



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, April 20, 2021

The County Council for Montgomery County, Maryland convened via video conference at 9:00 A.M. on Tuesday, April 20, 2021.

PRESENT

Councilmember Tom Hucker, President
Councilmember Andrew Friedson
Councilmember Will Jawando
Councilmember Nancy Navarro

Councilmember Gabe Albornoz, Vice President
Councilmember Evan Glass
Councilmember Sidney Katz
Councilmember Craig Rice

Councilmember Hans Riemer

The President in the Chair.

PRESENTATIONS

- A. Proclamation was presented by Mr. Glass recognizing Sexual Assault Awareness Month.
- B. Proclamation was presented by Mr. Hucker recognizing Arab American Heritage Month.
- C. Proclamation was presented by Mr. Hucker recognizing Chesapeake Bay Week.

The Council recessed at 9:26 A.M. and reconvened at 9:35 A.M.

GENERAL BUSINESS

- (1) A. **Announcements** – Agenda and Calendar Changes
[The Council is seeking applicants to fill three seats for partial terms on the Public Election Fund Committee. The deadline to apply has been extended to April 26, 2021, at 5:00 P.M.](#)

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, adding the proclamation recognizing Chesapeake Bay Week.

(2) B. **Acknowledgement – [Receipt of Petitions](#)**

No petitions were received this week.

C. **Action – Approval of Minutes**

Approved the minutes of January 12, 19, and 22, 2021, without objection. Mr. Riemer was temporarily absent.

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

A. **Update - [Novel Coronavirus \(COVID-19\) and County Public Health Planning](#)**

Participating in the discussion were Dr. Gayles, County Health Officer and Chief of Public Health Services, and Dr. Bridgers, Deputy Health Officer, Department of Health and Human Services (DHHS); and Dr. Stoddard, Director, Office of Emergency Management and Homeland Security (OEMHS).

Dr. Gayles commented on the pausing of usage of the Johnson and Johnson (J&J) vaccine, noting they are awaiting guidance from the Center for Disease Control (CDC). He provided an update on current COVID-related statistics, noting that currently, approximately 46% of the County's population has received at least one dose of the vaccine, with 29% fully vaccinated, and reviewed the breakdown of distribution by age and ethnicity. The transmission rate of the virus is currently at the "moderate" rate and the hospitalization rate has plateaued. Pfizer has requested evaluation of its vaccine for use in children over age 12. The Department is continuing to monitor gaps in distribution of the vaccine and targeting the most highly impacted areas and encouraging preregistration.

Dr. Stoddard reviewed preregistration statistics, noting that of the approximately 120,000 on the list, over 79,000 have received an invitation to make a vaccine appointment and that it would take three to four weeks to provide vaccinations to those individuals. They are continuing to work with Montgomery County Public Schools (MCPS) regarding planning for graduation events and are developing plans to tie vaccination rates to future levels of reopening in the County.

Councilmembers questioned how three-foot social distancing requirements would be implemented in schools, when libraries would be allowed to open, and how to encourage young people to get vaccinated when it is approved; and commented on the need to continue to target vaccination efforts in communities of color and for homebound residents.

- B. **Introduced** a resolution to adopt a Fourth Amended Board of Health Regulation to prevent the spread of COVID-19 in the County.

Senior Legislative Attorney Drummer explained that this Fourth Amended Board of Health Regulation addresses graduation ceremonies and reviewed the general requirements.

and **Public Hearing** - Resolution to adopt a Fourth Amended Board of Health Regulation to prevent the spread of COVID-19 in the County

The public hearing was held and the record closed.

- C. **Action** - Resolution to adopt a Fourth Amended Board of Health Regulation to prevent the spread of COVID-19 in the County

Mr. Albornoz commented that this regulation mirrors the approach taken by the District of Columbia, noting the importance of a regional approach.

Adopted **Resolution 19-794**, approving the Fourth Amended Board of Health Regulation to prevent the spread of COVID-19 in the County.

