

## CITY COUNCIL AGENDA

### 1. Call To Order

### 2. Roll Call

### 3. Meditation And Pledge Of Allegiance To The Flag

### 4. Consent Agenda - Approval Of Staff Recommendations

*(Items on the Consent Agenda [marked by \*] will be approved as recommended by staff, subject to removal from the Consent Agenda by Council.)*

### 5. Approval Of Agenda And Additions

### 6. Presentations

- o. Malcolm Augustine

Malcolm Augustine, the Prince George's County representative to the Washington Metropolitan Area Transit Authority (WMATA) Board of Directors, will be present to provide an update on WMATA. (CM)

### 7. Petitions And Requests

*(Petitions received at the meeting will not be acted upon by the City Council at this meeting unless Council waives its Standing Rules)*

### 8. Minutes Of Council Meetings

- o. \*DRAFT Minutes 1-28-16

Documents: [8-DRAFT MINUTES 1-28-16.PDF](#)

- o. \*DRAFT Minutes 2-8-16

Documents: [8-DRAFT MINUTES 2-8-16.PDF](#)

### 9. Administrative Reports

### 10. \*Committee Reports

- o. \*Forest Preserve Advisory Board, Report #2016-1 (Trail Condition And Maintenance – North Preserve):

It is recommended that Council accept this report and consider it on the agenda of a future meeting. (CM)

Documents: [10-FPAB REPORT.PDF](#)

- o. \*Advisory Planning Board, Report #2016-1 (Greenbelt Auto & Truck – Modification To Non-Conforming Certification):

It is recommended that Council accept this report and consider it later on this agenda as Item #17. (CM)

Documents: [17-APB REPORT.PDF](#)

**11. An Ordinance Of The Council Of The City Of Greenbelt, Maryland To Make A Supplemental Appropriation In The General Fund In The Amount Of Two Hundred Thousand Dollars (\$200,000) For The Acquisition Of Certain Real Property Known As**

- 2<sup>nd</sup> Reading, Adoption

Reference: Ordinance

At its January 28, 2016 meeting, the City Council authorized the acquisition of 10-A Crescent Road for Greenbelt Museum purposes. The agreed to price of the acquisition is \$200,000 plus related costs. The City has available funds for the purchase in its General Fund fund balance which exceeded \$4 million as of the end of Fiscal Year 2015 (June 30, 2015).

Ms. Mach introduced this ordinance for first reading at the last meeting. It is recommended the ordinance be introduced for second reading and moved for adoption tonight. (MPM)

Documents: [11-DRAFT ORDINANCE.PDF](#)

**12. ATHA Bike Infrastructure Memorandum Of Understanding**

Reference:

Letter, A. Marcavitch, 02/11/2016  
Bicycle Trails Group FAQ's  
Bicycle MOU

In 2015, communities within the Anacostia Trails Heritage Area (ATHA), in cooperation with ATHA Inc., hosted several regional bike planning meetings. The meetings were designed to identify potential bike connections between communities, share existing local and County bike planning initiatives, and promote cooperation in bike planning between communities. A Memorandum of Understanding (MOU) to establish a working group and further guide discussions has been proposed.

The proposed MOU establishes an Inter-Municipal Bikeways Working Group to advise municipalities and outlines the overarching goals of this initiative. Staff has reviewed the MOU and supporting materials and finds that these items are in-line with previously established goals of the City to support and promote bicycle and pedestrian path infrastructure. If a municipality agrees to the MOU, it is hoped that an elected official will be designated as the representative to the Working Group. Participation in the MOU is voluntary and no binding commitments are required.

Staff recommends Council approve participation in the MOU as presented and appoint a Council representative to serve as member of the Working Group. (JB)

Documents: [12-LETTER, A. MARCAVITCH.PDF](#), [12-MOU.PDF](#), [12-BICYCLE TRAILS GROUP FAQS.PDF](#)

**13. Greenbelt Station South Core - Phase 3 Detailed Site Plan**

Reference:

Memorandum, J. Bellah, 02/16/2016  
Background Materials from 02/08/2016 Packet

The Maryland-National Capital Park and Planning Commission (M-NCPPC) has referred the Greenbelt Station South Core Phase Three (3) Detailed Site Plan (DSP) 13045 to the

City for review and comment. This case will be reviewed at the Planning Board level and a hearing date has been set for March 10, 2016. M-NCPPC has requested that the City provide their comments for inclusion in the case record. As outlined in the Development Agreement, the city is afforded approval authority of detailed site plans and the applicant is required to obtain the city's approval for DSP-13045.

