

**MEMORANDUM**

TO: County Council

FROM: Jeffry L. Zyontz, Senior Legislative Analyst

SUBJECT: **Public Hearing:** Bill 52-15, Administrative Procedures -- Summary Decision

Bill 52-15, Administrative Procedures -- Summary Decision, sponsored by Lead Sponsor Council President Floreen at the request of the Hearing Examiner, was introduced on December 8, 2015. A Government Operations and Fiscal Policy worksession is tentatively scheduled for January 21, 2016 at 9:30 a.m.

Bill 52-15 would revise the Administrative Procedures Act to allow a summary decision without an evidentiary hearing when there are no facts at issue.

This packet contains:	<u>Circle #</u>
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Bill No. 52-15  
Concerning: Administrative Procedures –  
Summary Decision  
Revised: 12-2-15 Draft No. 3  
Introduced: December 8, 2015  
Expires: June 8, 2017  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Council President at the request of the Hearing Examiner

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**AN ACT** to:

- (1) revise the Administrative Procedures Act to allow a summary decision without an evidentiary hearing ; and
- (2) generally amend the law governing administrative procedures.

By amending

Montgomery County Code  
Chapter 2A, Administration  
Section 2A-7

<b>Boldface</b>	<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:*

**Sec. 1. Section 2A-7 is amended as follows:**

**2A-7. Pre-hearing procedures.**

\* \* \*

(d) Summary Decision. Any party may file a motion for summary decision at least 20 days before the date of a hearing. The hearing authority may grant summary decision if the hearing authority finds that there is no genuine issue of material fact to be decided at the hearing. The hearing authority must give all other parties at least 10 days to respond to the motion for summary decision before deciding the motion. The hearing authority may permit oral argument on the motion.

(e) Restrictions on data. Unless a matter has been formally certified for hearing by the hearing authority, government documents or records shall not be subject to these provisions. In the event a matter is certified for hearing by the hearing authority, any documents or records not to be used at the hearing shall not be subject to the provisions of this chapter. Further, any matter or materials which are designated by law as confidential shall not be released without a waiver of the parties to the confidentiality.

Approved:

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Nancy Floreen, President, County Council

Date

Approved:

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Isiah Leggett, County Executive

Date

## LEGISLATIVE REQUEST REPORT

Bill 52-15

*Administrative Procedures – Summary Decision*

**DESCRIPTION:** The will would amend the Administrative Procedures Act to all a hearing authority to come to conclusion without an evidentiary hearing when there are no facts at issue.

**PROBLEM:** Maryland Courts only allow a summary decision to be made when that procedure is allow by law. Currently the authority for summary decisions is not in County Code having for an inefficient hearing process.

**GOALS AND OBJECTIVES:** The Bill will make the hearing process more efficient.

**COORDINATION:** Merit System Protection Board, Landlord Tenant Affairs Commission, the Commission on Common Ownership, the Human Rights Commission and the Office of Zoning and Administrative Hearings

**FISCAL IMPACT:** To be requested.

**ECONOMIC IMPACT:** To be requested.

**EVALUATION:** To be requested.

**EXPERIENCE ELSEWHERE:** To be researched.

**SOURCE OF INFORMATION:** Consultations with Boards, Commissions, and offices

**APPLICATION WITHIN MUNICIPALITIES:** To be researched.

**PENALTIES:** NA