



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, November 15, 2022

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland at 9:04 a.m. on Tuesday, November 15, 2022.

PRESENT

Councilmember Gabe Albornoz, President
Councilmember Andrew Friedson
Councilmember Sidney Katz
Councilmember Craig Rice

Councilmember Evan Glass, Vice President
Councilmember Will Jawando
Councilmember Nancy Navarro (*virtually*)
Councilmember Hans Riemer

ABSENT

Councilmember Tom Huckler

The President in the Chair.

PRESENTATIONS

- A. Proclamation presented by Councilmember Rice recognizing Councilmember for a Day Winner Malaika Wande.

Mr. Albornoz announced that Ms. Navarro was attending the meeting virtually as a precaution after being exposed to COVID-19, and that Mr. Huckler was absent serving as part of a State Delegation participating in an international trip on economic development matters.

GENERAL BUSINESS

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

Ms. Rupp, Clerk of the Council, announced additions to the agenda, introduction of **Expedited Bill 34-22**, Street and Roads - Classification of Roads; and introduction of Supplemental Appropriation #23-18 to the County Government's FY23 Operating Budget, Department of Transportation, Streets and Roads - Roadside Trees - Protection, \$60,750.

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

No petitions were received this week.

C. **Action** - Approved the minutes from September 21, 2022, and the closed session minutes from October 18, 2022, without objection. Mr. Hucker was absent.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #32**

(2) **WORKSESSION** - [Bill 13-22, Buildings - Comprehensive Building Decarbonization](#)

Participating in the discussion were Legislative Attorney Ndou; Mr. Bomer, Sustainability, Energy, and Mechanical Manager, Division of Commercial Building Construction, Department of Permitting Services (DPS); Mr. Fitzgerald, State Climate and Energy Policy Manager, and Ms. Shaw, Section Chief, Office of Energy and Climate, Department of Environmental Protection (DEP); Mr. Ellis, Regional Vice President, Governmental and External Affairs, PEPCO; and Mr. Washington, Director of Governmental and Legislative Affairs, Baltimore Gas and Electric.

Mr. Riemer, Chair of the Planning, Housing, and Economic Development (PHED) Committee, said the Bill focuses only on new construction to require the use of all electric energy. He reviewed the recommendations of the Committee noting that this is an incremental approach to move toward the exclusive use of non-fossil fuels. He acknowledged that this Bill would require the transformation of the electric grid and would require action at the federal, state, and local levels.

Mr. Jawando, a sponsor of the Bill, said the next Council would consider the issue of whether building renovations and rehabs should be required to switch to electric power.

Mr. Rice commented on the affordability issue and urged the Council to consider unforeseen consequences and to be mindful of the Bill's impact on lower-income households in the County, noting the importance of developing a strategy with

regard to who will pay for improvements, noting the impact on communities of color.

Reviewed issues associated with the Bill including measures taken by other jurisdictions, including the District of Columbia; concerns whether the current electric grid could handle increased electrification of buildings, and the impact on construction of affordable housing.

Received comments from Mr. Ellis that a study is underway by the Public Services Commission on needed improvements to the grid and associated infrastructure in order to supply energy to all-electric buildings. Noted that questions include how additional electric capacity would be fueled, how quickly additional capacity could be built, whether the use of heat pumps will help energy consumption, affordability and equity issues, scope of analysis; and how check-ins are built in to ensure progress is being made toward meeting energy goals.

(3) **Introduction of Bills:**

A. [Expedited Bill 32-22, Department of Health and Human Services - Structure and Positions](#)

Introduced draft #1 of **Expedited Bill 32-22**, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for January 17, 2023, at 1:30 p.m.

B. [Bill 33-22, Capital Improvements Program - Affordable Housing Feasibility Study - Required](#)

Introduced draft #5 of **Bill 33-22**, sponsored by Councilmember Friedson. A public hearing will be scheduled at a later date. Councilmembers Navarro, Riemer, Katz, Rice, and Albornoz requested to be added as co-sponsors.

C. [Expedited Bill 34-22, Streets and Roads - Classification of Roads](#)

Introduced draft #1 of **Expedited Bill 34-22**, sponsored by the Council President. A public hearing is scheduled for December 6, 2022, at 1:30 p.m.