Phase 3 consists of 165 townhouse units to be constructed west of Greenbelt Station Parkway. City staff has reviewed the DSP, landscape plan, and architecture proposed in Phase 3. In two memos dated February 4, 2016, and February 8, 2016, staff recommended approval of DSP-13045, Phase 3, Greenbelt Station South Core, subject to forty-five (45) conditions. The applicant, Woodlawn Development Group (WDG), has agreed to incorporate thirty-five (35) of the staff recommended conditions prior to plan certification. Council discussed this item at its last meeting and directed City staff to continue to work with WDG and seek resolution to the remaining unresolved conditions.

Jessica Bellah, Community Planner, will present staff's recommendation to Council and answer questions on the Phase 3 plan. It is recommended DSP-13045 be approved subject to conditions of approval detailed in staff's technical report dated February 16, 2016. (JB)

Documents: [13-MEMORANDUM, J. BELLAH.PDF](#)

#### **14. State/County Legislation**

Reference:

Email, Lore Rosenthal, 2/16/16

CB-3

SB 323/HB 610

HB 211/SB 198

HB 1106/SB 921

HB 1287/SB 867

SB 607/HB 829

HB 436/SB 468

HB 524

SB 776/HB 1361

The Greenbelt Climate Action Network (GCAN) has requested favorable consideration of the first six bills. Fact sheets from the Sierra Club are included with these bills. Lore Rosenthal and other members of GCAN are expected at tonight's meeting.

##### CB 3 2016 – Prohibition on Hydraulic Fracturing

This bill would prohibit hydraulic fracturing in all residential, commercial and industrial zones in Prince George's County. The bill is sponsored by five County Council Members including Council Member Turner.

It is recommended Council support CB-3-2016.

##### SB 323/HB 610 – Greenhouse Gas Reduction Act - Reauthorization

This legislation builds on legislation adopted in 2009 and supported by the City to renew the goal of a 25% reduction in greenhouse gas emissions by 2020. It would establish a new goal of reducing these emissions by 40% by 2030. Senator Pinsky is the primary sponsor of SB 323 and this bill was adopted by the Senate. Delegates Gaines and Healey are co-sponsors of HB 610.

It is recommended Council support SB 323/HB 610.

HB 211/SB 198 – Pollinator Protection Act of 2016

This bill would prohibit the sale of seeds and plants that have been treated with Neonicotinoid pesticides without a specific warning label/sign. It would also limit the use and sale of these pesticides. Delegate Healey is the primary sponsor of HB 211.

It is recommended that Council support HB 211/SB 198.

HB 1106/SB 921 – Clean Energy Jobs - Renewable Energy Portfolio Standard Revisions

This legislation increases the State's Renewable Energy Portfolio Standard (RPS). Maryland's RPS requires that renewable sources (solar, wind, etc.) generate specific percentages of electricity supply each year. It also requires that certain funds be used to help create clean energy jobs. Delegates Healey and Washington are co-sponsors of this legislation.

It is recommended that Council support HB 1106/SB 921.

HB 1287/SB 867 – Renewable Energy Portfolio Standard – Eligible Sources

This legislation removes certain renewable sources (trash incinerator, woody biomass incinerator, etc.) from meeting the Renewable Energy Portfolio Standard. Delegate Washington is a co-sponsor of this bill.

It is recommended Council support HB 1287/SB 867.

SB 607/HB 829 – Cattle, Swine & Poultry - Use of Antimicrobial Drugs

This bill would limit the routine use of antibiotic drugs for farm animals. Antibiotics could still be used to treat sick animals or stop an infectious outbreak. Senator Pinsky is the primary sponsor of SB 607.

Council direction is sought.

HB 436/SB 468 – Speed Camera Repeal

This bill would repeal the speed camera program in Maryland. The MML Legislative Committee opposes this bill.

It is recommended Council oppose HB 436/SB 468.

HB 524 – Foreclosure – Responsible Party Registration

This legislation requires that when an action to foreclose is filed, a secured party must register certain information with the State's Foreclosed Property Registry including the name, phone number and address of the person responsible for maintenance of the property. The MML Legislative Committee voted to support this bill.

It is recommended Council support HB 524.

SB 776/HB 1361 – Hotel Tax – Limited Residential Lodging

This bill would charge the hotel/motel tax to internet based lodging entities like Airbnb. Delegate Washington is a co-sponsor of HB 1361.

