF THERE
18 ARE MORE THAN ONE OF THE SAME ORGANIZATIONAL LEVEL SCHOOLS WITHIN ONE
19 MILE OF THE SUBJECT PROPERTY; AND".
20
21
22
23

Amendment ___ to Council Bill No. 14-2014

BY: Jennifer Terrasa

Legislative Day No. ____

Date: _____

Amendment No. _____

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2 *Business Opportunity Commission*".

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5 substitute "*Tenant Retrofit Loan Grant Program*".

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12 U.S.C. 361);

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19 DISABILITY full enjoyment of the premises. Retrofit improvements may
20 include, but are not limited to:

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

Subtitle 6. Housing Initiatives Loan Program.”

April 21, 2014

Howard County Council
Testimony for CB14-2014

Chairperson Ball and Members of the County Council,

The League of Women Voters of Howard County is here to today to testify on CB14-2014, a bill amending specific County Codes, terms, provisions, and regulations as they pertain to persons with disabilities.

The League's testimony is based on 1) our local position on availability of suitable housing for all individuals, 2) our local position on Recreation and Parks and with programs and facilities accessible to and meeting the needs of a changing and diverse population, 3) the National League's position the individual liberties guaranteed by the Constitution of the United States, 4) the National League's position on promoting trade-related strategies that protect basic human rights as well as encouraging responsible business practices for all individuals, and 5) equality of opportunity for all individuals regardless of disability for education, employment and housing.

We thank you for your time in considering this legislation and ask for your support for CB14-2014.

Alison Beall

Action Director- LWV of HC

Cc: Alice Giles- Co-President

Lillie Gallant- Co-President

Habicht, Kelli

From: Tolliver, Sheila
Sent: Monday, April 21, 2014 5:31 PM
To: Habicht, Kelli
Subject: FW: Council Bill 14-2014

Leg. file

From: tgilchrist@arinow.org [<mailto:tgilchrist@arinow.org>]
Sent: Monday, April 21, 2014 5:17 PM
To: Terrasa, Jen
Cc: CouncilMail
Subject: Council Bill 14-2014

Dear Councilwoman Terrasa,

On behalf of Accessible Resources for Independence (ARI), a nonprofit organization and Center for Independent Living serving Howard County residents with disabilities and empowering them towards independence, I applaud your introduction of Council Bill 14-2014 to change language in the County Code from handicapped to persons with disabilities. The very connotation of the word handicapped was derived from people begging in public spaces with cap in hand. This outdated word is demeaning to persons with disabilities and the people that ARI serves everyday. People with disabilities live varied lives and might be a child, a parent, a spouse, a worker, or someone living in the community. They are always people first who happen to have a disability. Thank you for introducing this legislation. I join with Accessible Resources for Independence in supporting Council Bill 14-2014.

Tonya Gilchrist
Interim Executive Director
Accessible Resources for Independence

810 Nursery Road, Suite I
Linthicum, MD 21090
410-636-2274

Habicht, Kelli

From: Tolliver, Sheila
Sent: Monday, April 21, 2014 2:50 PM
To: Habicht, Kelli
Subject: FW: The Arc of Howard County Supports CB 14-2014
Attachments: CB14 Arc Howard Letter of Support.pdf

[Legisl files CB 14-2014](#)

From: Keith Gray [<mailto:kgray@archoward.org>]
Sent: Monday, April 21, 2014 2:35 PM
To: Terrasa, Jen; CouncilMail
Cc: Carol Beatty
Subject: The Arc of Howard County Supports CB 14-2014

Dear Honorable Calvin Ball and Members of The Howard County Council,

Attached please find a letter of support from The Arc of Howard County in response to CB 12-2014.

Thank you for your consideration.

--

Keith Gray
The Arc of Howard County
Quality Assurance & Training Specialist
Executive Assistant
410-730-0638, EXT. 242
www.archoward.org

**"Achieving full community life for children and adults with intellectual and developmental disabilities--
one person at a time."**

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The Arc
Howard County

Achieve with us.

April 21, 2014

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Constellation

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Executive Director

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Assoc. Executive Director of Admin.

