



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, November 1, 2022

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland at 9:04 a.m. on Tuesday, November 1, 2022.

PRESENT

Councilmember Gabe Alborno, President	Councilmember Evan Glass, Vice President
Councilmember Andrew Friedson	Councilmember Tom Hucker
Councilmember Will Jawando	Councilmember Sidney Katz
Councilmember Nancy Navarro	Councilmember Craig Rice
Councilmember Hans Riemer	

The President in the Chair.

PRESENTATIONS

- A. Proclamation was presented by Councilmember Rice and the County Executive recognizing Carbon Monoxide Awareness Month.
- B. Proclamation was presented by Councilmember Rice and the County Executive celebrating Veterans Day.

GENERAL BUSINESS

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

Ms. Rupp, Clerk of the Council, announced changes to the agenda, noting that the Resolution to Address and Combat Antisemitism would be considered as a separate item at 11:45 A.M.; a correction to item 6A, Supplemental Appropriation to the FY23 Capital Budget and Amendment to the FY23-28 Capital Improvement Program (CIP), Montgomery County Public Schools (MCPS) - \$750,000 for Technology Modernization; and the following additions to the consent calendar: Supplemental Appropriation to the County

Government's FY23 Operating Budget, Department of Health and Human Services (DHHS) - \$3,551,720 for American Rescue Plan Act Older Americans Act Title III Grant and Designation of Entities for Non-Competitive Contract Award Status; a Supplemental Appropriation to the FY23 Capital Budget and Amendment to the FY23-28 CIP, Department of Correction and Rehabilitation - \$500,000 for Montgomery County Correctional Facility Sewer; a Special Appropriation to the FY23 Operating Budget, DHHS - \$853,699 for the Youth Harm Reduction Initiative; a Special Appropriation to the FY23 Operating Budget, DHHS - \$1,593,442 for Newcomers Enhancements and Assistance; and a Supplemental Appropriation to the FY23 Operating Budget, MCPS - \$2,671,890 for Supply Chain Assistance (SAC) Fund.

(1) B. **Acknowledgement** - [Receipt of Petitions](#)

Acknowledged receipt of petitions from residents of Montgomery County opposing Thrive Montgomery 2050 Plan, opposing Zoning Text Amendment (ZTA) 22-01, Antenna on Existing Structure - Use Standards, and opposing the International Holocaust Remembrance Alliance's (IHRA) definition of antisemitism.

C. **Action** - Approval of Minutes: There were no minutes for approval.

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

A. **Annual Meeting** - [Commission on Health](#)

Dr. DeVance-Wilson, Chair of the Commission on Health, participated in the discussion.

Received an overview of the Commission's priorities and activities in FY22, which include the reduction of communicable disease and sexually transmitted infections (STIs), school health issues, and environmental impacts on health.

Councilmembers commented on the growing disparity in STIs, noting that 90 percent of new HIV cases were black women; the need to destigmatize testing and treatment for STIs, and to encourage residents, especially men, to seek screening and treatment.

(3) **Worksession/Action** - [WSSC Water's FY24 Spending Control Limits](#)

Participating in the discussion were Mr. Beach, Deputy General Manager, Administration, WSSCWater; and Mr. Levchenko Senior Legislative Analyst.

Mr. Hucker, Chair of the Transportation and Environment (T&E) Committee, summarized the process for establishing spending control limits and reviewed the Committee's recommendation, noting that the Prince George's County Council supported the same limit.

Supported the recommendation of the T&E Committee for a 7.0 percent rate increase limit for WSSCWater in FY24.

Adopted **Resolution 19-1432**, approving WSSCWater's FY24 Spending Control Limits. The T&E Committee made the motion, which carried unanimously.

(4) **INTERVIEW** - [Assistant Chief of Police \(Sworn\)](#)

Interviewed Captain Nicholas Augustine for the position of Assistant Chief of Police.

(5) **INTERVIEWS** - [Board of Appeals](#)

Interviewed Stephen Allen, Christopher Hitchens, Issa Khozeimeh, George Martin, and Laura Seminario Thornton, candidates for a position on the Board of Appeals.

(6B) **ACTION** - Resolution to Address and Combat Antisemitism

Mr. Albornozy thanked the many residents who contacted the Council to share their perspective on this resolution, stating that it is an effort to stand up to hate and to address and condemn antisemitism in our community, our state and across the nation. The non-binding resolution affirms the International Holocaust Remembrance Alliance's (IHRA) definition of antisemitism as an educational tool and reaffirms the County's commitment to combat antisemitism, discrimination, and hate. Councilmembers expressed support for the resolution and the need for future dialog to continue to fight racism and antisemitism.

Adopted **Resolution 19-1433** to address and combat antisemitism. Mr. Friedson made the motion, which carried unanimously.

The Council recessed at 12:19 p.m. and reconvened at 12:29 p.m.

(6) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.
Mr. Rice made the motion, which carried without objection.

A. Adopted **Resolution 19-1434**, adopting a Supplemental Appropriation to the County Government's FY23 Capital Budget and Amendment to the FY23-28 Capital Improvements Program (CIP) - \$750,000 for Montgomery County Public Schools (MCPS) Technology Modernization

B. **Action - [Resolution to Address and Combat Antisemitism](#)**

This item was removed from the consent calendar to be considered separately.

C. [Adopted Resolution 19-1435](#), confirming the County Executive's appointment to the Alcohol and Other Drug Abuse Advisory Panel: [Elyse Grossman](#)

D. [Adopted Resolution 19-1436](#), confirming the County Executive's appointment to the Community Action Board: [Evelyn Okutu](#)

E. [Adopted Resolution 19-1437](#), confirming the County Executive's appointments to the Commission on Health: [Gabriela Lemus](#), [Elliott Brown](#), [Betty Smith](#), [Susan Emery](#), [Cesar Perez](#), [Laurel Fain](#), [Donna Cawley](#), [Yingxi Chen](#)

F. [Adopted Resolution 19-1438](#), confirming the County Executive's appointment to the Historic Preservation Commission: [J. Michael Galway](#)

G. [Adopted Resolution 19-1439](#), confirming the County Executive's appointment of the Deputy Director For Results in the Office of Management and Budget: [Joshua Watters](#)

H. [Adopted Resolution 19-1440](#), confirming an appointment to the Policing Advisory Commission

I. [Adopted Resolution 19-1441](#), confirming an appointment to the Merit System Protection Board

J. **Received and Released - [Office of Legislative Oversight Memorandum Report 2022-13: Firearms: Availability, Data, and Legal Authority in Montgomery County, MD](#)**

K. [Introduced Supplemental Appropriation #23-22 to the County Government's FY23 Operating Budget, Department of Health and Human Services - \\$3,551,720 for American Rescue Plan Act Older Americans Act Title III](#)

Grant (Source of Funds: State Grant); and Amendment to the County Government's FY23 Resolution 19-1285, Section G, Designation of Entities for Non-Competitive Contract Award Status: Jewish Council for the Aging of Greater Washington, Inc., Access Hears, Inc., Arts For the Aging, Inc., Home Care Partners, Inc., Housing Initiative Partnership, Inc. and The Senior Connect of Montgomery County, Inc.

A Public Hearing/Action is scheduled for 11/15/22 at 1:30 p.m.

- L. Introduced Supplemental Appropriation #23-21 to the County Government's FY23 Capital Budget and Amendment to the FY23-28 Capital Improvements Program (CIP), Department of Correction and Rehabilitation - \$500,000 for Montgomery County Correctional Facility Sewer (Source of Funds: GO Bonds)

A Public Hearing/Action is scheduled for 11/15/22 at 1:30 p.m.

- M. Introduced a Special Appropriation #23-19 to the County Government's FY23 Operating Budget, Department of Health and Human Services - \$853,699 for the Youth Harm Reduction Initiative (Source of Funds: General Fund: Undesignated Reserves)

A Public Hearing/Action is scheduled for 11/15/22 at 1:30 p.m.

- N. Introduced a Special Appropriation #23-17 to the County Government's FY23 Operating Budget, Department of Health and Human Services - \$1,593,442 for Newcomers Enhancements and Assistance (Source of Funds: General Fund: Undesignated Reserves)

A Public Hearing/Action is scheduled for 11/15/22 at 1:30 p.m.

- O. Introduced Supplemental Appropriation #23-25 to the County Government's FY23 Operating Budget, Montgomery County Public Schools - \$2,671,890 for Supply Chain Assistance (SAC) Fund (Source of Funds: State Grant)

A Public Hearing/Action is scheduled for 11/15/22 at 1:30 p.m.

The Council recessed at 12:30 p.m. and reconvened at 1:17 p.m.

PRESENTATIONS

- A. Proclamation was presented by Councilmember Navarro recognizing the Wheaton Arts Parade.

(7) **PUBLIC HEARING - [Bill 27-22, Administration - Inspector General – Powers and Duties](#)**

The public hearing was conducted. The record remains open until close of business November 8, 2022.

(8) **PUBLIC HEARING - [Resolution to amend Council Rules of Procedure](#)**

The public hearing was conducted. The record remains open until close of business November 10, 2022.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #31**

(9) **Introduction of Bills:**

A. **[Expedited Bill 29-22, Local Laws - Updates to Required Numbers of Councilmember Votes](#)**

Ms. Wellons, Senior Legislative Attorney, participated in the discussion.

Mr. Rice requested clarification regarding the possible amendment of this Bill to remove any age restrictions on Councilmember eligibility.

Introduced draft #1 of **Bill 29-22**, sponsored by Mr. Albornoz. A public hearing/action is scheduled for November 29, 2022, at 1:30 p.m.

B. **[Expedited Bill 30-22, Buildings - Demolition or Removal](#)**

Mr. Hucker, Chair of the T&E Committee, summarized the purpose of the Bill.

Introduced draft #1 of **Bill 30-22**, sponsored by Mr. Hucker and Mr. Riemer. A public hearing is scheduled for November 29, 2022, at 1:30 p.m.

