

**CITY OF BALTIMORE
COUNCIL BILL 08-0047R
(Resolution)**

Introduced by: President Rawlings-Blake, Councilmembers Henry, Young, Cole, Kraft, Branch,
Middleton, Holton, Welch, Conaway, Clarke, Reisinger

Introduced and read first time: June 2, 2008

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: Department of Housing and Community Development,
Police Department, State's Attorney's Office

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Informational Hearing - Criminals – Revocation of Federally**
3 **Subsidized Housing Assistance**

4 FOR the purpose of requesting the Field Office Director, Baltimore Office of the U.S.
5 Department of Housing and Urban Development, the Executive Director of the Housing
6 Authority of Baltimore City, the Baltimore City Police Commissioner, and the Baltimore
7 City State's Attorney to address the City Council on the status of intergovernmental and
8 interagency collaborative efforts to keep federally subsidized housing free of persons who
9 commit crimes, engage in criminal activity, or associate with criminals or persons with
10 criminal intent.

11 **Recitals**

12 Project-Based Rental Assistance (PBRA) is the federal government's primary program to
13 assist families in meeting their housing needs through publicly subsidized multifamily units.
14 According to U.S. Department of Housing and Urban Development (HUD) records, the program
15 assists more than 1.3 million low- and very low-income households nationwide in obtaining
16 decent, safe, and sanitary housing in private accommodations. There are 9,144 project- based
17 Section 8 units throughout the City.

18 The PBRA units are owned by private landlords and, for the most part, are not managed by
19 the Housing Authority of Baltimore City (HABC) that provides federally funded public housing
20 programs and related services for more than 40,000 low-income residents in more than 14,000
21 housing units comprising 18 family developments and 21 mixed population buildings and
22 scattered sites throughout the City.

23 The termination language contained in HUD's Model Lease provides that the landlord may
24 terminate the agreement for the following reasons:

- 25 1. the Tenant's noncompliance with the terms of this Agreement;
- 26 2. the Tenant's material failure to carry out obligations under any State Landlord and
27 Tenant Act;

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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- 1 3. drug related criminal activity engaged in on or near the premises, by any tenant,
2 household member, or guest, and any such activity engaged in on the premises by any
3 person under the tenant’s control;
- 4 4. determination made by the Landlord that household member is illegally using a drug;
- 5 5. determination made by the Landlord that a pattern of illegal use of drugs interferes
6 with the health, safety, or right to peaceful enjoyment of the remises by other
7 residents;
- 8 6. criminal activity by the tenant, any member of the tenant’s household, a guest or
9 another person under the tenant’s control:
 - 10 (a) that threatens the health, safety, or right to peaceful enjoyment of the premises by
11 other residents (including property management staff residing on the premises; or
 - 12 (b) that threatens the health, safety, or right to peaceful enjoyment of their residences
13 by persons residing in the immediate vicinity of the premises;
- 14 7. if the tenant is fleeing to avoid prosecution, or custody or confinement after
15 conviction, for a crime, or attempt to commit a crime, that is a felony under the laws
16 of the place from which the individual flees, or that in the State of New Jersey, is a
17 high misdemeanor;
- 18 8. if the tenant is violating a condition of probation or parole under Federal or State law;
- 19 9. determination made by the Landlord that a household member’s abuse or pattern of
20 abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the
21 premises by other residents;
- 22 10. if the Landlord determines that the tenant, any member of the tenant’s household, a
23 guest or another person under the tenant’s control has engaged in the criminal
24 activity, regardless of whether the tenant, any member of the tenant’s household, a
25 guest or another person under the tenant’s control has been arrested or convicted for
26 such activity.

27 Abatement of nuisance activity in federally subsidized property in Baltimore City is carried
28 out by the Property Based Crime Solutions (PBCS) Program, a “one-stop shop” located within
29 Housing’s Code Enforcement Legal Section. The program is a cooperative effort of the
30 Baltimore City Police Department, the Baltimore City State’s Attorney’s Office, the Mayor’s
31 Office, and Baltimore Housing that achieves outcomes beyond the reach of any single agency
32 when addressing nuisance properties.

33 In a working relationship with communities and community leaders, problem properties are
34 identified by the partnering agencies, and complaints detailing the properties are submitted to the
35 PBCS Program through a web-based complaint system. The PBCS officials then review the
36 complaints, and the appropriate nuisance abatement tool(s) are selected. Competent data
37 management and regular reporting ensure the accountability and success of the inter-agency
38 cooperative effort.

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1 Regulations promulgated by the federal government and conditions for the rental of federally
2 subsidized property seek to ensure the safety of persons already challenged by the social
3 impediments associated with poverty and a lower socio-economic existence. To achieve this
4 end, it is imperative that landlords who provide housing through the Project-Based Rental
5 Assistance program are held to the same standards that exist for all federally assisted housing.

6 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the Field
7 Office Director of the Baltimore Office of the U.S. Department of Housing and Community
8 Development, the Executive Director of the Housing Authority of Baltimore City, the Baltimore
9 City Police Commissioner, and the Baltimore City State's Attorney are requested to address the
10 City Council on the status of intergovernmental and interagency collaborative efforts to keep
11 federally subsidized housing free of persons who commit crimes, engage in criminal activity, or
12 associate with criminals or persons with criminal intent.

13 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Mayor, the
14 Field Office Director of the Baltimore Office of the U.S. Department of Housing and
15 Community Development, the Executive Director of the Housing Authority of Baltimore City,
16 the Baltimore City Police Commissioner, the Baltimore City State's Attorney, the Baltimore City
17 Congressional Delegation, the Executive Director of the Mayor's Office of State Relations, and
18 the Mayor's Legislative Liaison to the City Council.