



Legislation Details (With Text)

File #: 20-0592 **Version:** 0 **Name:** Office to End Homelessness - Establishment, Administration, and Permanent Housing Voucher Program

Type: Ordinance **Status:** Failed

File created: 8/17/2020 **In control:** Mayor

On agenda: **Final action:** 12/7/2020

Enactment date: **Enactment #:**

Title: Office to End Homelessness - Establishment, Administration, and Permanent Housing Voucher Program
 For the purpose of establishing the Baltimore City Office to End Homelessness; declaring that the policy of the Mayor and City Council of Baltimore to make homelessness rare, brief, and non-recurring; providing that the Office will be led by an Executive Director appointed by the Mayor and confirmed by the City Council; establishing the duties of the Office; requiring certain reports; establishing the Permanent Housing Voucher Program; providing for certain funding for the Permanent Housing Voucher Program; setting forth the eligibility requirements for the Permanent Housing Voucher Program; requiring that the Office adopt rules and regulations to administer the Permanent Housing Voucher Program; establishing procedures on a family’s admission into the Permanent Housing Voucher Program; setting forth certain programmatic functions for the Permanent Housing Voucher Program through tenant-based vouchers and project-based vouchers; providing for the termination of assistance under the Permanent Housing Voucher Program for certain enumerated reasons; providing for hearings for certain terminations and denials of assistance; establishing certain hearing procedures and the conduct of the hearings; repealing City Code Article 1, Subtitle 24 {“Overnight Shelters”} as duplicative; defining certain terms; generally relating to ending homelessness in Baltimore; and providing for a special effective date.

Sponsors: Ryan Dorsey, Bill Henry, Sharon Green Middleton, John T. Bullock, Mary Pat Clarke, Edward Reisinger, Zeke Cohen, Robert Stokes, Sr., Kristerfer Burnett, Danielle McCray, Mayor Brandon M. Scott

Indexes: Administration, Establishment, Homelessness, Housing, Program, Voucher

Code sections:

Attachments: 1. 20-0592~1st Reader, 2. Law 20-0592, 3. Finance 20-0592, 4. DHCD 20-0592, 5. MOHS 20-0592, 6. 2nd Reader Amendments 20-0592~1st (comm), 7. 20-0592~3rd Reader

Date	Ver.	Action By	Action	Result
12/7/2020	0	City Council	Failed	
11/16/2020	0	City Council	Advanced to 3rd Reader on same day	
11/16/2020	0	City Council	Approved and Sent to the Mayor	
11/16/2020	0	Housing and Urban Affairs Committee	Recommended Favorably with Amendment	
11/10/2020	0	Housing and Urban Affairs Committee	Recommended Favorably with Amendment	Pass
10/19/2020	0	Housing and Urban Affairs Committee	Scheduled for Voting Session	
10/19/2020	0	Housing and Urban Affairs Committee	Worksession	
9/21/2020	0	Housing and Urban Affairs Committee	Scheduled for a Public Hearing	

8/20/2020	0	The City Council	Refer to Dept. of Finance
8/20/2020	0	The City Council	Refer to Housing Authority of Baltimore City
8/20/2020	0	The City Council	Refer to Mayor's Office of Human Services
8/20/2020	0	The City Council	Refer to Office of the Mayor
8/20/2020	0	The City Council	Refer to City Solicitor
8/20/2020	0	The City Council	Refer to Dept. of Housing and Community Development
8/17/2020	0	City Council	Introduced
8/17/2020	0	City Council	Assigned

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

City of Baltimore Council Bill

Introduced by: Councilmember Dorsey

A Bill Entitled

An Ordinance concerning

Office to End Homelessness - Establishment, Administration, and Permanent Housing Voucher Program

For the purpose of establishing the Baltimore City Office to End Homelessness; declaring that the policy of the Mayor and City Council of Baltimore to make homelessness rare, brief, and non-recurring; providing that the Office will be led by an Executive Director appointed by the Mayor and confirmed by the City Council; establishing the duties of the Office; requiring certain reports; establishing the Permanent Housing Voucher Program; providing for certain funding for the Permanent Housing Voucher Program; setting forth the eligibility requirements for the Permanent Housing Voucher Program; requiring that the Office adopt rules and regulations to administer the Permanent Housing Voucher Program; establishing procedures on a family's admission into the Permanent Housing Voucher Program; setting forth certain programmatic functions for the Permanent Housing Voucher Program through tenant-based vouchers and project-based vouchers; providing for the termination of assistance under the Permanent Housing Voucher Program for certain enumerated reasons; providing for hearings for certain terminations and denials of assistance; establishing certain hearing procedures and the conduct of the hearings; repealing City Code Article 1, Subtitle 24 {"Overnight Shelters"} as duplicative; defining certain terms; generally relating to ending homelessness in Baltimore; and providing for a special effective date.