Deborah L. Wagner
Assoc. Executive Director of Services

THE ARC OF HOWARD COUNTY
11735 Homewood Road
Ellicott City, MD 21042
T 410 730 0638 F 410 730 0730
www.archoward.org

The Honorable Calvin Ball
Chairperson, Howard County Council
3430 Court House Drive
Ellicott City, MD 21043

Dear Chairman Ball:

On behalf of The Arc of Howard County, including its Board of Directors, staff, and the 750 individuals with intellectual and developmental disabilities that we serve annually, I would like to express our support of CB 14-2014 which addresses concerns raised by the Commission on Disability Issues regarding replacing outdated and offensive language related to disabilities in the Howard County Code.

This bill supports an important core value of The Arc of Howard County which is the use of People First language when referring to individuals with disabilities. The basic idea of People First language is to name the person first and the condition second, for example "people with disabilities" rather than "disabled people". As a society, we know that language is powerful and the way we refer to someone can make a significant difference in how they are treated. The bill's sponsor, County Councilperson Jen Terrasa, felt it was important to make sure that language used in County Code doesn't perpetuate stereotypes or have a negative impact on others but rather should demonstrate respect.

Using People First Language and thus putting the person before the disability eliminates old, prejudicial, and hurtful descriptors and moves us in a new direction. People First Language is not political correctness; instead, it demonstrates good manners and respect.

This bill is necessary and welcomed and we applaud Councilwoman Terrasa for sponsoring and you and Vice-Chairperson Courtney Watson for co-sponsoring this important piece of legislation. The Arc feels that it is supportive of individuals with intellectual and developmental disabilities and their families and friends. Thank you for this opportunity to express our support.

Sincerely,

Carol A. Beatty
Executive Director

Habicht, Kelli

From: Tolliver, Sheila
Sent: Monday, April 21, 2014 12:55 PM
To: Habicht, Kelli
Subject: FW: CB14-2014 - for legislative record
Attachments: Re: Introduction of Council Bills 12 & 14, Public Hearing set for April 21st; Re: Introduction of Council Bills 12 & 14, Public Hearing set for April 21st; Re: Introduction of Council Bills 12 & 14, Public Hearing set for April 21st; Re: Introduction of Council Bills 12 & 14, Public Hearing set for April 21st

For bill files.

From: Shopland, Jamie
Sent: Monday, April 21, 2014 11:02 AM
To: Tolliver, Sheila
Cc: Terrasa, Jen
Subject: CB14-2014 - for legislative record

See attached.

Regards,

Jamie Shopland
Special Assistant
Office of Councilwoman Jennifer Terrasa
Howard County Council, District 3
O: (410) 313-3108 | C: (301) 305-7640
JShopland@HowardCountyMD.gov
Let's connect on [LinkedIn!](#)

"Like" Councilwoman Terrasa on [Facebook](#) and follow her on [Twitter!](#)



Habicht, Kelli

From: Susan Garber <buzysusan23@yahoo.com>
Sent: Wednesday, April 09, 2014 9:31 AM
To: Terrasa, Jen
Subject: Re: Introduction of Council Bills 12 & 14, Public Hearing set for April 21st

Jen-

I'll be happy to support you and these two bills at the April 21 Council meeting.

Regards,

Susan Garber

On Tuesday, April 8, 2014 8:26 PM, "Terrasa, Jen" <jterrasa@howardcountymd.gov> wrote:

Dear Neighbor,

I am writing to let you know about two pieces of legislation I introduced last night.

[Council Bill 14-2014](#) (Co-sponsored by Calvin Ball and Courtney Watson)

I introduced CB14 to address concerns raised by the Commission on Disability Issues in their Annual 2013 Report. The report made note of language in the Howard County Code that is outdated and could be perceived as offensive.

We know that little things like the words we use to refer to someone can make a difference in how they feel as well as how they are treated. That's why I felt it was important to make sure the language used in the Howard County Code doesn't perpetuate stereotypes or have a negative impact on others. Instead, our language should make people feel respected and included.

In drafting CB14, I worked with the Commission on Disability Issues to identify these words, such as "handicapped" and "disabled", and CB14 was introduced to replace them with more respectful language in a variety of areas in the Code.

[Council Bill 12-2014](#)

CB14 requires developers to notify both principals and PTAs about pre-submission community meetings for development near their school. This is part of an ongoing effort to help residents stay informed about development in their neighborhoods.

