



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, September 17, 2019

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:34 A.M. on Tuesday, September 17, 2019.

### PRESENT

Councilmember Nancy Navarro, President  
Councilmember Gabe Albornoz  
Councilmember Evan Glass  
Councilmember Will Jawando

Councilmember Sidney Katz, Vice President  
Councilmember Andrew Friedson  
Councilmember Tom Hucker  
Councilmember Craig Rice

Councilmember Hans Riemer

The President in the Chair.

The invocation was given by Mr. John F. Mahoney, Bethesda Friends Meeting.

### GENERAL BUSINESS

(1) A. **Announcements** - Agenda and Calendar Changes

Ms. Lauer, Office of the Clerk of the Council, announced that the Council is seeking applicants for the Merit System Protection Board by the September 25, 2019, deadline; and noted that the correct date for the public hearing date for **Bill 27-19**, Administration - Human Rights - Office of Racial Equity and Social Justice - Racial Equity and Social Justice Advisory Committee - Established, is October 29, 2019, at 1:30 and 7:00 P.M.

(2) B. **Acknowledgement** - [Receipt of Petitions](#)

Acknowledged receipt of petitions from residents of Montgomery County supporting passage of **Bill 14-19**, Police - Policing Advisory

Commission - Established; and opposing **Bill 22-19**, Accessory Dwelling Units - Licensing - Requirements - Amendments, and ZTA 19-01, Accessory Residential Uses - Accessory Apartments.

- C. **Approved** the minutes of July 30, 2019, without objection. Mr. Rice was temporarily absent.

(4) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.  
Mr. Riemer made the motion, which carried unanimously.

- A. Adopted **Resolution 19-224**, approving Categorical Transfers of \$2,650,000 for the Montgomery County Public Schools' (MCPS) FY19 Operating Budget, and Categorical Transfers of \$665,000 for FY19 Grant Funds in the Provision for Future Supported Projects.
- B. Adopted **Resolution to 19-225**, designating a Road Code Urban Area in Chapter 49 of the County Code for the Intersection of Veirs Mill Road and Randolph Road.
- C. Adopted **Resolution 19-226**, confirming the County Executive's appointment to the Alcohol and other Drug Abuse Advisory Council: Edwin Rich, Jr.
- D. Adopted **Resolution 19-227**, confirming the County Executive's appointment to the County-Wide Recreation and Parks Advisory Board: Isaac Osei Asare.
- E. Adopted **Resolution 19-228**, confirming the County Executive's appointments to the Glen Echo Park Partnership, Inc. Board of Directors: Mara Mayor, Samir Paul, Thalia Washington.
- F. Adopted **Resolution 19-229**, confirming the County Executive's appointment to the Committee Against Hate Violence: Kenneth Kellner.
- G. Adopted **Resolution 19-230**, confirming the County Executive's appointment to the Board of Investment Trustees and Consolidated Retiree Health Benefits Trust Board of Trustees: Berke Attila.
- H. Adopted **Resolution 19-231**, confirming the County Executive's appointment to the Pedestrian, Bicycle and Traffic Safety Advisory Committee: Kristy Daphnis.

- I. **Received and Released** the Office of Legislative Oversight (OLO) Report 2019-13: Abandoned Property Receivership.
- J. Adopted **Resolution 19-232**, approving a supplemental appropriation to MCPS' FY19 Operating Budget, Entrepreneurial Activities Fund - \$3,500,000 for the School Bus Safety Camera Program.
- K. **Introduced** a resolution to Consolidate Previously Authorized Notes for Sale and Issuance as a Single Issue.

## PRESENTATIONS

Proclamation was presented by Mr. Rice and Mr. Katz recognizing Constitution Week.

### (3) **INTERVIEWS** - Applicants for Board of Appeals

Interviewed the Honorable Charles Barkley, Mr. Bruce Goldensohn, Ms. Mary Gonzales, the Honorable Seth Grimes, and Ms. Mary Ann Keeffe, applicants for appointment to two seats on the Board of Appeals. Confirmation is tentatively scheduled for October 1, 2019.

