

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2019 Legislative Session

Legislative Day No. **13**

Bill No. 66 -2019

Introduced by: The Chairperson

AN ACT to legalize the 2019 Edition of the Howard County Code, as approved by Gary W. Kuc, County Solicitor, and published by Municipal Code Corporation; to provide for the Code's periodic supplement; and to declare that the Code shall be the evidence of the public local laws of Howard County; and to make technical, non-substantive corrections to the Code.

Introduced and read first time _____, 2019. Ordered posted and hearing scheduled.

By order _____
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2019.

By order _____
Diane Schwartz Jones, Administrator

This Bill was read the third time on _____, 2019 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2019 at ___ a.m./p.m.

By order _____
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive _____, 2019

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, Section 210(c) of the Howard County Charter requires the Howard County Council
2 to provide for a compilation and codification of all public local laws of the County; and

3
4 **WHEREAS**, by passage of Council Bill No. 15-1977, the Council adopted a codification of the
5 public local laws, enacted by the Council pursuant to the Home Rule Amendment to the State
6 Constitution and operating within Howard County; and

7
8 **WHEREAS**, Council Bill No. 18-2009 (effective June 9, 2009) legalized the 2008 Edition of the
9 Howard County Code; and

10
11 **WHEREAS**, substantial changes have occurred in the local laws of Howard County since the
12 last codification; and

13
14 **WHEREAS**, the changes below in Section 1 of this bill reflects technical, non-substantive
15 corrections to the Howard County Code.

16
17 ***Section 1. Be It Enacted*** by the County Council of Howard County, Maryland, that the Howard
18 County Code is amended as follows:

19 *By amending:*

20 *Title 3, Buildings*

21 *Section 3.822 – “COMAR regulations”*

22
23 *Title 4, Contracts, Purchasing and Property*

24 *Section 4.200 – “Acquisition of real property.”*

25
26 *Title 13, Housing and Community Development*

27 *Section 13.704 – “Use of Funds.”*

1 *Title 13, Housing and Community Development*

2 *Section 13.800 – “Definitions.”*

3 *Subsection (h)*

4
5 *Title 13, Housing and Community Development*

6 *Section 13.1106 - Public hearing; approval of project.*

7 *Subsection (a)*

8
9 *Title 13, Housing and Community Development*

10 *Section 13.1110 – “Bonds; how issued.”*

11
12 *Title 13, Housing and Community Development*

13 *Section 13.1303 – “Definitions.”*

14 *Subsections (f) and (g)(2)*

15
16 *Title 13, Housing and Community Development*

17 *Section 13.1305 – “Composition; appointments; terms.”*

18 *Subsection (a)(2)(i)*

19
20 *Title 13, Housing and Community Development*

21 *Section 13.1307 – “Chairperson; liaison to the Housing and Community*
22 *Development Board; staff; legal services.”*

23 *Subsections (b) and (c)*

24
25 *Title 13, Housing and Community Development*

26 *Section 13.1308 – “Voting; meetings.”*

27 *Subsection (b)*

1 *Title 13, Housing and Community Development*
2 *Section 13.1314 – “Rental and tenant selection.”*
3 *Subsection ((b))*

4
5 *Title 17, Public Protection Services*
6 *Section 17.305B – “Tethers for dogs.”*
7 *Subsection (c)*

8
9 *Title 17, Public Protection Services*
10 *Section 17.1008 – “Required information.”*
11 *Subsection (c)*

12
13 *Title 20, Taxes, Charges, and Fees*
14 *Section 20.121 – “Community associations.”*
15 *Subsections (d) and (e)*

16
17 **Title 3. Buildings.**

18 **Subtitle 8. On-Site Sewage Disposal Systems.**

19
20 **Sec. 3.822. - COMAR regulations.**

21 This subtitle shall not be construed to repeal or affect any powers of the State of
22 Maryland State Department of the Environment under the provisions of the [[health-environment
23 article]] ENVIRONMENT ARTICLE of the Annotated Code of Maryland or COMAR.

24
25 **Title 4. Contracts, Purchasing and Property.**

26 **Subtitle 2. Real Property.**

27
28 **Sec. 4.200. - Acquisition of real property.**

29 The County Executive is authorized to acquire, by purchase, gift or lease for public
30 purposes, as such purposes are set forth in any capital improvement expenditure appropriation

