

## **2023 Legislative Package**

### Public Requests for Legislation and Position Statements

As of September 28, 2023

In response to a solicitation sent to over 100 organizations, all Frederick County Board, Commissions, and advisory councils, and all 12 municipalities, the following organizations sent a variety of requests related to legislative changes or suggestions.

We sent letters soliciting input on our legislative package to organizations that had previously submitted proposals to the County (including for legislative sessions during prior administrations), as well as to organizations that applied for Community Partnership Grants in 2023. A full list of organizations who received a solicitation letter can be found as an Appendix.

## **Proposals from Frederick County Board, Commissions, and advisory councils:**

**Organization:** Frederick County Planning Commission

**Submitted by:** Staff liaison Mike Wilkins

The Commission unanimously agreed to forward the following items for the County Executive's consideration.

1. The Planning Commission requests a position statement in support the restoration of Highway User Revenue (HUR) distributions to local governments to levels that existed prior to 2008. (DPP Staff notes that the HUR request is typically a DPW function as it is most often associated with roadway maintenance (pavement maintenance program).
2. The Planning Commission requests support for the following positions, noting that these transit requests support the small area planning for the county in both urban and rural areas, particularly the South Frederick Corridor Plan.
  - Increase 5311 (rural fixed-route transit) operations funding
  - Increase paratransit (SSTAP) funding
  - Increase 5307 (urbanized area fixed-route transit operations to support expanded services)

**Organization:** Frederick County Commission on Disabilities

**Submitted by:** Mark Swift, Secretary

Recommendations to the County Executive:

- 1) Caps on Rent increases for Seniors and those with a significant disability. Along with this recommendation that all new public housing set aside 1 unit or a percentage of the new housing for those with Low income or subsidized housing.
- 2) All new public housing be required to be universally accessible in their construction.
- 3) Transportation, the need for more public/accessible transportation in the county of Frederick.
- 4) A public entity to assist those in Nursing homes/hospitals with translation services.

**Organization:** Frederick County Board of Elections

**Submitted by:** Barbara Wagner, Election Director



# Frederick County Board of Elections

8490 Progress Drive, Frederick, Maryland 21701  
FrederickCountyMD.gov/elections

301-600-VOTE (8683)  
ElectionBoard@FrederickCountyMD.gov



September 12, 2023

Victoria Venable, Legislative Director  
Winchester Hall  
12 East Church Street  
Frederick, MD 21701

Re: 2024 Legislative Considerations

Dear Victoria,

I am sending along a few concerns that could possibly be taken into consideration in 2024 General Assembly Legislative Session. Thank you for the opportunity.

## Legislative Suggestions for 2024 General Assembly Session

1. **Allow students 16 and older to earn service hours in addition to payment for serving as an election judge.**
  - Codify language to say that students can be paid AND get service hours for the same time.
  - Language to have Governor support with service program.
2. **Election official protections**
  - Nevada's Republican governor signed a law passed with bipartisan support that will make it a felony to harass, threaten or intimidate election workers.
  - Doxing
3. **County and State Cost Sharing Options (50/50 Split)**
  - Sample ballots both printing and mailing – set a prorated amount that is absolutely required to mail. Some Local Boards must mail out extra materials in accordance with their Board's request.
  - Early Voting Center Rentals are ever increasing.
  - Personnel related to hiring contractual/part-time judges for canvass, audits and drop box pick-ups.
  - Mandates.
  - Dropbox security cameras and storage.
4. **HB410 Clean-up**
  - Drop the 2018 benchmark number for number of polling places required in elections. These numbers are not consistent with the increasing numbers of mail in ballots and may cause issues down the line with the 2030 census data.

Best,

*Barbara Wagner*

Barbara Wagner  
Frederick County Election Director

**Organization:** Veterans Advisory Council

**Submitted by:** Staff Liaison, Brad Peterson

**Primary Issue:** Make Maryland more attractive to Veterans.

*Objective: Keep Veterans from leaving the state.*

Legislative suggestions:

- Do not tax military retirement.
- No sales tax for 100% disabled vets.

*Objective: Lead the way in non-pharmaceutical PTSD treatment.*

Legislative suggestion:

- Fund training for certified mental health professionals to become familiar with the Reconsolidation of Traumatic Memories program to resolve post-traumatic stress disorder.

**Primary Issue:** Care for Vulnerable Veterans.

*Objective: Provide a continuum of housing solutions for homeless Veterans.*

Legislative suggestions:

- Advocate for/obtain HUD VASH vouchers for Frederick County.
- Provide funding for an emergency shelter specifically designed for elderly Veterans.

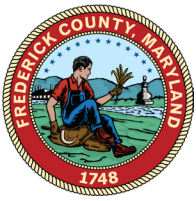
*Objective: Increase access to resources for Frederick County Veterans.*

Legislative suggestion:

- Provide funding to hire more staff for the Maryland Department of Veteran Affairs Frederick County office.

**Organization:** Police Accountability Board

**Submitted by:** Sarah Ambrosio, Executive Administrator



## FREDERICK COUNTY GOVERNMENT

### POLICE ACCOUNTABILITY BOARD

*Dawn Oram, Chair*  
*Sarah Ambrosio, Executive Administrator*  
*Jennifer M. Keefer, Deputy County Attorney*

**TO:** Victoria Venable, Legislative Director

**FROM:** Sarah A. Ambrosio, Executive Administrator  
Police Accountability Board and Administrative Charging Committee

**DATE:** September 12, 2023

**SUBJECT:** Police Accountability Board suggested legislation changes for the 2024 General Assembly Session.

At the end of July, I was asked by County Executive Fitzwater to send you any suggestions and ideas for Frederick County's legislative package for the 2024 General Assembly Session.

I would like to see changes in §3-103 and in §3-113, of the Public Safety Article.

In §3-103, the Police Accountability Board is required by the law to forward a complaint received to the appropriate law enforcement agency within 3 days as stipulated in §3-102. It would be helpful if the law enforcement agencies were required to do the same so that the Administrative Charging Committee isn't blindsided by an investigation of a complaint and so that the Police Accountability Board is aware of the types of complaints being received for the purposes of year end reporting.

In §3-113, current legislation states that a complaint has 1 year and 1 day to go through the entire Police Accountability Board, law enforcement agency and Administrative Charging Committee process. There are times when that may not be possible especially when criminal charges against an officer or civilian are involved. Charges should reach final disposition before the law enforcement agency investigates the complaint or the Administrative Charging Committee makes a determination.

Thank you for taking the time to review the suggested changes to the legislation.

## **Md. Public Safety Code Ann. § 3-101**

Statutes current with legislation effective through June 29, 2022, from the 2022 Regular Session of the General Assembly. Some statute sections may be more current.

**Michie's™ Annotated Code of Maryland > Public Safety (Titles 1 — 15) > Title 3. Law Enforcement. (Subts. 1 — 7) > Subtitle 1. Police Accountability and Discipline. (§§ 3-101 — 3-114)**

### **§ 3-101. Definitions.**

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- (a) In this title the following words have the meanings indicated.
- (b) “Administratively charged” means that a police officer has been formally accused of misconduct in an administrative proceeding.
- (c) “Disciplinary matrix” means a written, consistent, progressive, and transparent tool or rubric that provides ranges of disciplinary actions for different types of misconduct.
- (d) “Exonerated” means that a police officer acted in accordance with the law and agency policy.
- (e) “Law enforcement agency” has the meaning stated in § 3-201 of this title.
- (f) “Not administratively charged” means that a determination has been made not to administratively charge a police officer in connection with alleged misconduct.
- (g) “Police misconduct” means a pattern, a practice, or conduct by a police officer or law enforcement agency that includes:
  - (1) depriving persons of rights protected by the constitution or laws of the State or the United States;
  - (2) a violation of a criminal statute; and
  - (3) a violation of law enforcement agency standards and policies.
- (h) “Police officer” has the meaning stated in § 3-201 of this title.
- (i) “Serious physical injury” has the meaning stated in [§ 3-201 of the Criminal Law Article](#).
- (j) “Superior governmental authority” means the governing body that oversees a law enforcement agency.
- (k) “Unfounded” means that the allegations against a police officer are not supported by fact.

### **History**

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[2021, ch. 59, § 3.](#)

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## **Md. Public Safety Code Ann. § 3-102**

Statutes current with legislation effective through June 29, 2022, from the 2022 Regular Session of the General Assembly. Some statute sections may be more current.

**Michie's™ Annotated Code of Maryland > Public Safety (Titles 1 — 15) > Title 3. Law Enforcement. (Subts. 1 — 7) > Subtitle 1. Police Accountability and Discipline. (§§ 3-101 — 3-114)**

### **§ 3-102. County police accountability board — Purpose — Local governing body — Complaint of police misconduct — Forwarded to law enforcement agency.**

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- (a) Each county shall have a police accountability board to:
  - (1) hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing;
  - (2) appoint civilian members to charging committees and trial boards;
  - (3) receive complaints of police misconduct filed by members of the public; and
  - (4)
    - (i) on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and
    - (ii) on or before December 31 each year, submit a report to the governing body of the county that:
      - 1. identifies any trends in the disciplinary process of police officers in the county; and
      - 2. makes recommendations on changes to policy that would improve police accountability in the county.
- (b)
  - (1)
    - (i) Subject to subparagraph (ii) of this paragraph, the local governing body shall:
      - 1. establish the membership of a police accountability board;
      - 2. establish the budget and staff for a police accountability board;
      - 3. appoint a chair of the police accountability board who has relevant experience to the position; and
      - 4. establish the procedures for record keeping by a police accountability board.
    - (ii) An active police officer may not be a member of a police accountability board.
  - (2) To the extent practicable, the membership of a police accountability board shall reflect the racial, gender, and cultural diversity of the county.
- (c)
  - (1) A complaint of police misconduct filed with a police accountability board shall include:
    - (i) the name of the police officer accused of misconduct;
    - (ii) a description of the facts on which the complaint is based; and

(iii) contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.

(2) A complaint need not be notarized.

(d) A complaint of police misconduct filed with a police accountability board shall be forwarded to the appropriate law enforcement agency within 3 days after receipt by the board.

## History

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[2021, ch. 59, § 3.](#)

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## **Md. Public Safety Code Ann. § 3-103**

Statutes current with legislation effective through June 29, 2022, from the 2022 Regular Session of the General Assembly. Some statute sections may be more current.

**Michie's™ Annotated Code of Maryland > Public Safety (Titles 1 — 15) > Title 3. Law Enforcement. (Subts. 1 — 7) > Subtitle 1. Police Accountability and Discipline. (§§ 3-101 — 3-114)**

### **§ 3-103. Complaint filed with employing entity — Items included.**

(a) An individual may file a complaint of police misconduct with the law enforcement agency that employs the police officer who is the subject of the complaint.

(b)

(1) A complaint of police misconduct filed with a law enforcement agency shall include:

- (i) the name of the police officer accused of misconduct;
- (ii) a description of the facts on which the complaint is based; and
- (iii) contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.

(2) A complaint need not be notarized.

(C) THE LAW ENFORCEMENT AGENCY SHALL NOTIFY THE POLICE ACCOUNTABILITY BOARD OF THE COMPLAINT WITHIN 3 DAYS AFTER RECEIPT BY THE AGENCY.

