



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, January 14, 2020

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:32 A.M. on Tuesday, January 14, 2020.

### PRESENT

Councilmember Sidney Katz, President  
Councilmember Gabe Alborno  
Councilmember Evan Glass  
Councilmember Nancy Navarro

Councilmember Tom Hucker, Vice President  
Councilmember Andrew Friedson  
Councilmember Will Jawando  
Councilmember Craig Rice

Councilmember Hans Riemer

The President in the Chair.

The invocation was given by Reverend James Stowe, Director, Office of Human Rights.

### PRESENTATIONS

- A. Proclamation was presented by Mr. Rice and County Executive Elrich recognizing National Radon Action Month.
- B. Proclamation was presented by Mr. Katz honoring Heroic First Responders.
- C. Proclamation was presented by Mr. Katz recognizing Korean American Day.

### GENERAL BUSINESS

- A. **Announcements** - Agenda and Calendar Changes

Ms. Singleton, Clerk of the Council, announced that the public hearing on the Germantown Plan for the Town Sector Zone

scheduled for tonight at 7:30 P.M. was postponed; and that public hearings on the FY21 Capital Budget and FY21-26 Capital Improvements Program (CIP) are scheduled for February 5, 2020, at 1:30 P.M. and on February 5 and 6, 2020, at 7:00 P.M.

(1) B. **Acknowledgement - Receipt of Petitions**

No petitions were received this week.

C. **Approved** the minutes of November 26, 2019, without objection.

(2) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

Ms. Navarro made the motion, which carried without objection.

A. **Introduced** the [Spending Affordability Guidelines for the FY21 Operating Budget](#). A public hearing is scheduled for January 28, 2020, at 1:30 P.M.

B. **Introduced** a resolution to endorse the Maryland Economic Development Assistance Authority and Fund (MEDAAF) loan: [Booz Allen Hamilton, Inc.](#) Action is tentatively scheduled for January 21, 2020.

C. **Introduced** a resolution in support of Tsegaw Hailmariam's application for financing by the Maryland Housing and Community Development's [Neighborhood Businessworks \(NBW\)](#) program. Action is tentatively scheduled for January 21, 2020.

D. **Acknowledged and received** Inspector General report - [Controls Over Petty Cash and Store Gift Cards - Housing Opportunities Commission of Montgomery County Resident Services Division](#).

E. **Introduced** a resolution to approve a franchise agreement with [XO Communications Service, LLC](#).

F. **Introduced** a resolution to approve a franchise agreement with [MCImetro Access Transmission Services Corp. \(MCImetro\)](#).

G. Adopted **Resolution 19-337**, reappointing Director, Office of Legislative Oversight: [Christopher Cihlar](#).

H. Adopted **Resolution 19-338**, approving the extension of the appointment of Acting Director, Department of Permitting Services: [Hadi Kalarestaghi](#).

- I. Adopted **Resolution 19-339**, approving the extension, until February 29, 2020, of the appointment of the Acting Chief of Aging and Disability at the Department of Health and Human Services: Odile Brunetto.
- J. **Approved** the appointment of special counsel to assist the Office of the County Attorney to represent Montgomery County and other participating members of the County's Self-Insurance Fund in workers' compensation cases: James Turner.
- K. **Approved** the appointment of special counsel to assist the Office of the County Attorney to represent Montgomery County in connection with employment-related claims and litigation: Seyfarth Shaw, LLP.

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  
IN LEGISLATIVE SESSION - Day #2**

(3) **Introduction of Bills**

- A. **Bill 1-20, Health and Sanitation - Bodywork Establishments - Licensing - Amendments**

Introduced draft #8 of the subject bill, sponsored by Councilmembers Rice and Hucker. A public hearing is scheduled for February 4, 2020, at 1:30 P.M.

Councilmembers Katz, Navarro, Albornoz, and Riemer requested to be added as co-sponsors.

(4) **Call of Bills for Final Reading**

- A. **Bill 18-19, Landlord Tenant Relations - Relocation Expenses**

Mr. Riemer, Chair of the Planning, Housing, and Economic Development (PHED) Committee, reviewed the Committee's recommendation as contained in the staff report.

