



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Thursday, April 23, 2020

The County Council for Montgomery County, Maryland convened via video conference at 9:44 A.M. on Thursday, April 23, 2020.

### PRESENT

Councilmember Sidney Katz, President  
Councilmember Gabe Albornoz  
Councilmember Evan Glass  
Councilmember Nancy Navarro

Councilmember Tom Hucker, Vice President  
Councilmember Andrew Friedson  
Councilmember Will Jawando  
Councilmember Craig Rice

Councilmember Hans Riemer

The President in the Chair.

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, deferring the following worksessions: compensation and benefits for all agencies; FY20 Operating Budget Savings Plan - Retiree Health Benefits Trust; and on the resolutions to indicate the Council intent to approve or reject provisions of the Collective Bargaining Agreements with the Fraternal Order of Police (FOP) Lodge 35, the Municipal and County Government Employees' Organization (MCGEO), Local 1994, the Montgomery County Career Fire Fighters Association of the International Association of Fire Fighters (IAFF), Local 1664, and the Montgomery County Volunteer Fire and Rescue Association (MCVFRA). Mr. Katz noted that the deferrals are because the unions approached him and the County Executive to discuss how to best respond to the unprecedented COVID-19 crisis.

Mr. Hucker recognized Reverend Pat Drumming, Rainbow Family Christian Church in Silver Spring, for her commitment to Montgomery County and service to the most vulnerable individuals.

**WORKSESSION - FY21 Operating Budget**

- (1) [Compensation and benefits for all agencies](#)

This item was deferred.

- (2) [FY20 Operating Budget Savings Plan - Retiree Health Benefits Trust](#)

This item was deferred.

- (3A) **WORKSESSION** - [Resolution to indicate the Council's intent to approve or reject provisions of the Collective Bargaining Agreement with the Fraternal Order of Police \(FOP\), Lodge 35](#)

This item was deferred.

- (3B) **WORKSESSION** - [Resolution to indicate the Council's intent to approve or reject provisions of the Collective Bargaining Agreement with the Municipal and County Government Employees' Organization \(MCGEO\), Local 1994](#)

This item was deferred.

- (3C) **WORKSESSION** - [Resolution to indicate the Council's intent to approve or reject provisions of the Collective Bargaining Agreement with the Montgomery County Career Fire Fighters Association of the International Association of Fire Fighters \(IAFF\), Local 1664](#)

This item was deferred.

- (3D) **WORKSESSION** - [Resolution to indicate the Council's intent to approve or reject provisions of the Collective Bargaining Agreement with the Montgomery County Volunteer Fire and Rescue Association](#)

This item was deferred.

**WORKSESSION - FY21-26 Capital Improvements Program (CIP):**

- (4) [General Government - Economic Development Projects](#)

Mr. Dise, Director, Department of General Services (DGS); Ms. Beck, Office of Management and Budget (OMB); and Legislative Analyst Mr. Smith participated in the discussion.

Mr. Riemer, Chair of the Planning, Housing, and Economic Development (PHED) Committee, noted that the Committee reviewed some of the projects

prior to the discontinuation of committee meetings due to COVID-19. Mr. Smith reviewed the PHED Committee recommendations, as contained in the staff report.

Mr. Riemer requested DGS staff to follow-up regarding the agreement between Victory Housing and the developer of the Silver Spring Library site to provide affordable housing.

With respect to the Wheaton Redevelopment Program, noted that members of the Government Operations and Fiscal Policy (GO) Committee and PHED Committee supported updating the project description form (PDF) to reflect that the Housing Initiative Fund (HIF) transfer requirement of \$4.25 million from the land sale proceeds in the project would not be waived (option #1 in the staff report.)

Approved the subject CIP, as amended. Mr. Riemer made the motion, which carried unanimously.

(.5) **CONSENT CALENDAR**

Approved the following consent calendar item listed below.  
Mr. Riemer made the motion, which carried without objection.

- A. **Introduced** an amendments to the [Comprehensive Water Supply and Sewerage Systems Plan](#). A public hearing is tentatively scheduled for June 9, 2020.