## **History**

[2021, ch. 59, § 3.](#)

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## **Md. Public Safety Code Ann. § 3-104**

Statutes current with legislation effective through June 29, 2022, from the 2022 Regular Session of the General Assembly. Some statute sections may be more current.

**Michie's™ Annotated Code of Maryland > Public Safety (Titles 1 — 15) > Title 3. Law Enforcement. (Subts. 1 — 7) > Subtitle 1. Police Accountability and Discipline. (§§ 3-101 — 3-114)**

### **§ 3-104. Administrative charging committee — Statewide committee — Training on police procedures — Investigative files forwarded to committee — Meetings — Confidentiality.**

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(a)

(1) Each county shall have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies within the county.

(2) A county administrative charging committee shall be composed of:

- (i) the chair of the county's police accountability board, or another member of the accountability board designated by the chair of the accountability board;
- (ii) two civilian members selected by the county's police accountability board; and
- (iii) two civilian members selected by the chief executive officer of the county.

(b)

(1) There shall be at least one statewide administrative charging committee to serve statewide and bi-county law enforcement agencies.

(2) A statewide administrative charging committee shall be composed of:

- (i) three civilian members appointed by the Governor;
- (ii) one civilian member appointed by the President of the Senate; and
- (iii) one civilian member appointed by the Speaker of the House.

(c) Before serving as a member of an administrative charging committee, an individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

(d) On completion of an investigation of a complaint of police misconduct involving a member of the public and a police officer, regardless of whether the complaint originated from within the law enforcement agency or from an external source, the law enforcement agency shall forward to the appropriate administrative charging committee the investigatory files for the matter.

(e) An administrative charging committee shall:

- (1) review the findings of a law enforcement agency's investigation conducted and forwarded in accordance with subsection (d) of this section;
- (2) make a determination that the police officer who is subject to investigation shall be:
  - (i) administratively charged; or
  - (ii) not administratively charged;

- (3) if the police officer is charged, recommend discipline in accordance with the law enforcement agency's disciplinary matrix established in accordance with § 3-105 of this subtitle;
  - (4) review any body camera footage that may be relevant to the matters covered in the complaint of misconduct;
  - (5) authorize a police officer called to appear before an administrative charging committee to be accompanied by a representative;
  - (6) issue a written opinion that describes in detail its findings, determinations, and recommendations; and
  - (7) forward the written opinion to the chief of the law enforcement agency, the police officer, and the complainant.
- (f) In executing its duties in accordance with subsection (e) of this section, an administrative charging committee may:
- (1) request information or action from the law enforcement agency that conducted the investigation, including requiring additional investigation and the issuance of subpoenas;
  - (2) if the police officer is not administratively charged, make a determination that:
    - (i) the allegations against the police officer are unfounded; or
    - (ii) the police officer is exonerated; and
  - (3) record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct.
- (g) An administrative charging committee shall meet once per month or as needed.
- (h) A member of an administrative charging committee shall maintain confidentiality relating to a matter being considered by the administrative charging committee until final disposition of the matter.

## History

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[2021, ch. 59, § 3](#); [2022, ch. 141, § 2](#).

## **Md. Public Safety Code Ann. § 3-105**

Statutes current with legislation effective through June 29, 2022, from the 2022 Regular Session of the General Assembly. Some statute sections may be more current.

**Michie's™ Annotated Code of Maryland > Public Safety (Titles 1 — 15) > Title 3. Law Enforcement. (Subts. 1 — 7) > Subtitle 1. Police Accountability and Discipline. (§§ 3-101 — 3-114)**

### **§ 3-105. Model uniform disciplinary matrix — Adoption.**

- (a) The Maryland Police Training and Standards Commission shall develop and adopt, by regulation, a model uniform disciplinary matrix for use by each law enforcement agency in the State.
- (b) Each law enforcement agency shall adopt the uniform State disciplinary matrix for all matters that may result in discipline of a police officer.
- (c)
  - (1) Within 15 days after an administrative charging committee issues an administrative charge against a police officer, the chief of the law enforcement agency shall offer discipline to the police officer who has been administratively charged in accordance with the disciplinary matrix.
  - (2) The chief may offer the same discipline that was recommended by the administrative charging committee or a higher degree of discipline within the applicable range of the disciplinary matrix, but may not deviate below the discipline recommended by the administrative charging committee.
  - (3) If the police officer accepts the chief's offer of discipline, then the offered discipline shall be imposed.
  - (4) If the police officer does not accept the chief's offer of discipline, then the matter shall be referred to a trial board.
  - (5) At least 30 days before a trial board proceeding begins, the police officer shall be:
    - (i) provided a copy of the investigatory record;
    - (ii) notified of the charges against the police officer; and
    - (iii) notified of the disciplinary action being recommended.

### **History**

[2021, ch. 59, § 3](#); [2022, ch. 141, § 2](#).

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## **Md. Public Safety Code Ann. § 3-106**

Statutes current with legislation effective through June 29, 2022, from the 2022 Regular Session of the General Assembly. Some statute sections may be more current.

**Michie's™ Annotated Code of Maryland > Public Safety (Titles 1 — 15) > Title 3. Law Enforcement. (Subts. 1 — 7) > Subtitle 1. Police Accountability and Discipline. (§§ 3-101 — 3-114)**

### **§ 3-106. Trial board process — Members — Training on police procedures — Open to public — Oaths and subpoenas — Trial board hearing — Burden of proof — Discipline for cause only — Finality.**

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(a)

(1) Except as provided in paragraph (2) of this subsection, each law enforcement agency shall establish a trial board process in accordance with this section to adjudicate all matters for which a police officer is subject to discipline.

(2) A small law enforcement agency may use the trial board process of another law enforcement agency by mutual agreement.

(b) (1) Except as provided in paragraph (2) of this subsection, a trial board shall be composed of:

(i) an actively serving or retired administrative law judge or a retired judge of the District Court or a circuit court, appointed by the chief executive officer of the county;

(ii) a civilian who is not a member of an administrative charging committee, appointed by the county's police accountability board; and

(iii) a police officer of equal rank to the police officer who is accused of misconduct appointed by the head of the law enforcement agency.

(2)

(i) This paragraph may not be construed to apply to the Baltimore Police Department.

(ii) A trial board for a statewide or bi-county law enforcement agency shall be composed of:

1. an actively serving or retired administrative law judge appointed by the Chief Administrative Law Judge of the Maryland Office of Administrative Hearings;

2. a civilian who is not a member of an administrative charging committee or the Maryland Police Training and Standards Commission, appointed by the police accountability board for the county where the alleged misconduct occurred; and

3. a police officer of equal rank to the police officer who is accused of misconduct appointed by the head of the law enforcement agency.

(c) The actively serving or retired administrative law judge or the retired judge of the District Court or a circuit court shall:

(1) be the chair of the trial board;

(2) be responsible for ruling on all motions before the trial board; and

(3) prepare the written decision of the trial board, including the findings, conclusions, and recommendations of the trial board.

- (d) Before serving as a member of a trial board, an individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.
- (e) Proceedings of a trial board shall be open to the public, except to protect:
  - (1) a victim's identity;
  - (2) the personal privacy of an individual;
  - (3) a child witness;
  - (4) medical records;
  - (5) the identity of a confidential source;
  - (6) an investigative technique or procedure; or
  - (7) the life or physical safety of an individual.
- (f) A trial board may administer oaths and issue subpoenas as necessary to complete its work.
- (g) A complainant has the right to be notified of a trial board hearing and, except as provided in subsection (e) of this section, the right to attend a trial board hearing.
- (h) Except as otherwise provided in this subtitle, a law enforcement agency has the burden of proof by a preponderance of the evidence in any proceeding under this subtitle.
- (i) A police officer may be disciplined only for cause.
- (j) Within 45 days after the final hearing by a trial board, the trial board shall issue a written decision reflecting the findings, conclusions, and recommendations of a majority of the trial board.
- (k)
  - (1) Within 30 days after the date of issuance of a decision of a trial board, the decision may be appealed by the police officer:
    - (i) if the trial board is from a local law enforcement agency, to the circuit court of the county in which the law enforcement agency is located;
    - (ii) if the trial board is from a bi-county law enforcement agency, to a circuit court in a county in which the incident that gave rise to the disciplinary proceeding occurred; and
    - (iii) if the trial board is from a statewide law enforcement agency, to the Circuit Court for Anne Arundel County.
  - (2) An appeal taken under this subsection shall be on the record.
- (l) A trial board decision is final unless appealed by a police officer under subsection (k) of this section.

## History

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[2021, ch. 59, § 3](#); [2022, ch. 141, § 2](#).



## **Md. Public Safety Code Ann. § 3-107**

Statutes current with legislation effective through June 29, 2022, from the 2022 Regular Session of the General Assembly. Some statute sections may be more current.

**Michie's™ Annotated Code of Maryland > Public Safety (Titles 1 — 15) > Title 3. Law Enforcement. (Subts. 1 — 7) > Subtitle 1. Police Accountability and Discipline. (§§ 3-101 — 3-114)**

### **§ 3-107. Emergency suspensions — Suspension without pay for certain charges — Termination of officer — Required tests of officer.**

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(a)

- (1) Pending an investigatory, administrative charging committee, and trial board process, the chief may impose an emergency suspension with or without pay if the chief determines that such a suspension is in the best interest of the public.
- (2) An emergency suspension without pay under this subsection may not exceed 30 days.
- (3) A police officer who is suspended without pay under this subsection is entitled to receive back pay if an administrative charging committee determines not to administratively charge the police officer in connection with the matter on which the suspension is based.

(b)

- (1) A chief or a chief's designee may suspend a police officer without pay and suspend the police officer's police powers on an emergency basis if the police officer is charged with:
  - (i) a disqualifying crime, as defined in § 5-101 of this article;
  - (ii) a misdemeanor committed in the performance of duties as a police officer; or
  - (iii) a misdemeanor involving dishonesty, fraud, theft, or misrepresentation.
- (2) A police officer who was suspended without pay under this subsection is entitled to receive back pay if the criminal charge or charges against the police officer result in:
  - (i) a finding of not guilty;
  - (ii) an acquittal;
  - (iii) a dismissal; or
  - (iv) a nolle prosequi.

(c)

- (1) The chief shall terminate the employment of a police officer who is convicted of a felony.
- (2) The chief may terminate the employment of a police officer who:
  - (i) receives a probation before judgment for a felony; or
  - (ii) is convicted of:
    1. a misdemeanor committed in the performance of duties as a police officer;
    2. misdemeanor second degree assault; or
    3. a misdemeanor involving dishonesty, fraud, theft, or misrepresentation.

(d)

(1) In connection with a disciplinary matter under this subtitle, a police officer may be required to submit to blood alcohol tests, blood, breath, or urine tests for controlled dangerous substances, polygraph examinations, or interrogations that specifically relate to the subject matter of the investigation.

(2) If a police officer is required to submit to a test, examination, or interrogation under paragraph (1) of this subsection and the police officer refuses to do so, the law enforcement agency may commence an action that may lead to a punitive measure as a result of the refusal.

