



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, June 25, 2019

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:36 A.M. on Tuesday, June 25, 2019.

PRESENT

Councilmember Nancy Navarro, President	Councilmember Sidney Katz, Vice President
Councilmember Gabe Albornoz	Councilmember Andrew Friedson
Councilmember Evan Glass	Councilmember Tom Hucker
Councilmember Will Jawando	Councilmember Craig Rice
Councilmember Hans Riemer	

The President in the Chair.

The invocation was given by Pastor Ann Roda, Vice President of Mission Integration and Spiritual Care, Adventist HealthCare.

PRESENTATIONS

- A. Proclamation was presented by Mr. Riemer recognizing the 75th Anniversary of the Montgomery County Historical Society.
- B. Proclamation was presented by Mr. Glass recognizing Pet Adoption Month.
- C. Proclamation was presented by Mr. Albornoz, Mr. Rice, and Mr. Glass recognizing post-traumatic stress disorder (PTSD) Awareness Month.

GENERAL BUSINESS

- A. **Announcements** - Agenda and Calendar Changes

Ms. Limarzi, Clerk of the Council, announced an addendum to the agenda, changing the date of the public hearings to July 16, 2019, at 7:30 P.M. for

the Supplemental Appropriations and Amendments to the FY20 Capital Budget and FY19-24 Capital Improvements Program (CIP) for \$3,000,000 for Bus Rapid Transit (BRT) for MD 355, and \$1,000,000 for BRT for the Veirs Mill Corridor; Councilmember Rice was added as a co-sponsor to **Bill 20-19**, Landlord-Tenant Relations - Licensing of Rental Housing - Fee Exemption; and the public hearing and action on **Expedited Bill 16-19**, Special Capital Improvements Project - Gude Landfill Remediation was deleted. Ms. Navarro noted that the County Executive plans to resubmit the legislation closer to the expected start date for construction of the Gude Landfill project, in late FY20 or early FY21, and to provide updated costs figures.

(1) B. **Acknowledgement - Receipt of Petitions**

Acknowledged receipt of a letter from residents of Montgomery County opposing Zoning Text Amendment (ZTA) 19-01, Accessory Residential Uses - Accessory Apartments.

C. Approved the minutes of May 23, 2019, without objection. Mr. Jawando was temporarily absent.

(2) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

Mr. Rice made the motion, which carried without objection. Mr. Jawando was temporarily absent.

A. **Received and Released** the Office of Legislative Oversight (OLO) Report 2019-6: **Common Ownership Communities**. A Planning, Housing, and Economic Development (PHED) Committee meeting is scheduled for October 3, 2019.

B. **Received and Released** the OLO Report 2019-5, Student Loan Market Demand Study and Cost Analysis.

C. Adopted **Resolution 19-146**, confirming the County Executive appointments to the Montgomery County Economic Development Corporation Board: Kevin Beverly, Elana Fine, Angela Graham, Ellie Giles.

D. **Introduced** a supplemental appropriation and amendment to the FY20 Capital Budget and FY19-24 CIP, \$3,000,000 for Bus Rapid Transit (BRT): MD 355. A public hearing is scheduled for July 16, 2019, at 7:30 P.M.

E. **Introduced** a supplemental appropriation and Amendment to the FY20 Capital Budget and FY19-24 CIP, \$1,000,000 for BRT: Veirs Mill Corridor. A public hearing is scheduled for July 16, 2019, at 7:30 P.M.

(2.5) **ACTION** - Resolution to Amend the 2016-2020 Subdivision Staging Policy (SSP) in association with blighted/condemned buildings or affordable housing

Mr. Riemer, Chair of the Planning, Housing and Economic Development (PHED) Committee, and Dr. Orlin, Deputy Director, reviewed the Committee recommendations, as contained in the staff report.

Supported, without objection, Montgomery County Council of Parent Teacher Association's (MCCPTA) proposed amendment:

These provisions may be used so that a school's enrollment forecast is affected by no more than one such development per year.

Adopted **Resolution 19-147**, amending the 2016-2020 SSP, as amended.

The PHED Committee made the motion, which carried unanimously.

(3) **ACTION** - Resolution to approve the Tax Supported Fiscal Plan Summary for FY20-25 Public Services Program

Ms. Navarro, Chair of the Government Operations and Fiscal Policy (GO) Committee, reviewed the Committee recommendation, as contained in the staff report.

Adopted **Resolution 19-148**, approving the Tax Supported Fiscal Plan Summary for the FY20-25 Public Services Program.

The GO Committee made the motion, which carried unanimously.

(3.5) **ACTION** - Confirmation of County Executive's appointee as the Director of the Department of Health and Human Services (DHHS): Dr. Raymond Crowel

Adopted **Resolution 19-149**, confirming the County Executive's appointment of Dr. Raymond Crowel as the Director of DHHS.

