



**Committee:** Directly to Council

**Committee Review:** N/A

**Staff:** Christine Wellons, Legislative Attorney  
Carolyn Chen, Legislative Analyst

**Purpose:** Discuss state legislation/obtain Council positions.

**Keywords:** #stateleg

AGENDA ITEM #1

February 8, 2021

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## SUBJECT

2021 State Legislative Session Review

## EXPECTED ATTENDEES

Melanie Wenger, Director, Office of Intergovernmental Relations (OIR)  
Kathleen Boucher, Special Assistant to Director, OIR  
Leslie Frey, Legislative Analyst, OIR  
Sara Morningstar, Federal Relations Coordinator and Legislative Analyst, OIR  
Amy Samman, Legislative Analyst, OIR  
Executive Department Representatives

## COUNCIL DECISION POINTS

- To discuss state legislation and potential Council positions.

## DESCRIPTION/ISSUES

### 2021 STATE LEGISLATION UPDATES

- Maryland Senate amended RELIEF<sup>1</sup> package [[HB 612](#) / [SB 496](#)]
- Montgomery County 2021 Bond Initiatives [[As of 2/4/2021](#)]

### STATE LEGISLATION – COUNCIL POSITION DISCUSSION

2. Real Property – Alterations in Actions for Repossession and Establishment of Eviction Diversion Program [[HB 52](#) / [SB 454](#)]
3. Landlord and Tenant – Eviction Actions – Filing Surcharge and Prohibited Lease Provisions [[HB 729](#) / [SB 530](#)]
7. Election Law – Contested Elections [[HB 761](#) / [SB 632](#)]
8. Public Safety – Untraceable and Undetectable Firearms [[HB 638](#) / [SB 624](#)]

### STATE LEGISLATION – OIR STATUS MONITORING

1. Landlord and Tenant – Eviction Action – Right to Counsel [[HB 18](#) / [SB 154](#)]
4. Primary and Secondary Education – Mental Health Services – Expansion (Counselors Not Cops Act) [[HB 496](#)]
5. Public Schools – School Resources Officers – Prohibited Conduct [[HB 522](#)]
6. Public Schools – School Resources Officers – Requirements and Prohibitions [[SB 245](#)]
9. Telehealth Services – Expansion [[HB 731](#) / [SB 567](#)]

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<sup>1</sup> Recovery for the Economy, Livelihoods, Industries, Entrepreneurs, and Families (RELIEF) Act

**This report contains:**

Council Central Staff Summary Chart	Pages ©A-B
Bills for Council Position Discussion	©A
Bills for OIR Status Monitoring	©B
OIR February 8, 2021 Staff Report	Pages ©1-13
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Maryland State Recovery Now Amendment – Summary Charts	©7-11
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Montgomery County 2021 Bond Initiatives [As of 2/4/2021]	©13

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**Montgomery County State Delegation  
2021 State Legislative Session Review  
February 8, 2021**

**Bills for Council Position Discussion**

Ref	Bill #	Council Priority	State Bill Name	Council Staff Position	Additional Info
2	<a href="#">HB 52</a> / <a href="#">SB 454</a>	COVID-19 Relief & Economic Recovery	Real Property – Alterations in Actions for Repossession and Establishment of Eviction Diversion Program	Support	<b>DHCA:</b> No Position <b>OCA:</b> No Position <b>MACo:</b> Not Tracked
3	<a href="#">HB 729</a> / <a href="#">SB 530</a>	COVID-19 Relief & Economic Recovery	Landlord and Tenant – Eviction Actions – Filing Surcharge and Prohibited Lease Provisions	Support	<b>OCA:</b> No Position <b>MACo:</b> Not Tracked
7	<a href="#">HB 761</a> / <a href="#">SB 632</a>	Local Authority	Election Law – Contested Elections	Support	<b>BOE:</b> No Position <b>MACo:</b> No Position
8	<a href="#">HB 638</a> / <a href="#">SB 624</a>	Reimagining Public Safety	Public Safety – Untraceable and Undetectable Firearms (“Ghost Guns”)	Support	<b>MCPD:</b> Support <b>MACo:</b> Not Tracked