By repealing

Article 1 - Mayor, City Council, and Municipal Agencies
Subtitle 24 - Overnight Shelters, in its entirety
Baltimore City Code
(Edition 2000)

By adding

Article 13 - Housing and Urban Renewal
Sections 4-1 through 4-31, to be under the new subtitle,
"Homelessness"
Baltimore City Code

(Edition 2000)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That City Code Article 1, Subtitle 24 {"Overnight Shelters"} is repealed, in its entirety.

Section 2. Be it further ordained, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 13. Housing and Urban Renewal

Subtitle 4. Homelessness

Part I. General Provisions

§ 4-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *At risk of homelessness.*

“At risk of homelessness” means that an individual’s status or circumstances indicate a significant danger of experiencing homelessness in the foreseeable future.

(c) *Continuum of care.*

“Continuum of care” means the Baltimore City Continuum of Care organization established pursuant to the McKinney-Vento Homeless Assistance Act as amended, 42 U.S.C. 11371 *et seq.*, and its corresponding regulations, 24 C.F.R. Part 578.

(d) *Executive Director.*

“Executive Director” means the Executive Director of the Baltimore City Office to End Homelessness.

(e) *Homeless; Homelessness.*

“Homeless” or “homelessness” means an individual’s state of:

(1) having no present possessory interest in a living accommodation and lacking the means necessary to obtain that interest; or

(2) having a possessory interest in a living accommodation but:

(i) the inability to secure entry to that accommodation; or

(ii) occupation of the accommodation would likely lead to violence from another occupant.

(g) *Office.*

“Office” means the Baltimore City Office to End Homelessness.

§ 4-2. {Reserved}

§ 4-3. Purpose and policy.

The policy of the Mayor and City Council to make homelessness rare, brief, and non-recurring.

Part II. Office to End Homelessness

§ 4-4. Office established.

There is a Baltimore City Office to End Homelessness.

§ 4-5. Office administration.

(a) *Executive Director.*

(1) *In general.*

The Office shall be supervised and directed by an Executive Director, who shall be appointed by the Mayor in accordance with City Charter Article IV, _ 6.

(2) *Qualifications.*

At the time of appointment, the Executive Director shall have substantial experience working with homeless individuals or issues involving homelessness.

(b) *Staff.*

The Executive Director may employ a staff, as provided in the Ordinance of Estimates.

§ 4-6. Office duties.

(a) *In general.*

The Office shall:

- (1) be responsible for programs and supportive services provided by the City, including outreach, shelter, prevention and diversion, and permanent housing, for families and individuals who are homeless or at risk of homelessness;
- (2) develop, maintain and, where necessary, strengthen the operational systems for the provision of homeless programs and services;
- (3) consult and coordinate with other appropriate governmental agencies and the Continuum of Care to develop, operate, and strengthen the operational systems for homeless programs and services;
- (4) direct and supervise the management, operations, budget, and funding of the Office;
- (5) follow evidence-based models for Office programs and services;
- (6) ensure that all Office operational systems and homeless programs and services promote racial equity;
- (7) continually evaluate the effectiveness of Office programs and services;

- (8) advise and assist the Mayor and City Council with respect to policy matters relating to families and individuals who are homeless or at risk of homelessness;
- (9) promote policies that end the criminalization of homelessness; and
- (10) carry out any other duty or responsibility related to the City's policy of ending homelessness, as directed by the Mayor.

(b) *Assistance in mission.*

(1) *In general.*

The Office shall encourage the participation of and receive proposals from public and private sectors for the development and operation of programs and services for families and individuals who are homeless or at risk of homelessness.

(2) *Those who have experienced homelessness.*

The Office shall engage with individuals who have personal experience of homelessness in developing and operating programs and services, systems planning, and evaluation.