Mr. Friedson made the motion, which carried unanimously.

(4) **ACTION** - Appointments to Montgomery County Planning Board and designation of Chair

Adopted **Resolution 19-150**, reappointing Mr. Casey Anderson as Chair of the Montgomery County Planning Board. Mr. Riemer made the motion.

Adopted **Resolution 19-151**, appointing Mr. Partap Verma as a member of the Montgomery County Planning Board. Mr. Hucker made the motion.

Ms. Navarro commented on the historic appointment of Mr. Verma, the first Planning Board member who is of Asian Indian descent and openly gay.

(5) **DISCUSSION** - [County's Economic Development Strategy](#)

Participating in the discussion on the County's economic development strategy were County Executive Elrich; Mr. Fletcher, Assistant Chief Administrative Officer; and Mr. Smith, Legislative Analyst.

Mr. Smith summarized information on the requirements for the County's Economic Development Strategic Plan, as contained in the staff report, and noted that the next deadline for an update to the Economic Development Strategic Plan is October 2019.

Mr. Elrich discussed his vision for the County which encourages entrepreneurship, moves people and goods efficiently, develops today's and tomorrow's workforce, reduces burdensome regulations, and promotes opportunity for all, the strategic framework of which is contained in his memorandum dated June 24, 2019, to Council President Navarro.

Mr. Elrich reviewed some of the accomplishments in the first six months of his administration, including Listening Sessions for Businesses, making the Procurement Office more user friendly, and opening the Upcounty Business Connect Hub, the first of five resource centers to provide hands-on support to businesses.

Mr. Fletcher distributed copies of a chart on Montgomery County Economic Development Assignments indicating different economic development functions, the responsible department or organization, and the current implementation status for each function.

Discussed economic data points comparing Montgomery County to other local jurisdictions, and how to do a better job of publicizing the County's assets and branding the County.

Requested copies of the Small Business Strategic Plan, as well as the FY20 Outcome-Based Metrics, which should be available in the next week or two.

The meeting recessed at 12:17 P.M. and reconvened at 1:34 P.M.

- (6) **PUBLIC HEARING/ACTION** - [Special Appropriation to the FY19 Operating Budget, Montgomery County Public School's \(MCPS\) - \\$1,248,757 for a School Safety Safe Schools Grant](#)

The public hearing was held and the record closed. Mr. Hucker was temporarily absent.

Adopted **Resolution 19-152**, approving the subject special appropriation.

Mr. Rice made the motion, which carried unanimously. Mr. Hucker was temporarily absent.

- (7) **PUBLIC HEARING/ACTION** - [Supplemental Appropriation to the FY19 Capital Budget and Amendment to the FY19-24 CIP, MCPS - \\$1,388,000 for Technology Modernization Project](#)

The public hearing was held and the record closed.

Adopted **Resolution 19-153**, approving the subject supplemental appropriation.

Mr. Rice made the motion, which carried unanimously.

- (8) **PUBLIC HEARING/ACTION** - [Special Appropriation to the FY19 Operating Budget, MCPS - \\$3,978,197 for the Title I - Part A Grant](#)

The public hearing was held and the record closed.

Adopted **Resolution 19-154**, approving the subject special appropriation.

Mr. Rice made the motion, which carried unanimously.

- (9) **PUBLIC HEARING/ACTION** - [Supplemental Appropriation to the FY19 Operating Budget, MCPS - \\$5,600,000 for the School Bus Safety Camera Program](#)

The public hearing was held and the record closed.

Adopted **Resolution 19-155**, approving the subject supplemental appropriation.

Mr. Rice made the motion, which carried unanimously.

- (10) **PUBLIC HEARING/ACTION** - [Supplemental Appropriation to the FY19 Operating Budget, MCPS - \\$541,837 for the Heroin and Opioid Prevention Grant](#)

The public hearing was held and the record closed.

Adopted **Resolution 19-156**, approving the subject supplemental appropriation.

Mr. Rice made the motion, which carried unanimously.

- (11) **PUBLIC HEARING - Expedited Bill 16-19, Special Capital Improvements Project - Gude Landfill Remediation**

The public hearing was deleted from the agenda.

- (12) **PUBLIC HEARING - Expedited Bill 17-19, Bond Authorization - Stormwater Management**

The public hearing was held and the record closed. Action is scheduled following the hearing.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #14**

(13) **Introduction of Bills:**

- A. **Bill 20-19, Landlord-Tenant Relations - Licensing of Rental Housing - Fee Exemption**

Introduced draft #4 of **Bill 20-19**, sponsored by Councilmember Friedson and co-sponsored by Councilmembers Jawando, Riemer, Albornoz, and Navarro. A public hearing is scheduled for July 16, 2019, at 1:30 P.M.