Our current law primarily requires a developer to notify adjacent property owners. However, often there is a school close by that is not adjacent to property being developed, but is certainly close enough for members of the school community to feel the impact.

In addition, I know that many in a community have ties to the local school. Therefore, sending early notice to the school principals and PTAs that are closest to proposed development would be helpful in getting the word out to residents.

The public hearing for both of these bills and others introduced for April consideration will be held on April 21, 2014 at 7:30 p.m. in the Banneker Room of the George Howard Building. If you would like to testify, you can sign-up in person the night of the hearing, or online by clicking [here](#).

You may also submit written testimony, comments or questions to me directly at JTerrasa@HowardCountyMD.gov or to the entire Council at CouncilMail@HowardCountyMD.gov.

Your input and support on this important legislation would be greatly appreciated. I look forward to hearing from you and will keep you updated on the progress of both bills.

As always, if there is ever anything our office can do for you, please do not hesitate to contact me or my assistant, Jamie Shopland, at JTerrasa@HowardCountyMD.gov or (410) 313-2001.

All the best,
Jen

Jennifer Terrasa
Councilwoman, District 3
Howard County Council
Phone: (410) 313-2001
Email: JTerrasa@HowardCountyMD.gov

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Habicht, Kelli

From: Tolliver, Sheila
Sent: Monday, April 21, 2014 12:55 PM
To: Habicht, Kelli
Subject: FW: CB14-2014 - for legislative record
Attachments: Re: Introduction of Council Bills 12 & 14, Public Hearing set for April 21st; Re: Introduction of Council Bills 12 & 14, Public Hearing set for April 21st; Re: Introduction of Council Bills 12 & 14, Public Hearing set for April 21st; Re: Introduction of Council Bills 12 & 14, Public Hearing set for April 21st

For bill files.

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Sent: Monday, April 21, 2014 11:02 AM
To: Tolliver, Sheila
Cc: Terrasa, Jen
Subject: CB14-2014 - for legislative record

See attached.

Regards,

Jamie Shopland
Special Assistant
Office of Councilwoman Jennifer Terrasa
Howard County Council, District 3
O: (410) 313-3108 | C: (301) 305-7640
JShopland@HowardCountyMD.gov
Let's connect on [LinkedIn!](#)

"Like" Councilwoman Terrasa on [Facebook](#) and follow her on [Twitter!](#)



Habicht, Kelli

From: mwalsh01@comcast.net
Sent: Wednesday, April 09, 2014 12:54 AM
To: Terrasa, Jen
Subject: Re: Introduction of Council Bills 12 & 14, Public Hearing set for April 21st

Thanks , Marguerite Walsh

Sent from Xfinity Connect Mobile App

----- Original Message -----

From: jterrasa@howardcountymd.gov
To: jterrasa@howardcountymd.gov
Sent: Wed Apr 9 12:26:34 UTC 2014
Subject: Introduction of Council Bills 12 & 14, Public Hearing set for April 21st

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All the best,
Jen

Jennifer Terrasa
Councilwoman, District 3
Howard County Council
Phone: (410) 313-2001
Email: JTerrasa@HowardCountyMD.gov

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Habicht, Kelli

From: Joseph T. Healey <granyd1@comcast.net>
Sent: Wednesday, April 09, 2014 12:51 AM
To: Terrasa, Jen
Subject: Re: Introduction of Council Bills 12 & 14, Public Hearing set for April 21st

Two very good bills. Hopefully there will not be a problem getting them passed. Good luck and no doubt you will keep up the good work. Thanks for serving and all the past informative emails. Joe Healey

From: [Terrasa, Jen](#)
Sent: Tuesday, April 08, 2014 8:25 PM
To: [Terrasa, Jen](#)
Subject: Introduction of Council Bills 12 & 14, Public Hearing set for April 21st

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[Council Bill 12-2014](#)

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All the best,
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Jennifer Terrasa
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Phone: (410) 313-2001
Email: JTerrasa@HowardCountyMD.gov

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Habicht, Kelli

From: Tolliver, Sheila
Sent: Monday, April 21, 2014 12:56 PM
To: Habicht, Kelli
Subject: FW: Introduction of Council Bills 12 & 14, Public Hearing set for April 21st

For CB 14-2014 file

From: Shopland, Jamie
Sent: Monday, April 21, 2014 11:12 AM
To: Tolliver, Sheila
Cc: Terrasa, Jen
Subject: FW: Introduction of Council Bills 12 & 14, Public Hearing set for April 21st

For CB14 legislative record.