C. **[Expedited Bill 31-22, Finance - Economic Development Fund - Small Business Innovation Research and Small Business Technology Transfer Matching Grant Program](#)**

Mr. Riemer, Chair of the Planning, Housing, and Economic Development (PHED) Committee, summarized the purpose of the Bill.

Introduced draft #1 of **Bill 31-22**, sponsored by Mr. Riemer, Mr. Jawando, and Mr. Friedson. Ms. Navarro, Mr. Rice, Mr. Katz, and Mr. Albornoz requested to be added as co-sponsors. A public hearing/action is scheduled for November 29, 2022, at 1:30 p.m.

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

A. [Bill 12-22, Electricity - Board of Electrical Examiners - Licenses Permit Requirements](#)

Ms. Ndou, Legislative Attorney, participated in the discussion.

Mr. Hucker summarized the purpose of the Bill and the T&E Committee's recommendations.

Enacted draft #2 of **Bill 12-22**, as shown at the end of these minutes.

The T&E Committee made the motion, and the Bill was enacted by a roll call vote:

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

B. [Bill 17-22, Public Ethics Law - Amendments](#)

Ms. Wellons, Senior Legislative Attorney, participated in the discussion.

Mr. Katz, who served as acting Chair of the Government Operations and Fiscal Policy (GO) Committee on October 20, 2022, when the Committee discussed this Bill, shared the Committee's recommendations.

Supported without objection, Mr. Katz's motion to amend lines 154-155 as follows:

(B) a business entity under subparagraph (A) of this subsection in which the business entity held a [[50%]] 25% or greater interest;

Enacted draft #3 of **Bill 17-22**, as shown at the end of these minutes.

Mr. Friedson made the motion, and the Bill was enacted by a roll call vote:

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

C. [Bill 26-22, Landlord-Tenant Relations - Radon Testing and Mitigation - Required](#)

Mrs. McCartney-Green, Legislative Attorney, participated in the discussion.

Mr. Rice, lead sponsor, discussed the bill, emphasizing the public safety service provided by the Bill. Mr. Riemer and Mrs. McCartney-Green summarized the purpose of the Bill and the Committee's recommendations.

Supported without objection Mr. Rice's motion to amend lines 93 - 95, as follows:

Termination of lease. A tenant [[may have the option]] has the right to terminate a lease, if the landlord fails to mitigate under subsection (f), without loss of security deposit or any other financial penalty. A tenant must provide, in writing, to the landlord a notice of the intent to terminate and vacate the premises. The notice may be effective either immediately upon receipt by the landlord, or as agreed upon by both parties, to allow the tenant to find alternative housing.

Enacted draft #6 of **Bill 26-22**, as shown at the end of these minutes.

Mr. Jawando made the motion, and the Bill was enacted by a roll call vote:

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

(11) **ACTION** - [Confirmation of the County Executive's Appointment as Assistant Chief of Police \(Sworn\): Nicholas Augustine](#)

Adopted **Resolution 19-1442**, approving the appointment of Nicholas Augustine as Assistant Chief of Police (Sworn).

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

(12) **ACTION** - [Appointment to the Board of Appeals](#)

This item was postponed and is tentatively scheduled for action on November 15, 2022.

The meeting adjourned at 2:08 p.m.

This is a correct copy of Council action:



Judy Rupp
Clerk of the Council

Bill No. 12-22
Concerning: Electricity – Board of
Electrical Examiners – Licenses –
Permit Requirements
Revised: 9/26/2022 Draft No. 2
Introduced: June 14, 2022
Enacted: November 1, 2022
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to:

- (1) amend the jurisdiction of the County Board of Appeals;
- (2) conform County law to the Maryland Electricians Act of 2021;
- [[~~(3)~~] establish and authorize the issuance of a low-voltage electrician’s license;]]
- [[~~(4)~~](3) authorize third-party plan review for photovoltaic system permitting; and
- [[~~(5)~~](4) generally amend the County electricity law.

By amending

Montgomery County Code
Chapter 2, Administration
Section 2-112

Chapter 17, Electricity

Sections 17-1, 17-2, 17-3, 17-5, 17-6, 17-7, 17-8, 17-9, 17-10, 17-11, 17-12, 17-13, 17-14,
17-15, 17-16, 17-17, 17-18, 17-19, 17-20, 17-21, 17-22, 17-23, 17-24, 17-25, 17-26, 17-27,
17-28, 17-29, 17-30, 17-31, 17-32, 17-33, 17-35, 17-36, 17-37, and 17-38

Boldface

Heading or defined term.

Underlining

Added to existing law by original bill.

[~~Single boldface brackets~~]

Deleted from existing law by original bill.

Double underlining

Added by amendment.

[[~~Double boldface brackets~~]]

Deleted from existing law or the bill by amendment.

* * *

Existing law unaffected by bill.

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

18 systems in or on such buildings, structures or premises, in the [county]
19 County.

20 (b) The provisions of this [chapter shall] Chapter do not apply to any
21 electrical work or equipment installed by or for any electric company,
22 telegraph or telephone company, where such electrical work or
23 equipment is owned and maintained by such company and is an integral
24 part of the plant or service used by such company in rendering its service
25 to the public.

26 (c) The provisions of this [chapter shall] Chapter do not apply to installations
27 in mines, ships or railway cars or to vehicular equipment.

28 (d) The provisions of this [chapter shall] Chapter do not apply to installations
29 or equipment employed by the United States government.

30 (e) A permit is not required for any minor repair, as defined in this Chapter.

31 **17-2. Regulations.**

32 (a) The [director] Director may recommend [written] regulations for the
33 administration of [the provisions of] this [chapter] Chapter, including a
34 schedule of fees, and may, at [his] the Director's discretion, hold public
35 hearings as part of this regulation-making process. Such regulations and
36 amendments thereto [shall] must not conflict with nor waive any
37 provisions of this [chapter] Chapter nor be less restrictive than its

38 provisions and [shall] must be adopted [by the county executive] under
 39 [method] Method (2) of section 2A-15 of this Code.

40 (b) The [director shall] Director must hold a public [hearings] hearing, upon
 41 adequate public notice, [with opportunity for full participation from
 42 members of the board of electrical examiners and shall obtain the
 43 recommendations of the board of electrical examiners prior to forwarding
 44 his recommendations for] before proposing regulations setting forth the
 45 standards and requirements for all installations of electrical equipment
 46 within the [county] County. Such regulations [shall] must be based upon
 47 a designated edition of the National Electrical Code and local
 48 amendments thereto, including but not limited to those for the installation
 49 of fire alarm systems. Such regulations and amendments [thereto shall]
 50 must be adopted [by the county executive] under [method] Method (2) of
 51 section 2A-15 of this Code.

52 **17-3. Adoption of basic electrical code.**

53 All electrical installations and equipment [shall] must meet the standards and
 54 requirements set forth in [accordance with procedures established in] section 17-2 of
 55 this [chapter] Chapter. The edition of the National Electrical Code and any local
 56 amendments thereto, which are adopted in accordance with procedures established in

57 section 17-2 of this [chapter] Chapter[, shall be] are known as the basic electrical code
58 for the [county] County.

59 **17-4. Administration and enforcement of chapter.**

60 This Chapter is administered and enforced by the Department of Permitting
61 Services.

62 **17-5. Right of entry of departmental personnel.**

63 The [director or his authorized representative] Director, upon exhibiting proper
64 credentials or proof of identity on request, [shall have the right to] may enter any non-
65 residential building, structure or premises, [except private residences,] without consent
66 of the occupants, at any time during business or operating hours, and at such other
67 times as may be necessary in an emergency that immediately endangers life, property
68 or public safety, for the purpose of performing duties under this [chapter] Chapter or
69 enforcing the provisions thereof. In the case of [multiple] multi-family dwellings, the
70 [director or his authorized representatives shall have the right to] Director may enter
71 without consent only those spaces to which the public is ordinarily admitted, such as
72 hallways, basements and similar spaces; provided, however, [that such authorities] the
73 Director may enter any private residence or dwelling for the purpose of enforcing this
74 [chapter] Chapter with the consent of the occupant thereof, or without such consent
75 [of] if [they shall] the Director first [obtain] obtains a search warrant in accordance

76 with prescribed legal procedures, or if there is a present emergency such as a fire,
77 explosion or the like, or immediately following such emergency.

78 **17-6. Unlawful maintenance of installations.**

79 [In the case of any electrical installation for which] When a permit is required
80 under this [chapter] Chapter, it [shall be] is unlawful for any person to maintain or
81 allow to be maintained [such] an electrical installation without a permit [if it does not
82 conform to the requirements hereof].

83 **17-7. Notice of electrical requirements to purchasers of air conditioners and**
84 **major appliances.**

85 (a) It [shall be] is unlawful for any person in the business of selling air
86 conditioners [and/or] or major appliances[, as defined herein,] to sell or
87 offer these items for sale without attaching to each item or its sealed
88 carton when sold in this manner so as to be readily observable by all
89 purchasers, written notice of the electrical wiring requirements of each,
90 all in conformity with standards of this electrical code.

91 (b) It [shall be] is unlawful for any person who engaged in such sales to fail
92 to display at a prominent location on the premises of such sales the wiring
93 requirement for such appliances as set forth in this chapter.

94 **17-8. Penalty for violations of chapter; injunctive action.**

95 [Any] A person has committed a Class A violation if the person violates [of]
96 any [provisions] provision of this [chapter] Chapter or [regulations] any regulation
97 promulgated hereunder [shall be punished as a Class A violation as set forth in section
98 1-19 of chapter 1 of the County Code]. Each day a violation continues to exist [shall
99 constitute] constitutes a separate offense.

100 **17-9. Emergency disconnections.**

101 In cases of emergency where any electrical equipment, whether installed before
102 or after the enactment of this [chapter] Chapter, is an immediate threat to the safety of
103 persons or property, or where it may interfere with the fire protection service of any
104 fire department in the [county] County, the [director shall have authority to] Director
105 may disconnect [cause such] the electrical equipment [to be disconnected] immediately
106 and without notice to the owner thereof.