(3)

(i) If a police officer is required to submit to a test, examination, or interrogation under paragraph (1) of this subsection, the results of the test, examination, or interrogation are not admissible or discoverable in a criminal proceeding against the police officer.

(ii) If a police officer is required to submit to a polygraph examination under paragraph (1) of this subsection, the results of the polygraph examination are not admissible or discoverable in a criminal or civil proceeding against the police officer.

## History

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[2021, ch. 59, § 3.](#)

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## **Md. Public Safety Code Ann. § 3-108**

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**Michie's™ Annotated Code of Maryland > Public Safety (Titles 1 — 15) > Title 3. Law Enforcement. (Subts. 1 — 7) > Subtitle 1. Police Accountability and Discipline. (§§ 3-101 — 3-114)**

### **§ 3-108. Victims' rights advocates — Database maintained of complainants.**

(a)

(1) A law enforcement agency shall designate an employee as a victims' rights advocate to act as the contact for the public within the agency on matters related to police misconduct.

(2) A victims' rights advocate shall:

(i) explain to a complainant:

1. the complaint, investigation, administrative charging committee, and trial board process;
2. any decision to terminate an investigation;
3. an administrative charging committee's decision of administratively charged, not administratively charged, unfounded, or exonerated; and
4. a trial board's decision;

(ii) provide a complainant with an opportunity to review a police officer's statement, if any, before completion of an investigation by a law enforcement agency's investigative unit;

(iii) notify a complainant of the status of the case at every stage of the process; and

(iv) provide a case summary to a complainant within 30 days after final disposition of the case.

(b) Each law enforcement agency shall create a database that enables a complainant to enter the complainant's case number to follow the status of the case as it proceeds through:

- (1) investigation;
- (2) charging;
- (3) offer of discipline;
- (4) trial board;
- (5) ultimate discipline; and
- (6) appeal.

## **History**

[2021, ch. 59, § 3.](#)

## **Md. Public Safety Code Ann. § 3-109**

Statutes current with legislation effective through June 29, 2022, from the 2022 Regular Session of the General Assembly. Some statute sections may be more current.

**Michie's™ Annotated Code of Maryland > Public Safety (Titles 1 — 15) > Title 3. Law Enforcement. (Subts. 1 — 7) > Subtitle 1. Police Accountability and Discipline. (§§ 3-101 — 3-114)**

### **§ 3-109. Assistance of representatives.**

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A police officer who is the subject of a complaint of police misconduct and a complainant may have the assistance of a representative in connection with proceedings under this subtitle.

### **History**

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[2021, ch. 59, § 3.](#)

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## **Md. Public Safety Code Ann. § 3-110**

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**Michie's™ Annotated Code of Maryland > Public Safety (Titles 1 — 15) > Title 3. Law Enforcement. (Subts. 1 — 7) > Subtitle 1. Police Accountability and Discipline. (§§ 3-101 — 3-114)**

### **§ 3-110. Limits on punishing police officer — Right to bring suit — Political activity — Secondary employment.**

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(a) A police officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against or threatened in regard to the police officer's employment because the police officer:

(1) disclosed information that evidences:

- (i) mismanagement;
- (ii) a waste of government resources;
- (iii) a danger to public health or safety; or
- (iv) a violation of law or policy committed by another police officer; or

(2) lawfully exercised constitutional rights.

(b) A police officer may not be denied the right to bring suit arising out of the police officer's official duties.

(c)

(1) Subject to paragraph (2) of this subsection, a police officer has the same rights to engage in political activity as a State employee.

(2) This right to engage in political activity does not apply when the police officer is on duty or acting in an official capacity.

(d)

(1) Subject to paragraph (2) of this subsection, a law enforcement agency may not prohibit secondary employment by police officers.

(2) A law enforcement agency may adopt reasonable regulations that relate to secondary employment by police officers.

## **History**

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[2021, ch. 59, § 3.](#)

## **Md. Public Safety Code Ann. § 3-111**

Statutes current with legislation effective through June 29, 2022, from the 2022 Regular Session of the General Assembly. Some statute sections may be more current.

**Michie's™ Annotated Code of Maryland > Public Safety (Titles 1 — 15) > Title 3. Law Enforcement. (Subts. 1 — 7) > Subtitle 1. Police Accountability and Discipline. (§§ 3-101 — 3-114)**

### **§ 3-111. Negation or alteration through collective bargaining prohibited.**

- (a) A law enforcement agency may not negate or alter any of the requirements of this subtitle through collective bargaining.
- (b) Collective bargaining may not be used to establish or alter any aspect of the process for disciplining a police officer.

### **History**

[2021, ch. 59, § 3; 2022, ch. 141, § 2.](#)

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## **Md. Public Safety Code Ann. § 3-112**

Statutes current with legislation effective through June 29, 2022, from the 2022 Regular Session of the General Assembly. Some statute sections may be more current.

**Michie's™ Annotated Code of Maryland > Public Safety (Titles 1 — 15) > Title 3. Law Enforcement. (Subts. 1 — 7) > Subtitle 1. Police Accountability and Discipline. (§§ 3-101 — 3-114)**

### **§ 3-112. Destruction of records prohibited.**

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A record relating to an administrative or criminal investigation of misconduct by a police officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision, may not be:

- (1) expunged; or
- (2) destroyed by a law enforcement agency.

### **History**

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[2021, ch. 59, § 3.](#)

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## **Md. Public Safety Code Ann. § 3-113**

Statutes current with legislation effective through June 29, 2022, from the 2022 Regular Session of the General Assembly. Some statute sections may be more current.

**Michie's™ Annotated Code of Maryland > Public Safety (Titles 1 — 15) > Title 3. Law Enforcement. (Subts. 1 — 7) > Subtitle 1. Police Accountability and Discipline. (§§ 3-101 — 3-114)**

### **§ 3-113. Immediate review of complaint — Review by administrative charging committee — Time limit on actions.**

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(a) The investigating unit of a law enforcement agency shall immediately review a complaint by a member of the public alleging police officer misconduct.

(b) SUBJECT TO (b)(1), an administrative charging committee shall review and make a determination or ask for further review within 30 days after completion of the investigating unit's review.

(1) ANY APPLICABLE TIME LIMIT(S) SHALL BE STAYED IF:

(i) THE ADMINISTRATIVE CHARGING COMMITTEE REQUESTS FURTHER REVIEW OR INVESTIGATION BY THE LAW ENFORCEMENT AGENCY; OR

(ii) THE INCIDENT UPON WHICH THE COMPLAINT IS BASED INVOLVES CRIMINAL CHARGES AGAINST THE OFFICER OR A CIVILIAN, AND THE CHARGES HAVE NOT YET REACHED FINAL DISPOSITION.

~~(c) [The process of review by the investigating unit through disposition by the administrative charging committee shall be completed within 1 year and 1 day after the filing of a complaint by a citizen.]~~

## **History**

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[2021, ch. 59, § 3.](#)

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## **Md. Public Safety Code Ann. § 3-114**

Statutes current with legislation effective through June 29, 2022, from the 2022 Regular Session of the General Assembly. Some statute sections may be more current.

**Michie's™ Annotated Code of Maryland > Public Safety (Titles 1 — 15) > Title 3. Law Enforcement. (Subts. 1 — 7) > Subtitle 1. Police Accountability and Discipline. (§§ 3-101 — 3-114)**

### **§ 3-114. Adoption of implementing regulations.**

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The Maryland Police Training and Standards Commission shall adopt regulations to implement this subtitle.

### **History**

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[2021, ch. 59, § 3.](#)

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**Organization:** Historic Preservation Commission

**Submitted by:** Staff liaison, Kim Gaines

- Support increasing or, at the minimum, maintaining current funding levels to the State's historic preservation grant programs. These grant programs are important for preserving and interpreting historic sites throughout the State. However, the amount of grant requests far outweighs the amount of funding available.
- Support funding the State's Barn Preservation Fund. The bill to create this fund was passed in 2006 and amended in 2015 but has yet to be allocated any funding. This fund would be used to preserve historic barns and agricultural structures in the State. The Fiscal and Policy Notes for House Bill 699 indicate that the fund would require approximately \$300,000 to begin to address the demand for barn preservation. While Frederick County has created the Rural Historic Preservation Grant Program to support preservation of historic resources such as barns and other agricultural outbuildings, the Barn Preservation Fund would provide an additional funding source to meet the needs of preserving these historic resources.
- Support maintaining current funding levels for the Maryland Heritage Areas Program.
- Support striking state tax code §9-312 (b) (2), in which preservation tax credits are based on the change in assessed value, and instead establish a preservation tax credit for the restoration and preservation of historic properties designated to the County Register of Historic Places based on Qualified Rehabilitation Expenses.
- Support new legislation for increased protection of cemeteries, especially orphaned cemeteries (cemeteries without clear ownership). Create a Historic Cemetery Management position within Maryland Historical Trust.
- Support the creation of the *Maryland Smart Growth Investment Fund*, which was proposed in the 2018 legislative session (SB3/HB117) but did not pass, and the funding needed to support its execution.

**Organization:** Affordable Housing Council

**Submitted by:** Hugh Gordon, Chair

September 13, 2023

The Honorable Jessica Fitzwater  
County Executive  
Frederick, County, Maryland  
Winchester Hall  
12 East Church Street  
Frederick, Maryland 21701

Re: 2024 Legislative Considerations - Affordable Housing Council Input

Dear County Executive Fitzwater,

The Frederick County Affordable Housing Council appreciates your proactive engagement with our council as you prepare for the 2024 legislative session. Several council members previously contributed to your transition team this year. We commend your commitment to advancing housing-related initiatives, such as updating the housing needs assessment and restructuring the housing department. Regrettably, insufficient funding obstructed the implementation of these vital proposals.

Here are our recommendations, each underscored with examples of their importance:

**1. Secure State Funding for Critical Areas:**

- Request Frederick County's equitable share of available State funding for transportation projects, infrastructure enhancements, and educational improvements.
- **Example:** Investing in transportation infrastructure can facilitate access to job opportunities, reduce commute times, and increase property values, all of which contribute to affordable housing stability.

**2. Update Housing Needs Assessment with State Support:**

- Advocate for additional State funding to conduct an updated housing needs assessment.
- **Example:** An accurate assessment is crucial for informed policymaking and allocation of resources, ensuring that housing initiatives are tailored to the community's current needs. The assessment and recommendations will also leverage additional private and federal funding through grant applications utilizing the findings for justification of the need.

**3. Allocate State Resources to Enhance Housing Division:**

- Utilize State funds for education and infrastructure to ease the financial burden on the County, allowing resources to be redirected towards the newly formed housing division to assist its efforts in addressing the current housing crisis.
- **Example:** Investing in housing infrastructure enhances the County's attractiveness for businesses and residents, stimulating economic growth and increasing tax revenue.

**4. Address Senior Housing Gap:**

- Advocate to the Maryland Department of Housing and Community Development to reintroduce Low-Income Housing Tax Credits (LIHTC) for senior housing in the State's Qualified Allocation Plan (QAP).
- **Example:** Frederick County's aging population requires affordable housing options tailored to their specific needs, ensuring a dignified retirement for seniors.

