

Bill No. 17-02
Concerning: Rental Assistance - Appeals
Revised: July 12, 2002 Draft No. 4
Introduced: May 23, 2002
Enacted: July 16, 2002
Executive: July 30, 2002
Effective: October 29, 2002
Sunset Date: None
Ch. 20, Laws of Mont. Co. 2002

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the County Executive

AN ACT to:

- (1) revise the law governing appeals from decisions on eligibility for rental assistance;
and
- (2) generally amend the law governing the rental assistance program.

By amending

Montgomery County Code
Chapter 41A, Rental Assistance
Sections 41A-2 and 41A-17

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sections 41A-2 and 41A-17 are amended as follows:

41A-2. Definitions.

In this Article, the following words have the meanings indicated:

* * *

(j) *Recipient* means a person who [has applied for and been approved to receive a benefit] is receiving benefits on behalf of a household under this Article. A recipient includes a person who reapplies for benefits before the end of that person’s eligibility period. Each recipient must be at least 18 years old, a resident of the County, reside at the application rental unit, and be a member of the household.

* * *

41A-17. Appeals.

[An applicant for or recipient of rental assistance may appeal a decision of the Department to a designee of the Chief Administrative Officer, who is not an officer or employee of the Department, in writing, stating the reason for the appeal, within 30 days after receiving the Department’s decision. The person hearing the appeal may affirm, modify, or reverse the Department’s decision as the facts and the applicable law require.]

(a) The Executive must establish by regulation a case review and appeal procedure that [[provides]]:

- (1) provides each applicant who has been denied new rental assistance benefits an opportunity for an informal case review [[after denial of an application for rental assistance]] and, if the case review upholds the denial of benefits, an administrative hearing; and
- (2) [[each]] prohibits involuntary termination of rental assistance benefits to a recipient until the recipient has received:

28 (A) an opportunity for an informal, in-person case review
29 [[before termination of rental assistance benefits, except as
30 otherwise provided in the regulation]]; and

31 (B) if the case review upholds the termination of benefits, a
32 final decision after an administrative hearing.

33 [[(3) each applicant and recipient an appeal in the form of an
34 administrative review hearing.]]

35 (b) The prohibition in subsection (a)(2) on pre-hearing termination of
36 benefits to a recipient does not apply to:

37 (1) a voluntary termination requested by a recipient; or

38 (2) an involuntary termination under special circumstances described
39 in the regulation, such as fraud.

40 (c) An applicant or recipient aggrieved by a final decision [[issued]] of the
41 Department after an administrative review hearing may seek judicial
42 review by filing [[a civil action in the Circuit Court]] an original
43 complaint in the Circuit Court. Any party to the proceeding in the
44 Circuit Court may appeal the decision of the Circuit Court to the
45 appellate courts of Maryland pursuant to applicable provisions of the
46 Maryland Rules of Procedure.

47 *Approved:*

48 /S/ July 18, 2002

Steven A. Silverman, President, County Council Date

49 *Approved:*

50 /S/ July 30, 2002

Douglas M. Duncan, County Executive Date

51 *This is a correct copy of Council action.*

52 /S/ August 1, 2002

Mary A. Edgar, CMC, Clerk of the Council Date