107 **17-10. Fees.**

108 [Prior to the issuance of any] Before the Department issues a permit or license
109 as provided for in this [chapter] Chapter, the applicant [therefore shall] must pay to the
110 [county] County a fee in accordance with the schedule of fees established, and revised
111 from time to time, by the [county executive] County Executive, in an amount not to
112 exceed the cost of administering and enforcing [the chapter] this Chapter.

113 **17-11. Definitions.**

114 As used in this Chapter, the following words and phrases have the following
115 meanings:

116 [*Apprentice electrician*: A person at least sixteen (16) years of age who is
117 employed by an electrical contractor to work under the supervision of a master and/or
118 journeyman electrician and who has been issued an apprentice identification card by
119 the Department.]

120 [*Board*: The term "board" shall mean the board of electrical examiners created
121 by this Chapter.]

122 [*Business license*: The license granted by the County which authorizes the
123 licensee to engage in business as an electrical contractor in the County.]

124 *Department*[: The] means the Department of Permitting Services.

125 *Director*[: The] means the Director of the Department of Permitting Services,
126 or the Director's designee.

127 [*Electrical contractor*: A person, firm, company, corporation or partnership
128 principally engaged in the business of installing, repairing, maintaining, erecting and
129 designing electrical wiring, equipment, apparatus and systems designed for using or
130 conducting electrical current and coming within the purview of the electrical code, to
131 whom a valid business license has been issued.]

132 *Electrical equipment*[: The term "electrical equipment" shall include] includes
133 electrical conductors, raceways, wiring fittings, devices, appliances, fixtures,

134 apparatus, and any other equipment coming within the purview of the electrical code
135 of the County.

136 *Electrical code*[: The term "electrical code" shall include the electrical code of
137 the County, which includes] means the designated edition of the National Electrical
138 Code as adopted and amended [pursuant to] under this Chapter.

139 *Electrical services* means the definition given to “provide electrical services”
140 by section 6-101 of the Business Occupations and Professions Article of the Annotated
141 Code of Maryland, as amended. [[The term “electrical services” does not include low-
142 voltage electrical services.]]

143 [*Engaged in business*: A person, firm, company, corporation or partnership
144 holding itself out to the public to furnish, install, repair or maintain under verbal or
145 written contract, electrical equipment. One so engaged shall be considered an electrical
146 contractor requiring a business license under this Chapter. Such a contractor, if licensed
147 as a master electrician or master electrician limited, may perform such work himself
148 or it may be performed by one or more of his employees under such supervision as
149 may be required by the electrical code.]

150 *Install, repair or maintain*[: The term "install, repair or maintain" shall include]
151 includes all installations, repairs or maintenance of any or all electrical equipment or
152 circuits, or any parts thereof, including new work, alterations, renewals or extensions
153 coming within the purview of this Chapter and the electrical code.

154 *Inspector*[: The term "inspector" shall mean] means an authorized agent of the
155 [department] Department.

156 [*Journeyman electrician*: A person licensed by Montgomery County as
157 qualified to install, repair, maintain and erect electrical wiring, equipment, apparatus
158 and systems, within the purview of the electrical code of the County, including but not
159 limited to, electrical raceways, conductors, fixtures, signs, motors, switchgears and
160 distribution systems, fixed electric heating systems or any other fixed or stationary
161 electrical equipment or apparatus which conducts or consumes electricity, all such
162 activity being performed while under the direction and supervision of a master
163 electrician.]

164 [*Licensee*: The term "licensee" shall mean any person, firm, company,
165 corporation or partnership to whom a license has been issued hereunder.]

166 [[Low-voltage electrical services means the installation, repair or maintenance
167 of electrical equipment, circuits, or systems, or any parts thereof, designed to operate
168 at or below 50 volts. Low-voltage electrical systems include fire alarm systems, cable
169 tv systems, telephone systems, audio/video systems, computer network wiring and all
170 other systems operating at or below 50 volts.]]

171 *Major appliance*[:] means [Laundry] laundry or kitchen appliances which are
172 permanently connected or occupy fifty (50) percent or more of the circuit.

173 [*Master electrician*: A person licensed by the County as qualified to install,
174 repair, maintain and erect electrical wiring, equipment, apparatus and systems, within
175 the purview of the electrical code of the County, including, but not limited to, electrical
176 raceways, conductors, fixtures, signs, motors, switchgears and distribution systems,
177 fixed electrical heating systems or any other fixed or stationary electrical equipment or
178 apparatus which conducts or consumes electricity.]

179 [*Master electrician limited*: A person licensed by the County as qualified to
180 install, repair and maintain a particular appliance, apparatus, device or fixture within
181 the purview of the Montgomery County electrical code and limited to a branch circuit
182 or feeder for elevators; gasoline pumps; automatic heating furnaces whose principal
183 operation is derived from fuel oil, gas, steam, solar panels or coal; lighting fixtures;
184 refrigeration and air conditioning equipment; illuminated signs and similar specialties;
185 or limited to equipment for a plant, factor, apartment complex or any other public
186 occupancy employing maintenance forces; fire alarm systems and electronic
187 equipment; or major appliances; all employing the use of the electrical current or
188 connections and such other classes designated in accordance with Section 17-22 of this
189 Chapter.]

190 Minor repair means the repair of portable electrical equipment or lighting
191 fixtures, the repair or replacement of receptacles, snap switches, or plugs with a rating

192 up to 20 amperes and 120 volts, or other minor repairs at existing outlets, or the repair
 193 or replacement of motors with a rating 1/3 hp or less and 120 volts.

194 *National Electrical Code*: The currently designed] means the edition of the
 195 National Electrical Code published by the National Fire Protection Association as [set
 196 forth in regulations] adopted [by the County Executive and approved by the County
 197 Council pursuant to provisions of] under this Chapter[, including appendices there
 198 adopted by the National Fire Protection Association at annual meetings].

199 **[[17-12. Appeals.**

200 (a) (1) Any denial, revocation, or suspension of a low-voltage electrician
 201 license may be appealed to the County Board of Appeals by the
 202 applicant not later than ten (10) days after such notice is personally
 203 served or received. Receipt by certified mail is presumed to be
 204 complete on the third day after mailing.

205 (2) Any person aggrieved by the issuance, denial, renewal,
 206 amendment, suspension, or revocation of a permit, or the issuance
 207 or revocation of a stop work order, under this Chapter may appeal
 208 to the County Board of Appeals within 30 days after the permit is
 209 issued, denied, renewed, amended, suspended, or revoked or the
 210 stop work order is issued or revoked. A person may not appeal any
 211 other order of the Department and may not appeal an amendment

212 of a permit if the amendment does not make a material change to
213 the original permit. A person must not contest the validity of the
214 original permit in an appeal of an amendment or a stop work order.

215 (b) After notice and hearing, the Board may affirm, remand, modify, or
216 reverse the action of the Department.

217 (c) Any party may seek judicial review of a decision of the Board under
218 Section 2-114.]]

219 **[ARTICLE II. BOARD OF ELECTRICAL EXAMINERS.]**

220 **[Sec. 17-12. Created; composition.**

221 The County Executive must appoint, subject to confirmation by the Council, a
222 Board of Electrical Examiners, composed of 5 voting members, who must be residents
223 of the County.

224 (a) One member must hold a County master electrician's license.

225 (b) Two members must be when appointed, or must have had previous
226 experience as, an electrical contractor, electrical contractor limited, or
227 must otherwise be technically qualified in electricity.

228 (c) One member must represent the general public.

229 (d) One member must be a professional engineer, licensed in Maryland and
230 experienced in electrical engineering.

- 231 (e) The Executive may appoint a person who does not have any required
232 professional qualifications under subsections (a), (b), or (d), but who is
233 otherwise technically qualified to assess proficiency in electricity.
- 234 (f) The Director may designate one or more Department employees as ex
235 officio, nonvoting members to promote coordination with the
236 Department's fire inspection and prevention and electrical inspection
237 activities.
- 238 (g) The Executive must designate one member of the Board as chair. If the
239 Executive does not designate a chair, the Board must elect its own chair.
240 The Board must select a vice- chair and any other officer it finds
241 necessary. The vice-chair must assume the duties of the chair when the
242 chair is absent.]

243 **[Sec. 17-13. Appointment and terms of members.**

244 Members of the board are appointed by the county executive, subject to the
245 confirmation of the council, for 3-year terms, except that any member appointed to fill
246 a vacancy occurring before the expiration of a term is appointed for the remainder of
247 that term.]

248 **[Sec. 17-14. Reserved.]**

249 **[Sec. 17-15. Staff.**

250 The county executive shall make available to the board such services and
251 facilities of the county as are necessary or appropriate for the proper performance of
252 its duties, and the county attorney shall serve as counsel to the board.]

253 **[Sec. 17-16. Duties.**

254 (a) The board shall advise the director on the issuance of licenses for
255 journeyman electricians, master electricians and master electricians
256 limited and shall ascertain by appropriate examination the qualifications
257 and capabilities of all persons who desire such licenses.

258 (b) In the case of examinations, the board shall have the authority to consult
259 or obtain the services of a recognized expert in the field to prepare said
260 examinations.

261 (c) The board shall advise the county executive on the adoption of proposed
262 rules and regulations to govern the placement, installation and operation
263 of electrical conductors, appliances, apparatus or construction upon or
264 about buildings and structures of all types throughout the county.]

265 **[Sec. 17-17. Reciprocity.**

266 The board of electrical examiners shall certify to the director any applicant as
267 qualified to be licensed, without examination by the board, if such applicant is
268 currently licensed in another jurisdiction, which jurisdiction has examinations and
269 qualification procedures which have been found by the board to be equivalent to those

270 required for licensing in the county and which grants similar reciprocity to
 271 Montgomery County licensees.]

