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

The County Council for Montgomery County, Maryland approves the following Act:
Sections 41A-2 and 41A-17 are amended as follows:


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:
(A) an opportunity for an informal, in-person case review

[[before termination of rental assistance benefits, except as otherwise provided in the regulation]]; and

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

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

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

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

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

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

Approved:

/S/ July 18, 2002
Steven A. Silverman, President, County Council Date

Approved:

/S/ July 30, 2002
Douglas M. Duncan, County Executive Date

This is a correct copy of Council action.

/S/ August 1, 2002
Mary A. Edgar, CMC, Clerk of the Council Date