

Expedited Bill No. 31-23
Concerning: Technical Corrections
Revised: 7/06/2023 Draft No. 4
Introduced: June 20, 2023
Enacted: July 11, 2023
Executive: July 24, 2023
Effective: July 24, 2023
Sunset Date: None
Ch. 21, Laws of Mont. 2023
Co.

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: County Council

AN EXPEDITED ACT to correct technical, typographical, grammatical, reference, and codification errors in, and make stylistic, clarifying, and conforming amendments to, various provisions of County law.

By amending

Montgomery County Code
Chapter 1A, Structure of County Government
Section 1A-203

Chapter 2, Administration
Sections 2-43 and 2-81D

Chapter 5, Animal Control
Section 5-105

Chapter 8, Buildings
Section 8-14D

Chapter 10A, Childcare
Section 10A-12

Chapter 16, Elections
Section 16-26

Chapter 18A, Environmental Sustainability
Sections 18A-33, 18A-34, 18A-35, 18A-38A, and 18A-43

Chapter 20, Finance
Sections 20-2 and 20-76E

Chapter 27, Human Rights and Civil Liberties
Section 27-11B

Chapter 29, Landlord-Tenant Relations
Section 29-55

Chapter 30A, Montgomery County Municipal Revenue Program
Sections 30A-2, 30A-3, and 30A-6

Chapter 35, Police
Sections 35-6A and 35-9

Chapter 48, Solid Waste
Section 48-63
Article VI and Article VIII

Chapter 49, Streets and Roads
Sections 49-17 and 49-20

Chapter 52, Taxation
Section 52-103A

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. Sections 1A-203, 2-43, 2-81D, 5-105, 8-14D, 10A-12, 16-26, 18A-33,**
 2 **18A-34, 18A-35, 18A-38A, 18A-43, 20-2, 20-76E, 27-11B, 29-55, 30A-2, 30A-3,**
 3 **30A-6, 35-6A, 35-9, 48-63, 49-17, 49-20, and 52-103A and Articles VI and VIII**
 4 **of Chapter 48 are amended as follows:**

5 **1A-203. Establishing other offices.**

6 (a) *Executive Branch.* These are the offices of the Executive Branch that
 7 are not part of a department or principal office:

8 Office of Agriculture (section 2B-1A)

9 Office of Animal Services (section 2-58C)

10 Office of the Commission for Women (section 27-28, et seq.)

11 Office of Community Use of Public Facilities (section 2-64M)

12 Office of Emergency Management and Homeland Security (section 2-
 13 64O)

14 Office of Food Systems Resilience (section 2-64Q)

15 Office of Grants Management (section 2-64P)

16 [Office of Food Systems Resilience (section 2-64Q)]

17 Office of Human Rights (section 27-4)

18 * * *

19 **2-43. Organization and functions.**

20 * * *

21 [(b)] (b) The Department has five non-merit positions: four Assistant
 22 Chief of Police (Sworn) positions and one Assistant Chief of Police (Civilian)
 23 position.[.]

24 [(c)] (c) Any reference in this Code or in regulation or other document to
25 “superintendent of police” or “superintendent” means “Executive Director of
26 Police,” or “Chief of Police,” or “Executive Director”.

27 * * *

28 [DIVISON] DIVISION 23. OFFICE OF FOOD SYSTEMS RESILIENCE.

29 * * *

30 **2-81D. Climate Assessments.**

31 * * *

32 (d) *Contents of climate assessment.*

33 * * *

34 (2) Each climate assessment must include:

35 * * *

36 (C) quantitative or qualitative evaluations [of the] of the
37 identified effects upon community resilience and
38 adaptative capacity.

39 * * *

40 **5-105. Animal Services Advisory Committee.**

41 (a) *Definitions.* In this Section the [follow] following words have the
42 meanings indicated:

43 * * *

44 **8-14D. Comprehensive Building Decarbonization.**

45 * * *

46 Sec. 3. All-Electric Transition. Section 8-14[C(b)] D(b) of this Act must not apply
47 to building permit applications submitted before December 31, 2027, for: (1)
48 housing development projects where 50 percent or more of the dwelling units are
49 moderately priced dwelling units as defined by Chapter 25A, or a similar instrument

50 with a federal, state, or local government for the creation or preservation of income-
 51 restricted or market-rate affordable housing; (2) public or private schools; or (3)
 52 residential buildings with four or more stories.

53 **10A-12. Early Care and Education Coordinating Entity.**

54 * * *

55 (i) Duties. In developing an equitable system of high quality, accessible,
 56 sustainable early care and education and eliminating systemic racism
 57 and structures that created access barriers for vulnerable, racially and
 58 ethnically diverse populations, the Early Care and Education
 59 Coordinating Entity must:

60 * * *

61 [(4)] (5) research and facilitate innovative service models and
 62 strategies to improve the early care and education system and
 63 identify community needs through periodic mapping of early
 64 care and education services and resources and County-wide
 65 needs assessments;

66 [(5)] (6) secure and administer private-sector funding to support the
 67 early care and education system and manage and administer
 68 public funding that is directly appropriated to the Entity;

69 [(6)] (7) measure and report on the efforts to improve and expand
 70 the early care and education system with a focus on achieving
 71 tangible results that improve access to high-quality ECE across
 72 the County;

73 [(7)] (8) address current inequities imposing barriers to accessible
 74 high quality, affordable care for all communities; and

75 [(8)] (9) create, as a neutral convener, a common early childhood
 76 education agenda based on community consensus that all major

77 stakeholders commit to and maintain a 360 degree view of all
 78 aspects of the County's early childhood education sector.