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

A. [Bill 27-22, Administration - Inspector General - Powers and Duties](#)

Senior Legislative Attorney Wellons reviewed the purpose of the Bill, which will update and clarify the powers and duties of the Inspector General.

Enacted draft #1 of **Bill 27-22**, as introduced.

Ms. Navarro made the motion and the Bill was enacted by a roll call vote:

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

B. [Expedited Bill 21-22, Weapons - Firearms in or Near Places of Public Assembly](#)

Mr. Katz, Chair of the Public Safety (PS) Committee, reviewed the recommendation of the Committee as contained in the staff packet. He noted this bill is in response to the Supreme Court's decision earlier this year which eliminated "just cause" requirements for wear-and-carry handgun licenses.

Councilmembers commented on the need for additional federal measures to allow local jurisdictions more discretion to help keep residents safe.

Enacted draft #2 of **Bill 21-22**, 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: Katz, Jawando, Riemer, Navarro, Rice, Friedson, Glass, Albornoz
ABSENT: Hucker.

C. [Bill 39-21, Taxation - Public Safety Officers - Public Safety Emergency Communications Specialists - Property Tax Credit - Established](#)

Mr. Katz summarized the purpose of the Bill and reviewed the recommendation of the joint PS and Government Operations and Fiscal Policy (GO) Committee, as contained in the staff report.

Mr. Albornoz noted the importance of having first responders live in the communities they serve and urged the General Assembly to look at creative ways to provide similar incentives to other first responders, teachers, and nurses.

Enacted draft #5 of **Bill 39-21**, as shown at the end of these minutes.

The PS/GO Committee made the motion and the Bill was enacted by a roll call vote:

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

(5) **INTERVIEW** - [Director, Office of Human Resources: Traci Anderson](#)

Interviewed Ms. Anderson for the position of Director of the Office of Human Resources.

(6) **WORKSESSION/ACTION** - Resolution to amend Council Rules of Procedure

This item was postponed to the afternoon.

(7) **WORKSESSION/ACTION** - [State Priorities Letter for the State Delegation](#)

Participating in the discussion was Senior Legislative Attorney Wellons and Ms. Wenger, Director, Office of Intergovernmental Relations (OIR); Mr. Conklin, Director, Department of Transportation (DOT); and Ms. Herrera, Director, Office of Broadband Programs, Technology and Enterprise Business Solutions (TEBS).

Reviewed the draft letter of the Council's priorities prepared by OIR for the State Delegation.

Defeated Mr. Jawando's motion to add the following language that was included in the 2022 State Priorities letter regarding Local Authority, to the 2023 priorities letter:

Expanding the County's authority and flexibility to enact local legislation when necessary to address County priorities that are not fully addressed at the State level, including increasing County flexibility to raise revenue and have local control for property tax classification.

YEAS: Jawando, Rice, Glass

NAYS: Katz, Friedson, Navarro Katz

ABSTAIN: Albornoz

ABSENT: Hucker

Approved without objection Mr. Rice's to change in the Broadband Accessibility and Affordability section the word "urban" to the phrase all underserved areas including both rural and urban.

Approved without objection Mr. Rice's motion to replace the term "digital literacy" with "digital skills".

Supported Mr. Rice's motion to approve the State Priorities Letter for the State Delegation, as amended. Mr. Hucker was absent.

(8) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

Mr. Katz made the motion, which carried without objection. Mr. Hucker was absent.

- A. [Introduced a resolution to approve the Office of Legislative Oversight's \(OLO\) FY23 Work Program Supplement.](#)
- B. [Introduced a supplemental appropriation to the County Government's FY23 Operating Budget, Institute for Intelligent and Immersive Computing for Science and Medicine Non-Departmental Account, \\$15,000,000 \(Source of Funds: General Fund Undesignated Reserves\).](#)
- C. [Introduced an amendment to the FY23-28 Capital Improvements Program and Special Appropriation #23-60 to the County Government's FY23 Capital Budget, Department of Technology and Enterprise Business Solutions Business Continuity Phase II \(No. 342303\), \\$7,469,000 \(Source of Funds: Current Revenue and Short-Term Financing\).](#)
- D. [Introduced and adopted **Resolution 19-1444**, an amendment to Resolution 19-358, authorizing the creation of non-merit staff positions in an individual Councilmember Office.](#)
- E. [Introduced and adopted **Resolution 19-1445**, approving Executive Regulation No. 12-22, Amendment to the Montgomery County Personnel Regulations - Extension of the Sunset Date](#)
- F. [Adopted **Resolution 19-1446**, confirming the County Executive's appointment to the Criminal Justice Coordinating Commission: Jeff Waldstreicher.](#)
- G. [Adopted **Resolution 19-1447**, confirming the County Executive's appointments to the UpCounty Citizens Advisory Board: Matilda Adu, Steven Augustino, Jay Guan, Wayne Jacas, Paul Li, Steve Robinson, Andrew Saundry, Steve Wambo Kamga.](#)
- H. [Adopted **Resolution 19-1448**, an appointment to the Board of Appeals: Laura Seminario Thornton.](#)