Mr. Albornoz made the motion and the resolution was adopted by a roll call vote:

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

(6) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

Mr. Riemer made the motion, which carried without objection.

- A. **Introduced** a resolution to indicate the Council's intent to approve or reject provisions of the Collective Bargaining Agreement with the Fraternal Order of Police (FOP), Lodge 35. A Council worksession will be scheduled at a later date.
- B. **Introduced** a resolution to indicate the Council's intent to approve or reject provisions of the Collective Bargaining Agreement with the Municipal and County Government Employees' Organization (MCGEO), Local 1994. A Council worksession will be scheduled at a later date.
- C. **Introduced** a resolution to indicate the Council's intent to approve or reject provisions of the Collective Bargaining Agreement with the Montgomery County Career Fire Fighters Association of the International Association of Fire Fighters (IAFF), Local 1664. A Council worksession will be scheduled at a later date.

- D. **Introduced** a resolution to set County Reimbursements under the Montgomery County Municipal Revenue Program.
- E. **Introduced/Adopted Resolution 19-795**, amending FY21 Operating Budget Resolution 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Lachman Consulting, LLC and Metropolitan Washington Council of Governments.
- F. Adopted **Resolution 19-796**, authorization of Optional Method for Condemnation of Land, Advance Taking for Oak Drive/MD 27 Sidewalk Project.
- G. Adopted **Resolution 19-797**, renewing Council contract for audit services.
- H. Adopted **Resolution 19-798**, Executive Regulation 5-21, Repeal of Executive Regulation # 9-90, Pager Criteria Policy.
- I. Adopted **Resolution 19-799**, extension of time until July 31, 2021, for Council consideration of Executive Regulation 18-20, Rental Assistance - Regulation - Requirements for the Rental Assistance Program.
- J. Adopted **Resolution 19-800**, approving Executive Regulation 19-20, Functions, Powers and Duties - Regulations - Fee Schedule.
- K. Adopted **Resolution 19-801**, approving Executive Regulation 20-20, Chief, Services to End and Prevent Homelessness.
- L. Adopted **Resolution 19-802**, approving Executive Regulation 21-20; Eating and Drinking Establishments Regulations - Nutrition Labeling.
- M. Adopted **Resolution 19-803**, approving Executive Regulation 22-20; Eating and Drinking Establishment Regulations - Food Service Facilities.
- N. Adopted **Resolution 19-804**, approving County Radio Replacement and Related Equipment for \$1,434,000 adjustment in FY21 Capital Improvements Project (CIP).
- O. Adopted **Resolution 19-805**, approving Supplemental Appropriation and CIP Amendment - DHHS - \$13,647,000 for Emergency Homeless Shelter.
- P. Adopted **Resolution 19-806**, confirming the County Executive's appointment to the Bethesda Urban Partnership, Inc. Board of Directors: Cherian Thomas.
- Q. Adopted **Resolution 19-807**, confirming the County Executive's appointment to the Human Trafficking Prevention Committee: Patricia L. Maclay.

- R. Adopted **Resolution 19-808**, confirming the County Executive's appointment to the Commission on People with Disabilities: Karen Morgret.
- S. Adopted **Resolution 19-809**, confirming the County Executive's appointment to the Silver Spring Urban District Advisory Committee: Debra D. Wylie.
- T. Adopted **Resolution 19-810**, confirming the County Executive's appointments to the Taxicab Services Commission: Nelson Biama, Afework Kidane, Charles F. Kauffman.
- U. Adopted **Resolution 19-811**, confirming the County Executive's appointments to the Commission on Veterans Affairs: Josephine Bahn, Susan Pollack, Lisa Schuster, Cynthia Macri, Anneke Vandebroek, Steven Willis.
- V. **Introduced** a resolution in support of Metropolitan Washington Council of Government Resolution supporting Statehood for the District of Columbia. Councilmembers Katz, Riemer, Rice, Jawando, and Albornoza requested to be added as co-sponsors of the resolution.