It is recommended Council support SB 776/HB 1361.

(DEM)



Documents: [14-EMAIL, L. ROSENTHAL.PDF](#), [14-CB 3.PDF](#), [14-SB 323.PDF](#), [14-HB 211.PDF](#), [14-HB 1106.PDF](#), [14-HB 1287.PDF](#), [14-SB 607.PDF](#), [14-HB 436.PDF](#), [14-HB 524.PDF](#), [14-SB 776.PDF](#)

## **15. Council Reports**

### **16. \*Renewal Of County Liquor Licenses**

Reference:

Notice, Board of License Commissioners (Liquor Board)

The City has received notification from the County Board of License Commissioners that all licenses within the City are up for renewal beginning this spring. The City has until March 1, 2016, to file a protest of any license renewal.

The Police and Planning and Community Development Departments have reviewed the notification and report no issues or opposition regarding these renewals.

Approval of this item on the consent agenda will indicate Council's intent to take no position on these renewals. (CM)

Documents: [16-NOTICE.PDF](#)

### **17. \*Greenbelt Auto & Truck – Modification To Non-Conforming Use Certification**

Reference:

APB Report 2016-01

Applicant's Statement of Justification, 10/13/15

The City has received a referral from Maryland – National Capital Park and Planning Commission (M-NCPPC) for an application submitted by Greenbelt Auto & Truck to modify its non-conforming use certification. The Prince George's County Planning Board is scheduled to hear the application on March 10, 2016.

Greenbelt Auto & Truck has had a storage shed on its property since at least the late 1990's. Last year, Mr. Aulisio, owner of Greenbelt Auto & Truck, began work to demolish the existing shed which was damaged during a storm and replace it with a larger 12'Lx20' Wx12' aluminum storage building on the same concrete slab. Mr. Aulisio was issued a "Stop Work" order from City inspection staff and was instructed to obtain the required County and City building permits. However, upon applying for a County building permit, Mr. Aulisio was informed he would need to apply for a modification to the non-conforming use certification that requires Prince George's County Planning Board approval.

Staff is supportive of Mr. Aulisio's application and the Advisory Planning Board voted unanimously to support the application with the condition that some landscaping be installed to the rear of the storage building. Staff has also discussed with the County reviewer that if the auto repair business ever ceases to operate, that the accessory storage building shall be required to be removed since its permitted installation, per the County Zoning Code, is strictly for the storage of auto parts.

Staff recommends City Council support Greenbelt Auto & Truck's request to modify its non-conforming use certification to allow for the construction of a 12'Lx20'Wx12'H storage building on the subject premises with the condition that the Applicant agree to install landscaping along the rear of the proposed storage building and that the building is to be removed if the business ceases to operate. Approval of this item on the consent agenda will indicate Council's approval of the staff recommendation. (TH)

Documents: [17-APB REPORT.PDF](#), [17-APPLICANTS STATEMENT OF](#)

**18. \*Reappointments To Advisory Group**

Reference:  
Reappointment Applications

Donna Hoffmeister and Damien Ossi have indicated their willingness to continue to serve on the Forest Preserve Advisory Board (FPAB). Approval of this item on the consent agenda will indicate Council's intent to appoint Ms. Hoffmeister and Mr. Ossi to new terms on the FPAB. (CM)

**19. Meetings**

Reference:  
Chart, Stakeholder/Regular Meetings  
Master Calendar

2016 Meeting Schedule: At the work session on February 17, Council reviewed its 2016 meeting schedule. The following changes to the 2016 meeting calendar were suggested:

- Reschedule Monday, March 28th Regular Meeting to Tuesday, March 29th (Easter Monday)
- Reschedule June 13th and June 27th Regular Meetings to June 6th and June 20th (Budget Adoption Prior to June 10th and MML Conference June 26th – 29th)
- No work session on Monday, October 3rd (Rosh Hashanah)

A motion is required to approve this schedule change.

Executive Session: An Executive Session has been requested by the City Manager to discuss matters related to Personnel (Succession Planning) and a Proposal for a Business to Relocate to the State (TIF). It is recommended this meeting be scheduled for Wednesday, March 9, 2016, at 8:00 p.m. in Room 201 of the Community Center.

To schedule the Executive Session the following motion is needed: I move that Council schedule an Executive Session on Wednesday, March 9, 2016, at 8:00 p.m. in Room 201 of the Community Center. Council will hold this closed meeting in accordance with the General Provisions Articles 3-305(b)(1) and 3-305(b)(4) of the *Annotated Code of the Public General Laws of Maryland* to consider a personnel matter and a matter that concerns a proposal for a business to locate in the State.