§ 4-7. Annual report and briefing.

(a) *In general.*

No later than June 30 of each year, the Office shall submit a report to the Mayor and City Council on the activities of the Office.

(b) *Contents.*

The report required by this section shall include:

- (1) systems performance and program outcome data, including, as appropriate, available data regarding individuals and families utilizing Office programs and services that is disaggregated by race, ethnicity, sexual orientation, gender identity, and age;
- (2) analyses of impediments to ending homelessness, including systems effectiveness, gaps in programs and services, program performance, and equity goals;
- (3) recommendations for any legislative or policy changes and budgetary needs;
- (4) information regarding any partnerships or collaboration with other governmental agencies; and
- (5) an assessment of Office engagement with individuals with personal experience of homelessness in Office systems and program planning and evaluation.

(c) *Council briefing.*

- (1) No later than 45 days from the date of the submission of the report required by this section, the City Council, or an appropriate committee of the City Council, shall hold a hearing to allow the Office to brief the Council on its report.
- (2) The hearing required by this subsection shall allow for public testimony.

§ 4-8. *{Reserved}*

Part III. Permanent Housing Voucher Program

§ 4-9. **Definitions.**

(a) *In general.*

In this part, the following terms have the meanings indicated.

(b) *1-family dwelling.*

“1-family dwelling” means a building that contains only 1 dwelling unit.

(c) *2-family dwelling.*

“2-family dwelling” has the meaning stated in § 202.2 of the Baltimore City Building Code.

(d) *Assisted dwelling unit.*

“Assisted dwelling unit” means:

(1) either:

(i) a dwelling unit within a 2-family dwelling or a multiple-family dwelling; or

(ii) a 1-family dwelling;

(2) leased to a family admitted into the Program; and

(3) whose housing costs are being paid for under the Program through a housing assistance payment.

(d) *Dwelling unit.*

“Dwelling unit” has the meaning stated in § 202.2 of the Baltimore City Building Code.

(e) *Extremely-low income household.*

“Extremely-low income household” means a family whose aggregate gross income does not exceed 30% of the Area Median Income, as adjusted for the size of the family.

(f) *Family.*

“Family” means 1 or more individuals who reside together as a household.

(g) *Fund.*

“Fund” means the continuing, nonlapsing fund established by City Charter Article I, _ 14 {“Affordable housing trust fund”}.

(h) *Housing assistance payment; Assistance.*

“Housing assistance payment” or “assistance” means the monthly dollar amount paid by the Office directly to a family’s housing provider that represents the total housing cost for the family’s assisted dwelling unit minus the family’s contribution.

(i) *Housing costs.*

“Housing costs” means:

- (1) rental payments;
- (2) utilities, which are limited to the cost of:
 - (i) electricity;
 - (ii) gas;
 - (iii) water; and
 - (iv) sewer; and
- (3) other costs incidental to housing, including:
 - (i) security deposits;
 - (ii) application fees;
 - (iii) utility hook-ups; and
 - (iv) moving costs.

(i) *Multiple-family dwelling.*

“Multiple-family dwelling” has the meaning stated in § 202.2 of the Baltimore City Building Code.

(j) *Payment standard.*

“Payment standard” means the maximum monthly assistance payment for a family before deducting the family’s contribution.

(k) *Permanent supportive housing.*

“Permanent supportive housing” means permanent housing funded by the federal Continuum of Care program, authorized by the McKinney-Vento Homeless Assistance Act as amended, 42 U.S.C. 11371 *et seq.*, and its corresponding regulations, 24 C.F.R. Part 578.

(l) *Program.*

“Program” means the Baltimore City Permanent Housing Voucher Program.

(m) *Project-based voucher assistance.*

“Project-based voucher assistance” means housing assistance payments attached to a particular 1-family dwelling, 2-family dwelling, or dwelling units within a

multiple-family dwelling or set of multiple-family dwellings, owned and operated by a private or nonprofit housing provider.

(n) *Tenant-based voucher assistance.*

“Tenant-based voucher assistance” means housing assistance payments allocated to an eligible family and paid on behalf of that family to lease an assisted dwelling unit selected by the family and approved by the Office.

§ 4-10. Program established.

(a) *In general.*

There is a Permanent Housing Voucher Program in Baltimore City.