## Bills for OIR Status Monitoring

Ref	Bill #	Council Priority	State Bill Name	Additional Info
1	<a href="#">HB 18</a> / <a href="#">SB 154</a>	COVID-19 Relief & Economic Recovery	Landlord and Tenant – Eviction Action – Right to Counsel	<b>DHCA:</b> Support <b>OCA:</b> No Position <b>MACo:</b> Not Tracked
4	<a href="#">HB 496</a>	Reimagining Public Safety	Primary and Secondary Education – Mental Health Services – Expansion (Counselors Not Cops Act)	<b>HHS/BHCS:</b> Support <b>MCPD:</b> Monitor <b>OCA:</b> No Position <b>MACo:</b> Oppose
5	<a href="#">HB 522</a>	Reimagining Public Safety	Public Schools – School Resources Officers – Prohibited Conduct	<b>OHR:</b> No Position <b>MCPD:</b> No Position <b>MSP:</b> No Position <b>OCA:</b> No Position <b>MACo:</b> No Position
6	<a href="#">SB 245</a>	Reimagining Public Safety	Public Schools – School Resources Officers – Requirements and Prohibitions	<b>MCPD:</b> Monitor <b>OCA:</b> No Position <b>MACo:</b> No Position
9	<a href="#">HB 731</a> / <a href="#">SB 567</a>	Health & Human Services	Telehealth Services – Expansion	<b>HHS/BHCS:</b> Support w/ Amendment <b>MACo:</b> No Position



## OFFICE OF INTERGOVERNMENTAL RELATIONS

Marc Elrich  
*County Executive*

Melanie Wenger  
*Director*

February 8, 2021

### MEMORANDUM

TO: Montgomery County Council

FROM: Melanie L. Wenger, Director *MLW*  
Office of Intergovernmental Relations

SUBJECT: Discussion: State Legislation

#### UPDATE

- Update on the 2021 Session
  - Senate amended RELIEF package attached at numbers 1-6
  - Local Bond Initiatives introduced to date at number 7

#### State Legislation

1. **HB 18 / SB 154: Landlord and Tenant – Eviction Action – Right to Counsel** (Delegates W. Fisher, Rosenberg, Stewart, and Wilkins; Senators Hettleman, Carter, Lee, Sydnor, and Waldstreicher)

**Bill summary:** This bill establishes a right to counsel in evictions coordinator in the Office of the Attorney General. The coordinator is required to provide access to legal representation for judicial or administrative proceedings for anyone who: (1) occupies a residential property under a claim of legal right other than owner, including tenants living in buildings owned or operated by a public housing authority; and (2) is a member of a household with an income that is not greater than 50% of the median income in the state as determined by the United States Department of Health and Human Services. Legal representation must be provided for proceedings to evict or terminate the tenancy or housing subsidy as well as for several other

actions including retaliatory eviction. The bill allows the coordinator to contract with an organization to provide the legal services and requires the coordinator to develop an information pamphlet and an outreach and education program. The bill also creates a right to counsel in evictions fund as well as a task force.

2. **HB 52 / SB 454: *Real Property – Alterations in Actions for Repossession and Establishment of Eviction Diversion Program***  
(Delegate Wells; Senator Sydnor)

**Bill summary:** This bill establishes an eviction diversion program in the State. The purpose of the program is to “reduce the incidence of judgements of repossession of residential property and promote continuity of housing.” The bill requires the Chief Judge of the District Court to establish a program for each county that processed 10,000 or more claims for the repossession of residential property in fiscal year 2019. The Chief Judge may also establish a program for a county that processed fewer than 10,000 claims during fiscal year 2019. According to the Office of Legislative Oversight’s “Evictions in Montgomery County” report, for “fiscal years 2010-2017 there were between 45,000 and 50,000 landlord-tenant cases (most of which were Failure to Pay Rent cases) filed annually in Montgomery County.”

