



Committee: PHED
Staff: Jeffrey L. Zyontz, Senior Legislative Analyst
Purpose: To introduce agenda item – no vote expected
Keywords: #SRA, #Validity period

AGENDA ITEM 4A
June 23, 2020
Introduction

SUBJECT

SRA 20-01, Rules of Interpretation – Computing Time Periods

EXPECTED ATTENDEES

N/A

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

N/A

DESCRIPTION/ISSUE

The County is experiencing an unprecedented global pandemic and an economic crash. The sponsor believes that previously-established deadlines in subdivision approvals may be unrealistic.

SUMMARY OF KEY DISCUSSION POINTS

SRA 20-01 would extend the duration of all deadlines and validity periods established for previously-approved subdivisions by 2 years.

This report contains:

Cover Memo
SRA 20-01

Pages

1
© 1-3

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Introduction

M E M O R A N D U M

June 18, 2020

TO: County Council
FROM: Jeffry L. Zyontz, Senior Legislative Analyst
SUBJECT: Introduction: SRA 20-01, Rules of Interpretation – Computing Time Period

Subdivision Regulation Amendment (SRA) 12-01, Rules of Interpretation – Computing Time Period, Lead Sponsor Councilmember Riemer, is scheduled to be introduced on June 23, 2020. A public hearing is scheduled for July 28, 2020.

The County is experiencing an unprecedented global pandemic and an economic crash. Stay-at-home orders, as essential as they have been, are a sudden shock to normal business operations. In the midst of these unprecedented times filled with change and uncertainty, the sponsor believes that previously-established deadlines in subdivision approvals may be unrealistic. Within the workforce needed to move a development through engineering processes, there are inefficiencies in working from home. Financial commitments may require additional time to secure.

SRA 20-01 would extend the duration of all deadlines and validity periods established for previously-approved, unexpired subdivisions by 2 years. The additional time runs from the period “applicable to the approval.” The period or date applicable to the approved application would include any extensions granted by the Planning Board. The extensions apply to unexpired approved applications. Unexpired applications include those applications for which the applicant has made a request for an extension to the Planning Board in a timely manner.

Councilmember Riemer believes that SRA 20-01 would be a proactive step toward minimizing unnecessary disruptions to an important segment of the Council’s economy.

This packet contains:
SRA 20-01

Circle #
1 – 3

Subdivision Regulation Amendment No.: 20-01
Concerning: Rules of Interpretation –
Computing Time Periods
Draft No. & Date: 5 – 6/18/2020
Introduced:
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Riemer

AN AMENDMENT to:

- Extend the validity period or deadlines of approved subdivisions that are unexpired at a certain date

By amending

Montgomery County Code
Chapter 50. “Subdivision of Land”
Division 50.2. “Interpretation and Defined Terms”
Section 2.1. “Rules of Interpretation”

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by introduced Subdivision Regulation Amendment.</i>
[Single boldface brackets]	<i>Deleted from existing law by introduced Subdivision Regulation Amendment.</i>
<u>Double underlining</u>	<i>Added to the Subdivision Regulation Amendment by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the Subdivision Regulation Amendment by amendment.</i>
* * *	<i>Existing law unaffected by Subdivision Regulation Amendment.</i>

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following Ordinance:

1 **Sec. 1. Chapter 50 is amended as follows:**

2 * * *

3 **Division 50.2. INTERPRETATION AND DEFINED TERMS**

4 **Section 2.1. Rules of Interpretation**

5 The following rules of interpretation apply to this Chapter.

6 A. How to Compute Periods Measured in Months. If a period of time is measured
7 in months, the period begins and ends on the same day of a month; however,
8 if there are not enough days in the final month for this to be possible, the
9 period ends on the final day of the final month.

10 B. How to Compute Periods Measured in Days. If this Chapter establishes a
11 validity period or requires or allows a person to perform an act within a
12 specific time period measured in days, the person must compute the deadline
13 in the following manner:

14 1. If the period follows an event, count the day after the event as the first
15 day of the period.

16 2. Count the remaining number of calendar days in the period; however,
17 if the period is 7 days or fewer, omit Saturdays, Sundays, and legal
18 holidays.

19 3. Do not count the last day if it is a Saturday, Sunday, legal holiday, or
20 if the office where the person must file a document or perform an act
21 is not open during the regular hours of that office on that day.

22 4. For unexpired applications approved before {effective date}, the
23 validity period or the time period is 2 years after the period applicable
24 to the approval.

25 C. Requirements to Act by a Specific Date.

26 1. If the law requires or allows a person to perform an act by a specific
27 date, but the specific date is a Saturday, Sunday, or legal holiday, the

28 person may perform the act on the next day that is not a Saturday,
29 Sunday, or legal holiday.

30 2. Any action required to be taken within a specific time period is
31 measured from the date of a final agency action, or, if a party seeks
32 judicial review of the agency action, from the date the court makes a
33 final decision.

34 3. For unexpired applications approved before {effective date}, the
35 specific date is 2 years after the date applicable to the approval.

36 * * *

37 **Sec. 2. Effective Date.** This amendment takes effect when it becomes law.
38

39 *Approved:*

40

41

42 _____
Marc Elrich, County Executive Date

43

44 *This is a correct copy of Council action.*

45

Selena Mendy Singleton, Esq. Date
Clerk of the Council