272 **ARTICLE ~~[[III]]~~ II. LICENSES.**

273 **~~[[17-18]]~~ 17-12. Applicability of ~~[[article]]~~ Article~~[[; exceptions]]~~.**

274 [(a) The ~~[[licensing]]~~ requirements of this Article apply ~~[[only]]~~ to all electrical
 275 work covered by this Chapter, as specified in ~~[[Section]]~~ section 17-1. ~~[[Each licensee~~
 276 ~~must perform all]]~~ All electrical work must be performed as required by this Chapter
 277 and the electrical code and regulations adopted under it.

278 [(b) Any person who installs, repairs, or maintains electrical equipment, in a
 279 detached single-family residence which that person or a member of the
 280 person's immediate family owns, for the person's or immediate family's
 281 use, ~~[[need not obtain]]~~ a required to hold an electrical license under this
 282 Article. Before any electrical work is performed under this subsection,
 283 the owner of the residence must apply to the Director for a permit if a
 284 permit is otherwise required by this Chapter.]

285 [(c) Before issuing a permit under this subsection, the Director must require
 286 the person who will perform the work to show that he or she is qualified
 287 to perform the proposed electrical work in a capable manner so as not to
 288 endanger the life and property of occupants or neighbors, or property
 289 belonging to any public utility. If the Director finds that the designated

290 person is qualified to perform the proposed electrical work, the Director
 291 must issue a permit for that work, subject to compliance with all
 292 otherwise applicable requirements of this Chapter.]

293 [(d) A permit is not required for any minor repair, as defined in this Chapter.]

294 **[17-19] [~~17-14~~]17-13. [Business licenses.] License required.**

295 (a) [It shall be unlawful for any person, firm, company, corporation or
 296 partnership engaged in business as an electrical contractor to install,
 297 repair or maintain any electrical circuit, electrical equipment or electrical
 298 apparatus unless such person, firm, company, corporation or partnership
 299 shall have first been granted by County a business license, entitling the
 300 licensee to perform such work.] Except as provided in subsection (c), no
 301 person may engage in the business of providing electrical services for
 302 compensation in the County unless properly licensed by the State Board
 303 of Electricians.

304 ~~[(b)]~~ [All installations, repairs, maintenance or other work done under a
 305 business license issued pursuant to this Chapter shall be by, or under the
 306 ultimate supervision of, the master electrician or master electrician
 307 limited regularly and principally employed by said licensee and
 308 designated on such business license as responsible for the work
 309 performed thereunder whose active status, in accordance with Section 17-

310 25, has been certified by the Board. For the purpose of this Subsection,
311 the words "regularly and principally employed" shall mean that the
312 master electrician or the master electrician limited shall be available to
313 supervise the installation whenever such work is being performed by any
314 electrician under his supervision for whose work he is responsible and
315 that he is not employed by more than 3 licensees at one time. Non-
316 availability on the job for more than a two-hour period of any master
317 electrician, or master electrician limited, to supervise the performance of
318 any electrical work performed under the authority of an electrical permit
319 issued to him shall be cause for the suspension or revocation of this
320 license.] [[Except as provided in subsection (c), no person may provide
321 low-voltage electrical services in the County unless properly licensed by
322 the State Board of Electricians]] [[or the person holds a low-voltage
323 electrical license issued by the Director]].

324 ~~[(c)]~~(b) [Nothing herein shall limit an electrical contractor from having
325 more than one master electrician or master electrician limited in his
326 employ.] Any person who installs, repairs, or maintains branch circuits
327 as defined in the National Electric Code, in a detached single-family
328 residence which that person or a member of the person's immediate
329 family owns, for the person's or immediate family's use, is not required

330 to hold an electrical license, provided the electrical services are not
331 performed for compensation. Before any electrical work is performed,
332 the owner of the residence must apply to the Director for a permit if a
333 permit is otherwise required by this Chapter.

334 [(d) An applicant for a business license shall furnish, on a form approved by
335 the Director, complete identification of the business, including principals,
336 partners or affiliated corporations; references; criminal violations or civil
337 judgments entered or causes of action pending against the business; name
338 and license number of the supervising master electrician or master
339 electrician limited and such other information as may be required as to
340 character references and financial responsibility.]

341 [(e) An applicant for a business license shall furnish a certificate from an
342 insurance company qualified to do business in the State of Maryland of
343 public liability insurance in the amount of three hundred thousand dollars
344 (\$300,000.00) coverage for death or personal injury of one (1) or more
345 individuals, and three hundred thousand dollars (\$300,000.00) coverage
346 for property damage, which insurance shall provide coverage for work
347 done under any permit issued hereunder by the County and shall include
348 coverage for both premises operations and completed operations. Such
349 liability insurance shall state that the coverage therein provided for shall

350 remain in full force and effect until thirty (30) days following the date
351 written notice of cancellation or failure to renew is given by the insurance
352 carrier or its authorized agent to the County, and any certificate of
353 insurance furnished pursuant to this Section shall provide for such
354 coverage.]

355 [(f) Subject to the provisions contained in Section 17-24, each license and
356 renewal of same shall be in force and effect only as long as the insurance
357 certificates that have been filed with the Board, in accordance with the
358 provisions of this Section, shall remain in full force and effect. Every such
359 license or renewal of same shall become void and of no effect should any
360 such insurance contract become inoperative, ineffective or canceled,
361 regardless of the regular date of expiration of said license.]

362 [(g) It shall be the joint and several responsibility of the contractor and the
363 master electrician responsible for any electrical construction to cause at
364 least one (1) licensed County master or journeyman electrician to be
365 present on every job site at all times when any work is being performed.
366 If there are one (1) or more persons on the job site performing electrical
367 work, the contractor and/or the master electrician must provide at least
368 one (1) licensed master or journeyman electrician on the job site for every
369 three (3) or less unlicensed persons performing electrical work.]

370 **[17-20] [[17-15. [Electricians’ licenses.] Low-voltage Electrician License.]]**

371 [(a) There [shall be three (3) classes of] is a [electricians’ licenses:

372 (1) Master electrician;

373 (2) Master electrician limited; and

374 (3) Journeyman electrician.] low-voltage

375 electricians’ license.]]

376 [(b) Before the [department shall] Director may issue or renew [an] a low-
 377 voltage electrician’s license, [it shall] the Director must require the
 378 applicant to:

379 (1) [Provide it] provide the Director with such current information as
 380 [it] the Director must require as to character references, experience,
 381 education and training in or related to the construction,
 382 maintenance, installation or repair of [all types] of low-voltage
 383 electrical equipment and apparatus[, or in the case of an application
 384 for a limited license, such information as it relates to the particular
 385 type of installation applied for];

386 (2) [As determined by the Board, pass a written or oral examination
 387 conducted by the Board predicated upon the standards of the
 388 Montgomery County electrical code and rules and regulations

389 adopted pursuant thereto] provide proof of eligibility for a low-
390 voltage electrician license;

391 (3) provide a certificate from an insurance company qualified to do
392 business in the State of Maryland of public liability insurance in
393 the amount of three hundred thousand dollars (\$300,000.00)
394 coverage for death or personal injury of one (1) or more
395 individuals, and three hundred thousand dollars (\$300,000.00)
396 coverage for property damage, which insurance must provide
397 coverage for work done under any permit issued hereunder by the
398 County and must include coverage for both premises operations
399 and completed operations. Such liability insurance must state that
400 the coverage therein provided will remain in full force and effect
401 until thirty (30) days following the date written notice of
402 cancellation or failure to renew is given by the insurance carrier or
403 its authorized agent to the County, and any certificate of insurance
404 furnished under this section must provide for such coverage; and

405 (4) [Pay] pay to the County, at the time of filing the application, a
406 nonrefundable fee in the amount as set forth in regulation
407 promulgated pursuant to this Chapter.]]

408 [[c)] [If the Board requests, the Director must investigate the character,
409 experience, training and education of an electrician’s license applicant
410 and provide the results of the investigation to the Board.] Before a low-
411 voltage electrician license is issued, the Director must obtain from
412 reliable sources the applicant’s record of compliance with state and
413 County laws and record of complaint actions with the Office of Consumer
414 Protection and the State Attorney General’s Consumer Protection
415 Division.]]

416 [[d)] [It shall be the duty of the Board to certify to the Director within sixty
417 (60) days after the date of the applicant’s examination whether the
418 applicant is qualified for the license applied for, on the basis of said
419 examination and the information provided it by the Director.]

420 [e)] In the case of applications for renewals] [[When an applicant requests the
421 renewal of an existing County low-voltage electrician’s license, [it shall
422 be the duty of] the Director [to] must withhold issuance of such license
423 upon a finding [by the Board] that [said] the licensee has committed acts
424 which are in violation of the provisions of this Chapter[, as set forth in
425 Section 17-28]. A license or renewal may be withheld if the applicant [or
426 its predecessor] is found to have committed a deceptive or

427 unconscionable trade practice in violation of Chapter 11, Section 11-4, of
 428 the Montgomery County Code, as amended.]]

429 [(f)] [(e) All application approvals or denials [of said applications shall] must
 430 be personally served or mailed by certified mail to the address on the
 431 application.]] [Any denial may be appealed to the County Board of
 432 Appeals by the applicant not later than ten (10) days after such notice is
 433 personally served or received.]

434 [(g) If an applicant for any license or examination has been employed by the
 435 federal, state or local government in a military or nonmilitary capacity,
 436 the applicant may submit to the Board of Electrical Examiners an
 437 affidavit from the section chief or division chief to whom the applicant
 438 was directly responsible, specifying:

- 439 (1) The section or division chief's qualifications in the field of
 440 electrical construction, and any licenses he may hold pertinent
 441 thereto;
- 442 (2) The grade and title of the section or division chief, and the grade
 443 and title of the applicant;
- 444 (3) The official job description of the applicant's position(s);
- 445 (4) The time in this position(s); and

446 (5) A specific description of the type of work performed by the
 447 applicant and the time periods thereof.