Supported Mr. Jawando's motion to amend the bill to require landlords to pay 3 months, rather than 2 months' fair market value rent for tenant relocation.

Mr. Rice and Mr. Friedson were opposed.

Enacted draft #3 of **Bill 18-19**, as amended and contained at the end of these minutes.

The PHED Committee made the motion and the bill was enacted by a roll call vote:

**YEAS:** Glass, Jawando, Riemer, Navarro, Albornoz, Rice, Friedson, Hucker, Katz.

(5) **COUNCIL SITTING AS BOARD OF HEALTH**

A. **Introduction - Resolution to adopt [Bill 1-20, Health and Sanitation - Bodywork Establishments - Licensing - Amendments as a Board of Health Regulation](#)**

Introduced the subject resolution, sponsored by Councilmembers Rice and Hucker.

A public hearing is scheduled for February 4, 2020, at 1:30 P.M.

**Motion to Close**

The Council adjourned the open session at 10:37 A.M. and reconvened in closed session from 10:41 A.M. to 11:17 A.M. in the Council Conference Room. Mr. Rice made the motion, which carried unanimously.

The Council resumed the open session in the Hearing Room at 1:32 P.M.

(7) **PUBLIC HEARING – [Zoning Text Amendment \(ZTA\) 19-09, Prohibited Roof Signs - Exceptions](#)**

The public hearing was conducted. Additional material for the Council’s consideration should be submitted by the close of business on February 24, 2020. A PHED Committee worksession is tentatively scheduled for March 9, 2020.

(8) **PUBLIC HEARING – [Corrective Map Amendment: H-130 for Takoma Park Master Plan](#)**

The public hearing was conducted. Additional material for the Council’s consideration should be submitted by the close of business on February 24, 2020. Action is tentatively scheduled for January 21, 2020.

(9) **PUBLIC HEARING – Bill 36-19, Contracts and Procurement - Office of Grants Management - Established**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on January 27, 2020. A joint Government Operation and Fiscal Policy and Health and Human Services (GO/HHS) Committee worksession is tentatively scheduled for January 30, 2020.

(10) **PUBLIC HEARING – Bill 37-19, Economic Development Fund - Use of Fund and Remedies for Noncompliance**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on March 11, 2020. A PHED Committee worksession is tentatively scheduled for March 16, 2020.

(11) **PUBLIC HEARING – Bill 38-19, Streets and Roads - Permit to Obstruct Public Rights-of-Way - Amendments**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on March 9, 2020. A Transportation and Environment (T&E) Committee worksession is tentatively scheduled for March 12, 2020.

(12) **PUBLIC HEARING – Bill 39-19, Contracts and Procurement - Local Small Business Reserve Program (LSBRP) - Amendments**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on February 3, 2020. A GO Committee worksession is tentatively scheduled for February 6, 2020.

(13) **PUBLIC HEARING – Expedited Bill 40-19, Inspector General - Staff - Amendments**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on January 15, 2020. Action is tentatively scheduled for January 21, 2020.

(14) **PUBLIC HEARING/ACTION - Supplemental Appropriation to the Montgomery County Public Schools' (MCPS) FY20 Capital Budget and amendment to the FY19-24 Capital Improvements Program (CIP) - \$1,462,000 for School Security Systems, State School Safety Grant Program**

The public hearing was held and the record closed.

Adopted **Resolution 19-340**, approving the subject supplemental appropriation and amendment to the FY19-24 CIP.

Mr. Jawando made the motion, which carried unanimously.

- (15) **PUBLIC HEARING/ACTION** - [Special Appropriation to the County Government's FY20 Operating Budget, Department of Health and Human Services \(DHHS\) - \\$164,279 to increase the number of School Community Health Nurse positions](#)

The public hearing was held and the record closed.

Adopted **Resolution 19-341**, approving the subject special appropriation.

Mr. Albornoz made the motion, which carried unanimously.

The meeting adjourned at 2:29 P.M.