The bill requires landlords to provide a statement about past due rent and all debts and credits if requested by the tenant. Prior to filing a complaint, the landlord must give the tenant written notice of delinquency and legal rights that states it is not an eviction notice. The notice must include a request that the tenant apply for financial aid or negotiate a payment plan. Following delivery of the notice, the landlord must make a good-faith effort to resolve the claim including cooperating or facilitating the tenant’s application for financial assistance and negotiating a payment plan or other agreement through the court’s eviction diversion program or alternative dispute resolution office. If the tenant does not respond to the notice within 10 days, the landlord may file for eviction. The bill also gives the Court the ability to require alternative dispute resolution when appropriate. The Court may stay an order of eviction if it would endanger the health or live of the tenant or other occupant or impede an imminent act by a government or charitable organization to prevent homelessness

3. **HB 729 / SB 530: *Landlord and Tenant – Eviction Actions – Filing Surcharge and Prohibited Lease Provisions***  
(The Speaker (By Request – Office of the Attorney General); The President (By Request – Office of the Attorney General) and Senators Smith, Hettleman, Carter, and Waldstreicher)

**Bill summary:** This bill raises the surcharge for filing summary ejectment (failure to pay rent), tenant holding over, and breach of lease actions against a residential tenant to no less than \$120 in Maryland. Under current law, the surcharge for summary ejectment is \$15. For tenant holding over and breach of lease actions, the current surcharge is \$46. House Bill 729 also

requires that the surcharge be assessed against the landlord and prohibits the District Court from awarding or assigning it as a fee or cost against the residential tenant. In addition, HB 729 prohibits a landlord from including a lease provision that would require the tenant to pay the filing surcharge. This bill was introduced at the request of the Attorney General. The money from the surcharge is deposited into the Maryland Legal Services Corporation Fund, which is used to finance civil legal services to indigent clients.

4. **HB 496: *Primary and Secondary Education – Mental Health Services – Expansion (Counselors Not Cops Act)***  
(Delegate Wilkins)

**Bill summary:** This bill expands the membership of the State’s School Safety Subcabinet Advisory Board to include a licensed clinical social worker, school counselor, restorative approaches practitioner, behavioral specialist, community school coordinator, representative from a school with strong implementation of trauma-informed practices, representative from a community mediation group, and public school student who has experienced school-based arrest (or the student’s parent). The bill repeals a provision of current law that requires the Governor to appropriate \$10 million each year for grants to local school systems and law enforcement agencies to assist in providing school resources officers or other adequate law enforcement coverage, and substitutes a requirement that the Governor appropriate \$10 million each year for grants to local school systems to be used for: (1) hiring psychologists, social workers, counselors, behavioral specialists, restorative approaches coordinators, and community school coordinators; and (2) developing trauma-informed schools. The bill requires the Maryland Center for School Safety to collect data regarding the number of school security employees serving public schools in addition to collecting data regarding school resource officers and expressly authorizes use of the Safe Schools Fund for mental health services, wraparound services, behavioral supports, developing trauma-informed schools, and implementing restorative approaches.

5. **HB 522: *Public Schools – School Resource Officers – Prohibited Conduct***  
(Delegate Washington)

**Bill summary:** This bill prohibits a school administrator or official from directing a school resource officer to enforce discipline-related school policies and rules and prohibits a school resource officer from unilaterally enforcing discipline-related school policies and rules.

6. **SB 245: *Public Schools – School Resource Officers – Requirements and Prohibitions***  
(Senator Ellis)

**Bill summary:** This bill prohibits a school resource officer from entering a school building unless the officer enters: (1) when summoned by a school administrator or official to respond to an emergency involving violence or the threat of violence; (2) to participate in specialized instruction sanctioned by a school administrator or official; or (3) to use the restroom in the building. The bill also prohibits a school resource officer from participating in routine school discipline and requires an officer to wear civilian clothing at all times while on campus or inside a school and to conceal any firearm unless the officer is responding to an emergency involving violence or the threat of violence.

7. **HB 761 / SB 632: *Election Law – Contested Elections***  
(Delegate Kaiser; Senator Kagan)

**Bill summary:** This is a comprehensive bill that addresses a missing link in the State's campaign financing law by establishing rules governing the use of private and public funds in a recount situation. The bill also establishes a threshold for requesting a recount and changes the trigger for mandatory public funding of recounts. The initial impetus for the bill was a request by the Office of Intergovernmental Relations, on behalf of the County, for a bill that would give counties enabling authority to establish rules governing the use of public and private funds in a recount situation for candidates who participate in a local public campaign finance system. That request triggered the interest of the sponsors in addressing a broader array of issues, as reflected in this bill.