79 **16-26. Applicant and participating candidate restrictions.**

80 * * *

81 (h) *Limitations on In-Kind Contributions.*

82 (1) An applicant candidate or a participating candidate may accept
 83 in-kind contributions from a State central committee of a
 84 political party if:

85 (A) the total amount of in-kind contributions from the central
 86 committee per election cycle are equal to or less than
 87 \$10,000; and

88 (B) the funds used by the central committee to make an in-kind
 89 contribution derive from individual contributions that do
 90 not exceed the public contribution limits established under
 91 Section 16-23.

92 (2) An applicant candidate or a participating candidate may accept
 93 in-kind contributions from a Montgomery County central
 94 committee of a political party if:

95 (A) the total amount of in-kind contributions from the central
 96 committee per election cycle are equal to or less than
 97 \$10,000; and

98 (B) the funds used by the central committee to make an in-kind
 99 contribution derive from individual contributions that do
 100 not exceed the public contribution limits established under
 101 Section 16-23.

102 **18A-33. Definitions.**

103 *Definitions.* In this [Section] Article, the following words have the meanings
104 indicated:

105 * * *

106 *Energy efficiency* means any equipment, device, or material that is intended
107 to decrease energy consumption or use less energy to perform the same task.

108 * * *

109 **18A-34. Commercial Property Assessed Clean Energy Program _ established**
110 **[Established].**

111 * * *

112 **Sec. 18A-35. Eligibility.**

113 * * *

114 (b) *Property assessed clean energy surcharge.*

115 (1) The property owner of qualified property must agree to repay the
116 amount financed through a Surcharge levied on the County’s real
117 property tax bill for the qualified property.

118 (2) A Surcharge must be imposed under a written agreement between
119 the [lender] private lender and the County. The Surcharge will be
120 recorded in land records of the County, at the expense of the owner,
121 within 30 days of the execution of a clean energy loan financing
122 agreement.

123 * * *

124 **18A-38A. Definitions.**

125 * * *

126 *Building* means:

127 (1) any single structure utilized or intended for supporting or
128 sheltering any occupancy, except if a single structure contains
129 two or more individually metered units operating independently

130 that have stand-alone heating, cooling, hot water, and other
131 mechanical systems, and no shared interior common areas, or;

132 * * *

133 *Covered building* means a County-owned, Group 1, Group 2, Group 3, Group
134 4, or Group 5 covered building.

135 * * *

136 *Group 3 covered building* means:

137 (1) a privately owned nonresidential covered building whose gross
138 floor area equals or exceeds 25,000 square feet but is less than
139 50,000 square feet, or

140 (2) a privately owned nonresidential covered building whose gross
141 floor area equals or exceeds 50,000 square feet and whose use
142 type was previously exempted under this Article.

143 * * *

144 **18A-43. Annual report; disclosure of benchmarking and energy performance**
145 **information.**

146 (a) *Annual report required.* By October 1 of each year, the Director must
147 submit a benchmarking and building performance report to the County
148 Executive and County Council. The report must review and evaluate
149 energy efficiency in covered buildings, including:

150 * * *

151 (3) for County-owned covered buildings:
152 (A) the scores of County-owned covered buildings
153 benchmarked; and

154 (B) whether the Director recommends any energy efficiency
155 improvements for specific buildings[.]; and

156 * * *

157 (c) *Exceptions to disclosure.* To the extent allowable under state law, the
158 Director must not make the following readily available to the public:

159 (1) any individually attributable reported benchmarking information
160 from the first calendar year that a covered building is required to
161 benchmark;

162 (2) any individually attributable reported benchmarking or building
163 energy performance standards information relating to a covered
164 building if the disclosure of the covered building’s energy use
165 would be harmful to the public interest and national security[.];
166 and

167 * * *

168 **20-2. Settlement of claims by County Attorney; annual reports required.**

169 * * *

170 (g) *Non-disclosure clause in settlement agreements – prohibited.* The
171 County must not agree to a non-disclosure in a settlement agreement
172 that would prevent public disclosure of the settlement agreement. This
173 subsection does not apply to information that is prohibited from
174 disclosure under federal or state law.

175 * * *

176 **20-76E. Small Business Innovation Research and Small Business Technology**
177 **Transfer Matching Grant Program.**

178 * * *

179 (f) *Sunset.* This Section is not effective after July 1, 2025.[.]