(5) [Conservation of Natural Resources - Agricultural Land Preservation](#)

Mr. Riemer and Mr. Smith reviewed the recommendations of the PHED Committee, as contained in the staff report.

Approved the subject CIP, as recommended by the PHED Committee.

(6) [Parks](#)

Participating in the discussion were Senior Legislative Analyst Dunn, Legislative Analyst Ms. Yao, and Ms. Beck. Ms. Dunn reviewed amendments to the subject CIP submitted by the County Executive, as contained in the staff report.

Discussed ballfield renovations and agreed to come back to this item next week after information regarding funding is received from Community Use of Public

Facilities (CUPF). Mr. Riemer made a motion to use Government Obligation (GO) bonds to fund the ball renovation initiative, which he later withdrew. Approved the subject CIP, with the exception of the Ballfield Initiative, as recommended by Council staff. Mr. Friedson made the motion.

Because the Council was ahead of schedule, the meeting recessed at 10:52 A.M. and reconvened at 11:35 A.M.

(6.5) **COUNCIL SITTING AS BOARD OF HEALTH**

A. **Update - [Novel Coronavirus \(COVID-19\) and County Public Health Planning](#)**

Participating in the discussion were Dr. Gayles, County Health Officer and Chief, Department of Health and Human Services (DHHS) Public Health Services; and Dr. Stoddard, Director, Office of Emergency Management and Homeland Security (OEMHS).

Received an update from Dr. Gayles on new testing sites in Germantown and Wheaton, testing capacity in the County, partnerships with private labs; a hotline launching next week focusing on residents without a primary care provider to be able to access services; steps taken with the State to create a mechanism to rapidly respond to the most vulnerable populations; the creation of COVID recovery team to follow-up with residents who have tested positive, tracing efforts, and efforts to provide training to school nurses and others to provide additional support to group homes and other facilities. Regarding the test kits obtained from South Korea, Dr. Gayles said they are waiting for information from the Governor on how they would be distributed.

Mr. Riemer requested a report showing the number of cases traced and the outcome of those traces.

Ms. Navarro requested a summary of COVID-19-related efforts by zip code and how testing capacity will be expanded to address communities under stress.

Dr. Stoddard discussed efforts to obtain and distribute personal protective equipment (PPEs) to nursing homes, homeless shelters, and correctional staff; a new system to decontaminate used N-95 masks; the distribution of cloth masks to County staff, Ride On bus passengers, and at Montgomery County Public Schools (MCPS) feeding sites. He noted efforts by the Food Security Task Force to meet increased demand for food and to ensure food providers have PPEs; and that a holistic strategy for summer

and youth programming is being developed with the Parks Department and Executive Branch staff. He indicated that he would work with Mr. Madaleno, Director, Office of Management and Budget (OMB) on a strategy to use federal funds now and in the future. Regarding compliance issues, he noted that approximately 10 complaints per day are received regarding large gatherings, and that park pavilions and playgrounds are closed. A family violence prevention campaign has been launched and more resources are needed in youth and special populations. They are working to identify safe places, such as hotels, where people can quarantine or isolate if they are homeless or are in a threatening environment.

Mr. Riemer requested a memo be provided on cloth mask distribution in the County.

The meeting recessed at 12:49 P.M. and reconvened at 1:33 P.M.

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  
IN LEGISLATIVE SESSION - Day #15**

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

A. **[Expedited Bill 18-20, Landlord-Tenant Relations - Rent Stabilization During Emergencies \(short title "COVID-19 Renter Relief Act"\)](#)**

Ms. Wellons, Legislative Attorney, reviewed the purpose of the subject expedited bill and noted two clarifying amendments, as contained in the staff report.

During the discussion, Mr. Riemer disclosed that he and his wife own two apartment rentals, but did not believe it was necessary to recuse himself from voting on the legislation.