448 The board of electrical examiners shall review the information supplied
 449 by the applicant as to training and experience and shall determine its credibility and
 450 may allow up to a maximum of four (4) years' experience toward the requirements set
 451 forth in this Chapter for the examination applied for. For the purposes of this section,
 452 a "sworn statement" shall mean any statement which the maker thereof certifies as
 453 being true to the best of his information, knowledge and belief, under the penalties of
 454 perjury.]

455 **[17-21] [[17-16. Eligibility for [examination-Master] Low-voltage electrician**
 456 **license.]]**

457 [(a) Any person who desires to [install, repair, maintain or erect electrical
 458 equipment as a master electrician] perform low-voltage electrical
 459 services, as defined by the [chapter] Chapter, may at any time make
 460 application to the [director to be examined and the director shall] Director
 461 who must provide the applicant with the prescribed forms.]]

462 [(b) An applicant for [examination for] a [master] low-voltage electrician
 463 license [shall] must:

464 (1) hold a Master Electrician license issued by the State Board of
 465 Electricians;

- 466 (2) hold a current Master Electrician or Master Electrician Limited
467 license issued by the Director; or
- 468 (3) have been regularly and principally employed or engaged in
469 performing low-voltage electrical [construction, maintenance,
470 installation and repair of all types of electrical equipment and
471 apparatus, all coming within the purview of and subject to all
472 provisions of] services, as defined by this [chapter] Chapter, for a
473 period of not less than [eight (8)] four (4) years preceding the date
474 of [his] the application, under the directions and supervision of a
475 master electrician, and pass the current version of the International
476 Code Council's low-voltage electrician Exam G21 with a grade
477 constituting at least seventy (70) percent of the total possible point
478 credits in the examination.]] [The board may credit maximum of
479 four (4) years of formal course study or training in electrical
480 installation completed at a trade school or other educational
481 institution which in the opinion of the board provided comparable
482 experience and training otherwise attainable under the supervision
483 of a master electrician or while employed by a government
484 agency.]

485 **[Sec. 17-22. Same-Master electrician limited.]**

486 (a) Any person who desires to install, repair, maintain or erect electrical
487 equipment as a master electrician limited, as defined in this chapter, may at any time
488 make application to the director to be examined and the director shall provide the
489 applicant with the prescribed forms.

490 (b) An applicant may be licensed hereunder for a particular type of electrical
491 installation or may be licensed for all types or as many types of limited electrical
492 installations as defined herein and for which he shall be found qualified by the board.
493 He shall have been regularly and principally employed for four (4) years preceding
494 application in the area of limitation, under the direction of a master electrician, or
495 master electrician limited, where the limitation is in the same area as requested. The
496 type of limited licenses shall be set forth in regulations adopted under method (3) of
497 section 2A-15 of this Code by the county executive upon recommendation of the board.
498 Particular license classifications shall include, without limiting, licenses for electrical
499 connections and circuits to air conditioning, elevators, gasoline pumps, automatic
500 heating furnaces whose principal operation is derived from fuel oil, gas, steam, solar
501 panels, or coal, lighting, illuminated signs, and similar specialties, and electrical repair
502 and maintenance work, in plants, factories, apartment complexes and any public
503 occupancy employing maintenance forces, fire alarm systems and electronic
504 equipment, or major appliances, all employing the use of electrical current or
505 connections. The conditions of the license shall appear plainly on the license.

506 (c) Those persons who are employed by a plant, factory, apartment,
507 condominium, office building or other facility employing maintenance personnel are
508 encouraged to obtain a master electrician's limited license for maintenance in order to
509 be able to obtain permits for electrical maintenance work. In addition to the
510 requirements in section 17-22(a) and (b), the owner or agent for the building or
511 buildings must certify that the applicant is a full-time employee and is covered by
512 liability insurance in the amount established by section 17-19(c).]

513 **[Sec. 17-23. Same-Journeyman electrician.**

514 (a) Any person who desires to install, repair, maintain or erect electrical
515 equipment as a journeyman electrician, as defined by this chapter, may at any time
516 make application to the director to be examined; and the director shall provide the
517 applicant with the prescribed forms.

518 (b) An applicant for examination for a journeyman electrician license shall
519 have been regularly and principally employed or engaged in electrical construction,
520 maintenance, installation and repair of all types of electrical equipment and apparatus,
521 all coming

522 within the purview of and subject to all provisions of this chapter, for a period
523 of not less than four (4) years preceding the date of his application, under the
524 supervision of a master electrician.]

525 **[Sec. 17-24. Examinations.**

526 (a) The written and/or oral examination conducted by the board for either the
527 master electricians', master electricians' limited, or journeyman electricians' license
528 shall be based upon standards of the county electrical code.

529 (b) In order to qualify as having passed said examination, the applicant shall
530 receive a grade constituting at least seventy (70) percent of the total possible point
531 credits in the examination.

532 (c) The use of any unauthorized material or other misbehavior by an
533 applicant during his examination shall cause the immediate rejection of his application
534 and bar him from reexamination for six (6) months.

535 (d) Examination periods shall be held at least six (6) times each year at
536 intervals of not greater than two (2) months. Written notice of the date, hour and place
537 of examination shall be mailed to each eligible applicant at least ten (10) days prior to
538 the date of the examination.

539 (e) Any applicant who fails to pass any examination or re-examination may
540 take a re-examination. The applicant must apply to the director for re-examination and
541 pay a fee determined by Executive regulation.

542 (f) All written examinations and applicant records pertaining thereto shall be
543 stored under secured conditions within the department and shall be available for
544 inspection upon request made to the board by an applicant for a period of six (6) months
545 after the date of the examination.]

546 **[17-25] [[17-17. Term of [licenses] low-voltage electrician license; renewal.]]**

547 [[a) [All licenses issued under this Chapter after the effective date of this
548 legislation shall be] A low-voltage electrician license is valid for two (2)
549 years from the date of issuance and may be renewed upon application to
550 the Director. Applicants for licenses and renewals [thereof shall pay to
551 the County a fee for a business license, master electrician's license,
552 master electrician's limited license and journeyman electrician's license]
553 must pay a fee as provided for by regulations adopted under method (3)
554 of Section 2A-15 of this Code by the County Executive.]]

555 [[b)] [No person, firm, company, corporation, partnership, owner, lessee or
556 agent shall be denied the privilege of continuing a contracting business
557 or maintenance or repair work in the event of death, illness or other
558 physical disability of the master electrician or master electrician limited
559 who qualified the person, firm, company, corporation or partnership for
560 such license, for a period not exceeding one hundred twenty (120) days
561 following the date of such death, illness or physical disability, provided
562 said business, maintenance or repair work is conducted under such
563 qualified supervision as the board deems adequate; and provided that all
564 requirements concerning bonds and business insurance are first complied

565 with and the department is notified promptly by the licensee upon such
566 death, illness or physical disability.]

567 [(c) A person, firm, company, corporation or partnership shall be allowed to
568 continue a business or to perform maintenance and repair work for a
569 period not exceeding ninety (90) days should the master electrician or
570 master electrician limited who qualified the person, firm, company,
571 corporation or partnership for such license terminate his services
572 therefrom, provided such business, maintenance or repair work is
573 conducted under such qualified supervision as the Board deems adequate
574 and provided that both of the following requirements are met:

- 575 (1) Insurance requirements are complied with;
- 576 (2) The master electrician or master electrician limited who qualified
577 the person, firm, company, corporation or partnership shall notify
578 the Board in writing within five (5) days after terminating his
579 services therewith; and the person, firm, company, corporation or
580 partnership also shall notify the Board in writing within five (5)
581 days after the master electrician or master electrician limited has
582 terminated his services.]

583 [(d) No] [[A license issued under this Chapter [shall] may not be assigned or
584 transferred.]]

585 [(e)] ~~[(c)]~~ [No] ~~[[A~~ license [shall] must not be renewed [for any person, firm,
 586 company, corporation or partnership] until all of the requirements of this
 587 Chapter have been complied with.]]

588 [(f) Subject to provisions in Section 17-28 of this Chapter, the Department
 589 may renew licenses under this Chapter to any applicant who at the
 590 effective date of this Chapter held an existing County electrical
 591 contractor’s license or electrical contractor’s limited license.]

592 [(g)] ~~[(d)~~ Late renewals for [all classes of] a low-voltage electrical [licenses]
 593 license must be accepted without late filing fee for 10 days after the
 594 expiration date. If the County receives an application for renewal within
 595 6 months after a license expires, the license [must] may be renewed upon
 596 payment of a late filing fee [set by the Director of Permitting Services].
 597 A renewal application received more than 6 months after an expiration
 598 date must not be accepted.]]

599 **[17-26] ~~[[17-18]]17-14. Display; duplicates.~~**

600 ~~[(a)]~~ All holders of licenses issued by the State Board of Electricians and under
 601 this [chapter] Chapter [shall] must display the license in a prominent
 602 place at their business location and upon demand [shall] must give the
 603 number of the license to any [inspector of the department] Inspector.

604 ~~[(b)]~~ [All holders of master electrician, master electrician limited and
 605 journeyman electrician licenses shall have identification cards issued by
 606 the department in their possession at all times while performing electrical
 607 work within the county and shall display same, upon request, to
 608 authorized department personnel.]

609 ~~[(c)]~~ ~~[[If a low-voltage electrician license issued under this Chapter is lost,~~
 610 ~~defaced or destroyed, a licensee in good standing may obtain a duplicate~~
 611 ~~upon filing an application to the [director] Director and payment of the~~
 612 ~~cost of replacement.]]~~

613 **[Sec. 17-27. Apprentice identification card.**

614 (a) Any person who desires to be registered with the county as being engaged
 615 in a program of apprenticeship in connection with his employment with
 616 a licensed electrical contractor, as defined by this chapter, may at any
 617 time make application to the director on forms provided by the
 618 department.