- I. [Introduced a Declaration of No Further Need - Disposition via Long-Term Lease of 14645 Rothgeb Drive, located in Rockville, Maryland, to CASA de Maryland](#)
- J. [Introduced a Declaration of No Further Need - Disposition via Transfer of the abandoned portion of Walter Johnson Road, located in Germantown, Maryland, to Lidl US, LLC](#)
- K. [Introduced a Declaration of No Further Need - Disposition via Transfer of a portion of Burtonsville Park and Ride Lot, located in Burtonsville, Maryland to First Equity Holdings](#)
- L. [Introduced a Declaration of No Further Need - Disposition via Transfer of certain properties in the White Flint area, located in North Bethesda, Maryland, to Stonebridge](#)
- M. [Introduced Supplemental Appropriation #23-18 to the County Government's FY23 Operating Budget, Department of Transportation, Streets and Roads - Roadside Trees - Protection, \\$60,750 \(Source of Funds: Street Tree Planting Fund\)](#)

The Council recessed at 12:26 p.m. and reconvened at 1:17 p.m.

PRESENTATIONS

- A. Proclamation presented by Council President Albornoz, Councilmember Rice and the County Executive recognizing Arva Jackson
- (9) **PUBLIC HEARING** - [Supplemental Appropriation to the FY23 Capital Budget and Amendment to the FY23-28 Capital Improvements Program \(CIP\), \\$9,500,000 for Bus Rapid Transit: US 29 Phase II \(Source of Funds: Development Impact Tax, State Aid\)](#)

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on November 23, 2022.

- (10) **PUBLIC HEARING** - [Amendment to the FY23-28 Capital Improvements Program and Special Appropriation #23-55 to the County Government's FY23 Capital Budget Department of Transportation Farm Women's Market Parking Garage Project \(No. 502316\) \\$1,468,000 \(Source of Funds: GO Bonds and Intergovernmental\)](#)

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on November 23, 2022.

- (11) **PUBLIC HEARING** - [Amendment to the FY23-28 Capital Improvements Program and Special Appropriation #23-52 County Government's FY23 Capital Budget, Maryland-National Capital Park and Planning Commission, Department of Parks, Bethesda Lots 10-24 Parks \(No. P872302\), \\$9,432,000 \(Source of Funds: Bethesda Park Impact Payment, State Aid, Intergovernmental\)](#)

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on November 23, 2022.

- (12) **PUBLIC HEARING/ACTION** - [Special Appropriation #23-29 to the County Government's FY23 Operating Budget, Montgomery County Department of Health and Human Services - Hospital Response, \\$10,000,000 \(Source of Funds: Undesignated Reserves\)](#)

The public hearing was conducted, and the record closed.

Adopted **Resolution 19-1449**, approving the subject special appropriation. Mr. Rice made the motion which carried without objection. Mr. Hucker was absent.

- (13) **PUBLIC HEARING/ACTION** - [Supplemental Appropriation #23-22 to the County Government's FY23 Operating Budget, Department of Health and Human Services - \\$3,551,720 for American Rescue Plan Act Older Americans Act Title III Grant \(Source of Funds: State Grant\); and Amendment to the County Government's FY23 Resolution 19-1285, Section G, Designation of Entities for Non-Competitive Contract Award Status: Jewish Council for the Aging of Greater Washington, Inc., Access Hears, Inc., Arts For the Aging, Inc., Home Care Partners, Inc., Housing Initiative Partnership, Inc. and The Senior Connection of Montgomery County, Inc.](#)

The public hearing was conducted, and the record closed.

