



**Committee:** Directly to Council  
**Committee Review:** N/A  
**Staff:** Christine Wellons, Legislative Attorney  
**Purpose:** To introduce agenda item – no vote expected

AGENDA ITEM #11A  
July 13, 2021  
**Introduction**

## **SUBJECT**

Expedited Bill 28-21, Technical Corrections

Lead Sponsor: County Council

## **EXPECTED ATTENDEES**

None

## **COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION**

- To introduce bill – no vote is expected.

## **DESCRIPTION/ISSUES**

- Expedited Bill 28-21 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 2019, Expedited Bill 28-19.
- Council staff have worked with staff of the County Attorney's Office to prepare Expedited Bill 28-21. The bill makes non-substantive, technical corrections to multiple laws, including the following sections of the Code: 1A-203, 2-43, 2-64A, 2-81B, 16-31, 18A-8, , 19A-4, 20-76F, 20-76G, 22A-3, 22A-5, 22A-6, 22A-12, 22A-13, 22A-30, 22A-31, 26-18A, 29-1, 33-26, 33-27, 33-28, 33-29, 33-30, 33-31, 33-32, 33-33, 33A-14, 35-2, 35-6A, 42A-24, 48-62, 52-103A, and 52-103B.

### **This report contains:**

Expedited Bill 28-21

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Legislative Request Report

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Expedited Bill No. 28-21  
Concerning: Technical Corrections  
Revised: 7/6/2021 Draft No. 2  
Introduced: \_\_\_\_\_  
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 2-64A, and 2-81B

Chapter 16, Elections  
Section 16-31

Chapter 18A, Environmental Sustainability  
Section 18A-8

Chapter 19A, Ethics  
Section 19A-4

Chapter 20, Finance  
Sections 20-76F and 20-76G

Chapter 22A, Forest Conservation - Trees  
Sections 22A-3, 22A-5, 22A-6, 22A-12, 22A-13, 22A-30, and 22A-31

Chapter 26, Housing and Building Maintenance Standards

Section 26-18A

Chapter 29, Landlord-Tenant Relations  
Section 29-1

Chapter 33, Personnel and Human Resources  
Sections 33-26, 33-27, 33-28, 33-29, 33-30, 33-31, 33-32, and 33-33

Chapter 33A, Planning Procedures  
Section 33A-14

Chapter 35, Police  
Sections 35-2 and 35-6A

Chapter 42A, Ridesharing and Transportation Management  
Section 42A-24

Chapter 48, Solid Waste  
Section 48-62

Chapter 52, Taxation  
Sections 52-103A and 52-103B

<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-203, 2-43, 2-64A, 2-81B, 16-31, 18A-8, 19A-4, 20-76F,**  
 2           **20-76G, 22A-3, 22A-5, 22A-6, 22A-12, 22A-13, 22A-30, 22A-31, 26-18A, 29-1,**  
 3           **33-26, 33-27, 33-28, 33-29, 33-30, 33-31, 33-32, 33-33, 33A-14, 35-2, 35-6A,**  
 4           **42A-24, 48-62, 52-103A, and 52-103B 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                                     \*       \*       \*

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

10                                    \*       \*       \*

11          **2-43. Organization and functions.**

12           [(a)] (a)     The Department of Police includes the County police and the  
 13                     [Division] Office of County Security [Division]. The Department has  
 14                     the authority, functions and activities prescribed by law.

15                                    \*       \*       \*

16          **DIVISION 13. OFFICE OF RACIAL EQUITY AND SOCIAL JUSTICE.**

17          **[OFFICE OF RACIAL EQUITY AND SOCIAL JUSTICE.]**

18          **2-64A. [Sec. 2-64A.] Office of Racial Equity and Social Justice.**

19                                    \*       \*       \*

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

21                                    \*       \*       \*

22           (c)     *Time for submission.*

23                     (1)     An economic impact statement should be submitted to the  
 24                     Council no more than 21 days after a bill is introduced.