(b) *Purpose.*

The purpose of the Program is to assist families who currently reside in permanent supportive housing and who no longer need or want supportive services but who continue to have extremely low incomes maintain permanent housing through tenant-based voucher assistance or project-based voucher assistance.

(c) *Administration.*

The Program shall be administered by the Office in accordance with this part.

§ 4-11. Program funding.

(a) *In general.*

The Program shall be funded by an annual disbursement from the Fund of at least \$1.3 million.

(b) *Supplemental funding.*

In addition to the funding described in subsection (a), the Program may be further funded by an appropriation in the annual Ordinance of Estimates.

(c) *Funding allocation.*

The Office may not allocate more than 25% of annual Program funding towards project-based voucher assistance.

(d) *Unused affordable housing funds.*

Any unused or unobligated Fund disbursements shall revert back to the Fund on an annual basis.

§ 4-12. Rules and regulations.

(a) *In general.*

Subject to the requirements in this section, the Office shall adopt rules and regulations to carry out the

provisions of this subtitle.

(b) *Scope of rules and regulations.*

The rules and regulations required by this section shall include provisions regarding:

- (1) the calculation of income and adjusted income for the purpose of Program eligibility, which shall be, to the extent practicable, consistent with 24 C.F.R. §§ 5.609 and 5.611(a);
- (2) the calculation of a family's contribution including utility allowances and utility reimbursements, which shall be, to the extent practicable, consistent with 24 C.F.R. §§ 5.632 and 5.634;
- (3) protections for victims of domestic violence, dating violence, sexual assault, or stalking, which shall be, to the extent practicable, consistent with 24 C.F.R., Part 5, Subpart L;
- (4) family education regarding the Program rules, issuance of voucher, approval of dwelling unit, and term of voucher, which shall be, to the extent practicable, consistent with 24 C.F.R. §§ 982.301, 982.302, and 982.303;
- (5) approval standards for an assisted dwelling unit, which shall be, to the extent practicable, consistent with 24 C.F.R. § 982.305;
- (6) moving with tenant-based assistance, which shall be, to the extent practicable, consistent with 24 C.F.R. §§ 982.354 and 983.261;
- (7) housing quality standards and standards for the amount of allowable bedrooms within an assisted dwelling unit, which shall be, to the extent practicable, consistent with 24 C.F.R. §§ 982.401, 982.402 and 982.404;
- (8) initial and periodic inspections, which shall be, to the extent practicable, consistent with 24 C.F.R. § 982.405; and
- (9) accessibility standards for assisted dwelling units, which shall be, to the extent practicable, existing accessibility standards under the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq*, the Rehabilitation Act 29 U.S.C. § 701 *et seq*, the Fair Housing Act Amendments 42 U.S.C. § 3601 *et seq*, and their respective implementing regulations.

(c) *Collaboration.*

In developing the rules and regulations required by this section and any subsequent amendments, the Office shall collaborate with the Affordable Housing Trust Fund Commission established by City Charter Article I, § 14 and the Baltimore City Continuum of Care to ensure consistency of policy and procedure.

(d) *Hearing and comment period.*

The Office may not adopt or amend rules and regulations under this part without first:

- (1) providing a 30-day public comment period; and
- (2) holding a public hearing.

(e) *Filing with Legislative Reference.*

A copy of all rules and regulations adopted under this section must be filed with the Department of Legislative Reference before they become effective.

§ 4-13. *{Reserved}*

§ 4-14. **Program eligibility.**

(a) *Application required.*

- (1) Families seeking to participate in the Program shall apply to the Office.
- (2) A family's permanent supportive housing provider shall assist the family with an application, if requested.
- (3) Participation in the Program is voluntary and solely the decision of the family.

(b) *Eligibility.*

A family is eligible to participate in the Program if the family:

- (1) is a current participant in a permanent supportive housing program;
- (2) resides in Baltimore City at the time of application; and
- (3) is an extremely low-income household.

§ 4-15. **Program admission.**

(a) *In general.*

Subject to the provisions of this section, eligible families shall be admitted into the Program.

(b) *Funding availability.*

Admission into the Program is subject to the availability of funds and is not an entitlement.