**5. Sustain Housing Assistance Programs:**

- Recommend continued State funding for housing assistance programs, particularly to prevent evictions and provide stability for vulnerable populations.
- **Example:** Preventing evictions not only safeguards individuals and families from homelessness but also maintains community stability and minimizes the strain on emergency resources. Additional funding for Maryland's Rental Housing Program will help to accomplish this objective.

**6. State of Emergency Funds**

- Recommend that Frederick County request the Governor to provide State of Emergency funding for the Lucas Village rebuild project.
- **Reasoning:** Due to the demonstrated state of emergency present on-site at Lucas Village and the potential for sink-hole structural failure to existing buildings in the community, State of Emergency funding would allow the project to move forward and avoid the potential for injury to residents of the community.

The Affordable Housing Council firmly believes that advocating for resources to address these needs is an integral part of a comprehensive strategy to tackle Frederick County's affordable housing challenges.

We extend our gratitude for inviting our council's participation in this collaborative process.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Hugh Gordon", with a stylized flourish at the end.

Hugh Gordon  
Chair  
Frederick County Affordable Housing Council

**Organization:** Frederick County Sustainability Commission

**Submitted by:** Staff liaison, Tiara Richardson

## **Frederick County Sustainability Commission**

### **2024 Legislative Considerations**

**Submitted: September 21, 2023**

#### **Providing Funds to Counties to Help Create Multiple Emergency Shelters**

As storm intensity has increased across seasons, aging grid infrastructure is susceptible to critical failures in power lines, substations, and other weaknesses in the system. With the demographic growth in Frederick County, more households and businesses will be impacted by these severe weather events and the return to service timeframe is likely to widen. Certain parts of the county's demographic will be more highly impacted than others. A strategy to rapidly deploy emergency shelters throughout the county should be in place and expanded so organizations such as volunteer fire stations and other community-based entities with sufficiently sized buildings can provide services by having on-site generation capabilities. These on-site capabilities should be clean energy-based, including renewables with battery storage.

**Legislative Recommendation:** To meet the immediate need of residents throughout the state during and in the aftermath of severe storms, legislation should be considered for the Maryland Energy Administration to have an expanded funding source to provide grants for the development of emergency shelter backup power provided by clean and renewable energy sources, ensuring that these services do not contribute to increasing GHG emissions.

#### **Eliminating Fluorescent Lighting**

So far, 7 states (California, Colorado, Hawaii, Maine, Oregon, Rhode Island, and Vermont) have passed laws that outlaw the sale of fluorescent lamps, starting January 1st, 2024 (Vt) 2025 (other states). It's time for Maryland to join this trend, as part of its portfolio of measures to help save the planet and the lives of humans, animals, and plants that cannot survive the extreme levels of heat, cold, and storms that Climate Change has already begun producing.

**Legislative Recommendation:** To ban the manufacture and use of mercury-containing fluorescent lighting in Maryland by 2025, thus increasing the use of more efficient and safer lighting such as LEDs. This will reduce GHG emissions from the energy savings of alternative lighting and will lower public health risk from exposure to mercury should fluorescent lighting break during disposal. Furthermore, the state should conduct a study to determine what possible financial assistance programs may be needed to aid in the transition from fluorescent to alternative lighting options.

#### **Allowing Higher Density for Sustainable Developments--Green Zoning**

"Low-density developments produced nearly four times the greenhouse gas emissions of high-density alternatives,"

The Guardian, August 22, 2021

- A development right is worth tens of thousands of dollars. Without spending government funds, a strong financial incentive to build green developments can be created by allowing increased development rights on a given parcel of land.
- There are many low and even no cost measures a developer can employ to build more sustainable buildings. For example, simple building orientation to capitalize on passive solar heating and lighting can usually be done at no cost.
- A broadly worded program can change with the times. Yesterday it might have been only energy efficiency. Today we want clean energy use and reduced greenhouse gas emissions.
- This proposal is the definition of “win win”. The community wins by gaining all the benefits of sustainable development. The developer either wins by gaining financial value or is unharmed if they choose to forgo the sustainable development provisions.
- Denser developments can also save in many associated ways. For example, providing government services is less costly.

**Legislative Recommendation:** To legislate that developments meeting certain size and other features be allowed to meet higher densities for a specified level of sustainable practices that yield reduced GHG emissions.

### **Ensuring County-level GHG Emissions Reduction Contributions from the Growth of the Data Center Industry State-wide**

Data centers are proliferating rapidly and require large amounts of power and water. The more we can keep pace with the issues, the less problems down the road.

- *Electric power and water requirements for operation and backup*-- The concept of microgrids should be applied to the greatest extent possible. Solar power takes significant acreage but should be used on site to the greatest extent possible. This includes covered parking areas and rooftops at a minimum. Wind power should be considered where geography is suitable. Backup by diesel generators should be discouraged and pressure to evaluate other options should be required. This is already in process. Recent decisions regarding QL in Frederick County are an example. State of the art practices for cooling water efficiency must be applied. Best practice and use of innovative approaches should be maximized wherever possible to reach above state-wide BEPS standards for data centers and non-proprietary design parameters should be documented up front.
- To be consistent with state commitments to GHG reductions and the advancement of renewables, end-use applications should be prioritized, with the consideration of surcharges for less valued applications.

**Legislative Recommendation:** To consider state-wide data center legislation to guide the development of this emerging industry across the state of Maryland and ensure Counties meet their GHG emissions mandates (since this is a high energy and water consuming industry) by requiring (and/or incentivizing) data centers to embrace all the latest design and technological solutions available for sustainable growth of the industry, including microgrids, renewables, water-saving technologies for cooling and more. Exceeding BEPS requirements for data centers by submission of design model results should be considered prior to construction and/or a comparable regulatory stipulation. Furthermore, criteria should be developed with public input on end-use applications that are consistent with state goals and strategies for the quality of life of Maryland residents and business owners. Such an approach of



encouraging high-priority end-use applications and disincentivizing lower priority end-uses through surcharges and other legislative options would limit the growth of lower valued-added end-uses.

### **Creating a State-wide RainScape Program**

A report published by the Chesapeake Bay Program shows Chesapeake Bay Watershed states are lagging behind on their water quality goals. Largely driven by nonpoint source pollution, of which, agriculture is the largest contributor. Nonpoint includes pollution that is carried into the bay from scattered sources, such as farms and urban and suburban developments, by rainfall or snowmelt.

**Legislative Recommendation:** To create a state-wide RainScape Rebate program similar to the program in Montgomery County found [here](#), with special emphasis given to decreasing agricultural contamination and runoff. Ensure the rebate strikes a balance between cost recovery and the effectiveness of trapping pollution and runoff from each property on a case-by-case basis.

## **Proposals from external organizations:**

**Organization:** Children of Incarcerated Parents Partnership

**Submitted by:** Shari Ostrow Scher, Executive Director

**Development of a statewide task force** Legislation should mandate the creation of a statewide task force to study ‘best practices’ for children impacted by a family member’s incarceration. This committee should develop guidelines for parent/child visitations, school communication, outreach to caregivers, development of programs for the family when a loved one is in jail, etc. The committee members should develop guidelines for every county with a timeline for creation of a feasible plan that serves the children.

**In Person Visits In Person-** ‘Behind The Glass’ visits are emotionally very difficult for both children and adults. I would hope that legislation would cover this and work to eliminate such. Many years ago I received a call from the Associated Press. At that time these kinds of visits were being outlawed in prisons in New York. I looked into it, and found that Detention Centers and prisons function under different rules. I would state that ‘Behind the Glass- or alternatively visits via cameras, can be emotionally harmful to all. In person visits should be the way visits take place. It would be better yet special if there was legislation offering visitation in a relaxed atmosphere with games/ paper/crayons for the youngest visitors.

**Low Cost Phone Calls-**At this time the cost of telephone calls for those in jail/prison can be exorbitant. During COVID, for example, the local Detention center had phone calls through the commissary. There was a surcharge of \$7.80 every time COIPP tried to put \$20 on a prisoner’s account so that he/she could call their family. At this same time the cost for calls in prisons throughout the state was much less. I believe the rules should be the same for all allowing phone calls to be affordable for all. The research on incarceration reveals that recidivism is lower if the person who is out of jail has strong family contact. This is where it can begin.

**Family Informational Sharing at Time of Sentencing-** A while back I heard of a bill that was written to ensure that all judges hear about the family, including children, that the person before them had. It could encourage the judge to consider the best interests of the family, including the children left behind, as sentencing takes place.

**Parenting Classes in Jails/Prisons-**Programs on “Parenting From Afar” should be available for all those in jail. Regardless of the crime or the sentence, the person may have children who need them and will always look for their guidance. Given this connection, all places housing those incarcerated should offer parenting classes so that relationships can be strengthened, instead of being abandoned. This will also assist families when the parent is released or placed on probation.

**School and Prison or Jail Connections-** Every prisoner should have access to their child’s school record. Legislation could make it a must that those parents in jail can receive their child’s report card, be a part of school conferences via phone, receive checklists about how their child is doing in school, receive narratives about the child’s accomplishments, participate in a later

conference via phone, etc. On the simplest level, copies of the child's report card could be mailed to the parent who is incarcerated.

**Resources For Incarcerated Parents-** Every county should put together a task force that will develop resources available in jail/prison that help connect parents to their children. These resources should include, but not be limited to: developmental milestones, children's reactions to incarceration; tips on staying in touch when incarcerated, etc.

**Child Friendly Visiting Areas-** All prisons/jails in Maryland should have resources available to children as they wait for visits. This should include items such as books, games, magazines for children, crayons and paper, etc.. This open visiting area will encourage parent/child relationship building.

**Free Postcards To Those in Jail/Prison-** Key to avoiding recidivism in jails/prisons, is having a relationship with family members. I believe that free, pre stamped postcards should be available for all those jail or prison.

**Availability of Quality Programs-** Every jail/prison should offer programs that will ultimately assist those upon their release. These include, but are not limited to, available, rich libraries, GED programs, parenting from afar classes, parenting classes when a prisoner is getting ready to be released, etc.

**Organization:** Frederick County Public Schools

**Submitted by:** Dr. Sarah Sirgo, Chief of Staff



## FREDERICK COUNTY PUBLIC SCHOOLS BLUEPRINT FOR MARYLAND'S FUTURE Legislative Priorities

PILLAR 1		
Pillar Subtopic	Area of Concern	Legislative Recommendation
PreK Expansion	Capital Funding	Provide funding requirements to support school systems in making facility adjustments (renovations or additions) to accommodate the expanding need.
Private PreK Providers	Partnership Requirements	There are only a few private Pre K providers interested in working as partners as they are noting that it isn't good business to get into a partnership with the school system as all of the requirements are cost prohibitive. Consider adjusting the per pupil allocation to be increased for private providers. AND Move to a number of seats vs a % public vs. private providers

PILLAR 2		
Pillar Subtopic	Area of Concern	Legislative Recommendation
Peer Assistance and Review (PAR)	Funding for staffing associated with the deployment and maintenance of a PAR system of support for educators.	Provide additional allocations to school districts with an established formula (e.g. funding for 1 consulting teacher per 20 new teachers hired) to support the ability to lift up this required program approach as part of the Career Ladder.
Career Ladder	Development and Approval	The career ladder is to be negotiated in good faith by the Board and bargaining agency for the teachers. Adjust the law to note that the role of AIB is to provide guideposts to the development to ensure that we don't negotiate something that the AIB later declines, but was reached in good faith. Due to the magnitude of its impact, phase over a period of time.



