

COUNCIL COMING ATTRACTIONS



September 20, 2016

**Property Foreclosures, Fire Code Changes and
Paid Family & Medical Leave Study**



Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed at: <http://www.montgomerycountymd.gov/council/packet/index.html> .

Also the Council meeting schedule may change from time to time. The current Council agenda can always be viewed at:

http://www.montgomerycountymd.gov/council/resources/files/agenda/col/current_agenda.pdf .

- 🌐 On Tuesday, Sept. 20, the Council Session is scheduled to begin at 9:30 a.m. with proclamation presentations.
 - ❖ Proclamation recognizing Constitution Week by Councilmembers Rice and Katz
 - ❖ Proclamation recognizing students of the National ACT-50 Competition by Councilmember Rice
- 🌐 General business is scheduled to begin at 9:50 a.m.
- 🌐 **Bill 38-16, Housing and Building Maintenance Standards-Foreclosed Property Registration Penalty**
The Council is scheduled to introduce Bill 38-16. Councilmember Hucker is the lead sponsor. Councilmember Navarro is a co-sponsor. A public hearing will be held on Oct. 18 at 1:30 p.m. The staff report can be viewed at:
http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4990&meta_id=125977 .

Bill 38-16 would impose a civil penalty for failure to register a foreclosure purchase. The maximum penalty for a violation would be \$1,000 for an initial or repeat offense. Each day a violation continues is considered a separate offense.

- Maryland law currently requires a purchaser of a foreclosed property to register with the State Department of Labor, Licensing and Regulation (DLLR) within 30 days of the property's foreclosure sale. The goal of the law is to address the nine- to eighteen-month period that frequently occurs between the date of a foreclosure and the date of title transfer. During this time, local jurisdictions may have a difficult time identifying the responsible party for maintenance, security and taxes.
- According to the lead sponsor, the State Foreclosure Registry reported 1,432 foreclosures countywide in FY15 with 34 percent failing to register or registering after the deadline.

 **Bill 39-16, Housing and Building Maintenance Standards-Registration of Vacant Property**
The Council is scheduled to introduce Bill 39-16. Councilmember Hucker is the lead sponsor. Councilmembers Leventhal and Navarro are co-sponsors. A public hearing will be held on Oct. 18 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4990&meta_id=125979 .

Bill 39-16 would require the owners of unmaintained vacant buildings to register those vacant buildings with the Director of the Department of Housing and Community Affairs (DHCA), require the payment of certain fees and require inspections for unmaintained vacant buildings.

- According to the lead sponsor, there are 350 known vacant properties located in the County and hundreds more are unidentified because of a lack of reporting.
- Once a property is registered, DHCA must perform an initial inspection for housing code violations. Any subsequent DHCA inspections will be charged to the homeowner on a graduated fee schedule.
- Creating a registry would enable the County to collect data on the number of vacant houses. Inspections will make County agencies aware of more violations and help to generate timely corrective action.

 **Expedited Bill 29-16, Fire Safety Code-Administration-Reorganization**

The PHED Committee recommends enactment with technical amendments. President Floreen is the lead sponsor, at the request of the County Executive. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4990&meta_id=125981 .

Bill 29-16 would:

- transfer the Fire Code Compliance Section to the Department of Permitting Services (DPS) and provide that certain duties performed by the Fire Code Compliance Section must be performed by DPS;
- transfer the responsibility to implement certain fire prevention and fire code compliance obligations imposed under Chapter 22, Fire Safety Code to DPS;
- identify the duties and responsibilities of the fire code inspectors;
- provide that the Montgomery County Fire and Rescue Service retains authority for fire and explosive investigations;
- identify who may become assistant State fire marshal, special assistant State fire marshal and deputy State fire marshal pursuant to State law; and
- generally amend the law related to the administration and enforcement of the Fire Safety Code.

 **Executive Regulation 7-16, Fire Safety Code-Fire Protection Systems**

The Council is scheduled to vote on Executive Regulation 7-16. The PHED Committee recommends approval. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4990&meta_id=125983 .

The proposed regulation adopts and modifies certain standards published by the National Fire Protection Association (NFPA) involved with the installation, testing and maintenance of certain fire protection systems as required by the Montgomery County Building Code, the Montgomery County Fire Safety Code, and the Maryland State Fire Prevention Code.

