COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

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

AN EMERGENCY ACT to:

1. amend the qualifications for membership on the Commission on Landlord-Tenant Affairs; [[and]] and
2. [[authorize payment of a stipend to certain members of the Commission on 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

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The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Section 29-9 is amended as follows:

29-9. Creation; composition; applicant disclosure; term of office; compensation.

* * *

(b) Composition.

(1) The Commission has 12 members and 3 alternate members. Each member must be a County resident.

(2) Four members and one alternate member each must be:
   (A) an owner of rental housing located in the County;
   (B) a manager, or an employee of a manager, of rental housing located in the County, or an attorney who primarily represents owners or managers of rental housing located in the County; or
   (C) nominated by an organization that represents owners or managers of rental housing located in the County.

(3) Four members and one alternate member each must be:
   (A) a tenant of rental housing in the County,
   (B) an attorney who primarily represents tenants of rental housing located in the County; or
   (C) nominated by an organization that represents tenants of rental housing located in the County. A member appointed under this paragraph must not derive a substantial portion of his or her income from rental housing.

(4) Four members and one alternate member must be selected from the public at large. A member appointed to represent the public at large must not be qualified for appointment under subparagraph (2)(A), (2)(B), [or] (3)(A), or (3)(B), or otherwise
derive a substantial portion of his or her income from rental housing or tenants of rental housing. [[The Executive may appoint, and the Council may confirm, a member who does not meet the requirements of the preceding sentence if the Executive certifies that:

(A) after a good faith search, the Executive did not find any qualified applicant who met those requirements; and

(B) the appointee will be able to perform all duties of a Commission member fairly and impartially, notwithstanding any affiliation with or income derived from rental housing or tenants of rental housing]]

(5) As used in this [[Section]] subsection, an attorney primarily represents either owners and managers of rental housing, or tenants of rental housing, if at the time of appointment the attorney appeared in 10 or more landlord-tenant cases in any jurisdiction and represented that type of client in more than 60% of the attorney's landlord-tenant cases, in the preceding 12 months. As used in this subsection, a "substantial portion" of a person's income means measured at the time of appointment, either:

(A) [[20%]] $10,000 or more of that person's family income during the preceding calendar year, or

(B) the ownership of more than 5% of any rental housing unit, or any ownership interest in any business that owns or manages rental housing.

The Director must adjust the $10,000 amount in the preceding sentence each year by the increase or decrease in the
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appropriate consumer price index for the preceding calendar
year, rounded to the nearest multiple of $10

(e) **Compensation.** Members of the Commission serve without
compensation, except:

1. reimbursement for expenses [(including child and dependent
care),] as appropriated;

2. a stipend. subject to appropriation, for each case heard by a
Commission member sitting on a panel which conducts a
hearing on a complaint or appeal before the Commission.

**Sec. 2. Emergency Effective Date.**

The Council declares that an emergency exists and that this legislation is
necessary for the immediate protection of the public health and safety. This Act
takes effect on [April 1, 2001] the date when it becomes law.

**Sec. 3. Transition.** Any amendment to County Code Section 29-9 made by
Section 1 of this Act applies only to a member of the Commission on Landlord-
Tenant Affairs appointed or reappointed after this Act becomes law.

Approved:

Blair G. Ewing, President, County Council

Approved:

Douglas M. Duncan, County Executive

Date