(c) *Tenant responsibilities.*

(1) *Authorized persons.*

- (i) On admission, the Office shall collect the name of each family member who intends to reside in an assisted dwelling unit.
- (ii) Except for the individuals registered with the Office, no other individual may reside in an assisted dwelling unit unless approved by the Office, in accordance with the Program's rules and regulations.
- (iii) A family admitted into the Program shall report any change in family composition that results in more or fewer individuals living in the assisted dwelling unit, in accordance with the Program's rules and regulations.

(2) *Change in income.*

A family admitted into the Program shall report changes in income to the Office, in accordance with

the Program's rules and regulations.

(d) *Office responsibilities.*

The Office shall:

- (1) assist families admitted into the Program in finding and leasing an assisted dwelling unit either through tenant-based voucher assistance or project-based voucher assistance;
- (2) ensure that any assisted dwelling unit meets:
 - (i) the habitability standards set forth in the rules and regulations adopted under this subtitle; and
 - (ii) the rental registration and rental licensing requirements set forth in subtitle 4 {"Registration of Non-Owner-Occupied Dwellings, Rooming Houses, and Vacant Structures"} and subtitle 5 {"Licensing of Rental Dwellings"} of this article;
- (3) ensure that the rent for any assisted dwelling unit is not more than the rent charged for comparable units in the private unassisted market and for comparable unassisted units in the premises;
- (4) examine a family's income initially and at least annually thereafter to determine the amount of the contribution toward rent payable by the family;
- (5) educate families admitted into the Program and housing providers on Program rules and regulations;
- (6) conduct outreach and recruitment of housing providers to participate in the Program; and
- (7) ensure that the lease for the assisted dwelling unit complies with state and local law and that the initial lease term is for at least 1 year.

(e) *Utility allowance.*

In the rules and regulations required by this subtitle, the Office shall establish a schedule to determine the amount of the utility allowance for families admitted into the Program.

§ 4-16. Payment standards.

(a) *In general.*

The Office shall establish a payment standard that:

- (1) reflects the cost to lease a dwelling unit in Baltimore City; and
- (2) constitutes between 100%-130% of fair market rent.

(b) *Equity.*

To avoid concentration of poverty and to provide families with greater housing choices, the Office may establish payment standards based on fair market rents by zip code or census tract.

§ 4-17. {Reserved}

§ 4-18. Tenant-based assistance program function.

(a) *Amount of family contribution and assistance.*

In accordance with the Program's rules and regulations, a family's contribution towards the housing costs for an assisted unit may not exceed 30% of the family's gross adjusted monthly income.

(b) *Minimum family contribution prohibited.*

Notwithstanding subsection (a) of this section, the Office may not require or otherwise establish a minimum contribution to be paid by a family towards the family's housing costs.

(c) *Manner of payment.*

Housing assistance payments made under this section shall be made directly to the family's housing provider.

(d) *Termination of assistance.*

The Office may terminate assistance under this section to a family as specified in _ 4-22 {"Termination or denial of assistance by Office"} of this subtitle.

(e) *Term of assistance.*

(1) *In general.*

Assistance under this section shall continue provided that:

- (i) the family continues to meet the income eligibility requirements of _ 4-14(b)(3);
- (ii) sufficient funds are available to continue assistance; and
- (iii) assistance is not terminated, voluntarily or involuntarily, as provided in this subtitle.

(2) *Audits.*

The Office shall conduct audits at least annually to ensure families within the Program continue to be eligible for assistance.

§ 4-19. Project-based assistance program function.

(a) *In general.*

Subject to the provisions of this section, the Office may issue a request for proposals and subsequently contract with an owner of a 1-family dwelling, 2-family dwelling, or a multiple-family dwelling to provide assistance for multiple dwelling units owned by the same owner provided that:

- (1) each assisted dwelling unit is leased and occupied by a family who has been admitted into the Program and referred by the Office to the housing provider; and
- (2) the lease term for the family to occupy the dwelling unit is no less than 1 year.

(b) *Amount of family contribution and assistance.*

In accordance with the Program's rules and regulations, a family's contribution towards the housing costs for an assisted unit may not exceed 30% of the family's gross adjusted monthly income.

(c) *Minimum family contribution prohibited.*

Notwithstanding subsection (b) of this section, the Office may not require or otherwise establish a minimum contribution to be paid by a family towards the family's housing costs.

(d) *Manner of payment.*

Housing assistance payments made under this section shall be made directly to the housing provider.

(e) *Limitations.*

(1) *Scope of subsection.*

This subsection only applies to multiple-family dwellings containing 5 or more dwelling units.

(2) *In general.*

(i) To avoid the concentration of poverty:

(A) housing assistance payments under this section may only be provided to up to 25% of the total dwelling units within a particular multiple-family dwelling; and

(B) the Office may not contract with a housing provider to provide housing assistance under section if the multiple-family dwelling that is the subject of the contract has more than 25% of its total dwelling units receiving other federal, state, or local housing assistance.

(f) *Priority.*

The Office shall prioritize project-based rental assistance for use in 1-family dwellings, 2-family dwellings, or multiple-family dwellings that:

(1) have accessible housing for individuals with disabilities; or

(2) are community land trusts or other shared-equity housing models.

(g) *Termination by housing provider.*

A housing provider receiving assistance under this section may not terminate a family's lease or fail to renew a family's lease unless the family has committed a serious breach of the lease or for other good cause in accordance with the Program's rules and regulations.

(h) *Termination by Office.*

The Office may terminate assistance under this section to a family as specified in _ 4-22 {"Termination or denial of assistance by Office"} of this subtitle.

(i) *Term of assistance.*

(1) *In general.*

Subject to the contract executed between the Office and the housing provider, assistance under this section shall continue provided that:

- (i) single-family dwelling units or dwelling units within the multiple-family dwelling continue to be leased by families that meet the income eligibility requirements of § 4-14(b)(3);
- (ii) sufficient funds are available to continue assistance; and
- (iii) assistance is not terminated, voluntarily or involuntarily, as provided in this subtitle.

(2) *Audits.*

The Office shall conduct audits at least annually to ensure that:

- (i) families receiving assistance continue to be eligible for assistance; and
- (ii) the housing provider is in compliance with this subtitle, the Program's rules and regulations, and any contractual requirements.

§ 4-20. Program limitations.

(a) *"Rooming unit" defined.*

In this section, "rooming unit" has the definition stated in § 202.2 of the Baltimore City Property Maintenance Code.

(b) *Assistance prohibited.*

Housing assistance payments under the Program may not be provided for a rooming unit.

§ 4-21. {Reserved}

§ 4-22. Termination or denial of assistance by Office.

(a) *In general.*

After a hearing conducted in accordance with this subtitle and with proper notice to the family, the Office may deny or terminate housing assistance payments to a family under this part if the Office finds that:

- (1) the family has been evicted from its assisted dwelling unit due to a serious or repeated lease violation;
- (2) the family failed to supply the information to the Office required by this subtitle or the rules and regulations adopted under this subtitle;
- (3) the family has permitted an unauthorized individual to reside in the assisted dwelling unit, as set forth in this subtitle or in the rules and regulations adopted under this subtitle;
- (4) a family member has committed fraud or bribery in connection to the Program; or
- (5) the family does not comply with the housing quality standards set forth in the regulations adopted under this subtitle.

(b) *Imposition of termination.*

Termination of a family's housing assistance payments is reserved for only the most severe and egregious violations of subsection (a) of this section. The Office shall examine all extenuating circumstances in determining whether a violation warrants termination.

(c) *Return to permanent supportive housing.*

Prior to any determination that a family's housing assistance payments should be terminated, the Office shall offer the family the opportunity to return to permanent supportive housing.

§ 4-23. Return to permanent supportive housing.

At any time, a family admitted into the Program may voluntarily request that Program assistance be terminated and to be returned to permanent supportive housing.

§ 4-24. {Reserved}

§ 4-25. Hearings - generally.

(a) *In general.*

Prior to taking any final action to deny or terminate housing assistance payments under this subtitle, the Office shall notify the family against whom the action is contemplated of the proposed action.

(b) *Notice.*

The notice under this section shall:

- (1) be in writing to the family's address of record with the Office;
- (2) state the reason and factual basis for the denial or termination;
- (3) state the relevant statutory or regulatory provision forming the basis for the denial or termination;
- (4) state that a hearing will be provided if, within 10 days of the notice (or any longer period specified in the notice), the person files with the Office a written request for a hearing;
- (5) provide information on the availability of free legal services; and
- (6) for notices of intent to terminate assistance, include a statement that, if a hearing is requested, housing assistance will continue until the Office issues a final decision.

(c) *Other situations.*

A hearing is not required when a family is denied or terminated from housing payment assistance for lack of Program funding.

