

Expedited Bill No. 28-21  
Concerning: Technical Corrections  
Revised: 7/6/2021 Draft No. 2  
Introduced: July 13, 2021  
Enacted: September 21, 2021  
Executive: September 30, 2021  
Effective: September 30, 2021  
Sunset Date: None  
Ch. 26, Laws of Mont. Co. 2021

## 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>
[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:*



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  
64 forest.

65 \* \* \*

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

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  
77 sediment control permit under Section 19-2(b)(2)[. Agricultural  
78 support buildings and related activities are exempt only if built  
79 using best management practices];

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, the  
103 preferred sequence for afforestation and reforestation is, in  
104 general: on-site afforestation or reforestation; off-site  
105 afforestation or reforestation[;]; enhancement of existing forest  
106 through on-site selective clearing, supplemental planting, or

107 both; acquiring credit(s) from an off-site forest mitigation bank;  
108 paying a fee in-lieu; and landscaping with an approved plan.

109 \* \* \*

110 (g) *In lieu fee.*

111 \* \* \*

112 (1) (A) the requirements for reforestation or afforestation on-site  
113 or off-site cannot reasonably be accomplished;

114 (B) appropriate credits generated by a forest mitigation bank  
115 in the same watershed within the County are not  
116 available; and

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

121 \* \* \*

122 **22A-13. Forest mitigation banks.**

123 \* \* \*

124 (e) The forest mitigation bank plan must include:

125 (1) a maintenance agreement which meets the standards in  
126 subsection 22A- 12(h)(1);

127 (2) all information required by subsection 22A-10(c) for a forest  
128 conservation plan;

129 (3) draft easements, covenants, or deed restrictions for the area  
130 included in the forest mitigation bank[.]; and

131 \* \* \*

132 **22A-30. County Arborist.**

133 \* \* \*

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

136 \* \* \*

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

139 \* \* \*

140 **22A-31. Forest Conservation Advisory Committee**

141 \* \* \*

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

143 \* \* \*

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

146 (A) [Agricultural Services] Agricultural Services;

147 \* \* \*

148 **26-18A. Outreach on Quality of Life Issues.**

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

160 \* \* \*



161 **29-1. Definitions.**

162 \* \* \*

163 *Dwelling unit, multifamily:*

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

170 \* \* \*

171 **[33-26] 33-27—33-33. Reserved.**

172 \* \* \*

173 **33A-14. Greenhouse Gas Emissions and Racial Equity and Social Justice.**

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

178 \* \* \*

179

180 **35-2. Law Enforcement Trust and Transparency Act.**

181 \* \* \*

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

- 184 (1) an internal administrative review of the incident by the
- 185 Department for possible discipline of a police officer pursuant
- 186 to the Law Enforcement Officers’ Bill of Rights, MD Public
- 187 Safety Code, §§3-101 to 3-113, as amended; [or;] or

188

\* \* \*

189 **35-6A. Community Policing.**

190

\* \* \*

191 **42A-24. Transportation Demand Management Plans for Employers.**

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

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

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

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

202

\* \* \*

203 **48-62. Enforcement.**

204

\* \* \*

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

210

\* \* \*

211 **52-103A. Property tax credit — energy-efficient buildings.**

212

\* \* \*

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

215

\* \* \*

216

*Energy-efficient building* means a [non- residential] non-residential or

217

multi-family residential building that:

218

(1) has or will have at least 10,000 square feet of gross floor area;

219

(2) has received a Certificate of Occupancy from the Department of

220

Permitting Services;

221

(3) has achieved at least a minimum 50 percent occupancy rate for

222

at least 12 consecutive months; and

223

(4) has demonstrated energy improvements consistent with the

224

requirements of this Section.

225

\* \* \*

226

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

227

\* \* \*

228

(c) *Definitions.* In this Section the following words have the meanings

229

indicated:

230

\* \* \*

231

*Newly constructed energy-efficient building* means:

232

\* \* \*

233

(B) A newly constructed non-residential or [multifamily]

234

multi-family building, of at least 10,000 square feet in

235

gross floor area, that has achieved substantial completion

236

and received a Certificate of Occupancy from the

237

Department of Permitting Services within the past year;

238

or

239

(C) A non-residential or [multifamily] multi-family building,

240

of at least 10,000 square feet in gross floor area, that has

241


undergone a major renovation that warrants bringing the

242 entire building up to current Building Code standards and  
243 has received final inspection and approval from the  
244 Department of Permitting Services.

245 \* \* \*

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

Approved:

  
\_\_\_\_\_  
Tom Hucker, President, County Council

9/24/2021  
\_\_\_\_\_  
Date

Approved:

  
\_\_\_\_\_  
Marc Elrich, County Executive

9/30/2021  
\_\_\_\_\_  
Date

*This is a correct copy of Council action.*

  
\_\_\_\_\_  
Selena Mendy Singleton, Esq., Clerk of the Council

10/1/2021  
\_\_\_\_\_  
Date