Adopted **Resolution 19-1450**, approving the subject supplemental appropriation and amendment to the FY23 **Resolution 19-1285**. Mr. Friedson made the motion which carried without objection. Mr. Hucker was absent.

- (14) **PUBLIC HEARING/ACTION** - [Special Appropriation #23-19 to the County Government's FY23 Operating Budget, Department of Health and Human Services \\$853,699 for the Youth Harm Reduction Initiative \(Source of Funds: General Fund: Undesignated Reserves\) and Amendment to the County Government's FY23 Resolution 19-1285, Section G, Designation of Entities for Non-Competitive Contract Award Status: 480 Club, LLC, Florence Crittenton Services of Greater Washington, Inc., Identity, Inc., and The BUILD Program Corporation.](#)

The public hearing was conducted, and the record closed.

Adopted **Resolution 19-1451**, approving the subject special appropriation. Mr. Friedson made the motion which carried without objection. Mr. Hucker was absent.

- (15) **PUBLIC HEARING/ACTION** - [Special Appropriation #23-17 to the County Government's FY23 Operating Budget, Department of Health and Human Services - \\$1,593,442 for Newcomers Enhancements and Assistance \(Source of Funds: General Fund: Undesignated Reserves\)](#)

The public hearing was conducted, and the record closed.

Adopted **Resolution 19-1452**, approving the subject special appropriation. Ms. Navarro made the motion which carried without objection. Mr. Hucker was absent.

- (16) **PUBLIC HEARING/ACTION** - [Supplemental Appropriation #23-25 to the County Government's FY23 Operating Budget, Montgomery County Public Schools - \\$2,671,890 for Supply Chain Assistance \(SAC\) Fund \(Source of Funds: State Grant\)](#)

The public hearing was conducted, and the record closed.

Adopted **Resolution 19-1453**, approving the subject supplemental appropriation. Mr. Rice made the motion which carried without objection. Mr. Hucker was absent.

- (17) **INTERVIEW** - [County Health Officer: Dr. Kisha Davis](#)

Interviewed Dr. Davis for the position of County Health Officer.

- (19) **ACTION** - [County Health Officer: Dr. Kisha Davis](#)

Adopted **Resolution 19-1455**, appointing Dr. Kisha Davis as the County Health Officer. Mr. Rice made the motion which carried without objection. Mr. Hucker was absent.

(18) **ACTION** - [Director, Office of Human Resources: Traci Anderson](#)

Adopted **Resolution 19-1454**, appointing Traci Anderson as the Director of the Office of Human Resources. Mr. Jawando made the motion which carried without objection. Mr. Hucker was absent.

(6) **WORKSESSION/ACTION** - [Resolution to amend Council Rules of Procedure](#)

Participating in the discussion were Ms. Sokoni and Mrs. McCartney-Green, Legislative Attorneys.

Reviewed the proposed amendments to the Council Rules of Procedures.

Supported Mr. Jawando's motion to remove the proposed language from Rule 5(b) as follows:

Attendance. A Councilmember is expected to attend meetings in person. A Councilmember may request the option to participate in meetings remotely by means of virtual or telephonic conference, although the use of such alternative means must be limited to circumstances when a Councilmember's in-person attendance would be impractical or unreasonable. [[A decision about whether a Councilmember's physical presence at a meeting is considered impractical or unreasonable would be in the President's discretion and made on a case-by-case basis. (Amendments to Rule 5(b)).]]

Mr. Albornoz, Mr. Glass, and Mr. Friedson were opposed.

Supported without objection Mr. Glass's motion to amend Rule 5(b) attendance, to require that when Councilmembers participate remotely, the meeting minutes should reflect their form of presence.

Supported without objection Mr. Katz's motion to add clarifying language to reflect that individual Councilmembers may create a group to advise them on specific issue and is excluded from the definition of a "group" in Rule 1(c).

Supported without objection, staff recommendations to clarify Rule 1(d) regarding closed meeting attendance reporting and confidentiality requirements, as contained on page four of the staff report.

Supported without objection, Mr. Friedson's motion to amend Rule 1(i) to require that if a Council or committee meeting takes place in person, the meeting must be presided by a Councilmember in-person.

Supported without objection, the staff recommended changes to Rule 4 and 4(b) to require that public hearings and notice of emergency matters are also published online, as contained on page five of the staff report.