25                     (2)     If the Director is unable to submit the statement within [the  
 26                     time required by paragraph (2)] 21 days after the bill is  
 27                     introduced, the Director must notify the Council President in

28 writing of the delay, the reason for the delay, and the revised  
29 delivery date. If the Council President finds that the revised  
30 delivery date is unreasonable, the Council President may set a  
31 different delivery deadline.

32 \* \* \*

33 **16-31. Public Election Fund Committee[; County liaison].**

34 \* \* \*

35 **18A-8. Duties and responsibilities.**

36 The Committee has the following duties:

37 (a) Advise the Executive and the Council of the activities of the  
38 Committee in furthering the purpose of this Chapter and Chapter 3;

39 (b) Comment on or assist in developing recommendations to promote and  
40 implement immediate and long-range policies and programs aimed at  
41 meeting the County’s greenhouse gas emission reduction goals;

42 (c) Comment on or assist in developing recommendations to promote and  
43 implement immediate and long-range policies and programs to  
44 promote cleaner, more efficient, and more reliable energy use and  
45 practice in all segments of the community;

46 \* \* \*

47 **19A-4. Definitions.**

48 \* \* \*

49 (g) *Employment or employ* means engaging in an activity for  
50 compensation, including the active sale or promotion for sale of  
51 intellectual property produced by the public employee, such as books,  
52 newspaper, magazine, or journal articles, videos, crafts, and  
53 artwork.[.]

54

\* \* \*

55 **Sec. 20-76F. Public Health Emergency Grant Program.**

56

\* \* \*

57 **[20-76F.] 20-76G. Remedies for Fraudulent Applications or Misuse of Funds.**

58

\* \* \*

59 **22A-3. Definitions.**

60

\* \* \*

61 *Land disturbing activities:*

62

(1) has the same meaning as in Chapter 19; and

63

(2) means cutting, clearing, or grading of more than 5,000 square feet of forest.

64

65

\* \* \*

66

*Watershed* means any area delineated as a watershed in the Montgomery County Municipal Separate Storm Sewer System (MS4) Permit Implementation Program (delineated by the State of Maryland as an 8-digit watershed)[,], and or any smaller area within the watershed that is delineated by the State of Maryland as a 12-Digit watershed.

67

68

69

70

71

\* \* \*

72 **22A-5. Exemptions.**

73

The requirements of Article II do not apply to:

74

\* \* \*

75

(b) an agricultural activity if:

76

(1) the activity is exempt from the requirements to obtain a sediment control permit under Section 19-2(b)(2)[. Agricultural support buildings and related activities are exempt only if built using best management practices];

77

78

79

80 (2) the activity is subject to a declaration of intent filed with the  
81 Planning Director stating that the agricultural areas will remain  
82 in commercial agriculture; and

83 (3) agricultural support buildings and related activities are built  
84 using best management practices.

85 \* \* \*

86 **22A-6. Special provisions – Exemptions; tree save plans; and highway**  
87 **projects.**

88 (a) Tree save plan requirements. An activity or development that would  
89 be exempt under Section 22A-5[,], and that would impact a  
90 significant, specimen, or champion tree, requires the approval of a tree  
91 save plan, which may require tree preservation or mitigation for loss  
92 of individual trees. The plan requirements must be based on the size  
93 and character of the trees to be cleared. If trees to be cleared are part  
94 of an existing scenic buffer between public parkland and a proposed  
95 development, trees which are smaller than specimen size may be  
96 included in the plan.

97 \* \* \*

98 **22A-12. Retention, afforestation, and reforestation requirements.**

99 \* \* \*

100 (e) *Standards for reforestation and afforestation.*

101 (1) (A) Preferred sequence. Except as provided in the technical  
102 manual or otherwise in paragraph (1) of this subsection,  
103 the preferred sequence for afforestation and reforestation  
104 is, in general: on-site afforestation or reforestation; off-  
105 site afforestation or reforestation[;]; enhancement of

106 existing forest through on-site selective clearing,  
107 supplemental planting, or both; acquiring credit(s) from  
108 an off-site forest mitigation bank; paying a fee in-lieu;  
109 and landscaping with an approved plan.