Unanimously supported Mr. Friedson's motion to clarify that the bill applies to lease renewals, not new leases, (as contained on page 3 of the staff report) by amending lines 3-6 as follows:

- (a) *Definitions.* In this Section, the following terms have the meanings indicated. ~~[[emergency]]~~ *Emergency* means the catastrophic health emergency declared by the Governor of Maryland on March 5, 2020, as amended or extended by the Governor, under Section 14-3A-02 of the Public Safety Article of the Maryland Code. *Tenant*

has the meaning stated in Section 29-1. *Tenant* includes an existing tenant. *Tenant* does not include a prospective tenant.

Opposed Mr. Friedson's motion to permit rent increases under the Voluntary Rent Guidelines (as contained on page 4 of the staff report) by amending lines 7-20 as follows:

- (b) *Rent increases above guidelines – when prohibited. A landlord must not increase a tenant's rent to an amount that exceeds the voluntary rent guidelines under Section 29-53 if:*
  - (1) the rent increase would take effect during an emergency; or
  - (2) notice of the rent increase does not comply with subsection (c) and Section 29-54.
  
- (c) *Notices of rent adjustments.*
  - (1) During an emergency and within 30 days after the expiration of an emergency, a landlord must not notify a tenant of a rent increase if the increase would exceed the voluntary rent guidelines under Section 29-53.

YEAS: Friedson, Glass

NAYS: Albornoz, Jawando, Navarro Rice, Riemer, Hucker, Katz.

Mr. Nigam, Director, and Ms. McCray-Moody, Department of Housing and Community Affairs (DHCA), participated in the discussion on the amendment (as contained on page 5 of the staff report) to allow DHCA to permit rent increases or fees in certain circumstances. Mr. Friedson's motion to amend lines 7-20 and to add text after line 24, as shown below, failed:

*Amend lines 7-20:*

- (b) *Rent increases – when prohibited. [[A]] Except as provided in subsection (e), a landlord must not increase a tenant's rent if:*
  - (1) the rent increase would take effect during an emergency; or
  - (2) notice of the rent increase does not comply with subsection (c) and Section 29-54.
  
- (c) *Notices of rent adjustments. Except as provided in subsection (e):*
  - (1) During an emergency and within 30 days after the expiration of an emergency, a landlord must not notify a tenant of a rent increase.
  - (2) A landlord must inform a tenant in writing to disregard any notice of a rent increase if:
    - (A) the landlord provided the notice to the tenant prior to an emergency; and
    - (B) the effective date of the increase would occur on or after the date the emergency began.

After line 24, add:

(e) Exceptions.

(1) The Director may grant an exemption from the requirements of subsections (b) and (c) to a landlord if the Director finds that:

(A) the landlord demonstrates financial hardship;

(B) the rent increase proposed by the landlord reasonably reflects increased costs to the landlord; and

(C) the rent increase proposed by the landlord does not exceed 5% above the current rent.

(2) If a landlord has an agreement with the County to follow Voluntary Rent Guidelines under Section 29-53, the Director may permit the landlord to issue a one-time fee that reasonably reflects increased operational costs to the landlord.

YEAS: Friedson, Riemer

NAYS: Albornoz, Glass, Jawando, Navarro Rice, Hucker, Katz.

Mr. Jawando's motion in support of an amendment, as shown below, to prohibit late fees during and after the emergency (as contained on page 6 of the staff report) failed:

After line 20, insert a new section:

(d) Prohibition against late fees. A landlord must not charge a late fee to a tenant for the nonpayment or late payment of rent due during an emergency, or within 30 days after the expiration of an emergency.

YEAS: Jawando, Navarro, Katz

NAYS: Albornoz, Friedson, Glass, Rice, Riemer, Hucker.

Unanimously supported Ms. Navarro's motion in support of a clarifying amendment of the bill title (as contained on page 5 of the staff report) as follows:

Add a new Section 4 of the bill as follows:

Sec. 4. Short title. This Act may be cited as the "COVID-19 Renter Relief Act".