Regular Meeting	Mon.	2/22	8:00 pm
Work Session – Beltsville Agricultural Research Center (CC)	Wed.	2/24	7:30 pm
Work Session – Review of Theater Operations	Wed.	2/24	9:00 pm
Four Cities Meeting (College Park)	Thurs.	2/25	7:30 pm
Work Session – Zoning Rewrite	Mon.	2/29	8:00 pm
Legislative Dinner (Annapolis)	Wed.	3/2	6:00 pm

Work Session – Greenbelt East Advisory Coalition (Hunting Ridge)	Thurs.	3/03	7:30 pm
Work Session – Advisory Group Chairs	Mon.	3/07	8:00 pm
Executive Session/Personnel & Proposal for a Business to Relocate (CC)	Wed.	3/09	8:00 pm
Regular Meeting	Mon.	3/14	8:00 pm
Work Session – Council Goals (CC)	Wed.	3/16	8:00 pm
Work Session – Gateway Signage and Attick Park Parking Lot	Mon.	3/21	8:00 pm
Work Session – MOU with GATE (CC)	Wed.	3/23	8:00 pm
Regular Meeting/Budget Presentation	Mon.	3/28	8:00 pm
Budget Work Session – Overview, Revenues & General Government (CC)	Wed.	3/30	8:00 pm

REGULAR MEETING OF THE GREENBELT CITY COUNCIL held Thursday, January 28, 2016.

Mayor Jordan called the meeting to order at 8:05 p.m.

ROLL CALL was answered by Councilmembers Judith F. Davis, Konrad E. Herling, Leta M. Mach, Silke I. Pope, Edward V. J. Putens, Rodney M. Roberts and Mayor Emmett V. Jordan.

ALSO PRESENT were Michael McLaughlin, City Manager; David Moran, Assistant City Manager; Karen Ruff, Associate to the City Solicitor; and Cindy Murray, City Clerk.

Mayor Jordan asked for a moment of silence in memory of residents Charles Ashurst and Terry Mangum and former residents Sally Robbins and JoAnn Wallace. Ms. Davis then led the pledge of allegiance to the flag.

APPROVAL OF CONSENT AGENDA: Mr. Putens requested the minutes of the work session of January 6, 2016, be removed from the consent agenda. With this change, it was moved by Ms. Davis and seconded by Mr. Herling that the consent agenda be approved. The motion passed 7-0.

Council thereby took the following actions:

Minutes:

Regular Meeting, December 14, 2015  
Interview, January 4, 2016  
Special Meeting, January 4, 2016  
Interview, January 6, 2016  
Approved as presented.

Committee Reports: Council accepted the Park and Recreation Advisory Board Report #2016-1 (Recognition Group Application).

Playground Surfacing – 1 Court Southway: Council approved the replacement of shredder rubber surfacing at the playground at 1 Court Southway with engineered wood fiber surfacing.

Reappointment to Advisory Group: Council reappointed Betty Timer to a new term on the Senior Citizens Advisory Committee.

Resignation from Advisory Group: Council accepted the resignation of Katia Cavigelli from the Youth Advisory Committee.

APPROVAL OF AGENDA: Ms. Mach requested “Advisory Board Matters” be added to the agenda. With this addition, it was moved by Ms. Pope and seconded by Mr. Herling that the agenda be approved. The motion passed 7-0.

PRESENTATIONS: None

PETITIONS AND REQUESTS:

Bill Orleans, Greenbelt, inquired about past executive sessions of Council regarding annexation and acquisition of real property.

MINUTES OF COUNCIL MEETINGS: None

Minutes of Work Session, January 6, 2016: Mr. Putens requested the following clarifications be made to the minutes. On page 2, "Mr. Putens recommended a continuing services contract with the current part-time contractor to work on developing draft policies and procedures and an outline of the duties and responsibilities of a Volunteer Coordinator." On Page 3, "Mr. Putens inquired of Dr. Park as to the impact to CARES and its clients if the program were to be moved to another day." With these changes, it was moved by Mr. Putens and seconded by Mr. Herling that the minutes be approved. The motion passed 7-0.