110 \* \* \*

111 (g) *In lieu fee.*

112 \* \* \*

- 113 (1) (A) the requirements for reforestation or afforestation on-site
- 114 or off-site cannot reasonably be accomplished;
- 115 (B) appropriate credits generated by a forest mitigation bank
- 116 in the same watershed within the County are not
- 117 available; and

118 ~~[(B)]~~ (C) if appropriate credits generated by a forest  
119 mitigation bank in the same watershed within the County  
120 are not available, appropriate credits generated by a  
121 forest mitigation bank in the County are not available; or

122 \* \* \*

123 **22A-13. Forest mitigation banks.**

124 \* \* \*

- 125 (e) The forest mitigation bank plan must include:
- 126 (1) a maintenance agreement which meets the standards in
- 127 subsection 22A- 12(h)(1);
- 128 (2) all information required by subsection 22A-10(c) for a forest
- 129 conservation plan;
- 130 (3) draft easements, covenants, or deed restrictions for the area
- 131 included in the forest mitigation bank[.]; and

132 \* \* \*



133 **22A-30. County Arborist.**

134 \* \* \*

135 (c) *Duties.* The County Arborist has the following functions related to  
136 resource management and protection of forest and trees in the County:

137 \* \* \*

138 (4) review variance requests and reports under Article II[, but not  
139 including those under 22A-12(b)(3)];

140 \* \* \*

141 **22A-31. Forest Conservation Advisory Committee**

142 \* \* \*

143 (c) *Composition and terms of members.*

144 \* \* \*

145 (2) The Executive must designate a staff member from each of the  
146 following departments to serve as an ex officio member:

147 (A) [Agricultural Services] Agricultural Services;

148 \* \* \*

149 **26-18A. Outreach on Quality of Life Issues.**

150 The Executive must submit quarterly reports to the Council that includes  
151 activities, plans, and objectives of Executive branch departments to address  
152 instances in which an aggregation of problems has led to diminished quality  
153 of life for affected residents in an affected community. Contents of the  
154 annual report can include recommendations to increase enforcement of  
155 violations of County laws related to housing maintenance standards, parking,  
156 and solid waste disposal. Every quarterly report must include a section on  
157 accessory dwelling units. The accessory dwelling unit section must identify  
158 any problems and actions taken or planned actions to eliminate those

159 problems. The Executive, or the Executive’s designee, must hold  
160 semiannual meetings with County residents to discuss these problems.

161 \* \* \*

162 **29-1. Definitions.**

163 \* \* \*

164 *Dwelling unit, multifamily:*

- 165 (a) a dwelling unit that shares a common entrance from the outside with
- 166 other dwelling units in the same building;
- 167 (b) a dwelling unit in a structure where units are arranged above or below,
- 168 or next to, another dwelling unit;
- 169 (c) an accessory dwelling unit;[;] or
- 170 (d) an individual living unit.

171 \* \* \*

172 **[33-26] 33-27—33-33. Reserved.**

173 \* \* \*

174 **33A-14. Greenhouse Gas Emissions and Racial Equity and Social Justice.**

175 As part of the factors and conditions outlined in Section 21-104 [Section  
176 21-104] of the Regional District Act and Section 1-201 of the Land Use  
177 Article of the Maryland Code [Section 1-201 of the Land Use Article of  
178 the Maryland Code] in preparing the Plan, the Planning Board must:

179 \* \* \*

180

181 **35-2. Law Enforcement Trust and Transparency Act.**

182 \* \* \*

183 (e) *Internal investigation.* This Section must not be interpreted to  
184 prohibit:

- 185 (1) an internal administrative review of the incident by the

186 Department for possible discipline of a police officer pursuant  
187 to the Law Enforcement Officers’ Bill of Rights, MD Public  
188 Safety Code, §§3-101 to 3-113, as amended; [or;] or

189 \* \* \*

190 **35-6A. Community Policing.**

191 \* \* \*

192 **42A-24. Transportation Demand Management Plans for Employers.**

193 (a) *Transportation Demand Management (TDM) Plan for an Individual*  
194 *Employer.*

195 (1) The Director must require an employer subject to this Section  
196 to submit a TDM Plan meeting the requirements of this Section  
197 [District].