1 ordinance, the fee simple or leasehold or such other interest as the County Executive may deem
2 to be necessary or desirable in any real property located within the County, including any or all
3 property rights, interest, easements or franchises in the same. If the County Executive is unable
4 to agree with the owner or owners on the purchase price of such property or interest therein, he
5 shall thereupon request the County Council to authorize and direct the office of law to institute,
6 in the name of the County, the necessary legal action to acquire by condemnation the real
7 property or any interest therein. No resolution authorizing and directing the condemnation of any
8 interest in real property shall be adopted by the Council until after the owner or owners of the
9 subject real property shall have had an opportunity to be heard by the Council in open hearing
10 after due notice. A public hearing held pursuant to this section shall be limited to the question of
11 necessity for the taking and no issue of value of the land which is the subject of the
12 condemnation proceeding can be raised. No real property or interest therein shall be purchased,
13 by condemnation or otherwise, unless funds for the same shall have been included in the capital
14 budget, the award of a condemnation jury notwithstanding. All such purchases herein provided
15 for shall be accomplished in accordance with budgetary procedures as described in the Howard
16 County Charter. All necessary legal proceedings shall be accomplished in accordance with
17 [[article 21 of the Code of Public General Laws of Maryland and the rules of court adopted
18 pursuant thereto]] TITLE 12 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF
19 MARYLAND AND OF TITLE 12, CHAPTER 200 OF THE MARYLAND RULES.

20
21 **Title 13. Housing and Community Development.**
22 **Subtitle 7. Rental Housing Expense Assistance Program.**

23
24 **Sec. 13.704. - Use of funds.**

25 The financial assistance may be used by the sponsor to pay any of the following costs of a
26 project:

- 27 (a) Building permit fees imposed under [[subsection 3.100.II.22.114.2]] SECTION
28 3.101(32) of this Code;
- 29 (b) Electrical inspection fees imposed under [[subsections 3.215(h) and (i)]] SECTION
30 3.222 of this Code;

- 1 (c) Plumbing, gasfitting and on-site utility permit fees imposed under [[subsection
2 3.305(k))] SECTION 3.305(J) of this Code;
- 3 (d) Grading permit fees imposed under [[subsection]] SECTION 3.404(c) of this Code;
- 4 (e) Water and sewer connection charges imposed under section [[20.308]] 20.608 of
5 this Code;
- 6 (f) Water and sewer in-aid-of construction charges imposed under section [[20.311]]
7 20.611 of this Code; and
- 8 (g) The building excise tax imposed under [[subtitle 11 of title 20 of the Howard
9 County Code]] TITLE 20, SUBTITLE 5 OF THIS CODE.

10
11 **Subtitle 8. Rental Housing Development Program.**

12
13 **Sec. 13.800. - Definitions.**

14 **In this subtitle the following words have the meanings indicated:**

- 15 (h) Imputed income limitation means the income limitation that would apply under
16 subsection [[13.807(a)]] 13.807(B) to a household of low or moderate income if
17 the number of individuals in the household were as follows:(1)In case of a unit
18 that does not have a separate bedroom, one individual; or(2)In the case of a unit
19 that has one or more separate bedrooms, 1.5 individuals for each separate
20 bedroom.

21
22 **Subtitle 11. Urban Renewal.**

23
24 **Sec. 13.1106. - Public hearing; approval of project.**

25 Prior to final approval of an urban renewal project, the County Council shall:

- 26 (a) Submit the plans to the [[Office of Planning and Zoning]] PLANNING COMMISSION, for
27 its review and recommendations only. The [[Office of Planning and Zoning's]]
28 PLANNING COMMISSION'S recommendations shall be submitted within 60 days after
29 receipt of the plans.

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Sec. 13.1110. - Bonds; how issued.

Both the revenue bonds and general obligation serial bonds issued under this subtitle shall be authorized by resolution of the County Council for Howard County and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, NOT EXCEEDING SIX PER CENTUM PER ANNUM, be in such denomination or denominations, be in such form, either with or without coupon or registered, carry on such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto. Such bonds shall not be subject to the provisions of sections 9, 10 and 11 of article 31, Maryland Code, 1957 Edition, as amended.

Subtitle 13. Howard County Housing Commission Articles of Organization.

Sec. 13.1303. - Definitions.

The terms used in this subtitle shall have the meanings indicated in this section.

(f) *Housing authorities law* means [[article 44A of the Annotated Code of Maryland]] TITLE 12 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, as amended.

(g) *Housing development* means any work or undertaking:

- (2) To provide decent, safe, and sanitary living accommodations for persons of eligible income and, to the extent authorized in accordance with subsection [[13.1012(p)]] 13.1312(P) of this subtitle, for other persons; such work or undertaking, or portion thereof, may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site

1 preparation, gardening, administrative, community, health,
2 recreational, educational, welfare, or other purposes; or
3

4 **Sec. 13.1305. - Composition; appointments; terms.**

5 (a) *Appointment:*

6 (2) *Nonvoting Commissioner:*

7 (i) The Commission shall have an additional nonvoting Commissioner
8 who shall be a member of the Housing and Community
9 Development Board selected in accordance with subsection
10 [[13.501(d)]] 13.201(D) of this Code.
11

12 **Sec. 13.1307. - Chairperson; liaison to the Housing and Community Development Board;**
13 **staff; legal services.**

14 (b) *Liaison to the Housing and Community Development Board.* By majority vote of
15 all Commissioners, the Commission shall annually select from among its
16 Commissioners a liaison to the Housing and Community Development Board who
17 shall serve as a nonvoting ex officio member of the Housing and Community
18 Development Board in accordance with subsection [[13.501(c)(2)]] 13.201(D) of
19 this Code.