(4) **INTERVIEWS - [Board of Investment Trustees for the Montgomery County Employee Retirement Plans and the Board of Trustees for the Consolidated Retiree Health Benefits Trust](#)**

Interviewed Alexander Cochran and Christine Kelleher, applicants for the Board of Investment Trustees for the Montgomery County Retirement Plans and the Board of Trustees for the Consolidated Retiree Health Benefits Trust.

(5) **ACTION - [Appointment to the Merit System Protection Board](#)**

Adopted **Resolution 19-812**, appointing Ms. Barbara Fredericks to the Merit System Protection Board until December 31, 2021, or until a successor has qualified and has been appointed.

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

The meeting recessed at 11:34 A.M. and reconvened at 1:32 P.M.

(7) **DISTRICT COUNCIL SESSION**

A. **Action - [City of Rockville Annexation Request \(ANX 2020-00146\), 16160 and 16200 Frederick Road \(MD 355\)](#)**

Mr. Katz, who represents District 3, provided brief comments in support of the City of Rockville's request for annexation. Ms. Ndou, Legislative Attorney, reviewed background on the request for annexation and the Planning, Housing and Economic Development (PHED) Committee and Montgomery County Planning Board recommendations, as contained in the staff report.

Adopted **Resolution 19-813**, approving the City of Rockville's annexation request for 16160 and 16200 Frederick Road. The PHED Committee made the motion, which carried without objection. Mr. Jawando and Mr. Riemer were temporarily absent. Later in the meeting, Mr. Jawando and Mr. Riemer stated that had they been present, they would have voted in the affirmative.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #10**

(8) **Introduction of Bills:**

A. **[Expedited Bill 14 -21, Finance - Working Families Income Supplement - Amendments](#)**

Introduced draft #2 of **Expedited Bill 14-21**, sponsored by Councilmembers Alborno, Navarro, and Katz, and co-sponsored by Councilmembers Hucker, Friedson, Rice, and Glass. A public hearing is scheduled for May 11, 2021, at 1:30 P.M.

Mr. Riemer and Mr. Jawando requested to be added as co-sponsors of the legislation.

B. **[Bill 15-21, Solicitation of Vehicle Occupants in High-Speed Roadways - Permit Requirement](#)**

Introduced draft #4 of **Bill 15-21**, sponsored by Councilmember Rice. A public hearing is scheduled for May 11, 2021, at 1:30 P.M.

(9) **Call of Bills for Final Reading:**

- A. [Bill 49-20 - Human Rights and Civil Liberties - Discrimination in Rental Housing - Fair Criminal History and Credit Screenings \(“Housing Justice Act”\)](#)

Mr. Glass and Mr. Katz, lead sponsors, reviewed the purpose of the legislation and the joint Committee recommendation, as contained in the staff report.

Enacted draft #6 of **Bill 49-20**, as shown at the end of these minutes.

The joint Public Safety (PS) and PHED Committee made the motion and the bill was enacted by a roll call vote.

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

- B. [Expedited Bill 8-21, Administration - Department of Technology Services - Renamed](#)

Ms. McCartney-Green, Legislative Attorney, reviewed the purpose of the legislation, as contained in the staff report.

Enacted draft #3 of **Bill 8-21**, as introduced.

Ms. Navarro made the motion and the bill was enacted by a roll call vote.

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

Motion to Close

The Council adjourned the open session at 1:59 P.M. and reconvened remotely via video conference in closed session from 2:00 P.M. to 3:17 P.M. Mr. Riemer made the motion, which carried unanimously.

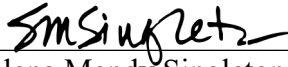
Report of Closed Session of April 20, 2021

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, April 20, 2021. The Council convened in closed session via video conference at 2:00 P.M. to consider matters that concern a proposal for a business or industrial organization to locate in the State, pursuant to Maryland Code, General Provisions Article §3-305(b)(4). Topic is locating a pandemic center in the County.