Supported without objection, the staff recommendations to amend Rule 6(e) to allow the President to provide electronic copies of bills, as contained on pages five and six of the staff report.

Supported without objection, the staff recommended changes to Rule 6 to clarify the requirements for the publication of bill amendments, as contained on page six of the staff report.

Supported without objection, the staff recommended changes to Rule 4 regarding the advance notice of public hearings and Board of Health public hearings, as contained on page six of the staff report.

Supported without objection the staff recommended changes to Rule 7(e) that dictates that a resolution will expire 180 days after it is introduced, as contained on page six of the staff report.

Defeated Mr. Glass's motion to require that legislation expires if not acted on before the end of a Council's term. Mr. Friedson, Mr. Glass, and Mr. Katz voted in favor of the amendment.

Supported without objection, the staff recommended changes to Rule 9(c) regarding ceding time, as contained on page seven of the staff report.

Supported without objection, the staff recommended changes to Rule 9(g) requiring a transcript of a Council meeting only when required by law, as contained on page six of the staff report.

Supported without objection, the staff recommended changes to Rule 5 to require a submission of a written draft and at least an eight-day advance notice of the introduction of an agenda item to the President, as contained on page seven and eight of the staff report.

Supported without objection, Mr. Friedson's motion to amend Rule 1 to require that the Council President must have support of at least a majority of Councilmembers to send correspondence in their capacity as Council President and must note whether such correspondence is on behalf of a majority of the body or as the Council's unanimous view. Councilmembers may individually or jointly

send correspondence in their individual capacities and may include their title(s), but must clearly note they are not speaking on behalf of the body.

Defeated Mr. Glass's motion to amend Rule 7, to increase the minimum number of Councilmembers in support of the introduction of a special appropriation from three to four Councilmembers. Mr. Albornoz, Mr. Glass, Mr. Friedson, and Mr. Riemer voted in favor of the amendment.

Supported Mr. Katz's motion to require the support of three Councilmembers to be in support of a special appropriation in order for it to be introduced by the sponsor, as contained on page nine of the staff report.

Mr. Friedson suggested that a policy needs to be established to review special appropriations by the Government Operations and Fiscal Policy (GOFPP) Committee and the appropriate oversight committee before action is taken by the Council.

Supported without objection, December 5, 2022, as the effective dates.

Adopted **Resolution 19-1443**, approving the Council Rules of Procedure as amended. Mr. Katz made the motion which carried without objection. Mr. Hucker was absent.

Motion to Close

The Council adjourned the open session at 5:18 p.m. and reconvened in the Capital Crescent Trail Conference Room in closed session from 5:25 p.m. to 6:35 p.m. Mr. Jawando made the motion, which carried unanimously among those present.

Report of Closed Session of November 15, 2022

In compliance with Section 3-306(c)(2) General Provisions Article, Maryland Code, the following is a report of the County Council's closed session in the Capital Crescent Trail Conference Room at 5:25 p.m. pursuant to Maryland Code, General Provisions Article §3-305(b)(1)(i). Topic was a personnel matter concerning one or more specific appointees, employees, or officials.

The following persons were present: Councilmembers Albornoz, Friedson, Glass, Jawando, Katz, Navarro (*virtually*), Rice, Riemer; and Mr. Markovs, County Attorney.

Action: A future meeting will be held with the new Council to discuss a personnel matter concerning one or more specific appointees, employees, or officials.

The meeting adjourned at 6:35 p.m.

This is a correct copy of Council action:

A handwritten signature in cursive script, appearing to read "Judy Rupp", is written over a horizontal line.

Judy Rupp
Clerk of the Council

Expedited Bill No. 21-22
Concerning: Weapons – Firearms In or
Near Places of Public Assembly
Revised: 11/10/2022 Draft No. 2
Introduced: July 12, 2022
Enacted: November 15, 2022
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

AN EXPEDITED ACT to:

- (1) prohibit the possession of firearms in or near places of public assembly, with certain exemptions;
- (2) remove an exemption that allows individuals with certain handgun permits to possess handguns within 100 yards of a place of public assembly; and
- (3) generally amend the law regarding restrictions against firearms in the County.

