

Expedited Bill No. 28-19  
Concerning: Technical Corrections  
Revised: 10/1/2019 Draft No. 3  
Introduced: September 17, 2019  
Enacted: October 1, 2019  
Executive: October 9, 2019  
Effective: October 9, 2019  
Sunset Date: None  
Ch. 23, Laws of Mont. Co. 2019

## 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-102

Chapter 2, Administration  
Section 2-81B

Chapter 15A, Economic Development  
Sections 15A-5 and 15A-12

Chapter 16, Elections  
Section 16-27

Chapter 18A, Environmental Sustainability  
Section 18A-35

Chapter 19, Erosion, Sediment Control and Stormwater Management  
Section 19-68

Chapter 19A, Ethics  
Section 19A-12

Chapter 20, Finance  
Section 20-76E

Chapter 22A, Forest Conservation – Trees  
Section 22A-3

Chapter 24, Health and Sanitation  
Section 24-9

Chapter 25A, Housing, Moderately Priced  
Sections 25A-3, 25A-5, 25A-5A, and 25A-8

Chapter 27, Human Rights and Civil Liberties  
Article IX, Committee on Hate/Violence  
Section 27-64

Chapter 29, Landlord-Tenant Relations  
Section 29-19

Chapter 31C, New Home Builder and Seller Registration and Warranty  
Sections 31C-5, 31C-6, and 31C-11

Chapter 33A, Planning Procedures  
Sections 33A-2, 33A-3, and 33A-14

Chapter 49, Streets and Roads  
Section 49-62

Chapter 52, Taxation  
Section 52-47

Chapter 54, Transient Lodging Facilities  
Sections 54-1, 54-3, 54-7, 54-8, 54-9, 54-11, 54-14, 54-17, 54-20, 54-21, 54-22, 54-22A,  
54-25, 54-26, 54-28, 54-30, 54-32, 54-33, 54-39, 54-43, 54-45, and 54-47

Chapter 68C, White Flint Special Taxing District  
Section 68C-2

2018 Laws of Montgomery County Chapter 12

<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:*

1           **Sec. 1. Sections 1A-102, 2-81B, 15A-5, 15A-12, 16-27, 24-9, 18A-35, 19-68,**  
2 **19A-12, 20-76E, 22A-3, 25A-3, 25A-5, 25A-5A, 25A-8, Article IX of Chapter 27,**  
3 **27-64, 29-19, 31C-5, 31C-6, 31C-11, 33A-2, 33A-3, 33A-14, 49-62, 52-47, 54-1,**  
4 **54-3, 54-7, 54-8, 54-9, 54-11, 54-14, 54-17, 54-20, 54-21, 54-22, 54-22A, 54-25,**  
5 **54-26, 54-28, 54-30, 54-32, 54-33, 54-39, 54-43, 54-45, 54-47, and 68C-2 are**  
6 **amended as follows:**

7 **1A-102. Process for appointing and confirming officials.**

8   \*       \*       \*

9           (b) *County Health Officer.*

10   (1) A person is automatically nominated to the  
11   [Maryland] Secretary of [Health and Mental Hygiene] Maryland  
12   Department of Health to serve as County Health Officer under  
13   State law if the County Executive and the County Council  
14   appoint and confirm the person as the County Health Officer.

15   (2) If the Secretary rejects the nominee for the position  
16   of County Health Officer, the County Executive and the County  
17   Council must appoint and confirm a new person to be the  
18   County's nominee for the position.

19   \*       \*       \*

20 **2-81B. Economic Impact Statements.**

21   \*       \*       \*

22           (d) Content of economic impact statement. Each economic impact  
23   statement must include:

24   \*       \*       \*

25   (2) Each economic impact statement should include the  
26   bill's potential positive or negative effects, if any, on the  
27   County's workforce, taxation policy, property values, incomes,

28 operating costs to businesses and non-profits operating in the  
29 County, capital investment from the private sector, economic  
30 development, and the County’s competitiveness.

31 \* \* \*

32 **15A-5. Economic development program.**

33 (a) The Board of Directors must recommend economic development  
34 programs and associated performance measures to the Executive and  
35 Council each year to advance the policy objectives and perform the  
36 activities listed in Section [30B-1] 15A-1, including revisions to the  
37 County’s strategic plan for economic development established by  
38 Section 20-76(a).