The following persons were present: Councilmembers Huckler, Albornoz, Friedson, Glass, Jawando, Katz, Navarro, Rice, and Riemer; Chiefs of Staff Carranza, Kunes, Gibson, Thorne, Silverman, Mandel-Trupp, Ikheloa, Ledner, and Nurmi; Ms. Cerzosimo, Aide to Councilmember Navarro; Mr. Murillo, Aide to Councilmember Huckler; Ms. Michaelson, Council Executive Director; Mr. Howard, Deputy Director; Mr. Drummer, Senior Legislative Attorney; Mr. Tibbitts, Special Assistant to the County Executive; Mr. Fletcher, Assistant Chief Administrative Officer; Mr. Markovs, Deputy County Attorney; and Ms. Singleton, Clerk of the Council.

Action: None.

This is a correct copy of Council action.



Selena Mendy Singleton, Esq.
Clerk of the Council

Bill No. 49-20
 Concerning: Human Rights and Civil Liberties – Discrimination in Rental Housing – Fair Criminal History and Credit Screenings
 Revised: 4/20/2021 Draft No. 7
 Introduced: December 8, 2020
 Enacted: April 20, 2021
 Executive: _____
 Effective: _____
 Sunset Date: None
 Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsors: Councilmembers Glass and Katz
 Co-Sponsors: Councilmembers Jawando, Rice, Navarro and Riemer

AN ACT to:

- (1) prohibit a landlord from raising a stated rent in certain circumstances;
- (2) require a rental application to contain certain information about record checks conducted by a housing provider;
- (3) prohibit certain inquiries regarding criminal histories in rental housing applications;
- (4) prohibit consideration of certain arrests and convictions in rental housing decisions; and
- (5) generally amend the law regarding discrimination in housing and landlord-tenant affairs.

By amending

Montgomery County Code
 Chapter 27, Human Rights and Civil Liberties
 Sections 27-14

By adding

Montgomery County Code
 Chapter 27, Human Rights and Civil Liberties
 Section 27-15A

By amending

Montgomery County Code
 Chapter 29, Landlord-Tenant Affairs
 Section 29-28

The County Council for Montgomery County, Maryland approves the following Act:

Boldface	<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>

1 **Sec. 1. Sections 27-14 and 29-28 are amended, and Section 27-15A is added, as follows:**

2 **27-14. Applicability of division.**

- 3 (a) This division does not apply to:
 - 4 (1) The rental or leasing of a part of a dwelling in which the owner is residing; provided, that
 - 5 the dwelling must continue to be used by the owner thereof as a bona fide residence for
 - 6 [himself or herself] the owner and any member of [his or her] the owner's family;
 - 7 provided further, that the dwelling does not contain more than two (2) rental or leasing
 - 8 units.
 - 9 (2) The rental or leasing of a dwelling by any religious corporation, association, or society to
 - 10 a person of a particular religion whose rental or leasing therein is connected with the
 - 11 carrying on by such corporation, association, or society of its purely religious activities.
 - 12 * * *
- 13 (d) The prohibitions in this division against discriminating because of source of income do not
- 14 prohibit:
 - 15 (1) (A) a commercially reasonable verification of a source and
 - 16 amount of income, or
 - 17 (B) a commercially reasonable evaluation of the stability, security, and
 - 18 creditworthiness of any source of income; or
 - 19 (2) (A) except as provided in Section 27-15A, the eviction of or
 - 20 refusal to rent to any person because of that person or a family member's drug-
 - 21 related criminal activity or violent criminal activity, or
 - 22 (B) the refusal to consider income derived from any criminal activity.
 - 23 * * *

