



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, April 6, 2021

The County Council for Montgomery County, Maryland convened via video conference at 9:04 A.M. on Tuesday, April 6, 2021.

PRESENT

Councilmember Tom Hucker, President
Councilmember Andrew Friedson
Councilmember Will Jawando
Councilmember Nancy Navarro

Councilmember Gabe Albornoz, Vice President
Councilmember Evan Glass
Councilmember Sidney Katz
Councilmember Craig Rice
Councilmember Hans Riemer

The President in the Chair.

PRESENTATIONS

- A. Proclamation was presented by Mr. Rice, Mr. Jawando, Mr. Albornoz and Mr. Katz recognizing Autism Awareness Month.
- B. Proclamation was presented by Mr. Katz, Mr. Friedson and Mr. Glass commemorating Yom HaShoah - Holocaust Remembrance Day.
- C. Proclamation was presented by Mr. Albornoz recognizing Public Health Week.

GENERAL BUSINESS

- A. **Announcements** - Agenda and Calendar Changes
 - (.5) [The Council is seeking applicants to fill three seats for partial terms on the Public Election Fund Committee. The deadline to apply is April 12, 2021, at 5 P.M.](#)
 - (1) B. **Acknowledgement** - [Receipt of Petitions](#)
No petitions were received this week.

C. **Action – Approval of Minutes**

There were no minutes for approval this week.

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

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

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

Dr. Gayles reported that the new case rate is higher than last summer, with increased test positivity and hospitalizations, noting that testing has decreased. He expressed concern that the rapid reopening has contributed to the increased number of COVID cases and noted the increasing presence of variants, predominately the UK variant in Maryland, which are more contagious and are being seen in younger people and children. Currently, approximately 20 percent of County residents are fully vaccinated and the mass vaccination site at Montgomery College can handle 3,000 people daily. Dr. Gayles said they are required to follow the State's prioritization schedule, and they are working with community partners to address equity gaps in distribution of the vaccine, but that not enough doses are currently available.

Dr. Stoddard commented that DHHS is doing most of the work to get the Montgomery College mass vaccination site up and running, with the State providing resources. He noted a decrease in cases among the LatinX community, while cases among African Americans are increasing. He said the increase in indoor dining and increased mobility are tied to the increased number of cases. Discussions are underway regarding providing walk-up vaccines at the Germantown site when doses become available, but Dr. Stoddard noted the long list of people pre-registered.

Councilmembers commented on the need to focus on those highly impacted by the virus for distribution of the vaccine, the need for access to transportation to vaccination sites, the need to address hesitancy issues, and the need to keep transmission rates as low as possible to allow schools to reopen and stay open.

(3) **DISTRICT COUNCIL SESSION**

A. **Action - [Shady Grove Sector Plan Minor Master Plan Amendment](#)**

Mr. Riemer, Chair of the Planning, Housing, and Economic Development (PHED) Committee, said that this is an important plan for a large part of the County, and thanked Planning and Council staff for their work. The resolution is consistent with the Council discussions that took place on March 23, 2021. Senior Legislative Analyst Dunn said that the Council received an addendum on April 2, 2021, which noted three additional changes to the adoption resolution, as included in the staff report.

Adopted **Resolution 19-779**, approving the Shady Grove Minor Master Plan.

The PHED Committee made the motion and the resolution was adopted by a roll call vote:

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

(4) **CONSENT CALENDAR**

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

- A. **Introduced** [Excise Tax on Electronic Cigarettes - Tax Rate Increase](#). A public hearing is scheduled for April 27, 2021, at 1:30 P.M.
Mr. Rice and Mr. Albornoz requested to be added as a co-sponsors.
- B. **Introduced** a resolution to authorize the issuance and sale of parking revenue bonds for the purpose of refunding certain outstanding parking revenue bonds, the proceeds of which financed and refinanced certain projects in the Bethesda Parking Lot District, and to provide for and determine various matters in connection with such bonds.
- C. **Received and Released** the Office of Legislative Oversight (OLO) Report 2021-5, [Measuring Climate Resilience - A Review of Select Critical Infrastructure Sectors in Montgomery County](#).
- D. **Received and Released** OLO's Memorandum Report 2021-6, [Availability of County Government Vacancy and Lapse Data](#).

- E. **Acknowledged/Received** - the Council acknowledged receipt of the following Inspector General's reports: 1) Public Health Emergency Grant Program: Montgomery County Department of Finance, OIG Publication #21-008; 2) Lessons Learned from County COVID Loaner Laptop Program; and 3) DHHS IT Purchase Card Allegations, OIG Publication #21-010.
- F. **Introduced** and adopted **Resolution 19-780**, amending FY21 Operating Budget Resolution 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Latino Economic Development Corporation of Washington, D.C.
- G. **Introduced** and adopted **Resolution 19-781**, amending FY21 Operating Budget Resolution 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: National Lead for America, Inc.
- H. Adopted **Resolution 19-782**, special appropriation to the County Government's FY21 Operating Budget, Office of the County Executive - \$1,011,156 for Support for COVID-19 Response - Small Business Rental Assistance (Source of Funds: Undesignated Reserves).
- I. Adopted **Resolution 19-783**, Declaration of No Further Need - Disposition of Halpine View Real Property.
- J. Adopted **Resolution 19-784**, setting a public hearing for the FY22 Constant Yield Tax Rate.
- K. Adopted **Resolution 19-785**, confirming the County Executive's appointments to the Alcohol and Other Drug Abuse Advisory Council: Margaret Mattson, Doreen Rubin, Denyse Dillon, Alan Leshner, Valerie Adelson.
- L. Adopted **Resolution 19-786**, confirming the County Executive's appointments to the Climate, Energy and Air Quality Advisory Committee: Bridget Bauman, Roy Deitchman, Christopher Fang Brehm, Karl Held, Doreen C. Paster, Karen M. Safer, James Wang.
- M. Adopted **Resolution 19-787**, confirming the County Executive's appointments to the Commission on People with Disabilities: Marcus Bolston, Eric Salzano, Najla Wortham, Maria Buckley, Leslie Milano, Avner Shapiro, (Deena) Day Al-Mohamed, Myra Coffield, Mario Damiani, Kaylee Davis, Marissa Ditkowsky, Patricia Gallalee, Amanda Richard.

The meeting recessed at 11:33 A.M. and reconvened at 1:33 P.M.

Lunch Meeting with Montgomery County Retired Employees Association (MCREA)

Discussed with MCREA members issues of importance to County retirees, including their experience with the distribution of COVID vaccinations, the FY22 recommended operating budget, Federal, State, and local support for COVID-related activities, and retiree healthcare costs.

(5) **PUBLIC HEARING - Additions to the Office of Zoning and Administrative Hearings' Comprehensive Fee Schedule**

The public hearing was conducted. Mr. Jawando was temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on April 13, 2021. A Government Operations and Fiscal Policy (GO) worksession will be scheduled at a later date.

(6) **PUBLIC HEARING - Resolution to establish FY22 Solid Waste Service Charges**

The public hearing was conducted. Mr. Jawando was temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on April 13, 2021. A Transportation and Environment (T&E) worksession will be scheduled at a later date.

(7) **PUBLIC HEARING - Resolution to establish FY22 Water Quality Protection Charge**

The public hearing was conducted. Mr. Jawando was temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on April 13, 2021. A T&E worksession will be scheduled at a later date.

(8) **PUBLIC HEARING - Expedited Bill 12-21, Personnel - Employees' Retirement System - Retirement Savings Plan - Group Trust - Amendments**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on April 13, 2021. A GO worksession will be scheduled at a later date.

(9) **PUBLIC HEARING - Expedited Bill 13-21, Streets and Roads - Permit to Obstruct Public Rights-of-Way and Franchising - Amendments**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on April 13, 2021. A T&E worksession will be scheduled at a later date.

(10) **PUBLIC HEARING - Supplemental Appropriation to the County Government's FY21 Capital Budget and Amendment to the FY21-26 Capital Improvements Program (CIP), DHHS - \$13,647,000 for Emergency Homeless Shelter**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on April 7, 2021. A Health and Human Services (HHS) worksession is scheduled on April 12, 2021.

(11) **PUBLIC HEARING - Supplemental Appropriation to the County Government's FY21 Capital Budget and Amendment to the FY21-26 CIP, Department of Transportation (DOT) - \$1,017,000 for Master Leases: Transit Radio System Replacement**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on April 13, 2021. A T&E worksession will be scheduled at a later date.

(12) **PUBLIC HEARING - Zoning Text Amendment (ZTA) 21-01, Sign Ordinance - Bus Shelter Advertising**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on April 13, 2021. A Planning, Housing and Economic Development (PHED) worksession will be scheduled at a later date.

(13) **PUBLIC HEARING/ACTION - Declaration of No Further Need: Disposition of County Parking Lot No. 41 for lease renewal, located at 4538 Middleton Lane, Bethesda**

The public hearing was conducted and the record closed.

Adopted **Resolution 19-788**, approving the declaration of No Further Need: Disposition of County Parking Lot No. 41 for lease renewal. Mr. Rice made the motion, which carried unanimously.

- (14) **PUBLIC HEARING/ACTION** - [Supplemental Appropriation to the County Government's FY21 Operating Budget, Montgomery County Fire and Rescue Service - \\$2,041,846 for FY21 Senator Amoss Fire, Rescue, and Ambulance Fund \(State 508\) Grant](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-789**, approving the subject supplemental appropriation. Mr. Katz made the motion, which carried unanimously.

- (15) **PUBLIC HEARING** - [FY22 Operating Budget and additional Amendments to the FY21-26 CIP](#)

The public hearing was conducted.

- (16) **INTERVIEW** - [County Executive's Appointment for Special Projects Manager, Judith Costello](#)

Interviewed Judith Costello, the County Executive's appointee for Special Projects Manager.

- (17) **DISCUSSION** - [Police Response to Child Elopement from School: Policy, Training, and Disciplinary Considerations](#)

Participating in the discussion were Chief Jones, Montgomery County Police Department (MCPD); Dr. Smith, Superintendent, Montgomery County Public Schools (MCPS); and Mr. Madaleno, Chief Administrative Officer.

Discussed the police response to a five-year old boy's elopement from a Silver Spring elementary school. Councilmembers expressed their outrage at the treatment the boy received, which was recorded on a MCPD body-worn camera, as well as their consternation that it took over a year between when the incident occurred and when the Council was informed.

Mr. Hucker provided opening comments about expectations as to what answers could be provided today due to pending litigation and noted that once the court case is settled, more information should be available.

Chief Jones read a statement about the incident and noted he cannot discuss specific details due to the pending lawsuit and restrictions imposed by the Law Enforcement Officers Bill of Rights (LEOBR). He noted that consistent with MCPD policy, an investigation into the officers' conduct was initiated with the MCPD Internal Affairs Division and a thorough investigation was conducted of the entire event. Because of the pandemic, it took much longer to conduct interviews of all the witnesses and to collect information. The internal

investigation has concluded and the findings, as in all internal matters, are confidential under Maryland law. Both officers remain employed by MCPD. A discussion followed on the procedures for conducting an internal investigation as well as the Chief's involvement.

Dr. Smith provided remarks on how difficult it was to watch the video and noted that no child should ever be spoken to or threatened in that way, and that the care and wellbeing of students is essential. He noted that work on restructuring of the school safety program with a restorative approach is underway with law enforcement, police liaisons and school staff working together as a team in support of the wellbeing of students. A discussion followed on the procedures for when a child leaves school grounds as well as reporting requirements.

Councilmembers shared recommendations on how best for the Board of Education and MCPD to move forward with what school safety should look like and how to address systemic issues, especially during the current budget review process to ensure schools have enhanced capacity for mental health services and that positive youth development is a focus both inside and outside school. Noted that various State and local legislation, as well as work being done by task forces and other groups, will have an impact on school and public safety policies, training and disciplinary considerations going forward.

Because of the limited information that can be provided in a public setting at this point, Mr. Hucker stated that a closed session would be scheduled next week for additional discussion.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #9**

(18) Call of Bills for Final Reading:

A. [Bill 4-21, Weapons - Protection of Minors and Public Places - Restrictions Against Ghost Guns and Undetectable Guns](#)

Mr. Katz, Chair of the Public Safety (PS) Committee, summarized the Committee's recommendation. Mr. Albornoz, lead sponsor, reviewed the purpose of the bill and noted that the General Assembly has introduced, but not yet passed, legislation to regulate unfinished frames and receivers.

Enacted draft #4 of **Bill 4-21**, as shown at the end of these minutes.

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

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

B. [Bill 51-20, Landlord-Tenant Relations - Window Guards](#)

Mr. Riemer, Chair of the PHED Committee, summarized the Committee's recommendation. Mr. Hucker, lead sponsor, reviewed the purpose of the bill.

Enacted draft #4 of **Bill 51-20**, 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, Riemer, Katz, Navarro, Rice, Friedson, Albornoz, Hucker.

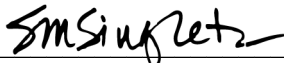
The Council recessed at 4:42 P.M. and reconvened at 7:01 P.M.

PUBLIC HEARING - FY22 Operating Budget and additional Amendments to the FY21-26 CIP

The public hearing was conducted.

The meeting adjourned at 7:40 P.M.

This is a correct copy of Council action.



Selena Mendy Singleton, Esq.
Clerk of the Council

Bill No. 4-21
 Concerning: Weapons - Protection of
Minors and Public Places -
Restrictions Against Ghost Guns
and Undetectable Guns
 Revised: 04/06/2021 Draft No. 5
 Introduced: January 19, 2021
 Enacted: April 6, 2021
 Executive: _____
 Effective: _____
 Sunset Date: None
 Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

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

AN ACT to:

- (1) define terms related to firearm laws;
- (2) restrict the **[[manufacture,]]** possession, use, sale, and transfer of ghost guns, undetectable guns, and certain other firearms with respect to minors;
- (3) restrict the **[[manufacture,]]** possession, use, sale, and transfer of ghost guns, undetectable guns, and certain other firearms within 100 yards of places of public assembly; and
- (4) generally amend the law regarding firearms and other weapons.

By amending

Montgomery County Code
 Chapter 57, Weapons
 Sections 57-1, 57-7, and 57-11

By adding

Montgomery County Code
 Chapter 57, Weapons
 Section 57-16

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:

**Sec. 1. Sections 57-1, 57-7, and 57-11 are amended, and Section 57-16 is added, as follows:
57-1. Definitions.**

In this Chapter, the following words and phrases have the following meanings:

3D printing process: a process of making a three-dimensional, solid object using a computer code or program, including any process in which material is joined or solidified under computer control to create a three-dimensional object.

* * *

Gun or firearm: Any rifle, shotgun, revolver, pistol, ghost gun, undetectable gun, air gun, air rifle or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive, gas, compressed air, spring or elastic.

(1) The term "antique firearm" means (a) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and (b) any replica of any firearm described in subparagraph (a) if such replica (i) is not designed or redesigned or using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(2) "Ghost gun" means a firearm, including an unfinished frame or receiver, that lacks a unique serial number engraved or cased in metal alloy on the frame or receiver by a licensed manufacturer, maker or importer under federal law or markings in accordance with 27 C.F.R. § 479.102. It does not include a firearm that has been rendered permanently inoperable, or a firearm that is not required to have a serial number in accordance with the Federal Gun Control Act of 1968.

(3) "Handgun" means any pistol, revolver or other firearm capable of being concealed on the person, including a short-barreled shotgun and a short-barreled rifle as these terms are defined below. "Handgun" does not include a shotgun, rifle, or antique firearm.

[(3)] (4) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

[(4)] (5) The term "short-barreled rifle" means a rifle having one (1) or more barrels less than sixteen (16) inches in length and any weapon made from a rifle (whether by alternation, modification or otherwise) if such weapon, as modified, has an overall length of less than twenty-six (26) inches.

[(5)] (6) The term "short-barreled shotgun" means a shotgun having one (1) or more barrels less than eighteen (18) inches in length and any weapon made from a shotgun (whether by alteration, modification or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches.

[(6)] (7) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(8) "Undetectable gun" means:

(A) a firearm that, after the removal of all its parts other than a major component, is not detectable by walk-through metal detectors commonly used at airports or other public buildings;

(B) a major component that, if subjected to inspection by the types of detection devices commonly used at airports or other public buildings for security screening, would not generate an image that accurately depicts the shape of the component; or

(C) a firearm manufactured wholly of plastic, fiberglass, or through a 3D printing process.

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Major component means, with respect to a firearm:
(1) the slide or cylinder or the frame or receiver; and
(2) in the case of a rifle or shotgun, the barrel.
Minor: An individual younger than 18 years old.
* * *

Place of public assembly: A "place of public assembly" is a place where the public may assemble, whether the place is publicly or privately owned, including a [government owned] park [identified by the Maryland-National Capital Park and Planning Commission]; place of worship; [elementary or secondary] school; [public] library; [government-owned or -operated] recreational facility; hospital; community health center; long-term facility; or multipurpose exhibition facility, such as fairgrounds or a conference center. A place of public assembly includes all property associated with the place, such as a parking lot or grounds of a building.
* * *

57-7. Access to guns by minors.

- (a) A person must not give, sell, rent, lend, or otherwise transfer any rifle or shotgun or any ammunition or major component for these guns in the County to a minor. This subsection does not apply when the transferor is at least 18 years old and is the parent, guardian, or instructor of the minor, or in connection with a regularly conducted or supervised program of marksmanship or marksmanship training.
- (b) An owner, employee, or agent of a gun shop must not allow a minor to, and a minor must not, enter the gun shop unless the minor is accompanied by a parent or other legal guardian at all times when the minor is in the gun shop.
- (c) A person must not give, sell, rent, lend, or otherwise transfer to a minor:
 - (1) a ghost gun or major component of a ghost gun;
 - (2) an undetectable gun or major component of an undetectable gun; or
 - (3) a computer code or program to make a gun through a 3D printing process.
- (d) A person must not [[manufacture or assemble]] purchase, sell, transfer, possess, or transfer a ghost gun, including [[making]] a gun created through a 3D printing process, in the presence of a minor.
- (e) A person must not store or leave a ghost gun, an undetectable gun, or a major component of a ghost gun or an undetectable gun, in a location that the person knows or should know is accessible to a minor.
- [(c)] (f) This section must be construed as broadly as possible within the limits of State law to protect minors.

57-11. Firearms in or near places of public assembly.

- (a) [A] In or within 100 yards of a place of public assembly, a person must not:
 - (1) sell, transfer, [[manufacture, assemble,]] possess, or transport a ghost gun, undetectable gun, handgun, rifle, or shotgun, or ammunition or major component for these firearms[, in or within 100 yards of a place of public assembly]; or
 - (2) sell, transfer, possess, or transport[[, or use a computer code to create.]] a firearm created through a 3D printing process.
- (b) This section does not:
 - (1) prohibit the teaching of firearms safety or other educational or sporting use in the areas described in subsection (a);
 - (2) apply to a law enforcement officer, or a security guard licensed to carry the firearm;
 - (3) apply to the possession of a firearm or ammunition, other than a ghost gun or an undetectable gun, in the person's own home;
 - (4) apply to the possession of one firearm, and ammunition for the firearm, at a business by either the owner who has a permit to carry the firearm, or one authorized employee of the business who has a permit to carry the firearm;
 - (5) apply to the possession of a handgun by a person who has received a permit to carry the handgun under State law; or
 - (6) apply to separate ammunition or an unloaded firearm:

- 112 (A) transported in an enclosed case or in a locked firearms rack on a motor
- 113 vehicle, unless the firearm is a ghost gun or an undetectable gun; or
- 114 (B) being surrendered in connection with a gun turn-in or similar program
- 115 approved by a law enforcement agency.
- 116 * * *

57-15. Penalty.

Any violation of this Chapter or a condition of an approval certificate issued under this Chapter is a Class A violation to which the maximum penalties for a Class A violation apply. Any violation of Section 57-8 is a Class A civil violation.

57-16. Reporting requirement.

- 122 (a) The County Police Department must submit a report annually to the County Executive
- 123 and the County Council regarding the availability and use of ghost guns and undetectable
- 124 guns in the County.
- 125 (b) The report must include the number of ghost guns and undetectable guns recovered by
- 126 the Department during the prior year.
- 127 (c) Each report must be available to the public on the Police Department's website.

Bill No. 51-20
 Concerning: Landlord-Tenant Relations
- Window Guards
 Revised: 3/24/2021 Draft No. 4
 Introduced: December 8, 2020
 Enacted: April 6, 2021
 Executive: _____
 Effective: _____
 Sunset Date: None
 Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

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

AN ACT to:

- (1) require the installation and maintenance of window guards in certain rental housing;
- (2) require certain notifications to tenants;
- (3) add lease requirements in certain circumstances;
- (4) provide for the enforcement of window guard requirements; and
- (5) generally amend laws regarding landlord-tenant relations.

By amending

Montgomery County Code
 Chapter 29, Landlord-Tenant Relations
 Section 29-30

By adding

Montgomery County Code
 Chapter 29, Landlord-Tenant Relations
 Section 29-35D

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:

1 **Sec. 1. Section 29-30 is amended, and Section 29-35D is added, as follows:**

2 **29-30. Obligations of landlords.**

3 (a) Each landlord must reasonably provide for the maintenance of the health, safety, and
4 welfare of all tenants and all individuals properly on the premises of rental housing. As
5 part of this general obligation, each landlord must:

6 * * *
7 (11) [[install and maintain window guards if required under]] comply with Section 29-
8 35D.

