



**Committee:** Directly to Council  
**Committee Review:** N/A  
**Staff:** Ludeen McCartney-Green, Legislative Attorney  
**Purpose:** To receive testimony/final action - vote expected  
**Keywords:** #TechnicalCorrections

AGENDA ITEMS 3&10A  
July 11, 2023  
**Public Hearing/Action**

## SUBJECT

Expedited Bill 31-23, Technical Corrections  
Lead Sponsor: County Council

## EXPECTED ATTENDEES

Members of the Public

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To hear public testimony on Bill 31-23
- Action – roll call vote required

## DESCRIPTION/ISSUE

- Expedited Bill 31-23 would correct technical, typographical, grammatical, reference, and codification errors in, and make stylistic, clarifying, and conforming amendments to, various provisions of County law.

## SUMMARY OF KEY DISCUSSION POINTS

- The County Council periodically enacts a technical corrections bill to fix typographical and stylistic errors in the County laws.
- The most recent technical corrections bill was in 2021, Expedited Bill 28-21.
- Council staff have worked with staff of the County Attorney's Office to prepare Expedited Bill 31-23. The bill makes non-substantive, technical corrections to multiple laws, including the following sections of the Code: 1A-203, 2-43, 2-81D, 5-105, 8-14D, 10A-12, 16-26, 18A-33, 18A-34, 18A-35, 18A-38A, 18A-43, 20-2, 20-76E, 27-11B, 29-55, 30A-2, 30A-3, 30A-6, 35-6A, 35-9, 48-63, 49-17, 49-20, and 52-103A and Articles VI and VIII of Chapter 48.

## This report contains:

Staff Report

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Expedited Bill 31-23

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Fiscal Impact Statement

© 15

Climate Assessment

© 16

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**M E M O R A N D U M**

July 6, 2023

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

SUBJECT: Expedited Bill 31-23; Technical Corrections

PURPOSE: Public Hearing/Action – roll call vote required

Expedited Bill 31-23, Technical Corrections, sponsored by the County Council, was introduced on June 20, 2023. A public hearing on the bill will be held on July 11, 2023, which will immediately be followed by a roll call vote for final action.

Expedited Bill 31-23 would correct technical, typographical, grammatical, reference, and codification errors in, and make stylistic, clarifying, and conforming amendments to, various provisions of County law. Specifically, the bill would make non-substantive, technical corrections to the following sections of code: 1A-203, 2-43, 2-81D, 5-105, 8-14D, 10A-12, 16-26, 18A-33, 18A-34, 18A-35, 18A-38A, 18A-43, 20-2, 20-76E, 27-11B, 29-55, 30A-2, 30A-3, 30A-6, 35-6A, 35-9, 48-63, 49-17, 49-20, and 52-103A and Articles VI and VIII of Chapter 48.

These sections relate to Chapters of the Code regarding the Structure of County Government, Administration, Animal Control, Buildings, Childcare, Elections, Environmental Sustainability, Finance, Human Rights and Civil Liberties, Landlord-Tenant Relations, Municipal Revenue Program, Police, Solid Waste, Streets and Roads, and Taxation.

**Next Step:** Roll call vote to enact Expedited Bill 31-23.

This packet contains:	<u>Circle #</u>
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Expedited Bill No. 31-23  
Concerning: Technical Corrections  
Revised: 7/6/2023 Draft No. 4  
Introduced: June 20, 2023  
Expires: December 7, 2026  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: County Council

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**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

<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>

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

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

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

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

Office of Agriculture (section 2B-1A)

Office of Animal Services (section 2-58C)

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

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

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

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

Office of Grants Management (section 2-64P)

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

Office of Human Rights (section 27-4)

\* \* \*

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

\* \* \*

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

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

\* \* \*

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

\* \* \*

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

\* \* \*

(d) *Contents of climate assessment.*

\* \* \*

(2) Each climate assessment must include:

\* \* \*

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

\* \* \*

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

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

\* \* \*

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

\* \* \*

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

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

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

\* \* \*

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

\* \* \*

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

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

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

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

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

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

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

\* \* \*

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

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

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

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

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

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

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

**18A-33. Definitions.**



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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

(b) *Property assessed clean energy surcharge.*

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

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

\* \* \*

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

\* \* \*

*Building* means:

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

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

\* \* \*

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

\* \* \*

*Group 3 covered building* means:

- (1) a privately owned nonresidential covered building whose gross floor area equals or exceeds 25,000 square feet but is less than 50,000 square feet, or
- (2) a privately owned nonresidential covered building whose gross floor area equals or exceeds 50,000 square feet and whose use type was previously exempted under this Article.

\* \* \*

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

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

\* \* \*

- (3) for County-owned covered buildings:
  - (A) the scores of County-owned covered buildings benchmarked; and
  - (B) whether the Director recommends any energy efficiency improvements for specific buildings[.]; and

\* \* \*

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

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

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

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

\* \* \*

(c) *Enforcement and Penalties.*

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

(A) The Department of Permitting Services;

(B) The Department of Health and Human Services; and

(C) any other agency designated by the Chief Administrative Officer.

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

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

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

\* \* \*

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

\* \* \*

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

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

\* \* \*

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

\* \* \*

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

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

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

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

- (1) lies partly in Montgomery County and partly in another county;
- (2) performs fire and rescue services in whole or in part in lieu of the [county] County performing those services; and

\* \* \*

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

- (1) taxes on assessments of properties in the Montgomery County section of the municipality will be placed in the General Fund[.]; and
- (2) taxes on assessments of properties in the other county's section of the municipality will be placed in the Fire Tax District Fund.

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

\* \* \*

(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.**

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

(A) overlap;

(B) include the energy conservation device installation period; or

(C) [must not] be more than 6 calendar years apart.

\* \* \*

**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  
291 effect on the date on which it becomes law.





# Fiscal Impact Statement

Office of Management and Budget

Bill 31-23	Technical Corrections
Bill Summary	Bill 31-23 corrects technical, typographical, grammatical, reference, and codification errors in various provisions of law. The bill also makes stylistic, clarifying, and conforming amendments to various provisions of County law.
Fiscal Impact Summary	The bill makes no substantive policy changes and has no fiscal impact.
Fiscal Impact Analysis	The bill has no impact on County revenues or expenditures.
Staff Impact	The bill is not expected to impact staff time or duties.
Actuarial Analysis	The bill is not expected to impact retiree pension or group insurance costs.
Information Technology Impact	The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.
Other Information	
Later actions that may impact revenue or expenditures if future spending is projected	The bill does not authorize future spending.
Contributors	Grace Pedersen, OMB



# Climate Assessment

## Office of Legislative Oversight

### Expedited Bill 31-23: Technical Corrections

#### SUMMARY

The Office of Legislative Oversight (OLO) anticipates Expedited Bill 31-23 will have no impact on the County's contribution to addressing climate change as the proposed changes would correct typographical and stylistic errors in the County laws.

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#### BACKGROUND AND PURPOSE OF EXPEDITED BILL 31-23

The County Council periodically enacts a technical corrections bill that fixes typographical and stylistic errors in the County Code. Expedited Bill 31-23 would correct various "technical, typographical, grammatical, reference, and codification errors in, and make stylistic, clarifying, and conforming amendments to various provisions of County law." The changes are all non-substantive in nature.

The Council introduced Expedited Bill 31-23, Technical Corrections, on June 20, 2023.<sup>1</sup>

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#### ANTICIPATED IMPACTS

As Expedited Bill 31-23 proposes typographical and stylistic corrections to the County laws, OLO anticipates the bill will have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

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#### RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.<sup>2</sup> OLO does not offer recommendations or amendments as Expedited Bill 31-23 will have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

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#### CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature

of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

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## PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County's adaptive capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

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## CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

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<sup>1</sup> [Introduction Staff Report for Bill 31-23, Montgomery County Council, June 20, 2023.](#)

<sup>2</sup> Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022