## FREDERICK COUNTY PUBLIC SCHOOLS BLUEPRINT FOR MARYLAND'S FUTURE Legislative Priorities

Career Ladder	Diversity Requirements	Given that public school systems are the end user in a stagnating teacher pipeline, adjust target expectations to focus on rate of applicants versus rates of hire.
	NBC	Given that NBC is not the only mechanism for teacher learning and credentials, the limited subject matters that it covers, and the proprietary nature of the entity as a measure of teacher effectiveness, allow Masters level work to be equal on the career ladder and provide associated funding.

PILLAR 3		
Pillar Subtopic	Area of Concern	Legislative Recommendation
Dual Enrollment	Cost and Availability	<p>Clarify if systems are required to pay for dual enrollment outside of the regular school year calendar (Fall/Spring). Ex: Summer/winter etc.</p> <p>Identify if school systems are able to cap the number of dual enrollment and college courses a student can take in one year or how funding accounts for this scenario.</p>
Apprenticeships	Lack of participating employers while school systems are being held accountable as part of the 45% requirement for all graduates by 2030-31.	Require the Department of Labor/Workforce Services to assume responsibility to recruit and train sufficient numbers of employers to support the needs of each school system in meeting the 45% requirement.

PILLAR 4		
Pillar Subtopic	Area of Concern	Legislative Recommendation
None at this time		



# FREDERICK COUNTY PUBLIC SCHOOLS BLUEPRINT FOR MARYLAND’S FUTURE Legislative Priorities

PILLAR 5		
Pillar Subtopic	Area of Concern	Legislative Recommendation
Funding	Budget Development	Provide adjusted budgeting formulas that acknowledge the challenges of rapid student enrollment growth as well as rising costs of program and facility expansion associated with Blueprint implementation.

**Organization:** Libertytown Community Civic Association

**Submitted by:** Rick Ludwick, President

This is Rick Ludwick, President of the Libertytown Community Civic Association, As you are aware Libertytown has a persistent problem of high volumes of heavy truck traffic, many of which exceed the posted speed limit of 30 mph by more than 10 mph and many who use engine compression (Jake) brakes which produce noise greatly in excess of Maryland's daytime limit of 65 dBA.\* The Frederick County Sheriff's Office is responsible for enforcement of both the speed and noise limits. However, their speed enforcement is infrequent and non-effective - as soon as they leave speeding resumes. Noise enforcement is non-existent.

To help remedy these situations. Libertytown Community Civic Association proposed draft legislation to the Maryland State Delegation prior to last year's General Assembly session. Delegate Jesse Pippy, Delegation Chairman, indicated that any proposed legislation had to commence at the local level and be supported by Libertytown's Councilman (you), and the Frederick County Council and Executive.

I am starting with our local Council Member, the two County Council Members-At-Large and the County Executive. Below please find proposed draft legislation to address (1) speeding via speed cameras and (2) prohibition of Jake brakes within Libertytown town limits. Each proposal includes a rationale for the legislation. Each is drafted with specific criteria that results in the law applying only to Libertytown or very similarly situated small residential unincorporated communities zoned village commercial with a state highway running through the main residential district with large volumes of traffic and/or heavy truck traffic.

Please review and then we can discuss. We need your support to correct these persistent and longstanding speeding and Jake brake problems in Libertytown.

\*Maryland permissible noise limits, daytime and nighttime, respectively: industrial 75 dBA , 70 dBA ; commercial areas 65 dBA, 55 dBA; residential areas 55 dBA, 45 dBA.

Bill request:

a. Speed Cameras - Please consider sponsoring legislation that would allow the use of speed cameras on state highways in unincorporated towns in Frederick County where a) the speed limit is 30 mph or less AND b) the highway passes through areas zoned Village Commercial that are heavily residential, such as Libertytown, AND c) the average daily vehicle traffic is 9000 or more vehicles based on latest SHA traffic volume statistics AND d) SHA traffic studies show the Average Speed exceeds the posted speed by 3 or more mph AND/OR that the 85th percentile speed exceeds the posted speed by 8 mph or more. The SHA MAY accede that the volumes are within the specified ranges, or MAY cause to perform speed studies to verify this, AND e) if criteria a) - d) are met, allowing implementation of the speed cameras within the residential area of criteria a) - d) even if not in a school zone without requiring the approval of the Frederick County Sheriff, AND f) the proceeds from speeding fines generated by the cameras would be used to payoff their purchase and maintenance costs with any fines beyond that going to the Treasurer of Frederick County or other appropriate authority.



Rationale: A "speeding" problem might be when one or more cars are observed going fast, whereas, a "speed" problem suggests that a consistent population is traveling faster than desired for the posted speed limit. Maryland law only allows speed cameras within school zones and with the approval of the local policing authority (Frederick County Sheriff for Libertytown). The speeding occurs mostly outside the school zone of Liberty Elementary school and the current Frederick County Sheriff opposes and will not approve speed cameras.

Definitions for Speed Camera Bill:

Average Speed - The sum of all speeds divided by the sum of all vehicles recorded.

85th Percentile Speed - That speed, and less, traveled by 85 of 100 motorists. It is recognized by the engineering and enforcement communities to be that speed, and less, that is travelled by the "reasonable majority" of motorists for the given conditions. Fifteen out of 100 are considered to be "unreasonably" speeding. It is these 15% that are usually targeted for enforcement.

b. Engine Compression "Jake" Brakes - Please consider sponsoring legislation that would prohibit the use of air compression ("Jake") brakes on state highways in unincorporated towns in Frederick County where a) the speed limit is 30 mph or lower AND b) pass through areas zoned Village Commercial that are heavily residential, such as Libertytown, AND c) the average daily heavy vehicle (combined Classes 4-10, which includes triaxle trucks to capture heavy dump trucks such as those used at quarries - there are two active quarries located near Libertytown) traffic is 1000 or more vehicles based on latest SHA traffic volume statistics AND d) if criteria a) - c) are met, allowing implementation of the prohibition, including signage. Exception would allow use of engine compression brakes in an emergency.

Rational: Current Maryland law does not allow prohibition of engine compression brakes under any circumstance.

Thank you for your consideration.

**Organization:** Housing Authority of the City of Frederick

**Submitted by:** Angie Lollar

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**Housing Families, Building Communities, Creating a Stronger Frederick**

September 8, 2023

Angie Lollar

Director of Economic Development

Housing Authority of the City of Frederick

[alollar@hacfrederick.org](mailto:alollar@hacfrederick.org)

(717) 504-0933

Jessica Fitzwater, County Executive

Frederick County, MD

12 E Church St

Frederick, MD 21702

Re: State of Maryland Legislative Agenda Advocacy

Dear County Executive Fitzwater,

Over the years, our community has faced growing challenges related to housing affordability, and I believe it is crucial that we take proactive steps to address this issue. Specifically, I would like to suggest that Frederick County intensify its efforts to advocate for increased Rental Housing Program funds from the State of Maryland.

This year, the State of Maryland has a shortage of vital Rental Housing Program funding, which is bringing the affordable housing pipeline in Frederick, and throughout the state, to a halt by preventing developers from having the needed funds to complete settlement financing and begin construction on existing and future planned developments. This includes the Housing Authority's new development, The Madison on North Market, which was awarded competitive 9% Low-Income Housing Tax Credits, along with other planned LIHTC developments in Frederick County. As of right now, the state will not receive more Rental Housing funding until next July, at which point there will be a significant backlog of developments. This will create additional funding shortfalls and delays, which may result in increased construction costs, increased interest rates, or even a loss of contracts on the land needed to build these developments. This is a serious issue we have not faced before with the state of Maryland, and with funding shortfalls totaling between \$2.5-3.5 million for each development, there is currently not a clear alternative path forward.

Affordable housing is a fundamental component of a thriving and inclusive community. It not only provides shelter to those in need but also contributes to stable neighborhoods, economic growth, and improved overall quality of life. Frederick County has made significant strides in this area, but we still face a shortage of affordable housing options for our low and moderate-income residents.



Here are some key reasons why advocating for more Rental Housing funds from the state is essential:

1. **Addressing the Housing Crisis:** The shortage of affordable rental units has resulted in an ongoing housing crisis for many individuals and families in our county. By securing additional funding, we can accelerate the development of affordable housing projects, providing relief to those currently struggling to find suitable and affordable homes.
2. **Economic Benefits:** Investments in affordable housing have been shown to have positive economic ripple effects, including job creation, increased property values, and higher tax revenue. These benefits contribute to the overall economic well-being of our community.
3. **Improved Quality of Life:** Affordable housing improves the living conditions and stability of residents, leading to better health outcomes, improved educational opportunities for children, and reduced homelessness.
4. **Comprehensive Community Development:** Expanding affordable housing options aligns with a broader vision of comprehensive community development. It allows us to build neighborhoods that are diverse, inclusive, and equitable, fostering a stronger sense of community.

I know you understand and appreciate how important affordable housing is for our community because of the influential way in which you have always consistently offered your support in both word and action. I believe you would be very successful in taking a leadership role in advocating for increased Rental Housing Program funds from the State of Maryland. Furthermore, I am willing to actively support and participate in any advocacy efforts or community initiatives related to this cause. Please let me know if there are ways in which I can assist in advancing this critical issue.

Thank you for your dedication to the well-being of Frederick County residents, and I look forward to seeing progress in this vital area of affordable housing. Together, we can make Frederick County an even more inclusive and prosperous place to live for everyone.

Sincerely,



Angie Lollar  
Director of Economic Development  
Housing Authority of the City of Frederick



**Organization:** Solid Waste Advisory Committee

**Submitted by:** Staff liaison Phil Harris

**Establish Franchise Collection Districts within Frederick County.** Per our discussion, I am attaching prior emails sent on the subject documenting previous efforts regarding Franchising. Please note that the County was under a Commissioner form of Government and required State Enabling Legislation to establish Franchised Collection in prior attempts. Under Executive government it is believed that Enabling Legislation from the State is no longer necessary, to be confirmed by the County Attorney's Office.

**Establish local legislation requiring Frederick County Public Schools to meet or exceed the Maryland Recycling Act (MRA) recycling rate requirements (as calculated using MRA standards).** The MRA act is currently being applied to State of Maryland agencies (30% requirement) and Local Government (County's and City of Baltimore), requiring Frederick County to recycling 35% or more of its waste. FCPS is a governmental body and is the second largest employer in Frederick County. By not creating robust FCPS waste reduction and recycling programs, FCPS is passing the cost for inadequately managing their waste onto the taxpayers and ratepayers of Frederick County. SWAC recommends the establishment of local legislations that applies the same standards imposed on Frederick County to FCPS with a two year phase in. SWAC further recommends that much like the MRA act, which carries a potential penalty action for non-compliance (cessation of building permit issuance), this FCPS legislation also have a similar component. In this case, SWAC recommends that FCPS reimburse the FCG Solid Waste Enterprise Fund up to 35% of the equivalent costs of managing FCPS' waste should it be unable to meet the 35% recycling rate within two years of adoption.