24 **27-15A. Fair criminal history and credit screenings in rental housing.**

- 25 (a) Definitions. As used in this Section:
 - 26 Applicant means a person who applies to lease or rent housing in the County. Applicant includes
 - 27 any person who resides or will reside with a person who applies to lease or rent housing in the
 - 28 County.
 - 29 Arrest record means information indicating that a person has been apprehended, detained, taken
 - 30 into custody, held for investigation, or otherwise restrained by a law enforcement agency or
 - 31 military authority due to an accusation or suspicion that the person committed a crime.
 - 32 Conditional offer means an offer of housing conditioned solely on:
 - 33 (1) the results of an inquiry into the applicant's criminal record; or
 - 34 (2) another contingency expressly communicated to the applicant at the time of the offer.
 - 35 Conviction record means information regarding a sentence arising from a verdict or plea of guilty
 - 36 or nolo contendere, including a sentence of incarceration, a fine, a suspended sentence, and a
 - 37 sentence of probation.
 - 38 Criminal record report means a record of a person's arrest and conviction history obtained from
 - 39 any source.
 - 40 Housing provider means any person, individual, proprietorship, partnership, joint venture,
 - 41 corporation, limited liability company, trust, association, or other entity offering to sell, rent, or
 - 42 provide housing in the County. Housing provider includes the County government, but does not
 - 43 include the United States, any State, or any other local government. Housing provider does not
 - 44 include a lessor of property under Section 27-14(a) or a lessor of an accessory dwelling unit.
 - 45 Inquiry or inquire means any direct or indirect conduct intended to gather information, using any
 - 46 mode of communication. Inquiry or inquire does not include a question about an applicant's
 - 47 conviction record or arrest record when the existence of the record is disclosed by the applicant
 - 48 voluntarily and not in response to a question.
 - 49 Pending criminal accusation means an existing written accusation that an individual has
 - 50 committed a crime, in the form of an indictment or information under the Criminal Procedure
 - 51 Article of the Maryland Code.
- 52 (b) Transparency of criminal history and credit requirements in rental applications.
 - 53 (1) A housing provider must disclose in any rental application:
 - 54 (A) the processes the provider uses to inquire into the criminal history and credit
 - 55 history of an applicant; and

- 56 (B) requirements of the provider regarding an applicant’s credit history [, arrest
- 57 history,] and [conviction history] criminal record report.
- 58 (2) The housing provider must not alter the processes and requirements under paragraph (1)
- 59 for an applicant whose application is pending.
- 60 (c) Criminal records inquiry on application. A housing provider must not require an applicant to
- 61 disclose on a rental application the existence or details of the applicant’s arrest record or
- 62 conviction record.
- 63 (d) Preliminary inquiry into criminal record. A housing provider must not, at any time before the
- 64 extension of a conditional offer to the applicant:
- 65 (1) require the applicant to disclose whether the applicant has an arrest record or conviction
- 66 record, or otherwise has been accused of a crime;
- 67 (2) conduct a criminal record check regarding the applicant; or
- 68 (3) inquire of the applicant or others about whether the applicant has an arrest record or
- 69 conviction record or otherwise has been accused of a crime.
- 70 (e) Prohibition against inquiry into certain criminal records. A housing provider must not at any
- 71 time require an applicant to disclose, conduct a criminal record check solely to determine, or
- 72 otherwise inquire of the applicant or others, whether:
- 73 (1) the applicant has been arrested for, or has an arrest record for, a matter that did not result
- 74 in a conviction; or
- 75 (2) the applicant has an arrest record or a conviction record for, or otherwise has been
- 76 accused of:
- 77 (A) trespass under §§ 6-402 or 6-403 of the Criminal Law Article of the Maryland
- 78 Code;
- 79 (B) theft as a misdemeanor under § 7-104 of the Criminal Law Article of the
- 80 Maryland Code;
- 81 (C) a refusal or failure to leave public buildings or grounds under § 6-409 of the
- 82 Criminal Article of the Maryland Code;
- 83 (D) indecent exposure under § 11-107 of the Criminal Article of the Maryland Code;
- 84 (E) public urination under § 32-17-A of this Code;
- 85 (F) an open container violation under § 10-125 of the Criminal Law Article of the
- 86 Maryland Code;
- 87 (G) possession of marijuana as a misdemeanor or civil violation under Title 5 of the
- 88 Criminal Article of the Maryland Code;
- 89 (H) a first conviction of disturbance of the peace or disorderly conduct under § 10-
- 90 201 of the Criminal Law Article of the Maryland Code;
- 91 (I) a vehicle law violation under the Transportation Article of the Maryland Code;
- 92 (J) except as provided in subsection (g), a conviction of a misdemeanor if at least 2
- 93 years have passed since:
- 94 (i) the date of the conviction; and
- 95 (ii) the date that any period of incarceration for the misdemeanor ended; or
- 96 (K) a matter for which records:
- 97 (i) are confidential under § 3-8A-27 of the Courts and Judicial
- 98 Proceedings Article of the Maryland Code; or
- 99 (ii) have been expunged under §§ 10-101 – 10-110 of the Criminal
- 100 Procedure Article of the Maryland Code.
- 101 (f) Consideration of Certain Records Prohibited. Except as provided in subsection (g), a housing
- 102 provider must not base a rental decision upon any item in an arrest record or a conviction record
- 103 described under subsection (e).
- 104 (g) Consideration of Sex Crimes Permitted. A landlord may:
- 105 (1) inquire into [an arrest record] a pending criminal accusation or a conviction record for:
- 106 (A) a crime of a sexual nature under Title 3 of the Criminal Law Article of the
- 107 Maryland Code; or
- 108 (B) a violation of Sections 11-102, 11-103, 11-104, 11-305, or of Title [[2]] 11,
- 109 Subtitle 3, of the Criminal Law Article of the Maryland Code;
- 110 (2) inquire into an applicant’s presence on a sex offender registry; and