By amending

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

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]] Sections 57-1, 57-7, and 57-11 [[is]] are amended as**
2 **follows:**

3 **57-1. Definitions.**

4 * * *

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

10 * * *

11 (2) “Ghost gun” means a firearm, including an unfinished frame or
12 receiver, that:

13 (A) lacks a unique serial number engraved or cased in metal
14 alloy on the frame or receiver by a licensed manufacturer,
15 maker or importer [[under]] in accordance with federal
16 law [or]; and

17 (B) lacks markings and is not registered with the Secretary of
18 the State Police in accordance with [[27 C.F.R. §
19 479.102]] Section 5-703(b)(2)(ii) of the Public Safety
20 Article of the Maryland Code.

21 [[It]] “Ghost gun” does not include a firearm that has been
22 rendered permanently inoperable, or a firearm that is not required
23 to have a serial number in accordance with the Federal Gun
24 Control Act of 1968.

25 * * *

26 (8) “Undetectable gun” means:

27 * * *

(9) “Unfinished frame or receiver” means a forged, cast, printed, extruded, or machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled, or converted to be used as the frame or receiver of a functional firearm.

* * *

Place of public assembly: A “place of public assembly” is:

- (1) a [[place where the public may assemble, whether the place is]] publicly or privately owned:[[, including a]]
 - (A) park;
 - (B) place of worship;
 - (C) school;
 - (D) library;
 - (E) recreational facility;
 - (F) hospital;
 - (G) community health center, including any health care facility or community-based program licensed by the Maryland Department of Health;
 - (H) long-term facility, including any licensed nursing home, group home, or care home; [[or]]
 - (I) multipurpose exhibition facility, such as a fairgrounds or conference center; or
 - (J) childcare facility;
- (2) government building, including any place owned by or under the control of the County;
- (3) polling place;

55 (4) courthouse;

56 (5) legislative assembly; or

57 (6) a gathering of individuals to collectively express their
58 constitutional right to protest or assemble.

59 A “place of public assembly” includes all property associated with the
60 place, such as a parking lot or grounds of a building.

61 * * *

62 **57-7. Access to guns by minors.**

63 * * *

64 (d) A person must not purchase, sell, transfer, possess, or ~~transfer~~
65 transport a ghost gun, including a gun created through a 3D printing
66 process, in the presence of a minor.

67 * * *

68 **57-11. Firearms in or near places of public assembly.**

69 (a) In or within 100 yards of a place of public assembly, a person must not:

70 (1) sell, transfer, possess, or transport a ghost gun, undetectable gun,
71 handgun, rifle, or shotgun, or ammunition or major component
72 for these firearms; or

73 (2) sell, transfer, possess, or transport a firearm created through a 3D
74 printing process.

75 (b) This section does not:

76 (1) prohibit the teaching of firearms safety or other educational or
77 sporting use in the areas described in subsection (a);

78 (2) apply to a law enforcement officer, or a security guard licensed
79 to carry the firearm;

80 (3) apply to the possession of a firearm or ammunition, other than a
81 ghost gun or an undetectable gun, in the person’s own home;

- 82 (4) apply to the possession of one firearm, and ammunition for the
- 83 firearm, at a business by either the owner who has a permit to
- 84 carry the firearm, or one authorized employee of the business
- 85 who has a permit to carry the firearm; or
- 86 (5) [apply to the possession of a handgun by a person who has
- 87 received a permit to carry the handgun under State law; or]
- 88 [(6)] apply to separate ammunition or an unloaded firearm:
- 89 (A) transported in an enclosed case or in a locked firearms rack
- 90 on a motor vehicle, unless the firearm is a ghost gun or an
- 91 undetectable gun; or
- 92 (B) being surrendered in connection with a gun turn-in or
- 93 similar program approved by a law enforcement agency.

94 * * *

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

98 **Sec. 3. Severability.** If any provision of this Act, or any provision of Chapter
99 57, is found to be invalid by the final judgment of a court of competent jurisdiction,
100 the remaining provisions must be deemed severable and must continue in full force
101 and effect.

102 **Sec. 4.** This Act and Chapter 57 must be construed in a manner that is
103 consistent with regulations of the federal Bureau of Alcohol, Tobacco, Firearms, and
104 Explosives, including 87 FR 24652 (effective August 24, 2022), as amended.