- The changes do not retroactively apply to unaltered existing buildings, existing systems or existing conditions permitted or approved before the date of adoption of this regulation, unless inimical or distinct hazard exists.
- The Department of Permitting Services has been delegated the authority by the Fire Chief to adopt regulations with new buildings, new systems or new conditions. Existing buildings, existing systems or existing conditions that are altered are subject to this regulation to the extent required by the Maryland Building Rehabilitation Code, the Montgomery County Fire Safety Code and the Maryland State Fire Prevention Code.
- Unaltered existing buildings, existing systems or existing conditions are not subject to this regulation where no distinct hazard exists.

Executive Regulation 8-16, Fire Safety Code-Building Construction

The Council is scheduled to vote on Executive Regulation 8-16. The PHED Committee recommends approval. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4990&meta_id=125985.

The proposed regulation adopts the applicable editions of various National Fire Protection Association (NFPA) standards – most notably NFPA 1, Uniform Fire Code and NFPA 101, Life Safety Code – as adopted by the Maryland State Fire Prevention Code.

- These codes and the associated codes and standards are adopted to set the minimum requirements to establish a reasonable level of safety from the hazards created by fire, explosion and dangerous conditions.
- The changes do not retroactively apply to unaltered existing buildings, existing systems or existing conditions permitted or approved before the date of adoption of this regulation unless a distinct hazard exists.
- DPS has been delegated the authority by the Fire Chief to adopt regulations with new buildings, new systems or new conditions. Existing buildings, existing systems or existing conditions, which are altered are subject to this regulation to the extent required by the Maryland Building Rehabilitation Code, the Montgomery County Fire Safety Code and the Maryland State Fire Prevention Code.
- Unaltered existing buildings, existing systems or existing conditions are not subject to this regulation where no distinct hazard exists.

Executive Regulation 9-16, Fire Safety Code-Fire Department Apparatus and Water Supply

The Council is scheduled to vote on Executive Regulation 9-16. The PHED Committee recommends approval. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4990&meta_id=125987.

The provisions of Executive Regulation 29-08AM, which established the requirements for effective fire department apparatus and water supply in urban, suburban and rural setting in the County, are being incorporated into COMCOR 22.00.07 by Executive Regulation 9-16. Executive Regulation 29-08AM is being repealed to avoid duplication.

Appointment of special counsel for White Oak General Development Agreement

The Council is scheduled to vote on the appointment of Bregman, Berber, Schwartz & Gilday, LLC as special counsel to represent the County in connection with the implementation of the White Oak General Development Agreement. The request for this appointment from the Office of the County Attorney can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4990&meta_id=125989.

-  **Grant-funded Study of Paid Family and Medical Leave**
Sara Jane Glynn, Director of Women’s Economic Policy, Center for American Progress and Jeffrey Hayes, Ph.D., Study Director, Institute for Women’s Policy Research, will give the Council a progress report on a grant-funded study of issues surrounding paid family and medical leave. The Council will receive an overview of the characteristics and components of paid family and medical leave and discuss options for a paid family and medical leave program in the County. This leave program would apply to all covered workers in the County, not just County Government employees. The final report is expected at the end of the month. The staff report can be viewed at:
http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4990&meta_id=125991.

-  **Zoning Text Amendment 16-13, Conditional Use-Screening**
The Council is scheduled to vote on ZTA 16-13. The PHED Committee recommends approval with amendments to avoid internal contradictions. The staff report can be viewed at:
http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4990&meta_id=126007.
Council President Floreen is the lead sponsor, at the request of OZAH. ZTA 16-13 would exempt single-family detached houses from most of the detailed screening standards for Conditional Uses, except for compatibility.
 - The Hearing Examiner found that the detailed screening standards are never actually applied to applications for a conditional use in a detached house. In the opinion of the Hearing Examiner, it is misleading to the public to have statutory standards that are never appropriate to apply in a class of cases.

-  **Zoning Text Amendment 16-07, Exemptions-Pre 1958 Lots**
The Council is scheduled to vote on ZTA 16-07. The PHED Committee recommends approval. The staff report can be viewed at:
http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4990&meta_id=126009.
The lead sponsor is Council President Floreen. ZTA 16-07 would reinstitute provisions for pre-1958 lots and parts of lots that existed before the Zoning Ordinance rewrite. It has been the Council’s policy to allow the reconstruction of existing dwellings despite any irregularities in the lot or parcel on which it is located.
 - Zoning changes are needed for certain pre-1958 parcels where reconstruction would occur on parcels or parts of lots that do not meet the width requirements of their current zoning.
 - The proposed ZTA clarifies that pre-1958 parts of lots are included and permits reconstruction on pre-1958 parcels that do not meet lot width at the front building line as well as the front lot line.