ADMINISTRATIVE REPORTS:

Councilmembers complimented members of the Public Works and Police Departments for their efforts during the blizzard last week. They also complimented Beverly Palau, the City's Public Information and Communications Coordinator, for working with the Public Works and Police Departments throughout the blizzard and the recovery efforts and publishing regular informational updates on the website. Mr. McLaughlin thanked the residents for being prepared for the blizzard, working cooperatively with fellow residents, and for their patience during the recovery efforts. He also announced that the City was notified today that there will be FEMA reimbursements for the blizzard.

Bill Orleans, Greenbelt, questioned why WMATA had offered only limited bus service within the City several days this week. Mayor Jordan explained that WMATA makes the determination on whether to run full service, limited service or no service routes. He mentioned Council has an upcoming work session with WMATA on February 3, 2016.

COMMITTEE REPORTS: None

LEGISLATION:

An Ordinance of the Council of the City of Greenbelt Authorizing the Acquisition by Negotiated Purchase of Certain Real Property Known as 10-A Crescent Road, Greenbelt, Maryland Which is Needed for a Public Purpose, Namely a Museum, for an Amount Not to Exceed Two Hundred Thousand Dollars (\$200,000) Plus Related Costs

Mayor Jordan read the agenda comments.

Ms. Davis introduced the ordinance for second reading and moved that it be adopted. Ms. Mach seconded.

Mr. McLaughlin introduced Thomas Dwyer, executor of the Dwyer estate including 10-A Crescent Road. Council and Mr. McLaughlin thanked Mr. Dwyer for working with the City and making the process for acquisition of the property very smooth.

Mr. Putens mentioned the City's upcoming 80<sup>th</sup> Anniversary celebration next June and said it would be nice to have an event/ceremony with the Greenbelt Museum and the Dwyer family.

Steve Gilbert, President of Friends of Greenbelt Museum (FOGM), thanked Council and staff for their efforts on this acquisition.

ROLL CALL: Ms. Davis - yes  
 Mr. Herling - yes  
 Ms. Mach - yes  
 Ms. Pope - yes  
 Mr. Putens - yes  
 Mr. Roberts - yes  
 Mayor Jordan - yes

The ordinance was declared adopted (Ordinance No. 1343, Book 12).

Mr. Dwyer thanked Council, Greenbelt Homes, Inc. (GHI) and Mr. McLaughlin for making the sale of the property a very easy process. He mentioned his family ties to the City, and said it was very special to the family that the property will be used for Museum purposes.

Mr. Herling and Ms. Davis suggested a plaque recognizing the Dwyer family be considered at 10-A Crescent Road.

A Resolution to Authorize the Negotiated Purchase of Canine Turf for the Greenbelt Animal Shelter and the Greenbelt Dog Park from East Coast Surfacing of Rock Hall, Maryland at a Cost of \$20,940

Mayor Jordan read the agenda comments.

Ms. Pope introduced the resolution for second reading and moved that it be adopted. Mr. Herling seconded.

ROLL CALL: Ms. Davis - yes  
 Mr. Herling - yes  
 Ms. Mach - yes  
 Ms. Pope - yes  
 Mr. Putens - yes  
 Mr. Roberts - no  
 Mayor Jordan - yes

The resolution was declared adopted (Resolution No. 2039, Book 8).

ADVISORY COMMITTEE ON EDUCATION, REPORT #2016-1 (GRANT PROPOSALS – 2016):

Mayor Jordan read the agenda comments.

Jon Gardner, member of the Advisory Committee on Education (ACE), reported that ACE had solicited grant proposals for up to \$500 each from the seven ACE core schools: Greenbelt Elementary, Springhill Lake Elementary, Magnolia Elementary, Dora Kennedy French Immersion School, Turning Point Academy, Greenbelt Middle School and Eleanor Roosevelt High School. He said after a review of the 33 proposals received from five schools totaling \$16,167, ACE is recommending 21 grant proposals totaling \$9,669.25 be approved for funding. Mr. Gardner advised the FY 2016 budget includes \$9,500 for the ACE Grants Program and ACE proposes to redirect \$169 into the grants program from other funds within the ACE budget.

Ms. Mach moved that Council approve the distribution of the 2016 ACE Grant Awards totaling \$9,669

as recommended by ACE in its Report #2016-1. Ms. Pope seconded.

Council complimented ACE on its work on the Grants Awards Program.

Ms. Davis noted that funding for some of the grant proposals (chairs and tables for a reading area and whiteboards for the physics classroom) should have been provided by Prince George's County Public Schools (PGCPS). She said she was glad that ACE/City was able to provide the funding, but said it is PGCPS responsibility.