198 (2) Upon written request from the Director, an employer must  
199 provide the Director with the number of full-time and part-time  
200 employees working for that organization by workplace in each  
201 Policy Area or District.

202 (3) An employer must submit a TDM Plan to the Director if: [.]

203 \* \* \*

204 **48-62. Enforcement.**

205 \* \* \*

206 (d) *Presumption of responsibility.* There is a rebuttable presumption that  
207 the owner of private property from which a balloon [in] is released in  
208 violation of Section 48-60 is responsible for the violation if the  
209 enforcement officer cannot determine which person released the  
210 balloon.

211 \* \* \*

212 **52-103A. Property tax credit — energy-efficient buildings.**

213 \* \* \*

214 (b) *Definitions.* In this Section the following words have the meanings  
215 indicated:

216 \* \* \*

217 *Energy-efficient building* means a [non- residential] non-residential or  
218 multi-family residential building that:

- 219 (1) has or will have at least 10,000 square feet of gross floor area;
- 220 (2) has received a Certificate of Occupancy from the Department of  
221 Permitting Services;
- 222 (3) has achieved at least a minimum 50 percent occupancy rate for  
223 at least 12 consecutive months; and
- 224 (4) has demonstrated energy improvements consistent with the  
225 requirements of this Section.

226 \* \* \*

227 **52-103B. Property tax credit — newly constructed energy-efficient buildings.**

228 \* \* \*

229 (c) *Definitions.* In this Section the following words have the meanings  
230 indicated:

231 \* \* \*

232 *Newly constructed energy-efficient building* means:

233 \* \* \*

- 234 (B) A newly constructed non-residential or [multifamily]  
235 multi-family building, of at least 10,000 square feet in  
236 gross floor area, that has achieved substantial completion  
237 and received a Certificate of Occupancy from the  
238 Department of Permitting Services within the past year;

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or

(C) A non-residential or [multifamily] multi-family building, of at least 10,000 square feet in gross floor area, that has undergone a major renovation that warrants bringing the entire building up to current Building Code standards and has received final inspection and approval from the Department of Permitting Services.

\* \* \*

**Sec. 2. Expedited Effective Date.** The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date on which it becomes law.

## LEGISLATIVE REQUEST REPORT

Expedited Bill 28-21  
*Technical Corrections*

<b>DESCRIPTION:</b>	Makes technical, typographical, grammatical, and other non-substantive corrections to County law.
<b>PROBLEM:</b>	Codifying several new laws revealed several technical and other non-substantive errors that could confuse a person trying to follow or enforce County law.
<b>GOALS AND OBJECTIVES:</b>	To correct technical and other non-substantive errors in the County Code.
<b>COORDINATION:</b>	Council legal staff and County Attorney's Office.
<b>FISCAL IMPACT:</b>	To be requested.
<b>ECONOMIC IMPACT:</b>	To be requested.
<b>EVALUATION:</b>	Not applicable.
<b>EXPERIENCE ELSEWHERE:</b>	Not applicable.
<b>SOURCE OF INFORMATION:</b>	Christine Wellons, Council Staff Tammy Seymour, Office of the County Attorney
<b>APPLICATION WITHIN MUNICIPALITIES:</b>	The applicability of other provisions in municipalities follows the applicability of the underlying provision of the County Code.
<b>PENALTIES:</b>	Not applicable.