39 \* \* \*

40 **15A-12. Workforce Development Program.**

41 (a) The Workforce Development Corporation’s Board of Directors must  
42 recommend workforce development programs and associated  
43 performance measures to the Executive, Council, and Workforce  
44 Development Board each year to advance the policy objectives listed  
45 in Section [30B-8] 15A-8.

46 \* \* \*

47 **16-27. Committee to Recommend Funding for the Public Election Fund.**

48 \* \* \*

49 (e) The [Council Administrator] Executive Director of the Office of the  
50 County Council must provide staff support for the Committee.

51 **18A-35. Eligibility.**

52 \* \* \*

53 (b) Property assessed clean energy surcharge.

54 \* \* \*

55 [(H)]

56 **19-68. High-PAH pavement sealant products.**

57 \* \* \*

58 (b) *Use of coal tar or high-PAH pavement sealants prohibited.*

59 (1) A person must not use a coal tar [a coal tar] or high-PAH  
60 pavement [pavement] sealant in the County [in the County].

61 (2) Both the property owner and the applicator have violated this  
62 Section if a coal tar or high-PAH pavement sealant is applied in  
63 the County.

64 \* \* \*

65 **19A-12. Restrictions on other employment and business ownership.**

66 \* \* \*

67 (c) *Exceptions.*

68 (1) Subsections (a) and (b) do not apply to:

69 \* \* \*

70 **20-76E. Small Business Innovation Research and Small Business Technology**  
71 **Transfer Matching Grant Program.**

72 \* \* \*

73 (g) *Sunset.* This Section is not effective after July 1, 2025.

74 \* \* \*

75 **22A-3. Definitions.**

76 In this Chapter, the following terms have the meanings indicated:

77 \* \* \*

78 *Tract* means:

79 (1) the property subject to a development application or a sediment control  
80 permit, the boundaries of which are described by deed or record plat;

81 (2) the entire property subject to a development application or a sediment  
82 control permit if it is developed as a single project; or

83 (3) the length and width of the right-of-way or the limits of disturbance,  
84 whichever is greater, for a linear project.

85 \* \* \*

86 **24-9. Smoking and using electronic cigarettes in public places.**

87 \* \* \*

88 (f) *Posting signs.* [*Posting signs.*]

89 \* \* \*

90 **25A-3. Definitions.**

91 The following words and phrases, as used in this Chapter, have the following  
92 meanings:

93 *Age-restricted unit* means a dwelling unit, the occupancy of which is  
94 conditioned on at least one resident being age 55 or older.

95 [*Area median income* means the median household income for the  
96 Washington, DC metropolitan area as estimated by the U.S. Department of  
97 Housing and Urban Development.]

98 *Applicant* means any person, firm, partnership, association, joint venture,  
99 business entity, or any other entity or combination of entities, and any  
100 transferee of all or part of the land at one location.

101 *Area median income* means the median household income for the  
102 Washington, DC metropolitan area as estimated by the U.S. Department of  
103 Housing and Urban Development.

104 \* \* \*

105 **25A-5. Requirement to build MPDUs; payment to Housing Initiative Fund; 3**  
106 **agreements.**

107 \* \* \*

108 (e) Any applicant subject to subsection (a), in order to obtain a  
109 building permit, must submit to the Department of Permitting Services

110 a written MPDU agreement approved by the Director and the County  
111 Attorney. Each agreement must require that:

112 \* \* \*

113 (2) in subdivisions with single-family dwelling units[,], each MPDU  
114 must have three or more bedrooms, unless this requirement is  
115 waived by the Director in a subdivision with only two-bedroom  
116 market rate units;

117 \* \* \*

118 **25A-5A. Alternative payment agreement.**

119 (a) The Director may approve an MPDU agreement that allows an  
120 applicant, instead of building some or all of the required for-sale  
121 MPDUs in a proposed subdivision or conversion of existing property  
122 from non-residential use to residential use, to pay to the Housing  
123 Initiative Fund an amount computed under subsection (b) upon a  
124 finding that:

125 (1) either:

126 \* \* \*

127 (B) regulatory development constraints at a particular site  
128 would render the building of approved density and all  
129 required MPDUs at that site infeasible;[;] or

130 \* \* \*

131 (c) A payment to the Housing Initiative Fund under this Section:

132 \* \* \*

133 (2) must be deposited in to the Affordable Housing Acquisition and  
134 Preservation CIP project; and

135 (3) must be used only to buy, build, or preserve more MPDUs, or  
136 more bedrooms in the same number or fewer MPDUs, in the

137 same Planning Area as the development for which the payment  
138 was made unless[,]:

139 \* \* \*

140 **25A-8. Sale or rental of MPDUs.**

141 \* \* \*

142 (b) *Sale or rental to eligible households.*

143 \* \* \*

144 (4) The Executive may by regulation establish a buyer and renter  
145 selection system which considers household size, County  
146 residency, employment in the County, and length of time since  
147 the household was certified for the MPDU program. Eligible  
148 households will be notified [and] when MPDUs are available for  
149 sale or rent and will be given an opportunity to buy or rent an  
150 MPDU during the priority marketing period in the order of their  
151 selection priority ranking.

152 \* \* \*

153 **Article IX. Committee [on] Against Hate/Violence.**

154 \* \* \*

155 **27-64. Definitions**

156 (a) As used in this Article:

157 \* \* \*

158 *Service employee* means an individual employed on a full or part-time  
159 basis by a contractor as a:

160 \* \* \*

161 (4) a driver, helper, or mechanic performing services on a County  
162 contract for residential solid waste, recycling, or yard waste  
163 collection and disposal.[.]

164 \* \* \*



165 **29-19. Licensing procedures.**

166 \* \* \*

167 (b) *Accessory apartment rental license.*

168 (1) An owner of a lot or parcel in a zone that permits accessory  
169 apartments may obtain a license to operate an accessory  
170 apartment if:

171 \* \* \*

172 (C) the Director finds that:

173 \* \* \*

174 (ii) the accessory apartment was approved under Article  
175 59-G as a special exception under the Zoning  
176 Ordinance applicable before October 30, 2014 or [or]  
177 under 2014 Zoning Ordinance §59.3.3.3 as a  
178 conditional use.

179 \* \* \*

180 **31C-5. Registration process; fees.**

181 \* \* \*

182 (f) *Expiration of license.* Unless renewed under the procedures in Section  
183 31C-6, a registration expires on the second anniversary of its effective  
184 date. Once a registration expires, it cannot be renewed. The former  
185 registrant must submit a new application for registration.

186 \* \* \*

187 **31C-6. Registration Renewal.**

188 \* \* \*

189 (e) By the date on which a registration is set to expire, the Director must send  
 190 the applicant written notification of the [of the] Board’s recommendation,  
 191 if any, and the Director’s final action regarding renewal of a registration.  
 192 If the Director fails to notify the applicant by this date, the renewal  
 193 application is deemed approved.

194 \* \* \*

195 **31C-11. Administration; regulations.**

196 \* \* \*

197 (6) [includes] include standards by which a person may be deemed  
 198 qualified to comply with County and State law, as required in  
 199 Section 31C-5.

200 **33A-2. Definitions.**

201 In this Chapter, the following words have the meanings indicated:

202 [“*Article 66B*” means Article 66B of the Maryland Code.]

203 \* \* \*

204 “*Regional District Act*” means Chapter 780 of the Laws of Maryland for 1959,  
 205 as amended and codified in [Article 28] Division II of the Land Use Article  
 206 of the Maryland Code.

207 **33A-3. Initiation of plan.**

208 The [commission] Commission or the [district council] District Council shall  
 209 initiate work on a plan in accordance with the provisions of [section 63(d)1 of the  
 210 regional district act] Title 21 of the Regional District Act.