Regards,

Jamie Shopland
Special Assistant
Office of Councilwoman Jennifer Terrasa
Howard County Council, District 3
O: (410) 313-3108 | C: (301) 305-7640
JShopland@HowardCountyMD.gov
Let's connect on [LinkedIn!](#)

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From: adabob@comcast.net [mailto:adabob@comcast.net]
Sent: Thursday, April 17, 2014 12:20 AM
To: Terrasa, Jen
Subject: Re: Introduction of Council Bills 12 & 14, Public Hearing set for April 21st

Thank you for the information about the 2 bills. As for the language issue, I think it makes sense to make the language more consistent with the federal law and changes in attitudes. It is a wise thing to say person with a disability; putting the person first. However, this is normally a priority when more significant or current events appear beyond the reach of a Commission. Suggestion, why doesn't the Commission look into the degree of accessibility in Charter Schools and how are students with disabilities welcomed in their programs.

Thanks again.

Bob Ardinger

From: "Jen Terrasa" <jterrasa@howardcountymd.gov>
To: "Jen Terrasa" <jterrasa@howardcountymd.gov>
Sent: Tuesday, April 8, 2014 8:24:43 PM
Subject: Introduction of Council Bills 12 & 14, Public Hearing set for April 21st

Dear Neighbor,

I am writing to let you know about two pieces of legislation I introduced last night.

[Council Bill 14-2014](#) (Co-sponsored by Calvin Ball and Courtney Watson)

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You may also submit written testimony, comments or questions to me directly at JTerrasa@HowardCountyMD.gov or to the entire Council at CouncilMail@HowardCountyMD.gov.

Your input and support on this important legislation would be greatly appreciated. I look forward to hearing from you and will keep you updated on the progress of both bills.

As always, if there is ever anything our office can do for you, please do not hesitate to contact me or my assistant, Jamie Shopland, at JTerrasa@HowardCountyMD.gov or (410) 313-2001.

All the best,
Jen

Jennifer Terrasa
Councilwoman, District 3
Howard County Council
Phone: (410) 313-2001
Email: JTerrasa@HowardCountyMD.gov

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Habicht, Kelli

From: Tolliver, Sheila
Sent: Monday, April 21, 2014 12:56 PM
To: Habicht, Kelli
Subject: FW: CB14-2014 Testimony (Pro) - Phone Call from Matthew Plantz, Chair of Commission on Disability Issues

For CB 14-2014 file

From: Shopland, Jamie
Sent: Monday, April 21, 2014 11:35 AM
To: Terrasa, Jen
Cc: Tolliver, Sheila
Subject: CB14-2014 Testimony (Pro) - Phone Call from Matthew Plantz, Chair of Commission on Disability Issues

Call Date:	4/21/14
Call Time:	11:27 a.m.
Phone Line:	x2001
Name:	Matthew Plantz, Chair of Commission on Disability Issues
District:	
Address 1:	
Address 2:	
Phone Number(s):	443-621-8619
Email:	
Issue:	Matthew Plantz called to lend his support as a private citizen and as Chair of the Commission on Disability Issues for Council Bill 14. Plantz said that he was glad that Council Chair Ball was co-sponsoring because it probably wouldn't pass otherwise. Plantz also wanted to know why Council Members Fox and Sigaty didn't co-sponsor the bill and I said I would see if I could find out.

Regards,

Jamie Shopland
Special Assistant
Office of Councilwoman Jennifer Terrasa
Howard County Council, District 3
O: (410) 313-3108 | C: (301) 305-7640
JShopland@HowardCountyMD.gov
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HowardCounty
maryland



NotifyMeHoward

Habicht, Kelli

From: Tolliver, Sheila
Sent: Monday, April 21, 2014 12:55 PM
To: Habicht, Kelli
Subject: FW: Council Bill 14-2014

Importance: High

Please file with CB 14-2014

From: Shopland, Jamie
Sent: Monday, April 21, 2014 10:43 AM
To: Tolliver, Sheila
Cc: Terrasa, Jen
Subject: FW: Council Bill 14-2014
Importance: High

For the legislative record.