\* Note: should the County Executive desired to do so, this could be elevated to Statewide legislation amending the MRA act so as to apply it to all public school jurisdictions\*

**Establish design specifications and requirements that encourage the use of post-consumer recycled glass (cullet) for the construction and repair of county roadways.** SWAC recommends that the County Executive direct their Department of Public Works (DPW) Engineering and Planning (E&P) staff to create such design specifications that allow the use of this post consumer material so as to help facilitate better end use markets. SWAC also recommends that the County Executive further direct their E&P and Procurement staff to create a system of procurement preference for projects that offer bid alternatives using post-consumer cullet and meet the design standards, AKA Green Procurement Preferences. SWAC recommends this green paving alternative be in place by Calander year 2025.

\* Note: DSWR staff believes that the County Executive could direct DPW E&P staff to create this design option and accompanying Green Procurement Preferences without local legislation. However, the SWAC suggested this as a potential legislative item, to be determined if it can be implemented without legislation. Further, should the County Executive desire so, this could be elevated to Statewide legislation that required similar standards be created for all roadway projects within Maryland.

On behalf of the SWAC, we appreciate the County Executive allowing legislative suggestions and believe that the three offered have the potential to reduce waste, reduce emissions, and create more end use opportunities for recycled materials.

## **Organization: Senior Services Advisory Board**

**Submitted by: Thea Ruff, Chair**

### **Legislative Recommendation – Capital Gains Exemption**

One of the most overlooked segments of the population – singles- (single, widowed, divorced) feel the burden of the “singles tax”. May 2023 Forbes survey of U.S. adults find 93% of singles acknowledge the burden of tax and paying a premium for being single. They pay a premium for services such as travel - supplement for room occupancy meant for two, higher cell phone plans, less tax credits, less access to credits in other items such as insurance. Inability to share expenses including household expenses, groceries, rent, mortgage, property improvement etc. Even Medicare supplements only gives a discount to married and not to single seniors.

This burden is especially felt by the senior community. Per the Social Security Administration the unmarried elderly is disproportionately poorer than the married elderly. According to the U.S. Census Bureau 27% of adults 60+ are not married (single, widowed, divorced).

In terms of housing costs, the 2023 MD Dept of Housing & Community Development Income & Rent Limits 50% of State Area for the State median you need an income of \$43,550 to afford \$1089/month in rent. As of July 2023, the Social Security Administration monthly snapshot reported average social security check is \$1703.98 per month which equates to \$20,447.76/year. This highlights the potential for a single senior to be strapped for housing costs alone.

The added cost of living is an extra burden to many singles as they may feel compelled to continue working past retirement age. However, if they encounter a situation such as an illness this may increase their financial burden as they may have added expenses of caregivers coupled with reduced income as well as the potential, especially as they age, not being able to continue to work. This will be especially felt in Maryland as (Maryland Department of Aging) estimates of the 85-year- old population are expected to grow by 185% by 2045. This has the potential to increase the burden on government to care for this population.

Per the Hill Report (5/08/23) shows the average retirement savings in 2022 was \$171,000 (Cleaver Real Estate Survey). As we are aware that savings is not enough and according to one rule-of-thumb should aim to be 10 times their annual salary or \$375,000 by age 67.

Many seniors' biggest investment is in their homes. This investment is especially critical to the single senior population as this will be the largest source of wealth to keep them going in their senior years, especially if they require in-home health care or need to move to an assisted living facility.

To help the growing senior population in Maryland we recommend the following:

A 1- time Capital Gains exemption for singles age 65+ for a limit of \$500,000 (equivalent to the marriage deduction) be allowed. This would be based on primary residence, and they would have to meet the residency requirements (live 2 of the last 5 years as main residence or 1 year in the last 5 years if in a licensed assisted living facility).

Such a measure would enable this group of senior singles to continue to live independently and/or in a licensed care facility and reduce government burden.

## **Legislative Recommendation – Rent Stabilization for Seniors**

The 60 years of age and older population make up 22.62% of the 6.1 million people residing in the state of Maryland. As people continue to live longer the number of people 60 years and older will increase with a projection of 26.57% of population projection of 6.7 million by 2040. The 85 years and older population of 122,092 in 2020 is projected to grow to 314,961 by 2045, a 158% increase. (Maryland Department of Aging, State Plan on Aging, 2021)

It must be noted that there have been 20% plus senior rental increases in several counties

in the state of Maryland, potentially causing seniors to have to make choices between food, medication or a roof over their heads, which could potentially result in an increase in the number of homeless individuals and contribute to additional health concerns. In order to ensure the rights of older adults to prevent their exploitation, it is imperative to have regulations that protect seniors and enable them to have a stable living environment where they can remain independent with dignity.

Therefore the Fredrick County Senior Services Advisory Board recommends the following:

All rentals including apartments, condominiums, town homes and single family homes marketing to seniors or people 62 and older presently residing in said rentals will have an annual rent increase limited to 3% with a hard cap of 5% with each county's ability to create a fee schedule limiting extraneous fines and fees charged by property owners on top of base rent for seniors.

In addition, restricting rent increases for “troubled” or “distressed” properties and any rent increases that occur between the date that this bill becomes law and the date regulations take effect. Those rent notices would need to be withdrawn or modified to comply with the rent increase allowance. ( Adopted by Montgomery County, Maryland, 2023)

**Organization:** Catoctin and Frederick Soil Conservation Districts

**Submitted by:** Heather Hutchinson, District Manager





92 Thomas Johnson Drive, Suite 230, Frederick, MD 21702  
Phone: 301-695-2803 Ext. 3 Fax: 301-694-0270  
Email: [soil.conservation@comcast.net](mailto:soil.conservation@comcast.net)

To: Victoria Venable

From: Heather Hutchinson *HH*

RE: 2024 Legislative Considerations

Date: 9/12/2023

I am sending this memo in response to a July 27 request from County Executive Fitzwater for suggestions regarding Frederick County's legislative package for the 2024 General Assembly Session.

The Catocin and Frederick Soil Conservation Districts do not have requests for new legislation however, we do ask that the County support a legislative change that will be requested on behalf of Maryland Soil Conservation Districts.

Mike Mason of Provident Strategies will submit a request to amend existing legislation on behalf of the Maryland Association of Soil Conservation Districts. The request is to amend [MD. Agriculture Code § 8-306](#) (a) 18-19 to allow Soil Conservation Districts to charge for review of small pond designs.

Soil Conservation Districts are delegated authority, by the Maryland Department of Environment, to review and approve small pond designs. These small ponds include sediment basins and stormwater ponds that are required as part of sediment control and stormwater management plans. Presently, the Catocin and Frederick soil conservation districts employ a part time engineer to review small pond designs. This position is currently supported through our normal sediment control review fees, but this fee structure was not designed to support an engineer's salary. Having the ability to charge for small pond review would enable us to continue to offer this service. If we are not able to offer this service locally, small pond review would revert to the Maryland Department of Environment where there is a six to nine-month backlog. Small pond reviews at the soil conservation district are completed within 30 days allowing development projects in the county to continue on schedule.

If you wish to further discuss this amendment, please contact Mike Mason at  
phone number: 410-343-9340  
cell: 410-259-4043  
email: [mason@providence.llc](mailto:mason@providence.llc)

If you would like to discuss further, I would be happy to speak with you.

[hhutchinson@frederickcountymd.gov](mailto:hhutchinson@frederickcountymd.gov)

301-695-2803 ext 3

Thank you for your consideration.

**Organization:** The Women's Giving Circle of Frederick County

**Submitted by:** Bonnie Swanson, Chair



September 15, 2023

Dear County Executive Fitzwater,

Thank you so very much for including us in your 'information gathering' process. We feel that we are very connected to the pulse of the Frederick County community.

The main goal for the Women's Giving Circle is to promote and support programs that enable and empower women in challenging situations to improve the quality of their lives. The WGC supports women's efforts to become self-sufficient, understanding that encouragement and financial assistance are compelling factors in restoring stability and hope.

Furthering workforce and educational opportunity, such as:

- Direct provision of workforce development programs
  - Job training & placement services
  - Trade and technical certifications
  - Apprenticeship programs
- Direct support, such as scholarships, for post-secondary, apprenticeship, or workforce development programs
- Indirect support of workforce or educational program participation or betterment
  - Mentoring and life skills programs
  - Support of transportation and/or childcare to facilitate participation in workforce development or education programs

Furthering economic capacity, such as:

- Access to income supports
  - Systems navigation -- creating access to benefits such as the Earned Income Tax Credit (EITC), medical insurance, housing vouchers, etc.
- Training in financial literacy
  - Household budgeting, credit scores
  - First time homebuyers' programs

Please feel free to contact me if you have any questions or if I can be of any assistance to you. Thanks for coming to our luncheon last Tuesday and...again....  
THANK YOU for asking for our thoughts.

Regards,

*Bonnie Swanson*

Bonnie Swanson  
Women's Giving Circle Chair

Cc: Betsy Pakenas, Vice Chair  
Karlys Kline, Founder

**Organization:** City Youth Matrix

**Submitted by:** Aaron Vetter



Dear County Executive Fitzwater,

Thank you for requesting some of my (CYM's) input on Frederick County's legislative package for the 2024 General Assembly Session. Your ongoing understanding and support for the mission of City Youth Matrix is truly a gift and deeply respected. We often speak about your unique perspective for our mission based on your outstanding years serving as an educator at Oakdale Elementary.

The CYM mission utilizes data that we collect from the parent/guardians of the youth we serve. Specifically, one of the pieces of data we collect is report card and social emotional health metrics that are indicated on the FCPS student report card. We do this because it clearly demonstrates the correlation between extracurricular access and academic performance, graduation rates, and percentage of our youth that are moving onto post-secondary education, trades, public service, and/or the workforce sector. At City Youth Matrix we recognize that public education is the foundational component to the enrichment experience that extracurricular activities provide. Without the passion and excellence of FCPS, the City Youth Matrix mission would cease to exist. If FCPS does not have the proper resources, then our local community, and mission of City Youth Matrix will suffer greatly.

Based on recent data that indicates Frederick County is growing in population at a much faster rate than other counties in Maryland, our community and FCPS is being put at a critical level of over-capacity at our schools. Without listing the obvious and multi-layered consequences of overcrowding in our schools I will suggest that Frederick County requires increased appropriations for Capital building of more schools compared to other Maryland Counties. This must be considered at the General Assembly Session as a unique aspect to the growth and development of Frederick County. Additionally, the funding may be allocated to hire more teachers to accommodate the larger class sizes.

Our second recommendation would be that the General Assembly consider what matters most when making decisions regarding the allocations of resources and funding for future youth development. What matters most is academic performance, family empowerment, graduation rate, and advancement to post-secondary training. We ask that the General Assembly look at quantitative data, not conjecture, or in some cases the qualitative nature of data that can become mixed with popular trends. Instead, please take note of Counties and organizations that are making actual collective impact on the local community in the areas of youth development mentioned above.

County Executive Fitzwater, City Youth Matrix wishes you very well as you lead the preparation of the legislative package for the 2024 General Assembly Session.