619 (b) The department, upon payment of a nonrefundable fee as set forth in
 620 regulations promulgated pursuant to this chapter, shall issue to the
 621 applicant an apprentice identification card, renewable annually, and shall
 622 require that records be kept regarding the nature of the electrical work
 623 being performed by the apprentice electrician.]

624 **[17-28] [[17-19. Revocation or suspension of low-voltage electrician licenses;**
625 **appeals] license.]]**

626 [(a) [[The [director] Director may suspend, revoke or refuse to renew [any] a
627 low-voltage electrician license if the holder has secured such license by
628 misrepresentation; has failed to correct violations of any provisions of the electrical
629 code and laws of the county or State of Maryland; failed to maintain the qualifications
630 required by this subtitle; demonstrated a lack of competence inconsistent with retention
631 of the license; engaged in fraudulent business activities or in misleadingly advertising
632 products or services; has been found to have committed as deceptive or unconscionable
633 trade practice in violation of chapter 11, section 11-4, of the Montgomery County
634 Code, as amended; violated the provisions of this chapter requiring permits; committed
635 an act of gross negligence or condoned such an act by an employee; or permitted any
636 unlicensed or unauthorized person, firm, company, corporation or partnership to obtain
637 a [certificate card or] permit or perform low-voltage electrical [work] services under
638 the authority of [his] the holder's license]]]; or if where applicable, the holder of a
639 business license failed to notify any person employed by said licensee for more than
640 one (1) week of his right to secure an apprentice identification card pursuant to
641 provisions set forth in section 17-27; or if the holder of a master electrician or master
642 electrician limited license has failed to be available to supervise electrical work in
643 accordance with section 17-19(b) of this chapter. In the case of electricians' licenses,

644 the director shall obtain the concurrence of the board before proceeding with such
645 actions. In the case of business licenses, the director shall consider the advice and
646 recommendations of the board, if any].

647 [(b) Before recommending the revocation or suspension of an existing
648 electrician's license or the disapproval of any application to renew such license, the
649 board shall afford the licensee an opportunity for a hearing before the board to show
650 cause why the license should not be suspended or revoked or renewal denied. The
651 board shall give at least ten (10) days' written notice to the licensee by certified mail
652 or personal service at the last address on file with the director and such notice shall
653 state the complaint and alleged violation.]

654 [(c) The board may require at any time that a master electrician, master
655 electrician limited or journeyman electrician be reexamined for good cause and if such
656 licensee fails to pass the reexamination, his license or licenses may be revoked. A
657 person whose electrician's license has been revoked in this manner shall become
658 eligible after ninety (90) days has elapsed from the date of revocation to apply for a
659 new license. Such application shall be considered a new application and shall be
660 submitted pursuant to the provisions of this chapter.]

661 [(d) Any person, firm, company, corporation or partnership to whom a license
662 has been denied or whose license has been revoked or suspended or any such person,
663 firm, company, corporation or partnership who believes himself aggrieved by any

664 action of the board or director may appeal to the county board of appeals by filing a
 665 notice of such appeal to the county board of appeals by filing a notice of such appeal
 666 with the clerk of the appeals board within ten (10) days from the date of receipt of
 667 notice of the action of the board or director. Notice of action of the board or director
 668 shall be personally served or be mailed by certified mail to the last address on file with
 669 the board.]

670 **ARTICLE [IV] III. PERMITS.**

671 **[17-29] ~~[[17-20]]~~17-15. General requirements.**

672 (a) *Required.* Except as provided in section 17-1 of this [chapter] Chapter,
 673 no electrical equipment which is subject to the provisions of this [chapter]
 674 Chapter [shall] may be installed, repaired or maintained until a permit
 675 therefor has been issued by the [department] Department.

676 (b) *Application generally.* Except as provided in subsection (c), [All] all
 677 applications for permits [shall] must be in writing and in such form as
 678 may be prescribed by the [department] Department. All applications
 679 [shall] must be signed by a master electrician licensed by the State Board
 680 of Electricians [[or [master] a low-voltage electrician [limited] licensed
 681 under this Chapter,] except those signed by homeowners [pursuant to]
 682 under section [17-18] 17-13(c) [and those signed by an officer of the
 683 company pursuant to section 17-25(b) and (c)]. Each application [shall]

684 must describe the work to be done and the location thereof and [shall]
685 must be accompanied by such plans, specifications and schedules as
686 [shall] may be necessary to determine whether the installation [will be in
687 conformity] conforms with the provisions of this [chapter] Chapter and,
688 if necessary, the provisions of [chapter] Chapter 8 of this Code.

- 689 (c) Application for installation of photovoltaic systems. The Director may
690 accept reports and recommendations from qualified and approved
691 photovoltaic system plan review service providers that have
692 demonstrated that the photovoltaic system plans reviewed reliably
693 conform to all requirements of this Chapter. Under this subsection,
694 photovoltaic system includes or incorporates one or more of the
695 following: photovoltaic panels, energy storage, or residential electric
696 vehicle charging systems, and any of their related systems or components.
- 697 (d) Action on application. The Director must examine or cause to be
698 examined each application, or report and recommendation, for an
699 electrical permit or an amendment to a permit within a reasonable time
700 after the application is filed. If the application or the plans do not conform
701 to all requirements of this Chapter, the Director must reject the
702 application in writing and specify the reasons for rejecting it. If the
703 proposed work conforms to all requirements of this Chapter and all other

704 applicable laws and regulations, the Director must issue a permit for the
705 work as soon as practicable. Before issuing a permit, the person who will
706 perform the work must demonstrate that he or she is qualified to perform
707 the proposed electrical work in a capable manner so as not to endanger
708 the life and property of occupants or neighbors, or property belonging to
709 any public utility.

710 ~~[(c)]~~(e)*Contents; conformity with permits; conditions; expiration upon non-*
711 *commencement of work, etc.* Each permit [shall] must describe with
712 particularity the installation to be done thereunder, and no person [shall]
713 may install any electrical equipment other than in accordance with the
714 permit. The permit is a license to proceed with the work and may not be
715 construed as authority to violate, cancel or set aside any of the provisions
716 of this Chapter. Each permittee must perform all electrical services [[and
717 low-voltage electrical services]] as required by this Chapter and the
718 electrical code and regulations adopted under it. The issuance of a permit
719 does not prevent the Department from thereafter requiring a correction of
720 errors in plans or in installation or of violations of this Chapter and all
721 other applicable laws or ordinances specifically referring thereto. The
722 issuance of any permit is expressly conditioned upon the applicant's
723 prompt compliance with all stop work orders issued by the Director. All

724 permits [shall] expire and [be] are null and void unless the work
 725 authorized thereunder is commenced within [six (6) months] 180 days
 726 from the date of issuance or after commencement of work if more than
 727 180 days pass between inspections; provided, that the [department]
 728 Department may upon good cause shown extend a permit one or more
 729 times [from] for a [periods] period not [exceeding] to exceed sixty (60)
 730 days.

731 ~~[(d)]~~(f)Repairs exempted. No permit shall be required to repair portable
 732 electrical equipment or lighting fixtures, or to repair or replace sockets,
 733 receptacles or snap switches, or to make other minor repairs at existing
 734 outlets, or to repair motors, or to replace motors with motors of the same
 735 nameplate rating.

736 ~~[(e)]~~(g)Supervision. It shall be unlawful for any licensee to allow the
 737 installation, repair or maintenance of any electrical equipment requiring
 738 a permit from the department unless under the immediate and personal
 739 supervision of either a licensed master or journeyman.

740 **[17-30] ~~[[17-21]]~~17-16. Emergency work.**

741 When necessary to make emergency repairs or replacements to electrical
 742 installations, or to make branch circuit extensions for switches, receptacles or the like,
 743 incidental to such emergency work, such work may be done without a permit;

744 provided, that the person doing the same [shall] must possess all licenses required
745 under Article III of this Chapter and first inform the [department] Department either
746 orally or in writing if the [department's] Department's office is open at the time of such
747 emergency giving [his] the person's name and address and the address where the work
748 is to be done, the nature thereof and when it is to be started. Such person shall file an
749 application for a permit covering such emergency work on the first business day
750 following the performance thereof.

751 **[17-31] [[17-22]]17-17. Temporary installations.**

752 A temporary permit [shall be] is required in connection with electrical
753 equipment installed for a temporary use for a period not to exceed [six (6) months] 180
754 days. Such permit may be extended for an additional period of [six (6) months] 180
755 days by the [department] Department.

756 **[[17-23]]17-18. Stop work order.**

757 (a) In addition to the other provisions set forth in this Chapter, whenever the
758 Director determines that electrical services [[or low-voltage electrical
759 services]] are being prosecuted in violation of the provisions of this
760 Chapter, including those conditions upon which the permit has been
761 issued or in a manner which threatens the safety, health and welfare of
762 the public, the Director may order the work to be immediately stopped.

763 (b) The stop work order described herein must be in writing and served upon
 764 the owner of the property involved or the owner's agent or to the person
 765 doing the work.

766 (c) It is unlawful for any person to continue or permit the continuance of
 767 work after having been served with a stop work order, except such work
 768 as the person is directed to perform to remove a violation or unsafe
 769 condition.

770 ~~[[17-24]]~~ **17-19. Revocation of permit.**

771 The Director may revoke a permit or approval issued under this Chapter in case
 772 of any false statement or misrepresentation of fact in the application or on the plans on
 773 which the permit or approval was based or in case of any violation of the conditions
 774 upon which such permit was issued.

775 **ARTICLE [V] IV. INSPECTIONS.**

776 **[17-32] [[17-25]]17-20. Notice upon completion; inspection of installations**
 777 **generally.**

778 It [shall be] is unlawful for the holder of a permit issued hereunder to fail to
 779 notify the [department] Department within five (5) days of the completion of an
 780 installation regulated by this [chapter] Chapter. The [department] Department [shall
 781 cause] must inspect the installation [to be inspected] within forty-eight (48) hours of

782 such notice, exclusive of Saturdays, Sundays, and holidays, or as soon thereafter as
783 practicable.