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND IN LEGISLATIVE SESSION - Day #21

### (5) **Introduction of Bills:**

- A. **Expedited Bill 25-19**, Contracts and Procurement - Local Business Preference Program - Established

Introduced draft #2 of **Expedited Bill 25-19**, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for October 15, 2019, at 1:30 P.M.

- B. **Expedited Bill 26-19**, Bond Authorization

Introduced draft #1 of **Expedited Bill 26-19**, sponsored by the Council President at the request of the County Executive. A public hearing and action are scheduled for October 1, 2019, at 1:30 P.M.

C. **Bill 27-19, Administration - Human Rights - Office of Racial Equity and Social Justice - Racial Equity and Social Justice Advisory Committee - Established**

Introduced draft #7 of **Bill 27-19**, sponsored by Council President Navarro and Councilmembers Jawando, Rice, Hucker, Riemer, Katz, Albornoz, Friedson, and Glass. Public hearings are scheduled on October 29, 2019, at 1:30 P.M. and 7:00 P.M.

D. **Expedited Bill 28-19, Technical Corrections**

Introduced draft #2 of **Expedited Bill 28-19**, sponsored by the Council. A public hearing and action are scheduled on October 1, 2019, at 1:30 P.M.

E. **Bill 29-19, Health and Sanitation - Electronic Cigarettes - Distribution**

Introduced draft #1 of **Bill 29-19**, sponsored by Councilmembers Albornoz, Rice, Jawando, Navarro, Hucker, Riemer, Friedson, Katz, and Glass. A public hearing is scheduled for November 5, 2019, at 7:30 P.M.

(6) **Call of Bills for Final Reading**

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

Mr. Riemer, Chair of the Planning, Housing, and Economic Development (PHED) Committee, and Mr. Friedson, sponsor of the Bill, reviewed the Committee's recommendation and the purpose of the bill, as contained in the staff report.

Enacted draft #6 of **Bill 20-19**, as shown 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.

(7) **District Council Session**

A. **Zoning Text Amendment (ZTA) 19-06, Vape Shops**

Introduced draft #3 of ZTA 19-06, sponsored by Councilmembers Albornoz, Rice, Jawando, Navarro, Hucker, Riemer, Friedson, Katz, and Glass. A public hearing is scheduled for November 5, 2019, at 7:30 P.M.

(7.1) B. [Veirs Mill Corridor Master Plan Sectional Map Amendment \(SMA\) \(H-132\)](#)

Senior Legislative Analyst Dunn reviewed the purpose of the SMA, as contained in the staff report.

Adopted **Resolution 19-233**, approving the Veirs Mill Corridor SMA (H-132).

Mr. Katz made the motion and the resolution was adopted by a roll call vote:

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

(8) **Board of Health**

A. **Introduction - [Resolution to adopt Bill 29-19, Health and Sanitation - Electronic Cigarettes - Distribution as a Board of Health Regulation](#)**

Introduced a resolution to adopt Bill 29-19 as a Board of Health Regulation, sponsored by Councilmembers Albornoz, Rice, Jawando, Navarro, Hucker, Riemer, Friedson, Katz, and Glass. A public hearing is scheduled for November 5, 2019, at 7:30 P.M.

The meeting recessed at 11:13 A.M. and reconvened at 1:45 P.M.

(9) **[PUBLIC HEARING - Resolution regarding Spending Affordability Guidelines for FY21 Capital Budget and FY21-26 Capital Improvements Program](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 23, 2019. A Government Operations and Fiscal Policy (GO) Committee worksession is tentatively scheduled for September 26, 2019.

(10) **[INTERVIEW - County Executive's appointee, Director, Department of Public Libraries: Anita Vassallo](#)**

Interviewed Ms. Anita Vassallo, the County Executive's appointee for the position of Director of the Department of Public Libraries. Confirmation is tentatively scheduled for September 24, 2019.

The meeting adjourned at 3:11 P.M.

This is a correct copy of Council action.