Gratefully,

*Aaron Vetter*

Aaron Vetter

*Founder, Executive Director, City Youth Matrix*

**Organization:** Legal Aid

**Submitted by:** Susan Testa, Esq.



**MARYLAND  
LEGAL AID**

*Advancing*  
**Human Rights and  
Justice for All**

**MIDWESTERN MARYLAND  
OFFICE**

Frederick, Carroll &  
Washington Counties

**Nina Shore, Esq.**  
Chief Attorney  
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22 South Market Street, Suite 11  
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(301) 694-7414  
(800) 679-8813  
(301) 698-2636 (Fax)

September 22, 2023

VIA FIRST CLASS MAIL AND EMAIL

Honorable Jessica Fitzwater, County Executive  
Winchester Hall  
12 East Church Street  
Frederick, Maryland 21701

Dear County Executive Fitzwater:

I am responding to your letter of August 9, 2023, to Ms. Jennifer Schaffler, Director of Compliance, Grants, and Contracts at Maryland Legal Aid, requesting a summary of our organization's housing policy priorities. As part of the Tenant's Right to Counsel Project, we have extensive experience representing tenants in Court, and as result collect data and information from renters in Frederick County weekly. Our Midwestern office, which assists low-income renters throughout Frederick County, collectively identified five significant areas for legal improvement:

- Just cause for lease non-renewals
- Rent increase protection
- Renters' rights at the time of eviction
- Expanded habitability standards
- Renters' rights involving motels and campgrounds

We explain these priorities below. Your leadership in these five areas would greatly support the housing security and welfare of Maryland Legal Aid's clients.

**EXECUTIVE STAFF**

**Vicki Schultz, Esq.**  
Executive Director

Kristi Schulenberg, Esq.  
Chief Operating Officer

Somil B. Trivedi, Esq.  
Chief Legal & Advocacy Director

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Baltimore, MD 21202  
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(410) 951-7778 (Fax)

www.mdlab.org  
11.2022





House Bill [0684](#) (Del. Wilkins) and Senate Bill [0504](#) (Sen. Muse) from the 2023 session will likely return in 2024. We understand the sponsors are looking for vocal support from county executives.

JCE protects the housing security of economically and socially vulnerable renter households. At its core, this policy provides renters to stay rooted in their communities, allowing children to stay stable in their educational setting and elders to age in place. Opponents of the policy espouse an unsupported view that JCE deters development. What is certain, however, is that the proposal on the table is *enabling* legislation that would allow Frederick County to decide how to tailor a local just cause policy as the County sees fit, for instance by determining the scope of just cause or by focusing the policy on certain categories of rental housing.

## **2. Rent Stabilization**

Rent stabilization, or capping rent increases, is a second significant protection that would support the housing security of Maryland Legal Aid clients. According to the National Low Income Housing Coalition’s analysis of 2021 data, there are only 56 affordable and available properties in Maryland for every 100 very-low-income renter households (earning 31-50% of Area Median Income). This means our working poor are competing in a losing game for scarce affordable housing. While many policymakers believe Maryland will build its way out of this problem in the long term, in the near term, households face catastrophic consequences as landlords increase rents without restriction.

Maryland does not legally cap rent increases, nor is there any state preemption. Thus, several localities, including City of Frederick, stepped into the breach during the COVID-19 emergency to restrict rent increases. Since the emergency period’s end, Prince George’s County and Montgomery County have continued to cap rent increases. We urge your support for a sensible Frederick County bill modeled after the recently enacted Montgomery County law<sup>1</sup>, which generally caps annual rent increases at the lesser of 3 percent plus the Consumer Price Index (CPI-U) rate or 6 percent. That legislation also includes vacancy control, which ensures the long-term availability of options for low-income renters; “banking” of unused rent increases; and exceptions for buildings undergoing capital improvements or needing a “fair return rent increase” to offset operating expenses.

## **3. Renters’ Rights at Time of Eviction**

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<sup>1</sup> Montgomery County Council Bill No. 15-23 (enacted July 18, 2023; signed July 24, 2023).

In the lead up to eviction in Frederick County, and in most Maryland counties, renters are not entitled to notice of the scheduled date and time when the Sheriff will come upon the property to remove the renter and their personal property. At eviction, if the tenant is caught unawares, they stand to lose most, if not all, their personal property, which the landlord disposes in the public right of way or by hauling items to the landfill. Clients of Maryland Legal Aid and other service providers have watched eviction crews purposely destroy their belongings while some even seek payment from evicted renters for post-eviction access to their medicines, heirlooms, and other personal property. The financial and personal devastation of eviction multiplies at this final stage because Maryland has not caught up to neighboring jurisdictions. Delaware, New Jersey, Pennsylvania, Washington, D.C., West Virginia, and Virginia each have reclamation periods to allow tenants to take back their property. Nineteen states and the District of Columbia require notice and obligate the landlord to store the tenant's personal property.

In recent years, some delegations (Anne Arundel County, most recently) have put forth "eviction chattels" bills that require notice of eviction to tenants but at the cost of ending tenants' personal property rights at the time of eviction. However, House Bill 1023 (Del. Terrasa) from the 2023 session will likely return in 2024, providing the opportunity for Frederick County to support a holistic solution that requires specific notice to tenants, provides for storage and reclamation of tenants' personal property, and protects communities from blight.

#### **4. Expanded Habitability Standards**

##### **A. Mold hazards**

Two ubiquitous problems among Maryland Legal Aid's clients are mold and insect or rodent infestation in rental housing. Both problems pose significant hazards for households with young children – over 440,000 Maryland children suffer asthma<sup>2</sup> – and family members who suffer from respiratory illnesses. Although Frederick County's Minimum Livability Code means to protect renters from substandard housing conditions, Maryland Legal Aid finds that our clients face unwarranted hurdles when they seek recourse for mold hazards and infestations.

Frederick County Housing Department has adopted the following position about mold:

The Frederick County Housing Department does NOT inspect for the presence of mold inside rental properties nor do we have the authority to require mold testing. There are currently no agencies within Frederick

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<sup>2</sup> Abell Foundation, The Unequal Burden of Pediatric Asthma: A Call for an Equity-Driven, Multimodal, Public Health Approach to Asthma in Baltimore (Oct. 2020), [https://abell.org/wp-content/uploads/2022/02/2020\\_Abell\\_pediatric20asthma\\_FINAL-web20dr.pdf](https://abell.org/wp-content/uploads/2022/02/2020_Abell_pediatric20asthma_FINAL-web20dr.pdf).

County Government with employees who are trained for the inspection and/or identification of mold.

Although the Frederick County Housing Department does not address identifying mold, our inspectors may be able to assist you with identifying the source of any water entering habitable portions of your rental dwelling which could be a violation of the Frederick County Minimum Livability Code for Renters. You may contact them at 301-600-1023.

There are commercially available environmental air quality companies that can test for mold using specialized equipment and trained personnel. Check the telephone directory or the internet for local businesses. Keep in mind that you must pay for these services.<sup>3</sup>

This policy severely weakens low-income renters' ability to hold landlords accountable for mold hazards and to attain appropriate remediation. When our clients seek redress for mold hazards in court, Maryland Legal Aid routinely finds that Frederick County district court judges invoke the County's position as the basis to deny rent reduction and repairs pursuant to the "rent escrow" law. The County's policy effectively defeats an otherwise broadly remedial tenant protection. Furthermore, the policy fundamentally contradicts the existing requirement in the Minimum Livability Code § 1-6-40D(1) that "[t]he interior of a structure and its facilities shall be maintained in good repair, structurally sound, and in sanitary condition so as not to pose a threat to the health, safety, or welfare of the occupants."

Maryland Legal Aid urges Frederick County to investigate renters' reports of mold hazards aggressively rather than perpetuate barriers to inspection and to enforcement against neglectful landlords. Part of an appropriately aggressive policy would include budgeting for training County inspectors on mold inspection and assessment, as well for the cost of mold tests and air quality tests. Low-income renters are simply unable to pay the prohibitive costs of those tests. Although Maryland has recently created a Workgroup on Mold Standards and Remediation<sup>4</sup>, tasked with reporting recommendations on mold assessment and remediation to the Governor and General Assembly by October 2024, Frederick County should take near-term steps at the local level to strengthen inspections and enforcement under its existing Minimum Livability Code.

## B. Infestations

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<sup>3</sup> Frederick County Housing Department, "Information on Mold," Feb. 2018, <https://frederickcountymd.gov/DocumentCenter/View/302866/INFORMATION-ON-MOLD-92021> (last visited Sept. 21, 2023).

<sup>4</sup> House Bill 0976 (2023) (effective July 1, 2023).

Our clients also encounter impediments to redress for insect and rodent infestations. Under the Frederick County Minimum Livability Code § 1-6-45D, “the tenant of a structure containing a single housing unit shall be responsible for the extermination of any insects, rodents or other pests in the structure or the premises.” For multi-unit properties, however, that responsibility falls on the property owner. This distinction implies, incorrectly in Maryland Legal Aid’s view, that tenants in a single-family rental dwelling have complete control over the property, such that they can treat all areas of the structure and premises for extermination. For many of our clients, the basement, crawl space, or cellar of the rental home is locked, and their landlords have prohibited them from accessing those spaces. For many clients, too, regardless of how much they spend on extermination, infestation continues because the root cause is structural defects in the property.

The Minimum Livability Code does not put the responsibility for repair of structural defects on renters. Nonetheless, renters are effectively compelled to bear significant costs of ineffective extermination treatments simply to shift the responsibility of property maintenance back to the owner. As with mold hazards, Maryland Legal Aid finds that the County policy is often invoked to defeat our clients’ rent escrow claims in court.

Frederick County should consider revising its policy, for instance, by establishing that owners have the responsibility for extermination in single-family dwellings unless an inspector finds that the infestation, in the absence of structural defects or the owner’s inaction, “is caused by the tenant’s failure to take reasonable action to prevent the infestation” (borrowing from the language in § 1-6-45D(3) on multi-unit properties).

### C. Air conditioning

Persistent high heat increasingly threatens Maryland renters in homes that lack air conditioning. Extreme heat endangers older adults, young children, and people with health conditions ranging from asthma to cardiovascular disease.<sup>5</sup> Like most localities, Frederick County does not require the provision of air conditioning in rental properties. Maryland Legal Aid urges the County to legislate local requirements that protect vulnerable residents from heat hazards.

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<sup>5</sup> Harvard Chan School of Public Health, “Health-harming extreme heat, driven by climate change, on the rise,” June 24, 2022, <https://www.hsph.harvard.edu/news/hsph-in-the-news/health-harming-extreme-heat-driven-by-climate-change-on-the-rise>; *see also id.*, “The dangers of extreme heat,” July 26, 2022, <https://www.hsph.harvard.edu/news/hsph-in-the-news/the-dangers-of-extreme-heat/>.