Regards,

Jamie Shopland
Special Assistant
Office of Councilwoman Jennifer Terrasa
Howard County Council, District 3
O: (410) 313-3108 | C: (301) 305-7640
JShopland@HowardCountyMD.gov
Let's connect on [LinkedIn!](#)

"Like" Councilwoman Terrasa on [Facebook](#) and follow her on [Twitter!](#)

From: G A Smith [<mailto:gloria56aka@gmail.com>]
Sent: Wednesday, April 02, 2014 12:11 PM
To: Terrasa, Jen; Ball, Calvin B; Watson, Courtney
Subject: Council Bill 14-2014
Importance: High

Thank each one of your for this bill. I know it has not passed yet. But, as a parent of a child with a disability and one who advocates and train on these issues, I applaud you for seeing the seriousness of what labels we use. I get it all the time, "I didn't mean any harm!" The damage done may not be intentional but the damage is done. We have to devour this elephant in small bites, but thank you for your bite. I could go on and on about this. But "thank you, thank you, thank you!

Council Bill 14-2014 – Introduced By, Jen Terrasa; Co-Sponsored By, Calvin Ball and 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.

Gloria A. Smith
Howard County Commission on Disability Issues
gloria56aka@gmail.com
(443) 527-6117

Habicht, Kelli

From: Tolliver, Sheila
Sent: Thursday, April 03, 2014 1:23 PM
To: Habicht, Kelli
Subject: FW: Legal Sufficiency - OOL: L14-023
Attachments: Leg Suff Memo - L14-023 - 04-03-2014.pdf

Legis. file.

From: Schmidt, Maria
Sent: Thursday, April 03, 2014 10:32 AM
To: Watson, Courtney
Cc: Tolliver, Sheila; Wimberly, Theo; Nolan, Margaret Ann; Johnson, Paul; Vannoy, James
Subject: Legal Sufficiency - OOL: L14-023

Good Morning,

The attached has been reviewed for legal sufficiency.

Thank you,

Maria Schmidt

Howard County Office of Law
3450 Court House Drive
Ellicott City, Maryland 21043
o: 410.313.2103 | f: 410.313.3292 | mschmidt@howardcountymd.gov

Habicht, Kelli

From: Tolliver, Sheila
Sent: Thursday, April 03, 2014 1:11 PM
To: Habicht, Kelli
Subject: FW: Council Bill 14-2014

For legislative file CB 14-2014.

From: Watson, Courtney
Sent: Thursday, April 03, 2014 10:57 AM
To: G A Smith
Cc: Hightower, Rozonna; Tolliver, Sheila
Subject: RE: Council Bill 14-2014

Dear Ms. Smith,

Thank you for your email in support of CB14-2014. I appreciate hearing your perspective.

Thank you for your service on the Commission.

Sincerely,
Courtney

Courtney Watson
Councilmember
Howard County Council
3430 Courthouse Drive
Ellicott City, MD 21043
410/313-3110
cwatson@howardcountymd.gov

From: G A Smith [<mailto:gloria56aka@gmail.com>]
Sent: Wednesday, April 02, 2014 12:11 PM
To: Terrasa, Jen; Ball, Calvin B; Watson, Courtney
Subject: Council Bill 14-2014
Importance: High

Thank each one of your for this bill. I know it has not passed yet. But, as a parent of a child with a disability and one who advocates and train on these issues, I applaud you for seeing the seriousness of what labels we use. I get it all the time, "I didn't mean any harm!" The damage done may not be intentional but the damage is done. We have to devour this elephant in small bites, but thank you for your bite. I could go on and on about this. But "thank you, thank you, thank you!

Council Bill 14-2014 – Introduced By, Jen Terrasa; Co-Sponsored By, Calvin Ball and 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.

Gloria A. Smith

Howard County Commission on Disability Issues

gloria56aka@gmail.com

(443) 527-6117

CB14-2014

Habicht, Kelli

From: Tolliver, Sheila
Sent: Thursday, March 20, 2014 12:01 PM
To: Habicht, Kelli
Subject: FW: Legal Sufficiency: OOL No.: L14-016
Attachments: Leg Suff Memo - L14-016- 2014-03-20- Terrasa.pdf

Save for legis to be prefiled March 27

From: Schmidt, Maria
Sent: Thursday, March 20, 2014 11:37 AM
To: Terrasa, Jen
Cc: Tolliver, Sheila; Beach, Meredith; Nolan, Margaret Ann; Johnson, Paul; Vannoy, James
Subject: Legal Sufficiency: OOL No.: L14-016

The attached has been reviewed for legal sufficiency.