Mr. Katz and Mr. Glass requested to be added as co-sponsors of the bill.

- B. **Expedited Bill 21-19, Property Tax Credit - Elderly Individuals and Retired Military Services Member - Surviving Spouse**

Introduced draft #3 of **Expedited Bill 21-19**, sponsored by Councilmember Rice and Council Vice President Katz. A public hearing is scheduled for July 16, 2019, at 1:30 P.M.

Mr. Albornoz and Mr. Glass requested to be added as co-sponsors of the expedited bill.

Call of Bills for Final Reading:

- (11) **Expedited Bill 16-19, Special Capital Improvements Project - Gude Landfill Remediation**

This item was deleted from the agenda.

(12) **Expedited Bill 17-19, Bond Authorization - Stormwater Management**

Legislative Analyst Smith reviewed the purpose of the expedited bill, as contained in the staff report.

Enacted draft #1 of **Expedited Bill 17-19**, as introduced.

Mr. Riemer made the motion and the expedited bill was enacted by a roll call vote:

YEAS: Glass, Jawando, Hucker, Riemer, Albornoz, Rice, Friedson, Katz, Navarro.

(15) **Bill 6-19, Landlord-Tenant Relations - Termination of Lease - Tenant Health and Safety**

Mr. Riemer, Chair of PHED Committee, and Mr. Hucker, lead sponsor of the bill, reviewed the Committee's recommendations and the intent of the bill, as contained in the staff report.

Supported without objection Mr. Friedson's motion to amend the bill as recommended by the Department of Housing and Community Affairs (DHCA) to add the following language to Section 29-27 (8) as follows:

- (8) the landlord's failure to correct a violation of applicable law that adversely affects the immediate health and safety of the tenant, as described in Section 29-22(b)(1), in the tenant's unit or a common area available for use by the tenant, within 30 days after being ordered to do so by the Department[[:]] if:
 - (A) the tenant has allowed the landlord access to make the required repairs and
 - (B) after reinspection within the prescribed time period, the Department determines that the violation has not been corrected;

Enacted draft #4 of **Bill 6-19**, as amended and included at the end of these minutes.

The PHED Committee made the motion and the bill was enacted by a roll call vote:

YEAS: Glass, Jawando, Hucker, Riemer, Albornoz, Rice, Friedson, Katz, Navarro.

MOTION TO CLOSE

Agreed to meet in closed session to discuss appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, pursuant to Maryland Code, State Government Article, §3-305(b) (1)(i). Topic was Inspector General interviews.

Mr. Riemer made the motion, which carried without objection.

The Council adjourned the open session at 2:10 P.M. and convened in closed session at 2:24 P.M. in the Council Conference Room. The meeting adjourned at 4:02 P.M.

Report of Closed Session of June 25, 2019

In compliance with §3-306(c)(2), General Provisions Article, Maryland Code, the following is a report of the County Council's closed session of Tuesday, June 25, 2019. The Council convened in closed session at 2:24 P.M. in the 3rd floor Council Conference Room to discuss appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, pursuant to Maryland Code, State Government Article, §3-305(b)(1)(i). The topic was Inspector General interviews.

The meeting was closed on a motion by Mr. Riemer, which carried without objection. The following persons were present: Councilmembers Navarro, Katz, Albornoz, Friedson, Glass, Jawando, Hucker, Rice and Riemer; Confidential Aides Mandel-Trupp, Gibson, Kunes, Silverman, Ikheloa, Thorne, Nurmi, Carranza and Ledner; Ms. Michaelson, Council Executive Director; and Ms. Mihill, Legislative Attorney.

Action: Held interviews.

The meeting adjourned at 4:02 P.M.

This is a correct copy of Council action.

Approved/Signed by the Clerk

Megan Davey Limarzi, Esq.
Clerk of the Council

Bill No. 6-19
 Concerning: Landlord – Tenant Relations
– Termination of Lease – Tenant
Health and Safety
 Revised: 6/25/2019 Draft No. 5
 Introduced: March 5, 2019
 Enacted: June 25, 2019
 Executive: _____
 Effective: _____
 Sunset Date: None
 Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Hucker
 Co-Sponsor: Councilmember Friedson, Council President Navarro, Councilmember Jawando,
 Council Vice-President Katz, Councilmembers Riemer, Rice, Glass and Albornoz

AN ACT to:

- (1) require each lease for rental housing located in the County to allow the tenant to terminate the lease under certain circumstances; and
- (2) generally amend County laws related to landlord – tenant relations.

By amending

Montgomery County Code
 Chapter 29, Landlord – Tenant Relations
 Section 29-27

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:

