



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, October 5, 2021

The County Council for Montgomery County, Maryland convened via video conference at 9:05 A.M. on Tuesday, October 5, 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. Katz and County Executive Elrich recognizing Domestic Violence Awareness Month.
- B. Proclamation was presented by Mr. Hucker recognizing Energy Action Month.

### GENERAL BUSINESS

- A. Agenda and Calendar Changes  
There were no agenda or calendar changes.
- (1) B. **Acknowledgement** – [Receipt of Petitions](#)  
No petitions were received this week.
- C. **Action** – Approval of Minutes  
Approved the minutes of July 27 and August 5, 2021; and the closed session minutes of September 21, 2021, without objection. Mr. Friedson, Mr. Jawando and Mr. Riemer were temporarily absent.

(2) **ACTION** -[Spending Affordability Guidelines for the FY23 Capital Budget and the FY23-28 Capital Improvements Program](#)

Ms. Beck, Capital Budget Manager, Office of Management and Budget (OMB), participated in the discussion.

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

Adopted **Resolution 19-999**, approving the Spending Affordability Guidelines for the FY23 Capital Budget and the FY23-28 Capital Improvements Program (CIP).

The GO Committee made the motion, which carried unanimously.

(3) **BRIEFING:** [COVID Rental Assistance and Eviction Prevention](#)

Participating in the discussion were Dr. Crowel, Director, Ms. Harris, Chief, and Ms. Branda, Deputy Chief, Services to End and Prevent Homelessness, and Ms. Eslaquit, Department of Health and Human Services (DHHS); Sheriff Popkin and Chief Deputy Uy, Sheriff's Office; Mr. Nigam, Director, and Mr. Demarais, Deputy Director, Department of Housing and Community Affairs (DHCA); and Mr. Riedel, Supervising Attorney, CASA.

Received a briefing from the panel on the status of the County's rent relief efforts, including implementation challenges, the application process, landlord participation, available funding and outreach efforts; and on eviction statistics and the availability of legal assistance and other support services. Informed that the 254 evictions carried out in FY21 were deemed "emergency evictions" by the Court.

Mr. Jawando requested information on the number of self-evictions versus physical evictions.

Mr. Rice requested information on the number of people evicted that are re-housed in the County or are now homeless.

(4) **INTERVIEWS:** [County Executive appointments for Assistant Chief Administrative Officer, Sonia Mora and Yaakov \(Jake\) Weismann](#)

Interviewed Ms. Sonia Mora and Mr. Yaakov Weissman, the County Executive's appointees as Assistant Chief Administrative Officers. Council action is scheduled for October 12, 2021.

(5) **CONSENT CALENDAR**

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

- B. **Introduced** FY22 Capital Budget and Amendments to the FY21-26 Capital Improvements Program (CIP) - Transfer of Funds for the Charles W. Woodward High School Reopening Project.
- C. **Introduced** FY22 Supplemental Appropriations and Amendments to the FY 21-26 Capital Improvements Program Transfer of Funds - Capital Projects.
- D. **Introduced** a supplemental appropriation to the County Government's FY22 Operating Budget, Department of Health and Human Services (DHHS) ; University of Maryland, Office of Research Administration, Short-Term Housing Assistance for Human Trafficking Survivors: A Path to Permanent Housing - \$300,000 (Source of Funds: University of Maryland Grant). A public hearing is scheduled for October 19, 2021, at 1:30 P.M.
- E. Adopted **Resolution 19-1000**, authorizing the issuance of taxable limited obligation certificates to finance the Affordable Housing Acquisition and Preservation Project.
- F. Adopted **Resolution 19-1001**, confirming the County Executive's appointment to the Charter Review Commission: Galina Teverovsky.
- G. Adopted **Resolution 19-1002**, confirming the County Executive's appointments to the UpCounty Citizens Advisory Board: Christel Bivens, Amanda Franklin, Mary Hoel, Revonne Johnson, Paul Klee, Christopher O'Brien, Arlene Proebsting.
- H. Adopted **Resolution 19-1003**, confirming the County Executive's appointments to the Workforce Development Board: Sharon Strauss, Helen Nixon.
- I. **Introduced** a supplemental appropriation to the County Government's FY22 Operating Budget, Department of Transportation (DOT) - \$720,300 for COVID-19 Research Demonstration Grant (Source of Funds: \$450,000 Federal: COVID-19 Research Demonstration Grant; \$270,300 Mass Transit Fund ). A public hearing is scheduled for October 19, 2021, at 1:30 P.M.

- J. **Introduced** a resolution to amend FY22 Transportation Fees, Charges, and Fares based on Fare Equity Study. A public hearing is scheduled for October 19, 2021, at 1:30 P.M.

(5.5) **DISTRICT COUNCIL SESSION**

- A. **Introduction** - Zoning Text Amendment (ZTA) 21-07, Density and Height Allocation - Development with Moderately Priced Dwelling Units

Introduced draft #1 of ZTA 21-07, sponsored by Mr. Huckler and Mr. Riemer and co-sponsored by Mr. Rice. A public hearing is scheduled for November 9, 2021, at 1:30 P.M.

The Council recessed at 12:41 P.M. and reconvened at 1:33 P.M.

- (6) **PUBLIC HEARING/ACTION** - Resolution to Approve Lease of Property at Sligo Creek Golf Course to Renovacion Media Group Corp.

The public hearing was conducted and the record closed.

Adopted **Resolution 19-1004**, approving the lease of property at Sligo Creek Golf Course to Renovacion Media Group Corp.

Mr. Jawando made the motion, which carried without objection. Mr. Glass was temporarily absent. Later in the meeting, Mr. Glass indicated that had he been present, he would have voted in the affirmative.

- (7) **PUBLIC HEARING/ACTION** - Supplemental Appropriation to Montgomery College's FY22 Operating Budget - \$17,082,886 for the Federal, State, and Private Contract Fund

The public hearing was conducted and the record closed.

Mr. Rice made the motion, which carried without objection. Mr. Glass was temporarily absent. Later in the meeting, Mr. Glass indicated that had he been present, he would have voted in the affirmative.

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  
IN LEGISLATIVE SESSION - Day #26**

(8) **Call of Bills for Final Reading:**

A. [Bill 19-21, Finance - Reports on Settlements Agreements](#)

Ms. Navarro reviewed the purpose of the Bill and the GO Committee's recommendation, as contained in the staff report.

Enacted draft #4 of **Bill 19-21**, as shown at the end of these minutes.

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

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

B. [Expedited Bill 30-21, Landlord-Tenant Relations - Restrictions During Emergencies - Extended Limitations Against Rent Increases and Late Fees](#)

Participating in the discussion were Ms. Wellons, Legislative Attorney, and Mr. Nigam, Director, DHCA. Mr. Riemer disclosed that he owns two rental apartments.

Mr. Riemer, Chair of the Planning, Housing, and Economic Development (PHED) Committee, reviewed the recommendations of the Committee, as contained in the staff report. The expedited bill would extend the prohibition against raising rents above the guidelines until August 15, 2022, and prohibit charging late fees only for those renters who demonstrate economic hardship due to the COVID-19 pandemic.

Discussed Mr. Friedson's motion to amend the bill to add two new subsections to limit rent increases to 0% between November 15, 2021, and August 15, 2022, for renters who attest that they suffered an economic hardship as a direct or indirect result of the COVID-19 pandemic; to require periodic reports by landlords; and to amend subsection (f) to require education and outreach and publication of notices in multiple languages.

Approved Mr. Albornoz's motion to table discussion of the expedited bill to obtain additional language and fiscal analysis of the proposed legislation. Mr. Riemer, Mr. Jawando and Mr. Glass were opposed. Noted that the County's current rent stabilization program under the COVID-19 Renter Relief Act is scheduled to expire on November 15, 2021.

C. [Expedited Bill 31-21, Property Tax Credits - Energy Conservation Devices and Energy Efficient Buildings - Amendments](#)

Mr. Hucker, Chair of the Transportation and Environment (T&E) Committee, reviewed the recommendation the joint GO/T&E Committee as contained in the staff report.

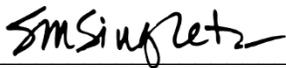
Enacted draft #2 of **Expedited Bill 31-21**, as shown at the end of these minutes.

The GO/T&E Committee made the motion and the expedited bill was enacted by a roll call vote:

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

The meeting adjourned at 3:08 P.M.

This is a correct copy of Council action.



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Selena Mendy Singleton, Esq.  
Clerk of the Council

Bill No. 19-21  
 Concerning: Finance – Reports on Settlement Agreements  
 Revised: 9/27/2021 Draft No. 4  
 Introduced: May 18, 2021  
 Enacted: October 5, 2021  
 Executive: \_\_\_\_\_  
 Effective: \_\_\_\_\_  
 Sunset Date: None  
 Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

**COUNTY COUNCIL  
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Jawando  
 Co-Sponsors: Council President Hucker, Councilmembers Glass, Reimer, Rice and Navarro

**AN ACT to:**

- (1) require the County Attorney to periodically report to the County Executive and County Council regarding certain settlement agreements entered into by the County;
- (2) require the County Attorney to publish each report on the County website;
- (3) prohibit certain clause in a settlement agreement;
- (4) require the County Attorney to collect demographic information from parties;
- (5) amend the jurisdictional amount for settlement of claims by the County Attorney; and
- (6) generally amend the law regarding the settlement of claims by or against the County.

By amending

Montgomery County Code  
 Chapter 20, Finance  
 Section 20-2

*The County Council for Montgomery County, Maryland approves the following Act:*

<b>Boldface</b>	<i>Heading or defined term.</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>

1           **Sec. 1. Section 20-2 is amended as follows:**

2   **20-2. Settlement of claims by [county attorney] County Attorney; annual reports required.**

3           (a)    Definitions. In this Section, the following terms have the meanings indicated.

4                   Civil Rights claim means an assertion by a claimant that the County or County employee injured the  
5                   claimant by a violation of federal, state, or local civil rights statute.

6                   Parties means a person who settles a claim or a person who allegedly committed the misconduct.

7                   Self-Insurance Fund means insurance coverage, including a legal defense, provided to the County  
8                   and its officials, employees, and agents under Section 20-37.

9                   Self- Insurance Fund Lawsuit means a claim or legal proceeding that is covered under the Self  
10                   Insurance Fund that alleges a violation of:

11                   (1)    federal or state constitutional rights;

12                   (2)    civil rights claims; or

13                   (3)    common law tort claims.

14    [[a)] (b)    On behalf of the [county] County, the [county attorney] County Attorney is [hereby]  
15                   authorized to [effect a settlement of] settle all claims by or against the [county] County and all  
16                   court cases to which the [county] County is a party where the amount of the claim or the amount  
17                   involved in the suit is:

18                   (1)    not more than [five] ~~thirty~~ thousand dollars [(\$5,000.00)] (~~\$30,000.00~~); or

19                   (2)    the maximum jurisdictional amount set for civil cases in District Court of Maryland under  
20                   State law, whichever is greater; and

21                   (3)    when in the [county attorney's] County Attorney's judgment it is proper and advisable to do  
22                   so.

23    [[b)] (c)    The [county attorney] County Attorney is further authorized to [effect] settle, with the  
24                   approval of the [county executive] County Executive, [a settlement of] all other claims by or  
25                   against the [county] County and all other court cases to which the [county] County is a party,  
26                   when in the [county attorney's] County Attorney's judgment and that of the [county executive]  
27                   County Executive it is advisable and proper to do so. In court cases in which the members of the  
28                   [county council] County Council are parties in their capacity as such, the [county attorney] County  
29                   Attorney is hereby authorized to [effect settlement] settle the cases on their behalf upon the  
30                   approval of the [council] Council, except in cases where each [member of the council]  
31                   Councilmember may be personally liable or responsible, in which cases settlement [shall] must be  
32                   made only on behalf of each [member] Councilmember approving such settlement.

33    [[c)] (d)    The authority granted by this section [shall] must apply to all future and past settlements.

34                   (e)    Annual Report. By October 1 of each year, the County Attorney must submit to the  
35                   County Executive and the County Council, and must publish on the County website, a written  
36                   report that summarizes the settlement of each Self-Insurance Fund Lawsuit during the prior fiscal  
37                   year.

- 38        (f)        *Contents of the report.* For each settlement, the report must identify:
- 39                (1)        the claimant or claimants;
- 40                (2)        the dollar amount, or other consideration, under the settlement;
- 41                (3)        the nature of the claim; [[and]]
- 42                (4)        the County departments or offices involved in the claim[[.]];
- 43                (5)        demographic information voluntarily provided by the parties; and
- 44                (6)        the applicable legal authority or reason if any information relating to the settlement is
- 45                        excluded because disclosure may be in violation of federal or state law.
- 46        (g)        *Non-disclosure clause in settlement agreements – prohibited.* The County must not agree to a non-
- 47                disclosure in a settlement agreement that would prevent public disclosure of the settlement
- 48                agreement. This subsection does not apply to information that is prohibited from disclosure under
- 49                federal or state law.
- 50        (h)        *Collection of Demographic Information.* The County Attorney must, at the conclusion of a
- 51                settlement agreement, provide a demographic sheet for parties to voluntarily disclose demographic
- 52                information. The demographic sheet must, at a minimum, collect the following data:
- 53                (1)        race;
- 54                (2)        ethnicity;
- 55                (3)        gender identity;
- 56                (4)        age;
- 57                (5)        sexual orientation;
- 58                (6)        religion; and
- 59                (7)        any other demographic information voluntarily provided by the parties.
- 60        (i)        *Opt-out.* A party of a settlement agreement may choose to opt out and decline providing
- 61                demographic information by signing an attestation statement provided by the County Attorney.

Enacted Expedited Bill No. 31-21  
 Concerning: Property Tax Credits –  
Energy Conservation Devices and  
Energy Efficient Buildings –  
Amendments  
 Revised: 10/5/2021 Draft No. 2  
 Introduced: July 20, 2021  
 Enacted: October 5, 2021  
 Executive: \_\_\_\_\_  
 Effective: \_\_\_\_\_  
 Sunset Date: See Sec. 2  
 Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

**COUNTY COUNCIL  
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the request of the County Executive

**AN EXPEDITED ACT** to:

- (1) define and clarify terms related to property tax credits for energy conservation devices and energy-efficient buildings;
- (2) ~~[[repeal]]~~ clarify a sunset clause affecting property tax credits for energy-efficient buildings;
- (3) provide for certain application timelines related to property tax credits; and
- (4) generally amend the law regarding property tax credits.

By amending

Montgomery County Code  
 Chapter 52, Taxation  
 Sections 52-103A and 52-103B

By repealing

Chapter 28, Laws of Montgomery County 2020  
 Section 2

*The County Council for Montgomery County, Maryland approves the following Act:*

<b>Boldface</b>	<i>Heading or defined term.</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>



38 (1) a description and installation date of the energy conservation device installed in the  
39 building;

40 \* \* \*

41 (e) *Energy Reduction Tax Credit authorized under Section 9-203 of the Tax-Property Article of the*  
42 *Maryland Code.*

43 (1) An energy-efficient building may receive an Energy Reduction Tax Credit for achieving  
44 energy use reductions under this subsection and, if that credit is granted, may receive:

45 (A) an additional Building Sustainability Tax Credit under subsection (f); and

46 (B) an expanded credit under subsection (g) for buildings located in Equity  
47 Emphasis Areas.

48 \* \* \*

49 (3) Baseline and Improved ENERGY STAR Score 12-month time periods must not:

50 (A) overlap;

51 (B) include the energy conservation device installation period; or [and];

52 (C) be more than 6 calendar years apart.

53 \* \* \*

54 (f) *Building Sustainability Tax Credit authorized under Section 9-242(a) of the Tax-Property Article*  
55 *of the Maryland Code.*

56 \* \* \*

57 (g) Expanded credit for buildings in Equity Emphasis Areas.

58 (1) The owner of an energy-efficient building located within an Equity Emphasis Area at the  
59 time of application may qualify for an expanded credit under this subsection.

60 (2) The owner must apply for a credit under this subsection simultaneously with an  
61 application for the Energy Reduction Tax Credit.

62 (3) The amount of the tax credit under this subsection must be added to the Energy  
63 Reduction Tax Credit for each year that the Energy Reduction Tax Credit is granted.

64 (4) The amount of the tax credit under this subsection must be equal to 10% of the annual  
65 property tax owed on the building.

66 ~~[(g)]~~ (h) *Total Maximum Credit.* The maximum credit that an energy-  
67 efficient building may be granted in any year must not exceed 100% of the building's  
68 annual County property tax liability.

69 ~~[(h)]~~ (i) *Annual limits.* In any fiscal year, the Director must not award  
70 more than \$5 million in total tax credits granted to all buildings under this Section.

71 ~~[(i)]~~ (j) *Reapplications.*

72 \* \* \*

73 ~~[(j)]~~ (k) *Credit Review.*

74 \* \* \*



111 building code requirements at time of application using an energy modeling software  
112 approved by the Department of Permitting Services.

113 (3) For the New Building Energy Reduction Tax Credit, the percentage of the annual County  
114 property tax credit awarded for 4 years is calculated by rounding a newly constructed  
115 energy-efficient building’s performance above [Building Code and Zoning Code]  
116 building code requirements to the nearest whole number and multiplying it by the  
117 multiplier below:

118 \* \* \*

119 (g) *New Building Sustainability Tax Credit.* The owner of a newly constructed energy-efficient  
120 building seeking the New Building [Energy] Sustainability Tax Credit must apply for that tax  
121 credit [simultaneously with] after receiving the New Building Energy Reduction Tax Credit.

122 \* \* \*

123 (2) To be approved for the New Building Sustainability Tax Credit, an energy-efficient  
124 building must [also] first be approved for the New Building Energy Reduction Tax  
125 Credit.

126 (h) Expanded credit for buildings in Equity Emphasis Areas.

127 (1) The owner of a newly constructed energy-efficient building located within an Equity  
128 Emphasis Area at the time of application may qualify for an expanded credit under this  
129 subsection.

130 (2) The owner must apply for a credit under this subsection simultaneously with an  
131 application for the New Building Energy Reduction Tax Credit.

132 (3) The amount of the tax credit under this subsection must be added to the New Building  
133 Energy Reduction Tax Credit for each year that the New Building Energy Reduction Tax  
134 Credit is granted.

135 (4) The amount of the tax credit under this subsection must be equal to 10% of the annual  
136 property tax owed on the building.

137 [(h)] (i) *Total Maximum Credit.* The maximum credit under this Section that an energy-efficient  
138 building may be granted in any fiscal year must not exceed 100% of the building’s annual  
139 property tax liability.

140 [(i)] (i) *Credit Review.*

141 \* \* \*

142 [(j)] (k) *Regulations.* The County Executive may issue regulations under method (2) to  
143 administer the New Building Energy Reduction Tax Credit and the New Building Sustainability Tax Credit.

144 **Sec. 2. Section 2 of Chapter 28 of the Laws of Montgomery County 2020 is [[repealed]] amended as**  
145 **follows:**

146           **[Sec. 2. Sunset Clause.** Section 52-103 of the County Code must sunset, and must and have no further  
147 force and effect, on January 1, 2025.] **Sec. 2. Sunset Clause.** Section 52-103 of the County Code must sunset, and  
148 must and have no further force and effect, on January 1, 2033.

149           **Sec. 3. Expedited Effective Date.** The Council declares that this legislation is necessary for the immediate  
150 protection of the public interest. This Act takes effect on the date that it becomes law.