Thank you,

Maria Schmidt

Howard County Office of Law
3450 Court House Drive
Ellicott City, Maryland 21043
o: 410.313.2103 | f: 410.313.3292 | mschmidt@howardcountymd.gov


Howard County
Internal Memorandum

SUBJECT: *Bill No. ___-2014*
An Act changing references to persons with disabilities in the County Code.

OOL Tracking No.: L14-016

TO: Jennifer Terrasa
Howard County Council

THROUGH: Margaret Ann Nolan
County Solicitor

FROM: James D. Vannoy
Assistant County Solicitor

DATE: March 20, 2014

I have reviewed the attached Amendment and it is legally sufficient. If you have any questions, please do not hesitate to contact me. Thank you.

JDV: ms

Attachment

cc: Sheila Tolliver
Meredith Beach

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

L14-016

County Council of Howard County, Maryland

2014 Legislative Session

Legislative Day No. _____

Bill No. ____ - 2014

Introduced by: Council Member Jennifer Terrasa

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

Scaled 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*

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Title 3. Buildings
Subtitle 1. Building Code

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

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

(12) *Subsection 101.4.8 Accessibility.*

Add new subsection 101.4.8 after subsection 101.4.7 as follows:

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

Title 4. Contracts, Purchasing and Property
Subtitle 6. Equal Business Opportunity Commission

Sec. 4.601. Commission; membership; duties.

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

(1) *Studies and surveys of equal business opportunity.* The Commission shall conduct surveys and studies in the following areas as they relate to equal 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.

1

2 **Sec. 4.602. Certification.**

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

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

9 (1) Criteria for certification;

10 (2) Procedures for certification.

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

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

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

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

25

26 **Sec. 4.603. Decertification.**

- 1 (c) *Investigation of Complaints.* The Equal Business Opportunity Officer shall
2 investigate sworn, written allegations that a certified business has:
- 3 (1) Practiced fraud or deceit for the purpose of obtaining certification;
4 (2) Furnished incomplete or substantially inaccurate ownership or financial
5 information to the County;
6 (3) Failed to report a change which affects its qualification for certification; or
7 (4) Fraudulently subcontracted work to a business which is not a [[minority
8 business enterprise, woman business enterprise or disabled business enterprise]]
9 BUSINESS OWNED BY MINORITIES, WOMEN OR PERSONS WITH DISABILITIES; or
10 (5) Willfully violated the purchasing code.

11
12
13

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

14 **Sec. 12.200. Public policy.**

- 15 I. *Equal Opportunity in Howard County.* The Howard County Government shall foster
16 and encourage the growth and development of Howard County so that all persons
17 shall have an equal opportunity to pursue their lives free of discrimination.
- 18 II. *Discriminatory Practices Contrary to Public Policy.* Discrimination practices based
19 upon:
- 20 Race,
21 Creed,
22 Religion,
23 [[Handicap,]] DISABILITY,
24 Color,
25 Sex,

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

11 are contrary to the public policy of Howard County.

12 X. ~~[[Handicap]]~~ DISABILITY means with respect to an individual:

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

17 But the term ~~[[handicap]]~~ "DISABILITY" does not include current illegal use of or

18 addiction to a controlled dangerous substance as defined in section 102 of the Controlled

19 Substance Act (21 U.S.C. 802).

20

21 **Sec. 12.207. Unlawful housing practices.**

22 I. *Definitions.* Words and phrases used in this section have their usual meanings except

23 as defined below:

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

3 Race,

4 Creed,

5 Religion,

6 [[Handicap,]] DISABILITY,

7 Color,

8 Sex,

9 National origin,

10 Age,

11 Occupation,

12 Marital status,

13 Political opinion,

14 Sexual orientation,

15 Personal appearance,

16 Familial status,

17 Source of income, or

18 Gender identity or expression

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

20 II. *Unlawful Acts.*

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

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

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

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

17 (1) The lowering of property values; or

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

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

21
22 (f) *Modifications for [[handicapped individuals]] PERSONS WITH DISABILITIES.* It
23 shall be unlawful:

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

- 1 (i) The modifications may be necessary to afford the [[handicapped
2 individual]] PERSONS WITH DISABILITIES full enjoyment of the dwelling;
3 and
- 4 (ii) For a rental dwelling, the tenant agrees that, upon vacating the
5 dwelling, he or she will restore the interior of the dwelling to the
6 condition that existed before the modification, reasonable wear and tear
7 excepted.
- 8 (2) To refuse to make reasonable accommodations in rules, policies, practices,
9 or services when the accommodations may be necessary to afford [[a
10 handicapped individual]] PERSONS WITH DISABILITIES equal opportunity to
11 use and enjoy a dwelling.

12 **Sec. 12.208. Unlawful employment practices.**

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

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

17 Race,

18 Creed,

19 Religion,

20 [[Handicap,]] DISABILITY,

21 Color,

22 Sex,

23 National origin,

24 Age,

25 Occupation,

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

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

10 (d) *Preferential treatment:*

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

17 Race,
18 Creed,
19 Religion,
20 [[Handicap,]] DISABILITY,
21 Color,
22 Sex,
23 National origin,
24 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 **Sec. 12.209. Unlawful law enforcement practices.**

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

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

13 Race,

14 Creed,

15 Religion,

16 [[Handicap,]] DISABILITY,

17 Color,

18 Sex,

19 National origin,

20 Age,

21 Occupation,

22 Marital status,

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

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

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

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

13 Race,

14 Creed,

15 Religion,

16 [[Handicap,]] DISABILITY

17 Color,

18 Sex,

19 National origin,

20 Age,

21 Occupation,

22 Marital status,

1 Political opinion,
2 Sexual orientation,
3 Personal appearance,
4 Familial status, or
5 Gender identity or expression

6 in such a way that the person(s) are adversely affected in the area of public
7 accommodations.

8 **Sec. 12.211. Unlawful financing practices.**

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

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

13 Race,

14 Creed,

15 Religion,

16 [[Handicap,]] DISABILITY,

17 Color,

18 Sex,

19 National origin,

20 Age,

21 Occupation,

22 Marital status,

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

8 **Sec. 12.400. Definitions.**

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

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

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

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

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

20 (c) *Qualifications:*

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

22 (2) All members shall:

23 (i) Have evinced a broad based interest in, and/or experience with, issues
24 involving *[[individuals with disabling conditions]] PERSONS WITH*
25 *DISABILITIES*; and

1 (ii) Be willing and able to commit time and effort to actively pursue the
2 responsibilities of a working Commission.

3 (3) At least eight of the members of the Commission shall be [[individuals with
4 disabling conditions]] PERSONS WITH DISABILITIES.

5 (4) Two members of the Commission shall be a board or staff member of an agency
6 providing services to [[individuals with disabling conditions]] PERSONS WITH
7 DISABILITIES.

8 (5) Two members of the Commission shall be a relative of [[an individual with a
9 disabling condition]] PERSONS WITH A DISABILITIES.

10 (d) *Meetings.* The Commission shall meet regularly at the call of the Chairperson or at
11 the call of a majority of its members. The Committee shall meet as frequently as
12 necessary to perform its duties, but at least six times a year.

13 (e) *Staff.* The County Executive shall designate a disabilities issues coordinator who
14 shall serve as Executive Secretary to the Commission and shall also serve as the 504
15 compliance monitor for the County.

16 (f) *Rules and Regulations.* The Commission has the option of establishing committees
17 for the proper and efficient performance of its duties. Committees may include
18 nonmembers of the Commission.

19 (g) *Records.* The records of the Commission's activities and the minutes of its meetings
20 shall be kept on file and open to the public.

21 (h) *Duties and Responsibilities:*

22 (1) *Public awareness.* The Commission on Disability Issues shall:

23 (i) Listen to the concerns of [[individuals with disabling conditions]] PERSONS
24 WITH DISABILITIES, their families, friends, service providers and interested
25 citizens by holding public forums or hearings, and/or conducting surveys
26 and studies.

