

Bill No.: \_\_\_\_\_

Requested: \_\_\_\_\_

Committee: \_\_\_\_\_

Drafted by: Lodge

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Stored – 01/19/10

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By: **Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Tenant Credit Check Restriction Act**

3 **MC 4–10**

4 FOR the purpose of prohibiting the owner or landlord of rental housing from  
5 conducting a credit check of a tenant applicant who qualifies for a certain  
6 monthly housing assistance payment from the Housing Opportunities  
7 Commission of Montgomery County under certain circumstances; defining a  
8 certain term; and generally relating to tenant credit checks in Montgomery  
9 County.

10 BY repealing and reenacting, without amendments,  
11 Article – Housing and Community Development  
12 Section 16–101(a), (d), and (e) and 16–108  
13 Annotated Code of Maryland  
14 (2006 Volume and 2009 Supplement)

15 BY adding to  
16 Article – Housing and Community Development  
17 Section 16–501 and 16–502 to be under the new subtitle “Subtitle 5. Housing  
18 Choice Voucher Program”  
19 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2006 Volume and 2009 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article – Housing and Community Development**

5 16–101.

6 (a) In this title the following words have the meanings indicated.

7 (d) “Montgomery Commission” means the Housing Opportunities  
8 Commission of Montgomery County.

9 (e) “Person of eligible income” means an individual or family that qualifies  
10 under § 16–108 of this subtitle.

11 16–108.

12 (a) An individual or family qualifies as a person of eligible income if the  
13 individual or family lacks enough income or assets without financial assistance to live  
14 in decent, safe, and sanitary housing without overcrowding.

15 (b) (1) The County Executive, or the County Executive’s designee, shall  
16 determine whether an individual or family qualifies as a person of eligible income.

17 (2) For elderly individuals, individuals with disabilities, and other  
18 individuals or families with special needs, the County Executive or the County  
19 Executive’s designee may adjust the requirements for qualifying as a person of eligible  
20 income if the County Executive or designee considers that other standards are more  
21 appropriate to achieve the public purposes stated in this subtitle.

22 (3) A determination made under this subsection is conclusive of the  
23 matters determined.

24 (c) (1) The County Executive may change the definition of “person of  
25 eligible income” by issuing a proposed regulation.

1                   (2)     The regulation shall take effect only after a public hearing held in  
2 accordance with procedures established by the County Council.

3                   **SUBTITLE 5. HOUSING CHOICE VOUCHER PROGRAM.**

4     **16-501.**

5                   **IN THIS SUBTITLE, "PROGRAM" MEANS THE FEDERAL HOUSING CHOICE**  
6 **VOUCHER PROGRAM, SECTION 8 OF THE U.S. HOUSING ACT OF 1937.**

7     **16-502.**

8                   **IF A TENANT APPLICANT FOR RENTAL HOUSING IS A PERSON OF ELIGIBLE**  
9 **INCOME WHO QUALIFIES UNDER THE PROGRAM FOR A 100% MONTHLY**  
10 **HOUSING ASSISTANCE PAYMENT FROM THE MONTGOMERY COMMISSION, THE**  
11 **OWNER OR LANDLORD OF THE RENTAL HOUSING MAY NOT CONDUCT A CREDIT**  
12 **CHECK OF THE TENANT APPLICANT.**

13                   **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
14 **October 1, 2010.**