Discussion Topic: Regulations / Taxes / Fees
4Business – Benchmarking to be the Best for Business – December 9, 2019 Public Charrette

	Key Issues Identified	Recent Improvements / Possible Solutions *Note:* *Recent improvements are printed in BLACK,* *Possible solutions from Listening Sessions & Survey in BLUE, Possible solutions from 11/20 Charrette in PURPLE*
1	Greatest number of comments concerned the increasing number and complexity of regulations	Council requested Benchmarking study to compare Montgomery County regulations and fees to other local jurisdictions Departments have been asked to review internal processes and identify areas that can be streamlined, while making sure they are outcome based, and not arbitrary. Compile a better delineation of responsibility for taxes/permits/fees (County/state/feds/MNCPPC/utilities), and make this information available to businesses Amend overall economic development strategy to address more business input on the development or adoption of new regulations County should encourage better coordination between outside agencies like MNCPPC, WSSC, city governments, etc, so that businesses can open their operations more seamlessly.
2	2nd highest response was that taxes are too high – corporate taxes mentioned several times as well as Personal Property tax, filing fee, and complexity of filing	Most of these comments were directed at state corporate tax and personal property tax. State has simplified some filings and made most of them available on-line through its revised Maryland Business Express website: https://egov.maryland.gov/businessexpress – although that does not address state tax levels. Review business licenses required by the County to streamline renewal process Identify forms that can be standardized and digitized to include the option to submit payments on-line. Review by departments of the processes, fees required, and longer-term review of overall regulations

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3	Concerns about the Montgomery County Minimum Wage requirements making businesses less competitive	County Council currently considering Local Business Preference Program which will expand access to County contracting opportunities
4	Comments about the inconsistency of enforcing regulations	Develop a better vehicle for reporting potential violations of regulations, possibly through 311 system We welcome more information on specific regulations not being enforced, to address this issue more thoroughly
5	Many comments requesting streamlining of regulations for temporary food licenses and Health Department inspections at special events/farm markets and issuing annual or recurring permits	Department of Health and Human Services (HHS) is currently preparing a pilot to identify which shops may carry the highest risk and necessitate more frequent surveillance. Review licensing processes to identify where we can streamline and alleviate duplication, while balancing public health needs/risks HHS is working with Food Council to consider options for streamlining permit process/costs
6	Concerns about the complexity and restrictive zoning regulations (some addressed in Permitting group)	Need more specific examples Discuss with MNCPPC and County Council
7	Several comments about WSSC regulations/permits/inspections	Meet with WSSC to present these comments and increase coordination efforts
8	Requests for more business input early in the regulation drafting process, and prior to public hearing, so that businesses are not always on the defensive.	Council Bill 10-19, which was enacted in late July and will be effective 3/1/20, strengthens the Council's economic impact studies (EIS) and requires that the EIS examine a bill's potential positive or negative effects, if any, on the County's workforce, taxation policy, property values, incomes, operating costs to business and non-profits operating in the County, capital investment from the private sector, economic development, and the County's competitiveness.

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		Identify more effective ways to obtain business input prior to drafting bills Establish a formal business advisory council Enlist Chambers and business organizations to create a roster of companies from various industries willing to act as advisors/informal consultants
9	Requests that regulations and fees make more exceptions for small businesses noting particularly in areas of construction, food service, and childcare.	Explore how and if exceptions can be made for small businesses; also determine the definition of a small business Question of whether the County charges fees for on-line or credit card payments, and if that would dissuade companies from on-line transactions.
10	Too many Landlord/Tenant regulations	Specific issues in the clarity of communication, approach to mediation or enforcement, or interpretation of requirements can and should be brought to the attention of DHCA, using the 311 routing, or the Office of Landlord Tenant Affairs at Department of Housing and Community Affairs (DHCA) Identify regulations which landlords or tenants find ineffective, inefficient or burdensome
11	Rental registration fees and lead paint documentation should be simplified. Streamline the process of checking state registration of lead paint properties which are rented.	DHCA works with the State to obtain lead paint data, but the records are not always up to date. DHCA has to ask individual license holders for proof when the State data is incomplete. We continue to work on obtaining more complete records. We are open to ideas and venues for increasing the understanding in the rental ownership community on the processing needs on lead paint records, which might help manage expectations while the integration of systems work continues.

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		Specific recommendations on how to simplify rental registration documentation simplification would be appreciated
12	Tree Canopy regulation implementation is too expensive, and punitive to small projects	The requirements in the Tree Canopy Law are the result of a long and vigorous debates as the law was being written and then deliberated by the Council. Input from many interest groups, including both the environmental and development communities was considered. Revisit regulations to consider: - # of trees to be planted – the chart in the law could be revisited. The numbers were agreed upon to provide for adequate mitigation, allow for mortality, and be consistent with similar laws in other jurisdictions - Size of planting area – this requirement is based on knowledge about requirements for trees to attain large sizes and provide shade, as well as to be consistent with similar laws in other jurisdictions - Price per tree - if developer opts to pay for trees rather than planting trees, the fees paid in lieu of planting could be adjusted. The current fee in lieu is $250. The average cost per tree through the Tree Montgomery shade tree planting program (as required under the law) is approximately $455
13	Childcare regulations make it difficult for small childcare businesses to open or survive	HHS is currently working on a childcare initiative. Increase awareness of the resources available to assist small childcare businesses to open and succeed
14	Solar law that the county is considering is just one more layer of over-regulation and shows that they are uninformed about all the variables that must go into a decision	This regulation has not yet been officially proposed. Consider how solar fits into the larger picture of overall energy efficiency of homes. Meeting the County's climate action goals will eventually require to be net zero (i.e., create

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	to install solar panels on a home or building	as much energy as they use, or use clean energy supplies). Meeting this net zero goal can be achieved in many ways, including solar. But there may be other ways that achieve net zero emissions.
15	Need better enforcement of noise regulations, especially around night clubs	Night club noise is characterized by long-wavelength bass noise, which the County's current noise law does not effectively regulate. The Department of Environmental Protection (DEP) is reviewing alternatives for modifications to the law to address this issue.