Mr. Hucker's motion in support of the below amendments to limit rent increases to the rent guidelines during the emergency period and to extend the limit for 180 days following the expiration of the emergency passed:

Amend subsections (b) and (c) as follows.

(b) Rent increases above guidelines – when prohibited. A landlord must not increase a tenant's rent to an amount that exceeds the voluntary rent guidelines under Section 29-53 if:

(1) the rent increase would take effect during an emergency; or

(2) notice of the rent increase does not comply with subsection (c) and Section 29-54.

(c) Notices of rent adjustments.

(1) During an emergency and within ~~[[30]]~~ 90 days after the expiration of an emergency, a landlord must not notify a tenant of a rent increase if the increase would exceed the voluntary rent guidelines under Section 29-53.

(2) A landlord must inform a tenant in writing to disregard any notice of a rent increase if:

(A) the landlord provided the notice to the tenant prior to an emergency; and

(B) ~~[[the effective date of the increase would occur on or after the date the emergency began]]~~ the increase would exceed the voluntary rent guidelines under Section 29-53.

*Amend Section 3 of the Act as follows.*

Sec. 3. Sunset date. This Act must expire, and must have no further force or effect, upon the ~~[[121st]]~~ 181st day following the expiration of the catastrophic health emergency declared by the Governor of Maryland on March 5, 2020, as amended or extended by the Governor.

YEAS: Alborno, Friedson, Glass, Riemer, Hucker, Katz

NAYS: Jawando, Rice, Navarro.

Mr. Reimer's motion in support of the below amendment to limit rent increases to the Voluntary Rent Guidelines; and to allow a landlord to amend a pre-emergency rent increase notice so that the new rent is less than or equal to the Voluntary Rent Guidelines passed:

*Amend lines subsections (b) and (c) as follows:*

(b) Rent increases above guidelines – when prohibited. A landlord must not increase a tenant's rent to an amount that exceeds the voluntary rent guidelines under Section 29-53 if:

(1) the rent increase would take effect during an emergency; or

(2) notice of the rent increase does not comply with subsection (c) and Section 29-54.

(c) Notices of rent adjustments.

(1) During an emergency and within 30 days after the expiration of an emergency, a landlord must not notify a tenant of a rent increase if the increase would exceed the voluntary rent guidelines under Section 29-53.

(2) ~~[[A landlord must inform a tenant in writing to disregard any notice of a rent increase if]]~~ If a landlord provided notice of a rent increase to a tenant prior to the emergency and the increase would exceed the



voluntary rent guidelines under Section 29-53, the landlord must inform the tenant in writing:

(A) [[the landlord provided the notice to the tenant prior to an emergency; and]] to disregard the notice; or

(B) [[the effective date of the increase would occur on or after the date the emergency began]] that the increase is amended to be less than or equal to the voluntary rent guidelines under Section 29-53.

Enacted draft #4 of **Expedited Bill 18-20**, as amended and contained at the end of these minutes. Mr. Jawando made the motion and the bill was enacted by a roll call vote:

YEAS: Alborno, Glass, Jawando, Rice, Riemer, Navarro, Hucker, Katz  
TEMPORARILY ABSENT: Friedson.

(8) [SEMI-ANNUAL REPORT of the Montgomery County Planning Board](#)

Participating in the discussion were Mr. Anderson, Chair, Montgomery County Planning Board; Ms. Wright, Director, Planning Department, and Mr. Riley, Director, Parks Department, Maryland-National Capital Park and Planning Commission (M-NCPPC).

Received an update on the Parks Department's accomplishments and highlights of Capital Improvements Program (CIP) projects, including Vision Zero, high-population urban parks, net zero energy facilities, Josiah Henson Museum and Park, park refreshers, accomplishments of the ADA team, and the tremendous help provided by volunteers. Also, received an update on park restrictions due to COVID-19 and strategies for keeping residents safe such as using trails and opening parkways for recreational use, as well as communication tools used to keep the public informed.

