

Clerk's Note: Corrected underlining on Lines 6 and 8.

Bill No. 20-19
Concerning: Landlord-Tenant Relations –
Licensing of Rental Housing – Fee
[[Exemption]] Exemptions
Revised: 09/09/2019 Draft No. 6
Introduced: June 25, 2019
Enacted: September 17, 2019
Executive: September 26, 2019
Effective: December 26, 2019
Sunset Date: None
Ch. 17, Laws of Mont. Co. 2019

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

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

AN ACT to:

- (1) exempt a license applicant from any license fee requirement to operate an accessory apartment as rental housing [[in certain circumstances]] if the unit is occupied by an individual with disabilities;
- (2) exempt a license applicant from an annual license fee requirement to operate an accessory apartment as rental housing if the applicant does not charge rent for the unit;
and
- [[2]] (3) generally amend the law related to the licensing of rental housing.

By amending

Montgomery County Code
Chapter 29, Landlord-Tenant Relations
Section 29-20

| | |
|------------------------------|--|
| 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 29-20 is amended as follows:**

2 **29-20. Fees.**

3 (a) [The] Except as provided in ~~[[subparagraph]]~~ subsections (b) and (c), the
4 annual license fee per dwelling unit is:

5 [(a)] (1) for a Class 1 multi-family rental facility license:

6 [(1)] (A) \$44.00 per dwelling unit in an apartment complex or an
7 accessory apartment approved by special exception; and

8 [(2)] (B) \$59.00 per dwelling unit for all others;

9 [(b)] (2) for a Class 2 single-family rental facility license, \$101.00 per
10 dwelling unit;

11 [(c)] (3) for a Class 3 accessory apartment license \$101.00 per unit.

12 (b) Fee exemption for an accessory dwelling unit occupied by an individual
13 with disabilities.

14 (1) A license applicant is exempt from any fee associated with the
15 licensure of an accessory apartment occupied by an individual with
16 disabilities.

17 (2) To establish that an individual with disabilities occupies an
18 accessory apartment, a license applicant annually must certify, on
19 a form provided by the Director, that an occupant of the accessory
20 apartment:

21 (A) receives Social Security Disability benefits based on
22 blindness or disability under Title II of the Social Security
23 Act, as amended;

24 (B) receives Supplemental Security Income benefits based on
25 blindness or disability under Title XVI of the Social
26 Security Act, as amended;

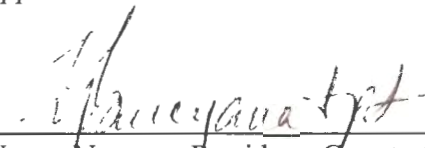
- 27 (C) receives disability compensation from the U.S. Department
 28 of Veterans Affairs;
- 29 (D) is the beneficiary of an ABLE account under Section 529A
 30 of the Internal Revenue Code, as amended; or
- 31 (E) has a written certification, signed by a physician licensed in
 32 the State of Maryland, that the individual:
- 33 (i) has a severe medically determinable impairment that
 34 results in marked and severe functional limitations,
 35 which have lasted, or can be expected to last, for at
 36 least 12 months or to result in death; or
- 37 (ii) is blind, which means the individual has central
 38 visual acuity of 20/200 or less in the better eye with
 39 the use of a correcting lens.
- 40 (3) If the Director requests evidence sufficient to verify the
 41 information certified under this subsection, the license applicant or
 42 licensee must provide such evidence.
- 43 (4) The Director must protect the confidentiality of any individual
 44 health information received under this Section to the maximum
 45 extent permitted by law.
- 46 (c) *Annual fee exemption for a rent-free accessory apartment.*
- 47 (1) A license applicant is exempt from the annual license fee under
 48 subsection (a) for an accessory apartment if the applicant does not
 49 charge rent for the apartment.
- 50 (2) To qualify for an exemption under this subsection, a license
 51 applicant annually must certify, on a form provided by the
 52 Director, that the applicant does not charge rent for the apartment.

53 (3) If the Director requests evidence sufficient to verify the
54 information certified under this subsection, the license applicant or
55 licensee must provide such evidence.

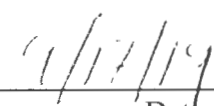
56 [[~~(c)~~]] (d) [The] By method (3) regulation, the Executive may establish [a
57 higher annual fee by method (3) regulation] annual fees that are:

- 58 (1) higher than those specified in subparagraph (a); and
59 (2) in [an amount] amounts sufficient to pay the costs of administering
60 this Chapter.

Approved:



Nancy Navarro, President, County Council



Date

Approved:



Marc Elrich, County Executive



Date

This is a correct copy of Council action.



Mary Anne Paradise, Acting Clerk of the Council



Date