*Approved/Signed by the Clerk*

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Mary Anne Paradise  
Acting Clerk of the Council

Bill No. 20-19  
 Concerning: Landlord-Tenant Relations  
- Licensing of Rental Housing - Fee  
[[Exemption]] Exemptions  
 Revised: 09/09/2019 Draft No. 6  
 Introduced: June 25, 2019  
 Enacted: September 17, 2019  
 Executive: \_\_\_\_\_  
 Effective: \_\_\_\_\_  
 Sunset Date: None  
 Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

**COUNTY COUNCIL  
 FOR MONTGOMERY COUNTY, MARYLAND**

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

**AN ACT to:**

- (1) exempt a license applicant from any license fee requirement to operate an accessory apartment as rental housing ~~[[in certain circumstances]]~~ if the unit is occupied by an individual with disabilities;
- (2) exempt a license applicant from an annual license fee requirement to operate an accessory apartment as rental housing if the applicant does not charge rent for the unit; and
- ~~[[2]]~~ (3) generally amend the law related to the licensing of rental housing.

By amending

Montgomery County Code  
 Chapter 29, Landlord-Tenant Relations  
 Section 29-20

<b>Boldface</b>	<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:*

1 **Sec. 1. Section 29-20 is amended as follows:**

2 **29-20. Fees.**

3 (a) [The] Except as provided in [[subparagraph]] subsections (b) and (c), the annual  
4 license fee per dwelling unit is:

5 [(a)] (1) for a Class 1 multi-family rental facility license:

6 [(1)] (A) \$44.00 per dwelling unit in an apartment complex or an  
7 accessory apartment approved by special exception; and

8 [(2)] (B) \$59.00 per dwelling unit for all others;

9 [(b)] (2) for a Class 2 single-family rental facility license, \$101.00 per dwelling  
10 unit;

11 [(c)] (3) for a Class 3 accessory apartment license \$101.00 per unit.

12 (b) Fee exemption for an accessory dwelling unit occupied by an individual with  
13 disabilities.

14 (1) A license applicant is exempt from any fee associated with the licensure of  
15 an accessory apartment occupied by an individual with disabilities.

16 (2) To establish that an individual with disabilities occupies an accessory  
17 apartment, a license applicant annually must certify, on a form provided  
18 by the Director, that an occupant of the accessory apartment:

19 (A) receives Social Security Disability benefits based on blindness or  
20 disability under Title II of the Social Security Act, as amended;

21 (B) receives Supplemental Security Income benefits based on  
22 blindness or disability under Title XVI of the Social Security Act,  
23 as amended;

24 (C) receives disability compensation from the U.S. Department of  
25 Veterans Affairs;

26 (D) is the beneficiary of an ABLE account under Section 529A of the  
27 Internal Revenue Code, as amended; or

28 (E) has a written certification, signed by a physician licensed in the  
29 State of Maryland, that the individual:

30 (i) has a severe medically determinable impairment that results  
31 in marked and severe functional limitations, which have  
32 lasted, or can be expected to last, for at least 12 months or  
33 to result in death; or

34 (ii) is blind, which means the individual has central visual  
35 acuity of 20/200 or less in the better eye with the use of a  
36 correcting lens.

37 (3) If the Director requests evidence sufficient to verify the information  
38 certified under this subsection, the license applicant or licensee must  
39 provide such evidence.

40 (4) The Director must protect the confidentiality of any individual health  
41 information received under this Section to the maximum extent permitted  
42 by law.

43 (c) Annual fee exemption for a rent-free accessory apartment.

44 (1) A license applicant is exempt from the annual license fee under subsection  
45 (a) for an accessory apartment if the applicant does not charge rent for the  
46 apartment.



- 47                   (2)    To qualify for an exemption under this subsection, a license applicant
- 48                                   annually must certify, on a form provided by the Director, that the
- 49                                   applicant does not charge rent for the apartment.
- 50                   (3)    If the Director requests evidence sufficient to verify the information
- 51                                   certified under this subsection, the license applicant or licensee must
- 52                                   provide such evidence.
- 53           [[c)] (d)    [The] By method (3) regulation, the Executive may establish [a higher
- 54                                   annual fee by method (3) regulation] annual fees that are:
- 55                                   (1)    higher than those specified in subparagraph (a); and
- 56                                   (2)    in [an amount] amounts sufficient to pay the costs of administering this
- 57                                   Chapter.