§ 4-26. Delegation of hearing authority.

(a) *In general.*

Hearings may be conducted by:

- (1) the Executive Director; or
- (2) a hearing officer designated by the Executive Director.

(b) *Scope of delegation.*

The Executive Director may delegate to a hearing officer the authority to issue:

- (1) proposed or final findings of fact;
- (2) proposed or final conclusions of law;
- (3) proposed or final findings of fact and conclusions of law;
- (4) proposed or final orders; or
- (5) the final administrative decision of the Office.

§ 4-27. Conduct of hearing.

(a) *Notice of hearing.*

- (1) The Office must provide all parties reasonable written notice of the hearing.
- (2) The notice must state:
 - (i) the date, time, place, and nature of the hearing;
 - (ii) the right of a party to be represented, at the party's own expense, by an attorney or, if permitted by law, other representative;
 - (iii) the right of a party to call witnesses and submit documents or other evidence under § 4-28 {"Evidence"} of this subtitle; and
 - (iv) that failure to appear for the scheduled hearing may result in an adverse action against the party.

(b) *Hearings to be open and informal.*

Except as otherwise provided by law or by rule or regulation of the Office, all hearings shall be:

- (1) open to the public; and
- (2) conducted in an orderly but informal manner.

§ 4-28. Evidence.

(a) *In general.*

Except as otherwise provided by this section or by rule or regulation of the Office, formal rules of evidence and trial procedures do not apply.

(b) *Right to submit.*

On a genuine issue of fact, a party is entitled to:

- (1) call witnesses;
- (2) offer evidence, including rebuttal evidence;
- (3) cross-examine any witness that another party or the Office calls; and
- (4) present summation and argument.

(c) *Scope.*

The Executive Director or hearing officer:

- (1) may admit probative evidence that reasonable and prudent individuals commonly accept in the conduct of their affairs and give probative effect to that evidence;
- (2) may not exclude evidence solely on the basis that it is hearsay;
- (3) must give effect to a privilege recognized by law;
- (4) may receive documentary evidence in the form of copies or excerpts or through incorporation by reference;
- (5) may take official notice of a fact that is judicially noticeable or that is general, technical, or scientific and within the specialized knowledge of the Office; and
- (6) may exclude evidence that is:
 - (i) incompetent;
 - (ii) irrelevant;
 - (iii) immaterial; or
 - (iv) unduly repetitious.

§ 4-29. Hearing record.

(a) *In general.*

The Executive Director or the hearing officer shall make a record of each hearing conducted under this subtitle.

(b) *Contents of record.*

A hearing record required by this section shall include:

- (1) all documentary evidence received during the hearing;
- (2) a statement of each fact of which official notice has been taken;
- (3) each question;

- (4) each offer of proof;
- (5) each objection and the ruling on the objection;
- (6) all motions and pleadings; and
- (7) each finding of fact or conclusion of law proposed by a party or the hearing officer.

§ 4-30. Final decisions.

(a) *Form and contents.*

A final decision must:

- (1) be in writing;
- (2) contain separate statements of:
 - (i) the findings of fact;
 - (ii) the conclusions of law; and
 - (iii) the decision or order; and
- (3) a written statement of appeal rights.

(b) *Distribution.*

A copy of the final decision must be mailed or delivered to each party or that party's attorney of record.

§ 4-31. Judicial and appellate review.

(a) *Judicial review.*

A party aggrieved by a final decision under this subtitle may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules.

(b) *Appellate review.*

A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules.

Section 3. And be it further ordained, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

Section 4. And be it further ordained, That, notwithstanding the funding allocation set forth in § 4-11(c) {"Program funding: Funding allocation"} of Section 2 of this Ordinance, the Office shall allocate 100% of available Program funding to tenant-based voucher assistance in the Program's first full fiscal year.

Section 5. And be it further ordained, That the individual holding the position of director of the Mayor's Office of Homeless Services on the date that this Ordinance is enacted shall assume the position of Executive Director created by § 4-5 {"Administration of Office"} of Section 2 of this Ordinance on the date that this Ordinance goes into effect and shall serve in that position until another individual is appointed and qualifies under the provisions of this Ordinance.

Section 6. And be it further ordained, That this Ordinance takes effect on the 90th day after the date it is enacted.