The bill includes provisions that:

Prohibit a candidate from petitioning for a recount if the margin of difference between the number of votes received by an apparent winner and the losing candidate with highest the number of votes for the office is greater than 5% of the total votes cast for those candidates;

Prohibit a registered voter from filing a petition for a recount of a ballot question if the margin of difference between the number of voters cast for and against the question is greater than 5%;

Require public funding of a recount if the margin of difference in the number of votes received by the apparent winner and the losing candidate with the highest number of votes for an office is .25% or less, rather than .1% or less, of the total votes cast for those candidates;



Prohibit a person from accepting a donation or making a disbursement relating to a contested election unless the person first establishes a contested election committee and discloses the donations and disbursements to the State Board of Elections; and

Establish comprehensive rules governing bank accounts, disbursements, donation limits, acceptance of loans, disposal of surplus funds, recordkeeping, reporting, and penalties for failure to comply with the requirements of the bill.

Regarding local public campaign finance systems, the bill requires each system to allow a publicly financed candidate to establish a contested election committee. The bill also grants enabling authority for a county to provide public funds to the contested election committee of a publicly financed candidate and to provide for more stringent regulation of the campaign finance activity relating to a contested election committee of a publicly financed candidate.

**8. HB 638 / SB 624: *Public Safety – Untraceable and Undetectable Firearms*  
(Delegate Lopez; Senator Lee)**

**Bill summary:** This bill addresses the issue of “ghost guns” in Maryland which describes homemade weapons made from component parts that do not have serial numbers and are not readily identifiable as firearms due to their shape or configuration. Further, the firearms are undetectable by metal detectors or x-ray machines. Senate Bill 624 will be heard in the Judicial Proceedings Committee on February 17<sup>th</sup>. House Bill 638 hasn’t been scheduled yet for a hearing in the Judiciary Committee.

**9. HB 731 / SB 567: *Telehealth Services – Expansion*  
(The Speaker (By Request – Administration); The President (By Request – Administration))**

**Bill summary:** The Maryland Medicaid program must (1) provide health care services appropriately delivered through “telehealth” to program recipients regardless of their location at the time telehealth services are provided and (2) allow a “distant site provider” to provide health care services to a recipient from any location at which the services may be appropriately delivered through telehealth.

The bill also expands the definitions of “telehealth” for both Medicaid and private insurance to include audio-only conversations. Insurers, nonprofit health service plans, and health maintenance organizations must reimburse for a covered service appropriately provided through telehealth on the same basis and at the same rate as if delivered in person. The bill’s insurance provisions apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2022.

Montgomery County Council  
Re: Discussion: State Legislation  
February 8, 2021  
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Additional information:

Link to the Montgomery County Office of Intergovernmental website:  
<https://www.montgomerycountymd.gov/oir/>.

Link to the Maryland General Assembly website:  
<http://mgaleg.maryland.gov/webmga/frm1st.aspx?tab=home>.

Link to the Montgomery County Delegation website which allows you to access the text of all local and bi-county bills: <http://www.montgomerycountydelegation.com/legislation.html>.

Link to the Montgomery County Association of Counties (MACo) website:  
<https://www.mdcounties.org/>



# MARYLAND SENATE RECOVERY NOW AMENDMENT

## SENATE RECOVERY NOW ASSISTANCE TO PEOPLE IN NEED (TOTAL - \$59,000,000)

<u>Program Name</u>	<u>Explanation</u>	<u>Cost</u>
<b>Temporary Disability Assistance Program</b>	Restores benefits for about 7,500 people and provides increased grants for 15,000 disabled individuals, and increases grant by \$100/month.	\$22,000,000
<b>Support for Volunteer Firefighters</b>	Replaces lost fundraising and support revenue since the start of the pandemic.	\$13,000,000
<b>Food Banks</b>	Provides Marylanders access to food, which, according to the Census Bureau's Household Pulse Survey, 15% of adults in Maryland reported in December that their households did not have enough to eat.	\$10,000,000
<b>Energy Assistance</b>	Erases utility debt of 10,800 households.	\$9,000,000
<b>DDA Grants</b>	Provides grants to community providers to support pandemic-related reopening, transformation, and revenue loss.	\$5,000,000