Approved:

s/

11/17/2022

Gabriel Albornoz, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Judy Rupp, Clerk of the Council

Date

Bill No. 39-21
Concerning: Taxation – Public Safety
Officers – Public Safety Emergency
Communications Specialists -
Property Tax Credit - Established
Revised: 11-10-2022 Draft No. 5
Introduced: October 19, 2021
Enacted: November 15, 2022
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

AN ACT to:

- (1) establish a tax credit against real property tax for certain County public safety officers and public safety emergency communication specialists;
- (2) provide for the amount of the property tax credit;
- (3) establish eligibility for the public safety officer and public safety emergency communication specialist property tax credit; and
- (4) generally amend the law governing property tax credits.

By adding

Montgomery County Code
Chapter 52, Taxation
Section 52-112

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 52-112 is added as follows:**

2 **52-112. Police Officer Property Tax Credit.**

3 (a) Definitions. In this Section:

4 Active volunteer means a local fire and rescue department volunteer
5 who was eligible for a nominal fee for active service for the preceding
6 tax year.

7 Correctional officer means a Correctional Officer I, Correctional
8 Officer II, Correctional Officer III, Correctional Dietary Officer I,
9 Correctional Dietary Officer II, Resident Supervisor I, Resident
10 Supervisor II, Resident Supervisor III, Correctional Supervisor-
11 Sergeant, Correctional Dietary Supervisor, Correctional Shift
12 Commander-Lieutenant, Correctional Unit Commander- Captain,
13 Deputy Warden, or Warden employed by the County.

14 Deputy sheriff means a deputy sheriff of the Office of the Sheriff for
15 Montgomery County.

16 Director means the Director of the Department of Finance or the
17 Director’s designee.

18 Dwelling means as defined in Md. Tax-Property Code Ann. § 9-105.

19 Public safety emergency communication specialist means a full-time
20 County employee responsible for providing mission critical services
21 between the general public in crisis and law enforcement, fire,
22 emergency medical, and animal control providers in the 9-1-1
23 emergency communications center.

24 Public safety officer means a full-time sworn police officer, firefighter,
25 [[or]] emergency medical technician or correctional officer employed
26 by the County.

27 (b) Credit required. The Director must allow each eligible taxpayer a
28 credit against County real property taxes due in each tax year in which
29 the taxpayer is eligible for the credit.

30 (c) Eligibility. A taxpayer is eligible for the tax credit each year for
31 residential property located in the County if the taxpayer:

32 (1) is a public safety officer, ~~or~~ a public safety emergency
33 communication specialist, ~~employed by the County~~ a deputy
34 sheriff, or an active volunteer;

35 (2) is using the property as the employee's principal residence;

36 (3) occupies or is expected to occupy the property for more than 6
37 months of a 12-month period beginning with the date of finality
38 for the taxable year for which the property tax credit under this
39 section is sought; and

40 (4) is a legal owner of the property.

41 (d) Amount of credit. The credit must equal the lesser of \$2,500 or the
42 amount of the County property tax otherwise due on the property.

43 (e) Application. In order to receive the credit, a public safety officer or a
44 public safety emergency communications specialist must apply for the
45 credit with the Director on or before April 1 of the tax year before the
46 first tax year the tax credit is sought on a form containing the
47 information required by the Director. An employee must apply to
48 continue the credit on or before April 1 of the tax year before each
49 subsequent tax year. The Director must determine taxpayer eligibility
50 for the credit.

51 (f) Continuous eligibility required. If, at any time during the term of the
52 credit or the renewal of the credit, the property is no longer eligible for
53 the credit:

- 54 (1) the credit granted to the property must be terminated; and
- 55 (2) the owner of the property is liable for all property taxes that
- 56 would have been due if the credit had not been granted for any
- 57 year that the property was not eligible for the credit.

58 (h) Appeal. The Director must take all actions necessary to apply the credit
59 to each eligible taxpayer who applies for the credit and is certified as
60 eligible by the Director. A taxpayer may appeal a final decision by the
61 Director denying or terminating the credit to the Maryland Tax Court
62 within 30 days after receiving a notice of denial or termination from the
63 Director.

64 **Sec. 2. Evaluation.** The Director must submit a report to the Executive and
65 the Council on or before January 1, 2024 evaluating the effectiveness of the tax credit
66 in increasing the number of public safety officers and public safety emergency
67 communications specialists living in the County.

Approved:

s/ 11/17/2022

Gabriel Albornoz, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Judy Rupp, Clerk of the Council

Date