211 **33A-14. Greenhouse Gas Emissions.**

212 As part of the factors and conditions outlined in [§7-108] Section 21-104 of  
 213 the Regional District Act and [§1.01 and §1.03 of Article 66B] Section 1-201 of the  
 214 Land Use Article of the Maryland Code, in preparing the Plan, the Planning Board  
 215 must:

216

\* \* \*

217 **49-62. Abandonment authority; scope of Article; procedures.**

218

\* \* \*

219 (j) *Storm drainage rights-of-way.*

220

\* \* \*

221 (4) Before granting a partial or total abandonment of a storm  
222 drainage right-of-way under this subsection, the County  
223 Executive may require the owner of the land that is presently  
224 encumbered by the storm drainage right-of-way, or the proposed  
225 owner if the County holds fee-title to the storm drainage right-  
226 of-way, to execute a maintenance and liability agreement. If the  
227 Executive requires a maintenance and liability agreement, the  
228 agreement must:

229

\* \* \*

230 (B) hold the County harmless for any damages to private  
231 property located in the area proposed to be abandoned that  
232 arises out of the presence, maintenance of, or other work  
233 related to the existing storm drain facility.

234 **52-47. Credits.**

235

\* \* \*

236 (b) Except as provided in subsection (1), a property owner must receive a  
237 credit for constructing or contributing to an improvement of the type  
238 listed in Section 52-50, including the cost of an improvement in a  
239 Unified Mobility Program or the White Oak Local Area Transportation  
240 Improvement Program, if the improvement reduces traffic demand or  
241 provides additional transportation capacity and to the extent the cost of  
242 the improvement exceeds the property owner's fee under a Unified

243 Mobility Program or the White Oak Local Area Transportation  
244 Improvement Program.[.]

245 \* \* \*

246 (2) The Department of Transportation must:

247 \* \* \*

248 (E) certify the amount of the credit to the Department of  
249 Permitting Services before that Department or a  
250 municipality collects the applicable impact tax.[.]

251 \* \* \*

252 **54-1. Definitions.**

253 For the purposes of this Chapter, unless the language or context clearly  
254 indicates that a different meaning is intended, the following words and phrases  
255 have the following meanings:

256 \* \* \*

257 *Plumbing Code* means the Plumbing Code adopted by the Washington  
258 Suburban Sanitary Commission, as amended.

259 \* \* \*

260 *Transient visitor* means a person who purchases lodging, with or without  
261 meals, for a continuous period of 6 months or less.

262 **54-3. Guest register—Required.**

263 Any person who owns or operates a hotel[,] in the County must maintain on  
264 the premises a permanent register containing:

265 \* \* \*

266 **54-7. Inspection of register by county officials.**

267 Registers kept under [section] Section 54-3 must always be available at the  
268 hotel for inspection by the Director, the fire marshal, the police chief and their  
269 designees. The licensee may request the official to present proper credentials or  
270 proof of identity.

271 **54-8. Owner, operator or manager to reside on premises.**

272 The owner, operator, or a responsible manager appointed by the owner or  
273 operator must be on-site at all times at each hotel.

274 **54-9. Parking facilities.**

275 Every hotel must provide off-street automobile parking for visitors as[[,]]  
276 required by [[chapter]] Chapter 59 of this Code, as amended.

277 **54-11. Right of entry of [[county]] County officials.**

278 The Director, the fire marshal, the police chief and their designee[,] upon  
279 exhibiting the proper credentials or proof of identity, may enter any hotel to make  
280 any necessary inspection during business or operating hours. Inspections may also  
281 occur at other times if the county officials find it necessary to protect the health and  
282 safety of any person.

283 **54-14. License required.**

284 \* \* \*

285 **54-17. Certificates to be filed before issuance.**

286 The Director must not issue an initial license or license renewal under this  
287 Division unless the applicant files with the Department a certificate:

288 \* \* \*

289 **54-20. Denial where operator has been convicted of certain state law violations.**

290 The Director may deny an initial license or license renewal to operate a hotel  
291 under this Division if the Director finds the owner or operator of the proposed hotel  
292 was convicted of violating the following provisions of the Criminal Law Article of  
293 the Maryland Code:

294 \* \* \*

295 The Director may deny an initial license or license renewal if the owner or  
296 operator was convicted of any similar offense outside Maryland.