Received an overview of the Planning Department's accomplishments and an update on work program items, including master plans and studies in progress. Several work program items have been delayed 5 to 11 months, including the Shady Grove Minor Master Plan Amendment and the Silver Spring Master Plan. The delay is due to the impact of COVID-19 and the retirement of several key staff. The General Plan Update and the I-270 Transit Corridor Plan remain on schedule. It was noted that during the year of a general election for County Council there are restrictions on when action on plans can take place. Received an overview of the Planning Department's future work which will support economic activity and help in the recovery effort. Planning Board meetings are being conducted remotely and virtual collaboration is taking place with internal and external stakeholders. Noted that through increased use of virtual technology for public meetings, an increase in community participation has been evident.

The meeting adjourned at 4:54 P.M.

This is a correct copy of Council action.

***Approved/Signed by Clerk of the Council***

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Selena Mendy Singleton, Esq.  
Clerk of the Council

Expedited Bill No. 18-20  
 Concerning: Landlord-~~[[Tenant]] Tenant~~  
Relations – Rent Stabilization During  
Emergencies  
 Revised: 04/14/2020 Draft No. 5  
 Introduced: April 14, 2020  
 Enacted: April 23, 2020  
 Executive: \_\_\_\_\_  
 Effective: \_\_\_\_\_  
 Sunset Date: See Sec. 3  
 Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

**COUNTY COUNCIL  
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Jawando  
 Co-Sponsors: Council President Katz, Councilmember Rice, and Councilmember Navarro

**AN EXPEDITED ACT to:**

- (1) prohibit the increase of rent above rent guidelines during and after a certain declared ~~[[emergencies]]~~ emergency;
- (2) prohibit certain notices to tenants;
- (3) require certain notices to tenants; and
- (4) generally amend County law concerning landlord-tenant relations.

By adding

Montgomery County Code  
 Chapter 29, Landlord-Tenant Relations  
 Section 29-55

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

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**Sec. 1. Section 29-55 is added as follows:**

**29-55. Rent increases during [[states]] state of emergency – prohibited.**

- (a) Definitions. In this Section, [[emergency]] the following terms have the meanings indicated.  
Emergency means the catastrophic health emergency declared by the Governor of Maryland on March 5, 2020, as amended or extended by the Governor, under Section 14-3A-02 of the Public Safety Article of the Maryland Code.  
Tenant has the meaning stated in Section 29-1. Tenant includes an existing tenant. Tenant does not include a prospective tenant.
- (b) Rent increases above guidelines – when prohibited. A landlord must not increase a tenant’s rent to an amount that exceeds the voluntary rent guidelines under Section 29-53 if:
  - (1) the rent increase would take effect during an emergency; or
  - (2) notice of the rent increase does not comply with subsection (c) and Section 29-54.
- (c) Notices of rent adjustments.
  - (1) During an emergency and within [[30]] 90 days after the expiration of an emergency, a landlord must not notify a tenant of a rent increase if the increase would exceed the voluntary rent guidelines under Section 29-53.
  - (2) [[A landlord must inform a tenant in writing to disregard any notice of a rent increase if]] If a landlord provided notice of a rent increase to a tenant prior to the emergency and the increase would exceed the voluntary rent guidelines under Section 29-53, the landlord must inform the tenant in writing:
    - (A) [[the landlord provided the notice to the tenant prior to an emergency; and]] to disregard the notice; or
    - (B) [[the effective date of the increase would occur on or after the date the emergency began]] that the increase is amended to be less than or equal to the voluntary rent guidelines under Section 29-53.
- (d) Notice of expiration of emergency. The Department must post on its website information about the requirements of this Section, including the date that an emergency expires, and the date that is [[30]] 90 days after the expiration of the emergency.

**Sec. 2. Expedited Effective Date.** The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date on which it becomes law.

**Sec. 3. Sunset date.** This Act must expire, and must have no further force or effect, upon the [[121st]] 181st day following the expiration of the catastrophic health emergency declared by the Governor of Maryland on March 5, 2020, as amended or extended by the Governor.

**Sec. 4. Short title.** This Act may be cited as the “COVID-19 Renter Relief Act”.