Emergency Bill No.

Concerning: Commission on Landlord -

Tenant Affairs - Membership

Revised: 7-31-01

Draft No. 6

Introduced: December 12, 2000 July 31, 2001

Enacted:

Executive: August 8, 2001

Effective:

August 8, 2001

Sunset Date: None

Ch. <u>20</u>, Laws of Mont. Co. <u>2001</u>

## **COUNTY COUNCIL** FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Ewing, Councilmembers Leggett, Subin, Silverman and Praisner

## AN EMERGENCY ACT to:

- amend the qualifications for membership on the Commission on Landlord-Tenant Affairs; [[and]] and
- [[authorize payment of a stinend to certain members of the Commission on **(2)** Landlord-Tenant Affairs: and]]
- [[(3)]] generally provide for appointment to membership on the Commission on Landlord-Tenant Affairs.

## By amending

Montgomery County Code Chapter 29, Landlord-Tenant Relations Section 29-9

## **Boldface**

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

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:

1	Sec.	1. Sec	ction 2	9-9 is amended as follows:
2	29-9. Crea	ation;	compo	sition; applicant disclosure; term of office;
3	compensat	tion.		
4				* * *
5	(b)	Com	positi	on.
6		(1)	The	Commission has 12 members and 3 alternate members.
7			Each	member must be a County resident.
8		(2)	Four	members and one alternate member each must be:
9			(A)	[the] an owner of rental housing located in the County;
0			(B)	a manager, or an employee of a manager, of rental
1				housing located in the County, or an attorney who
12				primarily represents owners or managers of rental
13				housing[[, located in the County]]; or
14			(C)	nominated by an organization that represents owners or
15				managers of rental housing located in the County.
16		(3)	Four	members and one alternate member each must be:
17			(A)	a tenant of rental housing in the County,
18			<u>(B)</u>	an attorney who primarily represents tenants of rental
19				housing [[in the County]]; or
20			[(B)]	(C) nominated by an organization that represents tenants
21				of rental housing located in the County.
22			A m	ember appointed under this paragraph must not derive a
23			subs	tantial portion of his or her income from rental housing.
24		(4)	Four	members and one alternate member must be selected from
25			the p	public at large. A member appointed to represent the public
26			at la	rge must not be qualified for appointment under
27			subp	paragraph (2)(A), (2)(B), [or] (3)(A), or (3)(B), or otherwise

28		derive	a substantial portion of his or her income from rental	
29		<u>housi</u>	ng or tenants of rental housing. [[The Executive may	
30		annoi	nt. and the Council may confirm. a member who does not	
31		meet 1	the requirements of the preceding sentence if the	
32		Execu	tive certifies that:	
33		<u>(A)</u>	after a good faith search, the Executive did not find any	
34			qualified applicant who met those requirements: and	
35	,	<u>(B)</u>	the appointee will be able to perform all duties of a	
36			Commission member fairly and impartially.	
37			notwithstanding any affiliation with or income derived	
38			from rental housing or tenants of rental housing.]]	
39	<u>(5)</u>	As us	ed in this [[Section]] subsection, an attorney primarily	
40		repres	sents either owners and managers of rental housing. or	
41		tenant	ts of rental housing, if at the time of appointment the	
42		attorney appeared in 10 or more landlord-tenant cases in any		
43		inrisd	iction, and represented that type of client in more than	
44		<u>60%</u> (	of the attornev's landlord-tenant cases, in the preceding 12	
45		montl	ns. As used in this subsection, a "substantial portion" of a	
46		perso	n's income means, measured at the time of appointment.	
47		either	on ≛	
48		<u>(A)</u>	[[20%]] \$10,000 or more of that person's family income	
49			during the preceding calendar year. or	
50		<u>(B)</u>	the ownership of more than 5% of any rental housing	
51			unit, or any ownership interest in any business that owns	
52			or manages rental housing.	
53		The I	Director must adjust the \$10,000 amount in the preceding	
54		sente	nce each year by the increase or decrease in the	

55	annronriate consumer price index for the preceding calendar					
56	vear, rounded to the nearest multiple of \$10.					
57	* * *					
58	(e) Compensation. Members of the Commission serve without					
59	compensation, except[[:					
60	(1)]] reimbursement for expenses [[(including child and dependent					
61	care).]] as appropriated[[; and]]					
62	[[(2) a stinend, subject to appropriation, for each case heard by a					
63	Commission member sitting on a panel which conducts a					
64	hearing on a complaint or anneal before the Commission]].					
65	* * *					
66	Sec. 2. Emergency Effective Date.					
67	The Council declares that an emergency exists and that this legislation is					
68	necessary for the immediate protection of the public health and safety. This Act					
69	takes effect on [[April 1, 2001]] the date when it becomes law.					
70	Sec. 3. Transition. Any amendment to County Code Section 29-9 made by					
71	Section 1 of this Act applies only to a member of the Commission on Landlord-					
72	Tenant Affairs appointed or reappointed after this Act becomes law.					
73	Approved:					
74	Blair I Ewing august 1, 2001					
	Blair G. Ewing, President, County Council					
75	Approved:					
76	Douglas M'Duncan County Executive Date					