#### **Report of Closed Session of January 14, 2020**

In compliance with Section 3-306(c)(2), General Provisions Article, Maryland Code, the following is a report of the County Council's closed session of Tuesday, January 14, 2020. The Council convened in closed session at 10:41 A.M. in the 3rd floor Council Conference Room to conduct or discuss an investigative proceeding on actual or possible criminal conduct, pursuant to Maryland Code, General Provisions Article §3-305(b)(12). The topic was an ongoing criminal investigation.

The meeting was closed on a motion by Mr. Rice, which carried without objection. The following persons were present: Councilmembers Katz, Hucker, Albornoz, Friedson, Glass, Jawando, Navarro, Rice and Riemer; Confidential Aides Silverman, Mandel-Trupp, Ikheloa, Carranza, Thorne, Ledner and Kunes; Mr. Howard, Senior Legislative Analyst; Mr. Drummer, Senior Legislative Attorney; Ms. Michaelson, Council Executive Director; Ms. Mihill, Legislative Attorney; Ms. Limarzi, Inspector General; Dr. Pollard, President, Ms. Madden and Mr. Gilmer, Montgomery College; Ms. Singleton, Clerk of the Council; and Ms. Brown, Deputy Clerk.

**Action:** None taken.

This is a correct copy of Council action.

*Approved/Signed by Clerk of the Council*

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Selena Mendy Singleton, Esq.  
Clerk of the Council

Bill No. 18-19  
 Concerning: Landlord-Tenant Relations  
- Relocation Expenses  
 Revised: 1/14/2020 Draft No. 4  
 Introduced: June 18, 2019  
 Enacted: January 14, 2020  
 Executive: \_\_\_\_\_  
 Effective: \_\_\_\_\_  
 Sunset Date: None  
 Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

**COUNTY COUNCIL  
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Jawando  
 Co-Sponsors: Council Vice President Katz, Councilmember Hucker, Council President Navarro, and  
 Councilmember Rice

**AN ACT to:**

- (1) require a landlord to pay to a tenant a relocation payment if the tenant’s housing is condemned as unfit for human habitation under certain circumstances;
- (2) require a landlord to provide a tenant with a right of first refusal to re-occupy rental housing under certain circumstances; and
- (3) generally amend County law on landlord-tenant relations.

By adding

Montgomery County Code  
 Chapter 29, Landlord-Tenant Relations  
 Section 29-35B

<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:*

1 **Sec. 1. Section 29-35B is added as follows:**

2 **29-35B. Relocation Expenses.**

- 3 (a) Definitions. As used in this Section[[,]];
  - 4 Permanently displaced tenant means a tenant that is required to vacate rental housing for
  - 5 30 days or more because the rental housing is condemned as unfit for human habitation
  - 6 under Section 26-13 [[through no fault of the tenant]].
  - 7 Temporarily displaced tenant means a tenant that is required to vacate rental housing for
  - 8 less than 30 days because the rental housing is condemned as unfit for human habitation
  - 9 under Section 26-13.
- 10 (b) Relocation payment required. Except as provided in subsection (f), a landlord must pay a
- 11 relocation payment to a permanently or temporarily displaced tenant.
- 12 (c) Relocation amount.
  - 13 (1) [[The relocation payment is the greater of:]] Permanently displaced tenants. For
  - 14 a permanently displaced tenant, the landlord must, with 72 hours of the posting
  - 15 of the condemnation:
    - 16 (A) return to the permanently displaced tenant the tenant’s security deposit
    - 17 with required interest;
    - 18 (B) pay to the permanently displaced tenant any pro rata rent for the
    - 19 remainder of the month; and
    - 20 (C) pay to the permanently displaced tenant the greater of:
      - 21 (i) [[3]] [[2]] 3 months’ fair market value rent for a unit of
      - 22 comparable size, as established by the most current Federal
      - 23 Department of Housing and Urban Development schedule of fair
      - 24 market rents for the [[Washington-Arlington-Alexandria area]]
      - 25 zip code of the rental housing being vacated; or
      - 26 [[B)] (ii) [[3]] [[2]] 3 months’ of the tenant’s [[actual]] rent under the
      - 27 lease at the time of relocation.
  - 28 (2) Temporarily displaced tenants.
    - 29 (A) For a temporarily displaced tenant, the landlord must, within 24 hours of
    - 30 the posting of the condemnation:
      - 31 (i) provide alternative, safe, legal, comparable housing, as
      - 32 determined by the Department, for the temporarily displaced
      - 33 tenant and the tenant’s belongings for the displacement period;
      - 34 and
      - 35 (ii) pay for the costs of the immediate relocation of the temporarily
      - 36 displaced tenant and the tenant’s belongings.
    - 37 (B) At the end of the displacement period, the landlord must pay the costs to
    - 38 move the tenant and the tenant’s belongings back to the tenant’s original
    - 39 rental housing.
    - 40 (C) If the replacement housing provided under subsection (c)(2)(a) is not
    - 41 comparable, the landlord must pay an approved allowance determined by
    - 42 regulation.
    - 43 (D) A landlord must ensure that the lease in effect at the time of a
    - 44 temporarily displaced tenant’s return to the tenant’s original rental
    - 45 housing contains lease provisions substantially similar to the lease in
    - 46 effect at the time of displacement, including provisions regarding the
    - 47 length of the lease term and the amount of rent due.
  - 48 [[2)] If a tenant is required to vacate the rental housing with less than 30 days’
  - 49 notice, the relocation payment must also include either:
    - 50 (A) 1 additional month’s fair market value rent for a unit of comparable size,
    - 51 as established by the most current Federal Department of Housing and