- 111 (3) base a rental decision upon [[an arrest record]] a pending criminal accusation or a
- 112 conviction record under paragraph (1) of this subsection, or upon an applicant’s presence
- 113 on a sex offender registry.
- 114 (h) Rescission of a conditional offer based on criminal record.
- 115 (1) If a housing provider intends to rescind a conditional offer based on an item or items in
- 116 the applicant’s [[arrest record or conviction record]] criminal record report, before
- 117 rescinding the conditional offer the provider must:
- 118 (A) provide the applicant with a copy of any criminal record report;
- 119 (B) notify the applicant of the intention to rescind the conditional offer and the items
- 120 that are the basis for the intention to rescind the conditional offer; and
- 121 (C) delay rescinding the conditional offer for 7 days to permit the applicant to give
- 122 the housing provider notice of inaccuracy of an item or items on which the
- 123 intention to rescind the conditional offer is based.
- 124 (2) If a housing provider decides to rescind a conditional offer based upon the [[arrest record
- 125 or conviction record]] criminal record report of an applicant, the provider must notify the
- 126 applicant of the rescission of the conditional offer in writing.
- 127 (i) Retaliation. A housing provider must not:
- 128 (1) retaliate against any person for:
- 129 (A) lawfully opposing any violation of this Section; or
- 130 (B) filing a complaint, testifying, assisting, or participating in any manner in an
- 131 investigation, proceeding, or hearing under this Section; or
- 132 (2) obstruct or prevent enforcement or compliance with this Section.
- 133 (j) A person aggrieved by an alleged violation of this Section may file a complaint with the Director
- 134 of the Officer of Human Rights under Section 27-7.
- 135 (k) The County Executive:
- 136 (1) may adopt Method (2) regulations to implement the provisions of this Section; and
- 137 (2) must endeavor to inform prospective applicants and housing providers of their rights and
- 138 responsibilities under this Section.
- 139 (l) Exemption. The prohibitions and requirements of this Section do not apply if the inquiries
- 140 prohibited by this Article are expressly required by an applicable federal or State law or
- 141 regulation.
- 142 **Sec. 29-28. Leasing requirements generally.**
- 143 * * *
- 144 (h) Rental applications. A rental application must comply with the requirements of Section 27-15A.
- 145 (i) A landlord must not increase the rent included on a completed rental application:
- 146 (1) within 7 calendar days of the application; or
- 147 (2) based upon any discriminatory purpose prohibited under Chapter 27, including the source
- 148 of income of the prospective tenant.
- 149 **Sec. 2. Short Title. This Act may be referred to as the Housing Justice Act.**