## SENATE RECOVERY NOW NONPROFIT ASSISTANCE (TOTAL - \$40,000,000)

<u>Program Name</u>	<u>Explanation</u>	<u>Cost</u>
<b>Non-Profit Relief</b>	Provides up to 6,000 nonprofits with grants of \$5,000 or more. Nonprofits will be prioritized for those who can demonstrate need, and have not received assistance in the past.	\$30,000,000
<b>Emergency Arts Grants</b>	Funds grants to more than 680 artists, art districts, and arts organizations.	\$10,000,000



# MARYLAND SENATE RECOVERY NOW AMENDMENT

## SENATE RECOVERY NOW BUSINESS ASSISTANCE (TOTAL - \$125,000,000)

<u>Program Name</u>	<u>Explanation</u>	<u>Cost</u>
<b>Emergency Grant and Loan Program</b>	Provides assistance of \$12,000 for up to 3,300 businesses that don't collect sales tax. Businesses will be prioritized to those who can demonstrate need, and have not received assistance in the past.	\$40,000,000
<b>Restaurant Relief</b>	Provides funding for up to 2,200 businesses of \$12,000 or more. Businesses will be prioritized to those who can demonstrate need, and have not received assistance in the past.	\$26,000,000
<b>Hotels and Hospitality Businesses</b>	Funds grants of \$25,000 to 400 businesses, representing up to 50% of those businesses.	\$10,000,000
<b>Economic Relief for Entertainment Venues</b>	Provides additional grants to Maryland entertaining venues and promoters.	\$10,000,000
<b>Maryland Small Business Development Financing Authority (MSB DFA)</b>	Provide grants of \$25,000 to 400 disadvantaged businesses. Businesses will be prioritized if they can demonstrate need, and have not received assistance in the past.	\$10,000,000
<b>Job Training</b>	Assists over 3,600 Marylanders with job placement through local workforce development boards.	\$10,000,000
<b>Rural Businesses</b>	Provides grants to Maryland's rural and agricultural businesses.	\$10,000,000
<b>Economic Relief for Main Street Communities</b>	Helps preserve the State's Main Street economies.	\$5,000,000
<b>Grants to Retool for Online Sales and Telework</b>	Provides \$10,000 grants for 300 businesses in distressed communities.	\$3,000,000
<b>Hometown Tourism Program</b>	Markets Maryland small businesses for tourism.	\$1,000,000



# MARYLAND SENATE RECOVERY NOW AMENDMENT

## SENATE RECOVERY NOW UNEMPLOYMENT INSURANCE (UI) ASSISTANCE (TOTAL - \$44,000,000)

<u>Program Name</u>	<u>Explanation</u>	<u>Cost</u>
<b>Expanded Eligibility</b>	Provides emergency relief grants of \$1,000 per person for people with suspended UI cases (39,000 people currently).	\$40,000,000
<b>Caseworkers</b>	Funds 47 caseworkers to help Marylanders access UI benefits.	\$3,000,000
<b>Workshare Marketing</b>	Helps employers retain jobs by increasing Maryland program participation from 1% to 5%.	\$1,000,000

## SENATE RECOVERY NOW TRANSPORTATION ASSISTANCE (TOTAL - \$63,000,000)

<u>Program Name</u>	<u>Explanation</u>	<u>Cost</u>
<b>Transit - MTA</b>	Restores services to pre-cost containment level.	\$30,000,000
<b>Highways</b>	Restores funds for road maintenance reduced as part of cost containment.	\$25,000,000
<b>Shuttle and Commuter Buses</b>	Assists commuter and shuttle busses with pandemic-era losses.	\$8,000,000