297 **54-21. Procedure for issuance or denial.**

298 (a) When an application for a license under this Division, or when a  
 299 previously issued license is in the renewal process,[,] the Director or  
 300 the Director's designee must conduct all investigations and inspections  
 301 required by this article. The Director must approve or deny the  
 302 application within 90 days after the date of filing, or as soon thereafter  
 303 as practicable. Applications for renewal of a license filed on or before  
 304 October 1 under Section 54-25 and that have not been approved or  
 305 denied by the Director before the following January 1, remain in effect  
 306 until approved or denied by the Director.

307 (b) If, after all investigations and inspections are completed, the Director  
 308 finds that the hotel for which a license under this Division is requested  
 309 does not satisfy the requirements of this chapter, the Director must,  
 310 within 10 days after making such a finding, transmit notice of such  
 311 finding to the applicant. The notice must advise the applicant of the  
 312 necessary corrective measures to be taken before the Director will issue  
 313 the license. The Director may direct the applicant to appear within 10  
 314 days from the date of service of the notice to show cause why the license  
 315 should not be denied. If the applicant fails to show cause as directed in  
 316 such notice, or fails to take the necessary corrective action, the Director  
 317 may deny the application.

318 \* \* \*

319 **54-22. Display.**

320 The applicant must prominently display each license issued under this  
 321 Division in the hotel for which it was issued.

322 **54-22A. Complaints.**

323 \* \* \*

324 **54-25. Renewal.**

325 On or before July 1 of each year, every hotel must make application to the  
 326 department for renewal of the license required by this Division. Before a license for  
 327 any hotel is renewed by the[,] Director, the Director must receive[,] the certificates  
 328 [as] required [by] under Section 54-17. The Director must renew the license after  
 329 receiving the certificates, completing any outstanding complaint investigations, and  
 330 finding that the application satisfies this Article.

331 **54-26. Revocation or suspension generally.**

332

\* \* \*

333 (b) The Director may revoke or suspend any license issued under this  
 334 Division if the Director finds that the hotel is disruptive to the general  
 335 peaceful enjoyment, dangerous to the health and safety[,] of the  
 336 community, or is a nuisance because of noise or indecent or immoral  
 337 activity by any guest, owner, operator or employee. The Director may  
 338 also revoke or suspend any license issued under this Chapter if the  
 339 owner or operator of the hotel has, while operating the hotel, been  
 340 convicted of violating:

341

\* \* \*

342 **54-28. Water and sewer facilities.**

343 Water and sewer facilities in every hotel must be connected to public lines  
 344 where such lines are available. When public sewer lines are not available, the private  
 345 sewage system must satisfy Chapter 45 of this Code. When public water lines are  
 346 not available, only a water supply approved by the Director may be used.

347 **54-30. Disposal of solid waste.**

348 All solid waste must be stored in covered metal receptacles. These receptacles  
 349 must be removed from the premises and cleaned at least once a week or as often as  
 350 the Director requires.[.] All such waste must be disposed of in a manner that does  
 351 not constitute a nuisance.

352 **54-32. Minimum size of rooms.**

353 (a) Any habitable room in a hotel must be at least 70 square feet in floor  
 354 area and there must be at least 50 square feet of floor area for each  
 355 person. Children under 12 years of age are counted as one-half person.  
 356 Children under 1 year of age are not counted as a person for the purpose  
 357 of this requirement.

358 \* \* \*

359 **54-33. Heating and ventilation.**

360 All rooms in hotels must be adequately heated and ventilated. Every habitable  
 361 room must have at least one [one] easily opened window or skylight, or such other  
 362 device that adequately ventilates the room. Every hotel must have a heating system.  
 363 The heating system must be properly installed and maintained in safe and good  
 364 working condition capable of safely and adequately heating all habitable rooms,  
 365 bathrooms and water closet compartments to a temperature of at least 70 degrees  
 366 Fahrenheit at a distance of 3 feet above floor level under ordinary minimum winter  
 367 conditions.

