

COUNTY COUNCIL OF



ANNE
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COUNTY

M A R Y L A N D

LEGISLATIVE SUMMARY*

To: All Councilmembers of the Anne Arundel County Council

From: Linda M. Schuett, Legislative Counsel

Date: January 19, 2021

Subject: Bill No. 7-21

Existing law requires that a property developed as rental housing for the elderly of moderate means be encumbered by a deed restriction that requires the units to be occupied by individuals who are 62 years of age or older. *See* § 18-10-132(1)(i). The plain language of the law does not allow for a live-in caregiver under the age of 62 for a disabled resident in need of full-time care.

Bill No. 7-21 adds an exception. It allows a live-in caregiver under the age of 62 if the resident has a “disability,” as defined in 42 U.S.C. § 12102. Under 42 U.S.C. § 12102, “disability” means a physical or mental impairment that substantially limits one or more major life activities of the individual or has a record of impairment or is regarded as having an impairment. “Major life activities” include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. An individual meets the requirement of “being regarded as having such an impairment” if the individual has been subjected to a prohibited action under the law because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity. For additional nuances, *see* 42 U.S.C. § 12102.

* This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.