



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Legislation Text

File #: 21-0097, Version: 0

DLR Draft III 03Jun21

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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 Middleton

A Bill Entitled

An Ordinance concerning

Emergency Security Deposit Relief Act

For the purpose of establishing the Emergency Security Deposit Voucher Program; placing a cap on the amount of money the Emergency Security Deposit Voucher Program can give each family for a security deposit; providing for certain funding for the Emergency Security Deposit Voucher Program; setting forth the eligibility requirements for the Emergency Security Deposit Voucher Program; requiring that the Department of Housing and Community Development adopt rules and regulations to administer the Emergency Security Deposit Voucher Program; establishing procedures on a family's admission into the Emergency Security Deposit Voucher Program; putting certain priorities in place for distribution of security deposit vouchers; requiring the security deposit voucher to be used within a certain time frame; making a family liable for the cost of the security deposit voucher upon a Departmental finding that the family has used the security deposit voucher improperly; providing for an appeals process in case of a finding of improper use of the security deposit voucher or denial of a security deposit voucher; defining certain terms; and providing for termination of this subtitle on a certain date.

By adding

Article 13 - Housing and Urban Renewal
Sections 6B-1 through 6B-13, to be under the new subtitle
"Security Deposit Vouchers"
Baltimore City Code
(Edition 2000)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 4. Housing and Urban Renewal

Subtitle 6B. Security Deposit Vouchers

§ 6B-1. Definitions.

(a) *In general.*

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

(b) *Commissioner.*

“Commissioner” means the Commissioner of the Department of Housing and Community Development or the Commissioner’s designee.

(c) *Department.*

“Department” means the Department of Housing and Community Development.

(d) *Low income household.*

“Low income household” means a family whose aggregate gross income does not exceed 60% of the Area Median Income, as adjusted for the size of the family.

(e) *Family.*

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

(f) *Fund.*

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

(g) *Program.*

“Program” means the Baltimore City Emergency Security Deposit Voucher Program.

(h) *Security deposit.*

“Security deposit” means an amount of money that a tenant pays to a landlord that the landlord must return to the tenant at the end of the lease minus any amount the landlord used for the tenant’s:

- (1) non-payment of rent;
- (2) breach of the lease; or
- (3) damage to property.

(i) *Security deposit voucher; voucher.*

“Security deposit voucher” or “voucher” means a one-time payment by the Program of up to \$2,000 toward a security deposit.

§ 6B-2. Program established.

(a) *In general.*

There is an Emergency Security Deposit Voucher Program in Baltimore City.

(b) *Purpose.*

The purpose of the Program is to provide families who are in need of permanent housing and who have low incomes with security deposit vouchers for permanent housing.

(c) *Administration.*

The Program shall be administered by the Department.

§ 6B-3. Program funding.

(a) *In general.*

(1) The Program may be funded by an annual disbursement from the Fund.

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

(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.

§ 6B-4. Rules and regulations.

(a) *In general.*

Subject to the requirements in this section and subject to Title 4 {“Administrative Procedure Act - Regulations”} of the City General Provisions Article, the Department shall adopt rules and regulations to carry out the provisions of this part.

(b) *Collaboration.*

In developing the rules and regulations required by this section and any subsequent amendments, the Department 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.

(c) *Hearing period.*

In addition to the requirements set forth in the Title 4 {“Administrative Procedure Act - Regulations”} of the City General Provisions Article, the Department must hold a public hearing prior to:

(1) adopting any rules and regulations required by this section; or

(2) amending or repealing any rules and regulations adopted under this subtitle.

§ 6B-5. Program eligibility.

(a) *Application required.*

Families seeking to participate in the Program shall submit an application to the Department in the form the Department requires.

(b) *Eligibility.*

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

- (1) resides in Baltimore City at the time of application; and
- (2) is an low-income household.

§ 6B-6. 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.

§ 6B-7. {Reserved}

§ 6B-8. Voucher payment.

(a) *Manner of payment.*

A security deposit voucher made under this section shall be given directly to the tenant to pay the landlord.

(b) *Audits.*

The Department shall conduct audits at least annually to ensure that families receiving security deposit vouchers are:

- (1) eligible for assistance; and
- (2) appropriately using the vouchers to pay for security deposits for permanent housing.

§ 6B-9. Rooming units.

(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 allowed.*

A security deposit payment made under the Program may be provided for a rooming unit.

§ 6B-10. Voucher priority; equity.

To ensure that vouchers are disbursed in an equitable manner, the Department shall prioritize voucher

recipients based on:

- (1) median household income in the vicinity of a family's desired permanent housing, with areas with the lowest median income receiving highest priority; and
- (2) whether the family has received a security deposit voucher from the Department in a prior year.

§ 6B-11. Time limitations for use of voucher.

(a) *In general.*

A family has 180 days to use the security deposit voucher toward payment of a security deposit for permanent housing.

(b) *Extension.*

If a family needs more time to use the security deposit voucher toward payment of a security deposit, the family must make a written request for additional time to the Department.

(c) *Departmental discretion.*

On a finding of good cause, the Department may grant the family's written request for additional time to use the voucher.

§ 6B-12. Misuse of voucher.

(a) *In general.*

If the Department finds that a family is using the voucher for purposes other than payment of a security deposit for permanent housing, the family is liable for the amount of the voucher, payable as provided in the rules and regulations adopted under this subtitle.

(b) *Written notice of finding.*

If the Department finds that the family is using the voucher for purposes other than payment of a security deposit for permanent housing, the Department must provide the family with a written notice of the finding and the family's subsequent liability, including the reasons for the finding, within 15 business days of the finding.

(c) *Appeal.*

(1) *In general.*

The family may appeal the Departmental finding to the Commissioner of the Department.

(2) *Format of appeal.*

In appealing the Departmental finding, the family must:

- (i) put the appeal in writing;
- (ii) state the reasons why the Departmental finding is incorrect; and
- (iii) send the appeal to the Commissioner within 10 business days of receipt of the Departmental

finding.

(3) *Decision.*

The Commissioner must issue a written decision within 15 business days of receipt of the family's appeal.

§ 6B-13. Denial of voucher by the Department.

(a) *In general.*

The Department may deny a voucher to a family if the Department finds that the family:

- (1) failed to supply the information to the Department required by this subtitle or the rules and regulations adopted under this subtitle;
- (2) does not reside in Baltimore City at the time of application; or
- (3) is not low-income household.

(b) *Written notice of denial.*

If the Department denies a family's application for a voucher, it must provide the family with a written notice of the denial, including the reasons for the denial, within 15 business days of the denial.

(c) *Appeal.*

(1) *In general.*

The family may appeal the Department's denial to the Commissioner of the Department.

(2) *Format of appeal.*

In appealing the Department's denial, the family must:

- (i) put the appeal in writing;
- (ii) state the reasons why the Department should have granted the voucher; and
- (iii) send the appeal to the Commissioner within 15 business days of receipt of the Department's written denial.

(3) *Decision.*

The Commissioner must issue a written decision within business 15 days of receipt of the family's appeal.

Section 2. 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 3. And be it further ordained, That this Ordinance takes effect on the 30th day after the date it is enacted. It will remain effective through October 31, 2023, and, immediately after that date, with no further action by the Mayor and the City Council, this Ordinance will be abrogated and of no further effect.