20 (c) *Employment of Staff.* Subject to section [[13.1017]] 13.1317 of this subtitle, the
21 Commission may employ an Executive Director, technical experts and other
22 officers, agents and employees, permanent and temporary, and shall determine
23 their qualifications, duties and compensation.
24

25 **Sec. 13.1308. - Voting; meetings.**

26 (b) *Open Meetings.* The Commission shall meet in open session as required by the
27 Open Meetings [[Law, section 10-501 et seq. of the State Government]] ACT
28 FOUND IN TITLE 3 OF THE GENERAL PROVISIONS Article of the Annotated Code of
29 Maryland, as amended. Agendas shall be made available at least five business
30 days prior to the meeting in an electronic medium readily available to the public.

1 Minutes of open meetings shall be made available as soon as practicable in at
2 least one electronic medium readily available to the public.

3
4 **Sec. 13.1314. - Rental and tenant selection.**

5 (b) Exception Regarding Income of Tenants. The requirements of subsection (a) of
6 this section may not apply to those rental units not required to be occupied by
7 persons of eligible income under subsection [[13.1012(p)]] 13.1312(P) of this
8 subtitle.

9
10 **Title 17. Public Protection Services.**

11 **Subtitle 3. Animals.**

12
13 **Sec. 17.305B. - Tethers for dogs.**

14 (c) *Generally prohibited.* Except as otherwise provided in subsection [[(c)] (D) of
15 this subsection, an owner may not keep a dog on a tether.

16
17 **Subtitle 10. Landlord-Tenant Relations.**

18
19 **Sec. 17.1008. - Required information.**

20 (c) *Rental Housing License.* If the owner fails to provide the notice required by
21 subsection [[(a)(4)] (A)(2)(IV) of this section, the tenant may, at any time before the rental
22 housing license is obtained, terminate the lease without penalty and the owner shall return the
23 tenant's security deposit in compliance with section 8-203 of the Real Property Article of the
24 Maryland Code.

1 **Title 20. Taxes, Charges, and Fees.**

2 **Subtitle 1. Real Property Tax; Administration, Credits, and Enforcement.**

3
4 **Sec. 20.121. - Community associations.**

5 (d) *Application for Tax Credit.* Applications for the tax credits provided in this
6 section shall be filed with the Director of Finance. Such application shall be submitted on forms
7 prepared and furnished by the Director of Finance and shall contain a declaration preceding the
8 signature of the duly authorized representative of the Applicant to the effect that such application
9 is made under [[article 24, § 1-105]] § 20-102 OF THE LOCAL GOVERNMENT ARTICLE of the
10 Annotated Code of Maryland. The Director of Finance shall approve or disapprove any
11 application filed pursuant to this section within 30 days of receipt of such application and shall
12 notify the Applicant of his decision at the address set forth in the application. Decisions of the
13 Director of Finance relating to this section shall be appealable to the Board of Appeals within 30
14 days pursuant to the provisions of article V of the Howard County Charter and title 2 of this
15 Code. Applications shall be received by the Director of Finance not later than October 1 of the
16 taxable year for which the credit is claimed. This credit may apply only to taxes which initially
17 accrue on or after July 1, 1977.

18 (e) *Annual Reports.* Each community association granted a tax credit pursuant to this
19 section shall file annually with the Director of Finance a report confirming that it is a community
20 association and that the property for which the tax credit was originally granted continues to
21 comply with the requirements of paragraph (b) of this section. Such reports shall be submitted on
22 forms prepared and furnished by the Director of Finance and shall contain a declaration
23 preceding the signature of the authorized representative of the Applicant that such report is made
24 under [[Article 24, § 1-105]] § 20-102 OF THE LOCAL GOVERNMENT ARTICLE of the Annotated
25 Code of Maryland. Such report shall be received by the Director of Finance not later than
26 October 1 of each taxable year for which the tax credit to any community association shall be
27 continued.

1 **Section 2. Be It Enacted** by the County Council of Howard County, Maryland, that the 2019
2 Edition of the Howard County Code, as approved by Gary W. Kuc, County Solicitor, and
3 published by Municipal Code Corporation, a copy of which is attached hereto and incorporated
4 herein, is hereby legalized and is declared to be evidence of the local laws of Howard County,
5 including all laws enacted prior to July 1, 2019, which are public local laws operating within
6 Howard County.

7
8 **Section 3. And Be It Further Enacted** by the County Council of Howard County, Maryland, that
9 all laws of a general and permanent nature of Howard County, Maryland enacted on or after
10 July 1, 2019 shall periodically be incorporated into this Code, as a supplement thereto, so that
11 any reference to the Howard County Code, 2019 Edition, shall be understood and intended to
12 include such additions and amendments caused by said enactments on or after July 1, 2019.

13
14 **Section 4. And Be It Further Enacted** by the County Council of Howard County, Maryland that
15 this Act shall become effective 61 days after its enactment.