9 * * *

10 **29-35D. Window guards.**

11 (a) Applicability.

12 (1) This section applies to any multifamily dwelling unit.

13 (2) This section does not apply:

14 (A) to a ground-floor or basement window;

15 (B) to a window containing an air-conditioning unit, if the unit is bolted to the
16 window opening and not surrounded by an open space exceeding 4
17 inches;

18 (C) to a window that is not designed to open; or

19 [[B]] (D) to the extent that a window guard would cause a violation of a
20 fire safety requirement, or an egress requirement, under Chapter 26,
21 Chapter 8, or Chapter 22.

22 (b) Window guards required.

23 (1) For purposes of this section, a window guard means a physical barrier or limiting
24 device attached to a window to prevent occupants from falling out of the window.

25 (2) The landlord of a multifamily dwelling must install and maintain a window guard
26 in each window of a habitable room if:

27 (A) a child of age 10 or younger occupies the dwelling unit; or

28 (B) a tenant of the dwelling unit requests in writing the installation of window
29 guards.

30 (3) A window guard installed under paragraph (2) must meet minimum safety
31 standards prescribed by the Director.

32 (4) The [[Department]] Executive may adopt method (2) regulations to implement
33 the requirements of this section. The regulations may include procedures for the
34 Director to approve a landlord's request for a variance, to use a safe alternative
35 to a window guard in a particular window, if a window guard meeting the
36 requirements of paragraph (3) is infeasible in the window.

37 (5) The Director [[should]] must conduct outreach and educate landlords and
38 tenants of multifamily dwelling units about the requirements of this section,
39 including through:

40 (A) the Department's website;

41 (B) sample notification and lease language; and

42 (C) the Landlord-Tenant Handbook.

43 (c) Responsibility of tenants and other persons. A person must not:

44 (1) obstruct or interfere with the installation of a window guard required under this
45 section; or

46 (2) remove or disable a window guard required under this section.

47 (d) Notification to tenants; lease requirements.

48 (1) Notice required. The landlord of a multifamily dwelling unit must, at the time of a
49 lease signing, a lease renewal, or a notification of a rent increase, notify the
50 tenant of the unit about the requirements under this section.

51 (2) [[The]] Notification requirements at the time of a rent increase or a lease
52 renewal. At the time of a notification of a rent increase or of a lease renewal, the
53 notification under paragraph (1) must:

54 (A) be in writing [[and must]];

55 (B) be provided to the tenant in the form and manner prescribed by the
56 Director; and

- 57 (C) include, at a minimum, a checklist, to be signed and dated by the tenant,
- 58 that indicates:
- 59 (i) whether a child of age 10 or younger occupies or
- 60 will occupy the dwelling unit;
- 61 (ii) if no child of age 10 or younger occupies or will
- 62 occupy the dwelling unit, whether the tenant requests a window
- 63 guard; and
- 64 (iii) whether an existing window guard requires repair
- 65 or maintenance.
- 66 (3) Follow-up notifications. If a landlord does not receive a signed notification from
- 67 the tenant within 30 days after providing the notification to the tenant under
- 68 paragraph (2), and does not otherwise have actual knowledge of the need or
- 69 desire for window guards, then the landlord must provide a second notification to
- 70 the tenant under paragraph (2).
- 71 **[(3)]** (4) Leasing requirements. The landlord:
- 72 (A) must include in the lease, or an addendum to the lease, the requirements
- 73 of this section; and
- 74 (B) must not charge the tenant for the installation or maintenance of a
- 75 window guard under this section.
- 76 (5) The lease or addendum under paragraph (4) must include a statement, signed
- 77 and dated by the tenant, that indicates:
- 78 (A) whether a child of age 10 or younger occupies or will occupy the
- 79 dwelling; and
- 80 (B) if no child of age 10 or younger occupies or will occupy the dwelling unit,
- 81 whether the tenant requests a window guard.
- 82 **[(e)]** Penalties. A violation of this section is a Class A violation under Section 29-8.1]
- 83 **Sec. 2. Effective Date. The effective date of this act is January 1, 2022.**