In 2020, Montgomery County passed a local ordinance requiring most rental properties to maintain a temperature of no more than 80°F in each habitable space at a distance of 3 feet above floor level, during the seasonal period of June 1 through September 30.<sup>6</sup> That requirement can be met by provision of individual air conditioning units or a central air conditioning system. Similarly, in 2020 Prince George's County enacted an air conditioning requirement for all rental dwellings.<sup>7</sup>

### **5. Renters' rights involving motels and campgrounds**

In our representation of low-income renters in Frederick County, Maryland Legal Aid has also encountered uncertainty in whether County Council intended to treat renters in residential motels as distinct from those in rental dwellings. This uncertainty factors critically in determining the rights of tenants in the eviction process. Similarly, we have found that the rights of residents in mobile home parks are weakened when those parks are construed as campgrounds. The Frederick County Council should clarify the applicable provisions of the Code to ensure fair treatment of residents who live in non-traditional housing.

Thank you again for this opportunity to share our priorities on behalf of our Frederick County clients. We appreciate your time in considering these proposals. If you have any questions or concerns about any of these proposals, please contact me for follow-up. I will gladly set up a meeting or telephone call to discuss further.

Sincerely,

*Susan Testa*

Susan Testa  
Staff Attorney, Tenant's Right to Counsel Project  
Maryland Legal Aid  
22 S. Market Street, Suite 11  
Frederick, MD 21701  
240 575 7502  
stesta@mdlab.org

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<sup>6</sup> [Bill 24-19](#), implemented under Code of Montgomery County Regulations § 29.30.02.

<sup>7</sup> Sec. 13-162.02.

**Organization:** Sierra Club Maryland Chapter (SCMD) and Sierra Club Catoclin Group's (SCCG)

**Submitted by:** Paul Walker, Political Chair



To: Jessica Fitzwater, County Executive, Frederick County, Maryland

Date: September 22, 2023

Subject: County Executive 2024 Legislative Inputs from Sierra Club Catoctin Group

Dear Madam County Executive:

Thank you for this opportunity to share the Sierra Club Maryland Chapter (SCMD) and Sierra Club Catoctin Group's (SCCG) initial list of environmental/legislative priorities to be considered for inclusion in your package to the 2024 Frederick County General Assembly delegation. As it's early in the SCMD process, we look forward to providing more details in the next month or so.

Areas of priority with expected issues to be targeted with legislation include:

**I. Meet GHG emission reduction goals in 2022 Climate Solutions Now Act**

- A. **Reform EmPower Maryland**. Support new bill with key provisions of HB904/SB689 from 2023 promoting purchase of electric appliances.
- B. **Renewable energy generation**. Encourage reasonable solar siting regulations & studies by counties to identify priority locations for solar developments.
- C. **Buildings**. Promote improvements in energy use in buildings
- D. **Transportation**. Ensure highway investments have offsets to support mass transit, walking and cycling to limit vehicle miles traveled (VMT).

**II. Zero Waste**

- A. **Bottle bill**: A statewide deposit-refund system for beverage containers. Last year's bill: HB1089

**III. Natural Places/Conservation**

**IV. CE Data Centers Workgroup recommendations may necessitate action at the state level.**

Thanks for all you do to lead Frederick County, and for initiating this dialogue to consider SCCG priorities. Should you desire additional information, please contact the undersigned.

Sincerely,

Paul Walker, Political Chair, Sierra Club Catoctin Group, Cellular: 301-318-7995  
Kerri Hesley, Group Co-Chair, Sierra Club Catoctin Group, Cellular: 301-730-3339  
Ron Kaltenbaugh, Group Co-Chair, Sierra Club Catoctin Group, Cellular: 240-586-0014

Cc: Victoria Venable, Legislative Director

Joy Schaefer, Governments Affairs Director

John Peterson, Chief Administrative Officer

Byron Black, County Attorney

Ragen L. Cherney, County Council, Chief of Staff & Legislative Director

**Organization:** Partners in Care

**Submitted by:** Mandy Arnold

Senior Funding.

With Frederick County having one of the fastest growing senior populations in Maryland, I am shocked at how little funding is put towards local nonprofits and businesses that support these citizens of your County.

With little to no funding, Partners In Care (PIC) has served the seniors (60+) of Frederick County for the past 22 years. We provide transportation, handyman services, and member care to allow the seniors to Age-In-Place safely with Dignity and Respect. We use a unique model and culture. We serve with volunteers through Time-Banking and Service-Exchange.

Our transportation is arm-in-arm, door-through-door; we wait with the members and make multiple stops. Example: If you go to the doctor's and get a prescription or need food, the driver will stop at the pharmacy or grocery store on the way back. Something that no other services provide.

Handyman services - we fix leaky faucets, install handrails, change light bulbs, and more—all to keep the seniors safe in their homes.

Member Care - is everything non-medical over-and-above transportation—education on scams and frauds, tablet training, help with taxes, and so much more.

In FY23, Organization-wide, our volunteers donated over 48,000 hours and drove over 202,000 miles to support Older Adults. To allow Older Adults (Seniors) to Age-In-Place with Dignity and Respect.

**FY23 Frederick Statistics only:**

7,998 Hours

52,553 Miles

4,405 Tasks/Rides

In FY23 and FY24, Frederick County has yet to support our program. We feel as though the County doesn't want us there. With that said, regardless of who gets the support. Please discuss the senior population with the legislators.

I understand funding children, veterans, people with disabilities, etc. BUT Please --



WE CAN NOT DISREGARD OR DISRESPECT THE INDIVIDUALS WHO PAVED THE WAY FOR YOU AND I TO BE HERE TODAY. They worked hard and earned respect and should have dignified services. Not dropped off on a corner or waiting hours to be picked up.

PLEASE SUPPORT THE SENIORS!!!!

If we are blessed, We will be there one day, needing the support of programs like Partners In Care Maryland, Inc.

I hope this helps. First time I am responding to a letter like this. I am not political, but I am able and willing to support and speak on behalf of the senior population if needed.

Wishing ALL Seniors the Best!!

Thank you in advance for your time and consideration.

### **Proposals from Frederick County municipalities:**

As of September 26, 2023, we have not received any proposals for legislative initiatives from Frederick County Municipalities.

### **Proposals from the public:**

**Submitted by:** Robert J. Hawley, Ph.D., RBP, SM(NRCM), CBSP

A suggestion for the Frederick County's legislative package for the 2024 General Assembly Session would be to determine the status of the registration of non-select agent laboratories in Frederick County, Maryland, or those laboratories operating within Maryland. The issue is if Maryland should oversee biocontainment laboratories. Currently, there is no oversight of biocontainment laboratories. The option, according to the report at the website below, is to require state registration or licensure of the laboratories through DHMH or another state agency. This would provide an accounting of the location of all BSL-3 laboratories not working with select agents. This would also provide an accounting of the infectious agents and biohazardous materials that are used or stored at these facilities. What is the status of this option, and can the option be brought before the 2024 General Assembly? My sincere thanks. Bob

## **Appendix – List of Organizations**

\*\*In alphabetical order\*\*

Adult Public Guardianship Review Board	Business and Industry Cabinet	Equity and Inclusion Commission
Advisory Plumbing Board	Catoctin & Frederick Soil Conservation Districts	Ethics Commission
Advocates for Homeless Families, Inc.	Centro Hispano de Frederick	Farm Bureau of Frederick County, Inc.
Affordable Housing Council	Chamber of Commerce of Frederick County	Fire and Rescue Advisory Board
African American Resources Cultural and Heritage Society	Children of Incarcerated Parents Partnership	Fort Detrick Alliance
Agricultural Preservation Advisory Board	City of Brunswick	Frederick Arts Council
Agricultural Reconciliation Committee	City of Frederick	Frederick Book Arts Center Inc
Agriculture Business Council	City Youth Matrix	Frederick Community College
American Red Cross serving Montgomery, Howard and Frederick Counties	Commission For Women	Frederick Community College Board of Trustees
Asian American Center of Frederick	Commission on Disabilities	Frederick County Association of Realtors, Inc.
Association of Nigerians in Frederick	Containment Laboratory Community Advisory Committee	Frederick County Building Industry Association
Ausherman Family Foundation	CrossedBRIDGES	Frederick County Public Schools
Ausherman Family Foundation	Daybreak Adult Day Services, Inc	Frederick County Volunteer Fire & Rescue Association, Inc.
Blessings in a Backpack, Frederick Maryland	Delaplaine Foundation	Frederick Health Hospice
Board of Education of Frederick County	Delaplaine Foundation	Frederick Regional Youth Orchestra
Board of Elections	Domestic Violence Coordinating Council	Fredericktowne Players
Board of Gaming Appeals	Each 1 Teach 1, Inc	Get Kids Outside
Board of Zoning Appeals	Electrical Board	Girls on the Run
	Empowering Community Leaders Network, Inc.	Global Necessity Corporation
	Endangered Species theatre Project	

Golden Care of Frederick	Mental Health Advisory Committee	Solid Waste Advisory Committee
Heartly House, Inc.		
Historic Preservation Commission	Mental Health Association	Spanish Speaking Community of Maryland, Inc.
Hood College	Mission of Mercy	
Housing Authority of the City of Frederick	Mobilize Frederick	Sradio5 FM Foundation - DBA: Woman. Foundation
Housing Authority of the City of Frederick	Moms Demand Action for Gun Sense in America	STEM ENABLE INC
Human Relations Commission	Mount Saint Mary's University	Student Homelessness Initiative Partnership of Frederick County, Inc.
I Believe in Me Inc.	On Our Own of Frederick County	Substance Abuse Council
Immigrant Affairs Commission	Parks and Recreation Commission	Sustainability Commission
Insurance Committee	Partners In Care Maryland Maryland, Inc.	Sustainable Monocacy Commission
Interagency Internal Audit Authority	Phoenix Foundation of Maryland	Technology Council of Frederick County
Interfaith Housing Alliance, Inc.	Planning Commission	The Arc of Frederick County
Justice and Recovery Advocates, Inc.	Police Accountability Board	The Birthing Circle Inc.
Justice Jobs of Maryland, Inc.	PTA Council of Frederick County	The Community Foundation of Frederick County
Lake Linganore Association, Inc.	Public Library Board	The Delaplaine Arts Center, Inc.
Lead4Life, Inc.	Rebuilding Together Frederick County, MD, Inc.	The Frederick Center, Inc.
League of Women Voters of Frederick County	Roads Board	The Frederick Children's Chorus
League of Women Voters of Frederick County	Safe Ride Foundation Inc.	The Global Z Recording Project
Literacy Council of Frederick County	Senior Services Advisory Board	The Religious Coalition for Emergency Human Needs in Frederick County, Inc.
Living Well Youth Works	Seton Center Inc.	Tourism Council of Frederick County, Inc.
Local Management Board	Sierra Club Catocin Group	
Maryland Legal Aid	SOAR, Supporting Older Adults through Resources, Inc.	Town of Burkittsville
	Social Services Board	Town of Emmitsburg

Town of Middletown

Town of Mount Airy

Town of Myersville

Town of New Market

Town of Thurmont

Town of Walkersville

Town of Woodsboro

Transformative Arts Project

Transportation Services  
Advisory Council

Turner Boxing Club's Youth  
& Development Program

United Way of Frederick  
County, Inc.

Veterans Advisory Council

Village of Rosemont

Way Station, Inc

Whole Heart Grief & Life  
Resource Center

Woman to Woman  
Mentoring, Inc.

Women's Giving Circle

Workforce Development  
Board

YMCA of Frederick County