# MARYLAND SENATE RECOVERY NOW AMENDMENT

## SENATE RECOVERY NOW HEALTH ASSISTANCE (TOTAL - \$45,000,000)

<u>Program Name</u>	<u>Explanation</u>	<u>Cost</u>
<b>Mental Health COVID Initiatives</b>	Provides mobile crisis and stand-alone walk-in 24/7/365 crisis services for the treatment of community mental health and substance use disorder. Serves 40,000 people in six months.	\$20,000,000
<b>Health Enterprise Zones</b>	Provides 25,000 people in health enterprise zones access to health care to address disparities	\$14,000,000
<b>Vaccines</b>	Provides grants to every county for outreach and training, as well as \$1.5 million for well mobiles to help with vaccine administration.	\$10,000,000
<b>Public Health Job Corps</b>	Funds outreach, recruitment, and training for 2,000 people.	\$1,000,000
<b>Provider Overpayment Assistance</b>	Forgives a portion of overpayments to behavioral health providers.	<\$1,000,000

## SENATE RECOVERY NOW HOUSING ASSISTANCE (TOTAL - \$28,000,000)

<u>Program Name</u>	<u>Explanation</u>	<u>Cost</u>
<b>Housing Support</b>	Erases the housing debt of about 5,000 people or provides emergency housing for 30 days for 5,555 people.	\$25,000,000
<b>Legal Assistance</b>	Provides legal assistance to those facing eviction.	\$3,000,000



# MARYLAND SENATE RECOVERY NOW AMENDMENT

## SENATE RECOVERY NOW EDUCATIONAL ASSISTANCE (TOTAL - \$116,000,000)

<u>Program Name</u>	<u>Explanation</u>	<u>Cost</u>
<b>Summer School Catch Up</b>	Provides 8 weeks of summer school or tutoring for 25,000 students.	\$50,000,000
<b>In Person Education 2021</b>	Provides resources to local governments to safely accelerate to in-person education.	\$50,000,000
<b>Community College Job Training</b>	Increases resources to help with an influx of students caused by the job market.	\$15,000,000
<b>Juvenile Services</b>	Supports educational services for the 300 youth that DJS educates daily.	\$1,000,000

**Senate Bill 496 (Administration) –  
Recovery for the Economy, Livelihoods, Industries, Entrepreneurs, and Families  
(RELIEF) Act**

As introduced by the Administration and retained in SB 496 as passed by the Senate:

1. Economic impact payments to taxpayers claiming a State Earned Income Credit in TY 19 and/or TY 20 totaling up to \$450 for individual filers and \$750 for married filing jointly – *State cost \$267,000,000*
2. Exempts State and local income taxes from unemployment insurance benefits beginning with TY 20, permanently – *State cost \$218,000,000; Local cost \$165,000,000*
3. Authorizes up to \$12,000 in additional sales and use tax credits for businesses that collect the tax – *State cost \$248,000,000*
4. Authorizes the Maryland Small Business Financing Authority to convert pandemic- related loans of up to \$50,000 to grants
5. Creates subtraction modifications for grants and loans made available through State and local coronavirus relief programs – *State cost \$36,000,000; Local cost \$23,000,000*
6. Excludes pandemic claims history for the purpose of determining employer unemployment insurance taxes



**Montgomery County 2021 Bond Initiatives  
As of 2/4/2021**

Project	Montgomery County as a Funding Source	Amount Funded	Amount Requested	House Sponsor	Senate Sponsor
Black Rock Center for the Arts			250,000		Feldman
Dolores R. Miller Park			20,000		Zucker
Fox Chapel Neighborhood Park			150,000		King
Friends House Retirement Community			100,000		Zucker
Islamic Community Center			250,000		Kramer
Ivymount School, Inc			400,000	Qi	Feldman
Jewish Foundation for Group Homes, Inc			150,000		King
Long Branch Stream Valley Signature Bridge			200,000		Smith
Madison House New Day Pavilion			75,000	Dumais	Feldman
Montgomery Community Media			100,000		Kramer
Olney Satellite Police Station and Community Facility			75,000		Zucker
Sandy Spring Museum			100,000		Zucker
South Germantown Recreation Park			150,000		Feldman
Town of Brookeville Road Improvements			200,000		Zucker
Wheaton Regional Park			200,000	Stewart	Kramer
			-		
			2,420,000		