368 **54-39. Food, dining rooms and kitchens.**

369 Food, public dining rooms and kitchens in each hotel must satisfy Chapter 15  
 370 [15] of this Code as amended.

371 **54-43. Certification for a License.**

372 An application for a bed and breakfast license or short-term residential rental or a  
 373 license renewal for either use must be signed by the applicant and include the State  
 374 Sales Tax and Use Registration number. The applicant must certify that:

375 \* \* \*

376 (m) where applicable, the following parties were notified:

377 (1) in a single-unit or attached unit, abutting and confronting  
 378 neighbors[.];



379           (2)    in a multi-unit building, neighbors living across the hall and  
380                   those that share a ceiling, floor, and walls with the applicant’s  
381                   unit[.];

382           (3)    the municipality in which the residence is located[.];

383           (4)    any applicable [home owner] homeowner’s association,  
384                   condominium, housing cooperative[.]; and

385           (5)    the owner of the unit or the owner’s rental agent, if the applicant  
386                   is not the owner;

387           (n)    the application is not prohibited by any [Home Owner’s Association]  
388                   homeowner’s association or condominium document, or a rental lease;

389   \*       \*       \*

390    **54-45. License Approval and Renewal.**

391           The Director must:

392   \*       \*       \*

393           (b)    approve or deny a license or a license renewal within 15 working days  
394                   after receipt of the application and all required fees unless the Director  
395                   receives a challenge to the certifications under Section [54-47] 54-46;  
396                   and

397   \*       \*       \*

398    **54-47. Suspension.**

399   \*       \*       \*

400    **68C-2. Creation; Boundaries.**

401           (a)    The White Flint Special Taxing District is coterminous with the  
402                   boundary of the White Flint Metro Station Policy Area as it appears in  
403                   the 2016-2020 Subdivision Staging Policy as adopted on April 17,  
404                   2018.[.]

405 (b) Except as provided in subsection (c), the following properties,  
 406 identified by street address, are not included in the District: 5411  
 407 McGrath Boulevard, 5440 Marinelli Road, 5801 Nicholson Lane,  
 408 11700 Old Georgetown Road, 11701 Old Georgetown Road, 11750  
 409 Old Georgetown Road, 11800 Old Georgetown Road, 11801 Rockville  
 410 Pike, 5800 Nicholson Lane, 5802 Nicholson Lane, 5809 Nicholson  
 411 Lane, 5440 Marinelli Road, 5503 Edson Lane, 5505 Edson Lane, 5507  
 412 Edson Lane, 5509 Edson Lane, 11201 Woodglen Drive, 11203  
 413 Woodglen Drive, 11205 Woodglen Drive, 11207 Woodglen Drive,  
 414 11209 Woodglen Drive, 11351 Woodglen Drive, 11418 Rockville  
 415 Pike, 11200- 11219 Edson Park Place, 11222 Edson Park Place, 11224  
 416 Edson Park Place, 11226 Edson Park Place, 11228 Edson Park Place,  
 417 11230 Edson Park Place, 11232 Edson Park Place, 11234 Edson Park  
 418 Place, 11236 Edson Park Place, 11238 Edson Park Place, and 11240  
 419 Edson Park Place. [Park Place.]

420 \* \* \*

421 **Sec. 2. Chapter 12 of the 2018 Laws of Montgomery County is amended**  
 422 **as follows:**

423 **Sec. 3. Expedited Effective Date; application date.**

424 \* \* \*

425 (b) Section 2 of this Act takes effect on July 1, 2018. Notwithstanding  
 426 Section 52-110(e), an individual that meets the eligibility criteria of  
 427 Section [51-110(c)(3)] 52-110(c)(3) must submit an application to the  
 428 Director on or before September 1, 2018 if the individual seeks to  
 429 receive the tax credit for Fiscal Year 2019.

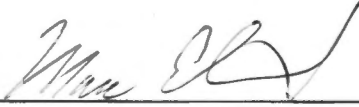
430 **Sec. 3. Expedited Effective Date.**

431           The Council declares that this legislation is necessary for the immediate  
432 protection of the public interest. This Act takes effect on the date on which it  
433 becomes law.

Approved:

  
\_\_\_\_\_  
Nancy Navarro, President, County Council  
Date 10/1/19

Approved:

  
\_\_\_\_\_  
Marc Elrich, County Executive  
Date 10/9/19

*This is a correct copy of Council action.*

  
\_\_\_\_\_  
Mary Anne Paradise, Acting Clerk of the Council  
Date 10/9/19