180 **27-11B. Gender-Inclusive Single-User Restrooms.**

181 * * *

182 (c) *Enforcement and Penalties.*

183 (1) *Who may enforce.* The following have the authority to enforce this
184 Section:

- 185 (A) The Department of Permitting Services;
- 186 (B) The Department of Health and Human Services; and
- 187 (C) any other agency designated by the Chief Administrative
188 Officer.

189 (2) A person authorized to enforce this Section must not issue a
190 citation unless the violation still exists 30 days after an initial
191 notice of violation.

192 (3) A violation of this Section is a Class A violation.

193 **29-55. Rent increases and late fees following the COVID-19 state of emergency**
194 **– prohibited.**

195 * * *

196 Application of Late Fee Restrictions. Section [22-55(d)] 29-55(d), added under
197 section 1 of this Act: (1) applies to any uncollected late fee for rent that became due
198 on or after the date of the emergency, including rent that became due on or after the
199 date of the emergency and before the effective date of this Act; but (2) does not
200 require a landlord to refund to a tenant any payment received by the landlord prior
201 to the effective date of this Act.

202 * * *

203 **30A-2. Qualification of municipal public services for [county] County**
204 **reimbursement.**

205 Municipal public services shall qualify for [county] County reimbursement if
206 the following conditions are met:

207 * * *

208 **30A-3. Determination of amount of reimbursement.**

209 * * *

210 (e) *Crossing guards.* For [Crossing Guards] crossing guards,
211 reimbursements must be based on the costs the County would incur to
212 provide crossing guard services in the municipality as determined by a
213 quadrennial utilization assessment performed by the County.

214 **30A-6. County tax rate in certain municipalities.**

215 **[30A-6. County tax rate in certain municipalities.]**

216 (a) *Reduced tax rate.* Pursuant to Section 6-305 of the Tax-Property Article
217 of the Maryland Code, before June 30 the County Council may set for
218 the coming taxable year a general County property tax rate on
219 assessments of properties in any municipality at a rate that is less than
220 the general County tax rate on assessments of properties in parts of the
221 County outside of the municipality if the municipality:

222 (1) lies partly in Montgomery County and partly in another
223 county;

224 (2) performs fire and rescue services in whole or in part in lieu of
225 the [county] County performing those services; and

226 * * *

227 (e) *Allocation of funds.* Taxes received from the municipality must be
228 allocated by the County as follows:

229 (1) taxes on assessments of properties in the Montgomery County
230 section of the municipality will be placed in the General Fund[.];
231 and

232 (2) taxes on assessments of properties in the other county's section
233 of the municipality will be placed in the Fire Tax District Fund.

234 **35-6A. Community Policing.**

235 * * *

236 (c) *Reporting requirements.*

* * *

(6)[(2)] The Department must also provide the information reported under paragraph (1) to the Policing Advisory Commission established under Section 35-6.

35-9. Internal Affairs Procedures and Reporting Requirements.

* * *

(e) *Monthly internal affairs reports to the Chief.* At least once a month, the Internal Affairs Division must report to the Chief regarding the status of each pending investigation. For each investigation, the report must include, at a minimum:

- (1) the nature of the allegation;
- (2) the date of the complaint[,];
- (3) the name [or] of each employee involved;
- [(3)] (4) the name of the investigating officer; and
- [(4)] (5) the source of the investigation, including whether the investigation arose from a random review under subsection (c).

* * *

CHAPTER 48. SOLID WASTE (TRASH)

* * *

ARTICLE VI. DISPOSABLE FOOD SERVICE PRODUCTS AND PACKAGING MATERIALS.

* * *

ARTICLE [VII] VIII. WASTE REDUCTION/SOURCE REDUCTION
48-63. [Definition] Definitions.

* * *

49-17. Accumulation of snow and ice on property prohibited.

* * *

264 (b) [(1)](1) *Definitions.* In this Section:

265 * * *

266 **49-20. Franchises for use of street; procedure for granting; notice and**
267 **hearing.**

268 * * *

269 (d) *Recommendations of County Executive.* The County Executive must,
270 after any hearings required by this Article, forward to the Council
271 written recommendations concerning the proposed franchise,
272 including [the] any [Executive’s] Executive findings as to the value of
273 the proposed franchise, any response to objections which have been
274 raised, and any other relevant issues.

275 * * *

276 **52-103A. Property tax credit — energy conservation devices for existing**
277 **energy-efficient buildings.**

278 * * *

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

281 * * *

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

- 284 (A) overlap;
- 285 (B) include the energy conservation device installation period;
- 286 or
- 287 (C) [must not] be more than 6 calendar years apart.

288 * * *

289 **Sec. 2. Expedited Effective Date.** The Council declares that this legislation
290 is necessary for the immediate protection of the public interest. This Act takes effect

291 on the date on which it becomes law.

Approved:




Evan Glass, President, County Council
July 11, 2023
Date

Approved:



Marc Elrich, County Executive
July 24, 2023
Date

This is a correct copy of Council action.



Sara R. Tenenbaum, Clerk of the Council
July 24, 2023
Date