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

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

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

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

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

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

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

27 (v) Identify and recommend to the County Executive and the County Council
28 appropriate sources of State and Federal financial assistance for purposes of

1 comprehensively assisting [[individuals with disabilities]] PERSONS WITH
2 DISABILITIES.

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

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

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

13
14 **Subtitle 5. Older Howard Countians Act**

15 **Sec. 12.500. Office on aging.**

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

22
23 **Title 13. Housing and Community Development**

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

25 **Sec. 13.602. Purpose.**

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

5 **Subtitle 12. Lease Extensions – Conversion of Rental Housing to**
6 **Condominium Regime**

7 **Sec. 13.1201. Definitions.**

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

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

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

13 (3) BEING REGARDED AS HAVING SUCH AN IMPAIRMENT.
14

15 **Sec. 13.1202. Lease extensions.**

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

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

20 (2) Has included a senior citizen or ~~[[a handicapped person]]~~ PERSON WITH A
21 DISABILITY, as defined in section 11-137 of the Real Property Article of the
22 Annotated Code of Maryland, as a member for at least 12 months preceding the
23 180 days' notice of intention to convert.

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

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

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

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

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

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

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

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

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

24 (f) *Offering of Lease Extension:*

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

- 1 a. An application on which shall be included all of the information required by
2 subsection (f)(2) of this section;
- 3 b. A lease containing the terms required by this section and clearly indicating
4 that the lease will be effective only if:
 - 5 (i) The tenant executes and returns the lease not later than 60 days after the
6 giving of notice of intent to convert; and
 - 7 (ii) The household is allocated one of the units required to be made
8 available to qualified households.
- 9 c. The following notice:

10 *Right To Lease Extensions*
11 *for Certain Households*
12 *Under Howard County Law*

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

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

- 25 (1) A member of the household must be ~~[[a handicapped person]]~~ PERSON
26 WITH A DISABILITY or a senior citizen who is at least 62 years of age
27 and must be living in your unit as of the date of this notice and must

1 have been a member of your household for at least 12 months
2 preceding the date of this notice; and

3 (2) Annual income for the present members of your household must not
4 have exceeded 80 percent of the median annual income for Howard
5 County.

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

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

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

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

22 If the number of qualified households requesting extended leases exceeds
23 20 percent of the units in this facility, priority shall be given as follows:

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

26 (2) Next priority shall go to households whose annual income is less than
27 80 percent of the median annual income for Howard County.

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

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

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

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

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

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

29 a. The completed notarized application:

- 1 (i) Stating that the household is applying for an extended lease under this
2 subtitle; and
- 3 (ii) Setting forth the household's annual income for the calendar year
4 preceding the giving of notice of intent to convert, together with
5 reasonable supporting documentation; and
- 6 (iii) Setting forth facts showing that a member of the household is a senior
7 citizen or [[a handicapped person]] A PERSON WITH A DISABILITY and
8 setting forth facts indicating the length of time that the senior citizen or
9 [[handicapped person]] A PERSON WITH A DISABILITY has been a
10 member of the household (if the qualification for lease extension is
11 based in whole or in part upon the inclusion of a senior citizen or
12 [[handicapped]] A person WITH A DISABILITY in the household).

13 b. A signed extended lease.

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

- 18 a. Whether the household meets the criteria for lease extension and, if not, an
19 explanation of which criteria have not been met.
- 20 b. Whether a lease extension has become effective.

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

- 24 a. A notice indicating the number of units in the rental facility being made
25 available to qualified households pursuant to subsections (b) and (c) of this
26 section; and
- 27 b. A list of all households meeting the criteria of subsections (b) and (c)
28 indicating the priority of each in relation to the total number of units being
29 made available; and

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

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

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

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

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

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

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

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

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

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

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

28

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

2 **Sec. 13.1303. Definitions.**

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

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

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

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

15 **Sec. 13.1321. Nondiscrimination.**

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

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

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

1 **Sec. 14.413. Reports and records.**

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

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

8 **Title 17. Public Protection Services**

9 **Subtitle 6. Towing From Private Property**

10 **Sec. 17.600. Purpose; scope; definition.**

11 (b) *Scope:*

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

14 (2) This subtitle does not apply to:

15 (i) Towing initiated by the vehicle owner;

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

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

21 (iv) Towing from a marked fire lane;

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

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

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

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