784 **[17-33] [~~17-26~~]17-21. Inspection of covered installations.**

785 (a) When any part of an installation regulated by this [chapter] Chapter is to
786 be hidden from view by the permanent placement of part of a building,
787 the holder of the permit [shall] must notify the [department] Department
788 and such installation [shall] must not be concealed until it has been
789 inspected and approved by the [department] Department; provided, that
790 on large installations where the concealment of electrical equipment
791 proceeds continuously, the holder of the permit shall give the
792 [department] Department notice thereof so that inspections may be made
793 periodically during the progress of the work.

794 (b) The [department] Department [shall have the authority to] may remove
795 or require the removal of any structure or materials that prevent proper
796 inspection of any electrical equipment.

797 **[Sec. 17-34.]**

798 **[17-35] [~~17-27~~]17-22. Authorization to supply power.**

799 (a) No electric light or power company [shall] may supply electricity or
800 power to any electrical equipment, for the installation of which a permit
801 is required under this [chapter] Chapter, and no person shall connect any

802 such electrical equipment to a supply of electricity or power, except
 803 where authorized by the [department] Department.

804 (b) If after the inspection the [department] Department finds the installation
 805 to be in conformity with the provisions of this [chapter] Chapter, it [shall]
 806 must approve the installation and authorize the use of the installation and
 807 connection to the supply of electricity and power, and [shall] must give
 808 notification to the electric light or power company supplying the same.
 809 Such notification may be issued for an entire installation or part thereof.

810 (c) Authorization may be issued for temporary installations authorized
 811 [pursuant to] under section [17-30] ~~[[17-21]]~~ 17-16 of this [chapter]
 812 Chapter. Temporary installations may be canceled by the [director]
 813 Director at any time if the installation is not maintained as required by
 814 this [chapter] Chapter.

815 **[17-36] ~~[[17-28]]~~17-23. Defective installations and equipment.**

816 (a) If upon inspection any installation for which a permit is required under
 817 this [chapter] Chapter is found to be in violation of the provisions of this
 818 [chapter] Chapter, the [department] Department [shall] must notify the
 819 holder of the permit of the nature of such violation in writing and the same
 820 [shall] must be corrected within ten (10) days after such notice or such
 821 other period of time as may be specified by the [department] Department.

- 822 (b) If the [director] Director finds that any electrical equipment installed
823 before or after the enactment of this [chapter] Chapter is dangerous to
824 persons or property because defective or improperly used or installed,
825 [he] the Director [shall] must notify the owner or lessee of the property
826 in writing, setting forth the nature of such dangerous condition; and such
827 person [shall] must make such changes or repairs as are necessary to put
828 such equipment in a safe condition within such period as may be specified
829 by the [director] Director.
- 830 (c) Upon failure of any person to comply with a notice issued pursuant to this
831 section, the [director] Director [shall] must revoke any permit which has
832 been issued for the installation of such equipment, [shall] must not
833 authorize the electrical light or power company to supply electricity, or
834 [shall] must revoke any such authorization which previously has been
835 issued.
- 836 (d) If the equipment or installation is connected to a supply of electricity or
837 power, the [director] Director [shall] must have the authority to
838 disconnect the same and [shall] must send notice to the electric light or
839 power companies to discontinue its supply or electricity or power to such
840 equipment or installation, and such supply of electricity or power [shall]
841 must be terminated within twenty-four (24) hours of the receipt of such

842 notice, without liability therefor on the part of such electric light or power
 843 company.

844 **ARTICLE [VI] V. STANDARDS AND REQUIREMENTS FOR FIRE AND**
 845 **BURGLAR ALARM SYSTEMS.[*]**

846
 847 **[17-37] [[17-29]]17-24. General requirements.**

848 (a) It [shall be] is the duty of the owner, agent, lessee, occupant, or any other
 849 person entitled to the beneficial use, rental or control of any building
 850 which is required under this Code to have a fire alarm system to provide,
 851 install and maintain therein a fire alarm system with sufficient alarm
 852 bells, striking stations or automatic detectors, of such type and character
 853 as contained in regulations adopted by the [county executive] County
 854 Executive under [method] Method (2) of section [2-15] 2A-15 of this
 855 Code.

856 (b) All apparatus, materials, equipment and systems used in connection with
 857 an alarm system, except the wiring thereof, to be installed under the
 858 provisions of these regulations [shall] must be designed and of a type
 859 suitable for the voltage and current available and be specifically approved
 860 for the purpose by the [department] Department before installation. They
 861 [shall] must be tested and listed by the Underwriters' Laboratories, Inc.,
 862 for fire alarm services before submission to the [department] Department.

863 (c) It [shall be] is the duty of the owner, agent, lessee, occupant or any other
 864 person entitled to the beneficial use, rental or control of any building who
 865 desires a burglar alarm system to install and maintain such a system in
 866 accordance with provisions of the National Electrical Code as adopted by
 867 section 17-3 of this [chapter] Chapter.

868 **ARTICLE [VII] VI. STANDARDS AND REQUIREMENTS FOR**
 869 **ELECTRICAL INSTALLATIONS.**

870 **[17-38] [~~17-30~~]17-25. Standards.**

871 (a) A person must not sell or install electrical equipment which does not
 872 contain the certification of an inspection authority approved by the
 873 Department.

874 (b) The standards and requirements of this [chapter] Chapter [shall] must be
 875 based upon the currently designated edition of the National Electrical
 876 Code and amendments thereto as specified in regulations adopted by the
 877 [county executive] County Executive under [method] Method (2) of
 878 section 2A-15 of this Code and are hereby declared to be minimum
 879 standards and requirements. Any electrical equipment or installation
 880 which is equal or superior to such standards and requirements [shall] must
 881 be deemed to be in compliance therewith.

882 (c) Except as otherwise provided in this [chapter] Chapter, conformity of
 883 installations of electrical equipment with such regulations adopted

884 pursuant to section 17-2(b) [shall be] is prima facie evidence that such
885 installations are reasonably safe to persons and property.

886 (d) A person must not occupy or offer to sell for occupancy any mobile home,
887 prefabricated or modular dwelling, industrialized building, or similar
888 structure as defined in the National Electrical Code, without having first
889 obtained from the manufacturer a certification by the State of Maryland
890 that the structure [has met] meets the standards contained in regulations
891 adopted under ~~[[Sections]]~~ sections 12-301 through 12-313 of the Public
892 Safety Article of the Maryland Code.

893 (e) All electrical installations, including outlets, panel boxes, heat panels and
894 fixtures subject to damage from flooding must be located, built, and
895 floodproofed to eliminate or minimize flood damage.

896 **Sec. ~~[[17-39]]~~17-26. Reserved.**

Approved:

s/ 11/04/2022

Gabriel Albornoz, President, County Council Date

Approved:

Marc Elrich, County Executive Date

This is a correct copy of Council action.

Judy Rupp, Clerk of the Council Date

Bill No. 17-22
Concerning: Public Ethics Law –
Amendments
Revised: 11/1/2022 Draft No. 3
Introduced: June 21, 2022
Enacted: November 1, 2022
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the Request of the Ethics Commission

AN ACT to:

- (1) define terms under the Public Ethics Law;
- (2) alter ethics requirements related to procurement;
- (3) prohibit retaliation against an individual for communicating with the Ethics Commission or participating in an investigation of a potential ethics violation;
- (4) alter the required contents of financial disclosure statements; and
- (2) generally amend the Public Ethics Law.

By amending

Montgomery County Code
[[Chapter 11B, Procurement
Section 11B-52]]
Chapter 2, Administration
Section 2-148

Chapter 19A, Ethics
Sections 19A-4, 19A-10, 19A-17, 19A-18, and 19A-19

By adding

Chapter 19A, Ethics
Section 19A-13A

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>

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

- 26 (2) any board, commission, committee, task force, or similar body
- 27 appointed by the County Executive or County Council;
- 28 (3) the Revenue Authority, the Housing Opportunities Commission,
- 29 and the Board of License Commissioners;
- 30 (4) each independent fire department or rescue squad that receives
- 31 funds from the County or uses property owned by the County;
- 32 and
- 33 (5) any other public body if the Commission finds that:
- 34 (A) the public body is subject to the County's legislative
- 35 authority to enact an ethics law; and
- 36 (B) the policies articulated in section 19A-2 would be
- 37 significantly furthered by the application of this Chapter
- 38 to the public body.

39 * * *

- 40 (o) *Restricted donor* means a person or business that:
- 41 (1) is registered or must register as a lobbyist under Section 19A-21;
- 42 (2) does business with the County agency with which the public
- 43 employee is affiliated;
- 44 (3) is engaged in an activity regulated or controlled by the County
- 45 agency with which the public employee is affiliated; [or]
- 46 (4) has a financial interest that may be substantially and materially
- 47 affected in a manner distinguishable from the public generally by
- 48 the performance or nonperformance of the public employee's
- 49 duties; or

50 (5) is an association, or any entity acting on behalf of an association,
51 that is engaged only in representing counties or municipal
52 corporations.

53 (p) Quasi-governmental entity means an entity that:

54 (1) is created by the State of Maryland or County law;

55 (2) performs a public function; and

56 (3) is supported in whole or in part by the State of Maryland but is
57 managed privately.

58 (q) *Year* means calendar year.

59 **19A-10. Complaint; Adjudicatory Hearing.**

60 * * *

61 (o) A public employee must not retaliate against an individual for:

62 (1) communicating with the Commission; or

63 (2) participating in an investigation of a potential violation of this
64 Chapter or of Sections 2-109, 11B-51, or 11B-52(a).

65 **19A-13A. Contractor Conduct.**

66 (a) For purposes of this Section, the terms *agency* or *County agency* do not
67 include agencies or County agencies that are subject to Section 11B-52.

68 (b) Unless authorized by law, or by the Ethics Commission under this
69 Chapter, a person while engaged in a procurement matter with an
70 agency or County agency must not employ or offer to employ a public
71 employee if the duties of the public employee include significant
72 participation in the procurement matter.