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Urban Development schedule of fair market rents for the Washington-Arlington-Alexandria area; or

(B) the provision of alternative, safe, and legal housing for 30 days after the tenant vacates.

(3) The landlord must pay directly to a displaced tenant the relocation payment within with 72 hours of the posting of the condemnation.]]

(3) Alternative payment.

(A) Notwithstanding the relocation payment required under this Section, a landlord and tenant may agree to an alternative arrangement if the alternative arrangement:

(i) is of equal benefit to the tenant; and

(ii) is evidenced by a written agreement between the tenant and the landlord that meets the criteria in subsection (c)(3)(B).

(B) A written agreement detailing the alternative arrangement must contain:

(i) the names of the current occupants of the condemned rental housing;

(ii) the address of the condemned rental housing;

(iii) a statement indicating the amount of the relocation payment to which the tenant is entitled under subsection (c)(1) or (c)(2);

(iv) a statement that the tenant has waived the right to the relocation payment;

(v) a description of the alternative arrangement; and

(vi) the address, if known, of the location to which the tenant plans to move.

(d) Proof of compliance. Within 5 days after the displaced tenant vacates the rental housing, a landlord must provide the Department with a copy of the check or money order provided to the displaced tenant and a receipt signed by the tenant.

(e) [[Right of first refusal]] First right to reoccupy.

(1) A landlord must provide a permanently displaced tenant with the first right [[of first refusal]] to reoccupy rental housing on the site once the rental housing becomes habitable.

(2) The landlord must provide the permanently displaced tenant with written notice of the tenant's first right [[of first refusal]] to reoccupy. The notice must include the landlord's current address and telephone number which the tenant can use to contact the landlord.

(3) It is the tenant's responsibility to provide the landlord with the tenant's current address and/or telephone number to be used for future notification.

(4) When the rental housing becomes habitable, the landlord must give written notice by certified mail to the tenant informing the tenant that the housing is ready for occupancy.

(5) If the landlord cannot locate a previous tenant after 2 attempts over a 2-week period, the landlord is deemed to be in compliance with [[the right of first refusal requirement]] the requirements of this Section and the tenant's right [[of first refusal]] to reoccupy is forfeited.

(6) A permanently displaced tenant must notify a landlord of the tenant's intent to reoccupy the rental housing within 15 days after the landlord notifies the tenant that the rental housing is ready to be occupied. A permanently displaced tenant must reoccupy the rental housing within 20 days after the tenant notifies a landlord of the tenant's intent to reoccupy the rental housing.

(7) A permanently displaced tenant may waive the right to reoccupy the rental housing at any time after displacement.

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(f) Exception. A landlord is not required to provide a relocation payment or first right [[of first refusal]] to reoccupy rental housing [[to any displaced tenant]] if the Director determines the rental housing is condemned due to events that are beyond the control of the Landlord.