73 **19A-17. Who must file a financial disclosure statement.**

74 The following persons must file a public financial disclosure statement
75 under

76 oath:

77 * * *

78 (b) the following public employees:

79 * * *

80 (15) the Inspector General and the deputy Inspector General; ~~[[and]]~~

81 ~~(16)~~ members of the Police Accountability Board;

82 ~~(17)~~ members of the Administrative Charging Committee; and

83 ~~[(16)]~~ (18) any person who is appointed to serve in an acting
84 capacity in any position listed in the preceding paragraphs
85 while the position is vacant; and

86 * * *

87 **19A-18. Financial disclosure statement; procedures.**

88 * * *

89 (b) Each candidate for an office listed in subsection 19A-17(a) must file
90 with the County Board of Elections a financial disclosure statement
91 covering the year prior [year and the current year up] to the date of
92 filing the candidate's certificate of candidacy. The statement must be
93 filed with the certificate of candidacy or certificate of nomination. The
94 County Board of Elections must not accept a certificate of candidacy or
95 certificate of nomination unless a financial disclosure statement in
96 proper form has been filed. [If a] A statement [has been] filed for the
97 prior year under subsection (a)], then the statement required by this
98 subsection need only cover the current year up to the date of filing the
99 certificate of candidacy or nomination] that is available for inspection
100 under subsection (f) satisfies the requirements of this subsection.

101 (c) If at the end of a calendar year in which a candidacy is pending and no
 102 election has occurred, the candidate must file a financial disclosure
 103 statement with the County Board of Elections covering the year just
 104 ended. The statement must be filed on or before the last day to withdraw
 105 a candidacy. A statement filed under subsection (a) on or before the last
 106 day to withdraw a candidacy covering the year just ended that is
 107 available for inspection under subsection (f) satisfies the requirements
 108 of the subsection. The County Board of Elections must notify each
 109 candidate of this obligation to file the financial disclosure statement at
 110 least 20 days before the last day to withdraw a candidacy. If [the
 111 candidate does not file a timely statement under this subparagraph, the
 112 candidacy is withdrawn by operation of law] a statement required under
 113 this subsection is overdue and not filed within 8 days after the candidate
 114 receives written notice from the County Board of Elections of the
 115 failure to file, the candidate is deemed to have withdrawn the
 116 candidacy.

117 * * *

118 **19A-19. Content of financial disclosure statement.**

119 (a) Each financial disclosure statement filed under Section 19A-17(a) must
 120 disclose the following:

121 * * *

122 (11) Relationship with University of Maryland Medical System, state
 123 or local government, or quasi-governmental entities.

124 (A) A filer must disclose any financial or contractual
 125 relationship with:

126 (i) the University of Maryland Medical System;

127 (ii) a governmental entity of the State of Maryland or of
 128 a local government in the State of Maryland; or

129 (iii) a quasi-governmental entity.

130 (B) For each financial or contractual relationship reported, the
 131 schedule must include:

132 (i) a description of the relationship;

133 (ii) the subject matter of the relationship; and

134 (iii) the consideration.

135 (C) A public employee, other than an elected official or
 136 candidate for elective office, is not required to disclose
 137 employment as a public official under this paragraph.

138 (D) Prior to the release of a statement, the Commission must
 139 redact any information concerning consideration disclosed
 140 under this paragraph.

141 (b) For the purposes of subsections (a)(1) and (a)(2), the following interests
 142 must be treated as the interests of the filer of the statement:

143 (1) an interest held by a member of the filer's immediate family;

144 (2) an interest held by a relative of the filer, if the filer, at any time
 145 during the reporting period, directly or indirectly controlled the
 146 interest;

147 (3) [an interest held by a business entity in which the filer held a 30%
 148 or greater interest at any time during the reporting period; or]

149 [(4)] an interest held by a trust or estate in which, at any time during
 150 the reporting period:

151 (A) the filer held a reversionary interest or was a beneficiary;

152 or

153 (B) if a revocable trust, the filer was a settlor; or

154 (4) An interest held, at any time during the reporting period, by:

155 (A) a business entity in which the filer held a 10% or greater
 156 interest;

157 (B) a business entity under subparagraph (A) of this
 158 subsection in which the business entity held a ~~[[50%]]~~
 159 25% or greater interest;

160 (C) a business entity under subparagraph (B) of this subsection
 161 in which the business entity held a 50% or greater interest;
 162 and

163 (D) a business entity in which the ~~[[filed]]~~ filer directly or
 164 indirectly, through an interest in one or a combination of
 165 other business entities, holds a 10% or greater interest.

166 (c) Each statement filed under Sections 19A-17(b) and 19A-17(c) must
 167 disclose all information required to be disclosed under subsection (a).
 168 However, the filer need not specify the nature or amount of
 169 consideration given in exchange for an interest or the fair market value
 170 of an interest. For a debt, the filer need only disclose the information
 171 required under subsection (a)(6)(A).

172 (d) For each disclosure of the name of a business in a statement filed under
 173 this Article, the filer must also disclose any other names that the
 174 business is trading as or doing business as.

Approved:

s/ 11/02/2022

Gabe Albornoz, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Judy Rupp, Clerk of the Council

Date

Bill No. 26-22
Concerning: Landlord-Tenant Relations –
Radon Testing and Mitigation –
Required
Revised: 10/31/2022 Draft No. 6
Introduced: September 20, 2022
Enacted: November 1, 2022
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Rice
Co-Sponsor: Councilmember Katz

AN ACT to:

- (1) require radon testing in multifamily and single-family rental housing;
- (2) require disclosure and mitigation of radon hazards above a certain action level;
- (3) include lease requirements for certain rental units; and
- (4) generally amend laws regarding landlord-tenant relations in the County.

By amending

Montgomery County Code
Chapter 29, Landlord-Tenant Relations
Section 29-30

By adding

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

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>

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

28 (b) Applicability. This Section applies to [any] all ground-contact or
29 basement unit(s) of a residential rental [rental housing that has a unit
30 below the third floor of a residential building] in:

31 (1) a single-family home; or

32 (2) a multifamily dwelling [unit] building.

33 (c) Radon testing - required. A landlord of a single-family home or
34 multifamily dwelling building must conduct a radon test before leasing a
35 unit to a prospective tenant. Test results must be within three (3) years
36 before the date of the lease.

37 (d) Lease requirements. At the time of lease signing, the landlord must
38 provide to the tenant and certify in the lease, or an addendum to the lease,
39 the following:

40 (1) a copy of radon test results that indicates any concentration of
41 radon is below the Environmental Protection Agency's
42 recommended action level of 4 picocuries per liter (pCi/L);

43 (2) the radon test was performed less than three (3) years before the
44 date of the lease; and

45 (3) a copy of the Environmental Protection Agency's pamphlet on
46 radon guide for tenants or an equivalent pamphlet approved for use
47 by the Department of Environmental Protection. The copy of the
48 pamphlet may be an electronic link to the applicable website, or if
49 requested by the tenant, a hard copy.

50 (e) Testing and notification by existing tenants. An existing tenant may
51 conduct a radon test or hire a radon professional to test a dwelling unit
52 covered by this Section. If the test results indicate that radon hazard is
53 present at a level of 4 pCi/L or higher, the tenant must:

54 (1) in writing; and

55 (2) within 14 days ~~[[of]]~~ after the test results, notify the landlord and
 56 provide the landlord with a copy of the test results.

57 (f) Mitigation of radon. A landlord who receives notice under subsection (e),
 58 must:

59 (1) within 14 days ~~[[of]]~~ after notice, initiate a follow-up radon test, in
 60 accordance with EPA-recommended standards for testing, to
 61 confirm any presence of radon hazard; and

62 (2) within 90 days ~~[[of]]~~ after confirmed results[.]:

63 (A) mitigate~~[[, repair, or alter]]~~ the premises to reduce ~~[[the]]~~
 64 radon ~~[[level to 2 pCi/L or below]]~~ below the action level of
 65 4 pCi/L~~[[.]]~~; and

66 (B) provide the tenant with a final copy of test results performed
 67 by a radon professional that indicates radon has been
 68 reduced below the action level.

69 (g) Cost of testing. The landlord is responsible for the cost of any follow-up,
 70 confirmation, or retesting of radon in a dwelling unit.

71 (h) Dispute of testing results. If there is a case of conflicting test results,
 72 where the test result provided by a tenant is at or above the action level
 73 and a test result by a landlord is below the action level, the following
 74 applies to determine the prevailing test results:

75 (1) testing performed in compliance with the EPA-recommended
 76 standard, by a radon professional (for hire) must supersede tests
 77 not performed by a radon professional;

78 (2) if both tests are performed by radon professionals, long-term
 79 testing results must supersede short-term test results; or

80 (3) if both tests are equally valid, as specified in subsections (1) and
 81 (2), and the dispute remains, then a mutually agreed upon third-

82 party radon professional must retest in accordance with EPA-
83 recommended standards.

84 ~~[(g)]~~ (i) Disclosure of radon. A landlord must disclose in writing to each
85 tenant in a residential rental building, within 14 days after a confirmed
86 radon test, any elevated radon concentrations (above EPA's
87 recommended radon action level) that are known to be present within the
88 dwelling.

89 ~~[(h)]~~ (j) Termination of lease. A tenant ~~[[may have the option]]~~ has the
90 right to terminate a lease, if the landlord fails to mitigate under subsection
91 (f), without loss of security deposit or any other financial penalty. A
92 tenant must provide, in writing, to the landlord a notice of the intent to
93 terminate and vacate the premises. The notice may be effective either
94 immediately upon receipt by the landlord, or as agreed upon by both
95 parties, to allow the tenant to find alternative housing.

96 **Sec. 2. Effective date.** The amendments in Section 1 take effect on July 1, 2023.

Approved:

s/ 11/02/2022

Gabe Albornoz, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Judy Rupp, Clerk of the Council

Date