The motion passed 7-0.

STATE LEGISLATION: Mayor Jordan read the agenda comments.

PG/MC 110 – Land Use Permit Review – Consolidation: Mayor Jordan read the agenda comments.

Ms. Craze explained that this bill would remove the Maryland-National Capital Park & Planning Commission (M-NCPPC) from the review of certain permit applications related to zoning and subdivision. Instead, the County Department of Permits, Inspections and Enforcement (DPIE) would review and approve these permits. She noted Planning staff is concerned about the process proposed which would eliminate review by M-NCPPC trained planners who understand the complexity of the County's Zoning Ordinance and have experience reviewing complex plans and approval conditions.

Ms. Davis moved that Council oppose PG/MC 110. Mr. Putens seconded.

The motion passed 7-0.

PG/MC 111 – Land Use - Zoning Powers and Review: Mayor Jordan read the agenda comments.

Ms. Craze explained this bill would take the zoning powers of the Planning Board and Board of Appeals and vest them with the District Council. It is an effort to codify that the District Council has original jurisdiction over these matters, thus making the Planning Board subordinate to the District Council. She noted Planning staff's concerns with the bill.

Mayor Jordan said County Council Member Turner is aware of staff's concerns and has requested Council take no action on PG/MC 111 at this meeting.

After further discussion, Council suggested taking a position on the bill at the next meeting.

Ms. Davis moved to table PG/MC 111. Mr. Putens seconded. The motion passed 7-0.

PG 404 – County Disposable Bag Fee: Mayor Jordan read the agenda comments. He noted that this item had been tabled at the last meeting.

Ms. Davis moved that Council take PG 404 off the table for discussion. Mr. Putens seconded. The motion passed 7-0.

Mr. Moran explained that PG 404 is enabling legislation that would allow the County to impose a fee on retail establishments for the use of disposable plastic bags. He said if the bill passes, then the County will have to enact legislation (if they choose to do so) on how to implement the bag fee.

Ms. Pope moved that Council support PG 404. Ms. Mach seconded. The motion passed 6-1. (Roberts)

SB 57/HB 31 – Community Cleanup & Greening Act: Mayor Jordan read the agenda comments.

Ms. Davis moved that Council support SB 57/HB 31 with an amendment to reflect that revenues collected within a municipality are returned to that municipality. Ms. Pope seconded.

Ms. Mach requested that Council's letter of support note that the bill contains inconsistent use of the words "paper and plastic" throughout the document.

Mr. Roberts noted his opposition to the bill. He said instead of imposing a statewide bag fee, plastic bags should be banned.

The motion passed 6-1. (Roberts)

COUNCIL REPORTS: Councilmembers commented on their attendance at the following events.

National Cooperative Business Association Event at National Press Club – Ms. Mach  
Maryland Municipal League (MML) Legislative Reception – Mayor Jordan, Ms. Davis, Mr. Herling, Ms. Mach and Mr. Putens  
Metropolitan Washington Council of Governments (COG) Clean Air Partners Board Meeting – Ms. Mach  
National League of Cities Webinar Training – Ms. Mach  
COG Air Quality Committee and Climate, Energy and Environment Policy Committee Joint Meeting – Ms. Mach  
Martin Luther King Jr. Day of Service Event at Public Works – Mayor Jordan, Ms. Pope and Mr. Putens  
District 22 11<sup>th</sup> Annual Reception/Martin Luther King Jr. Day of Service Celebration – Mayor Jordan, Ms. Davis and Mr. Herling  
MML Legislative Committee Meeting – Ms. Davis  
Darkness to Light Training Session – Ms. Davis and Ms. Mach  
COG Chesapeake Bay Policy Committee Meeting – Ms. Davis  
Friends of Greenbelt Museum Lecture – Ms. Davis  
Greenbelt Homes, Inc. Board Meeting – Ms. Davis  
Roosevelt Center Merchants Association Meeting - Ms. Davis

ADVISORY GROUP MATTERS: Ms. Mach moved that Council: 1) appoint Sherry Burks to the Community Relations Advisory Board; and 2) accept the resignation of Jeannie Bellina from the Greenbelt Green Team. Mr. Putens seconded. The motion passed 7-0.

MEETINGS: Council reviewed the upcoming meeting schedule.



Executive Session: Ms. Davis moved that Council schedule an Executive Session on Wednesday, February 3, 2016, at 7:00 p.m. in Room 201 of the Community Center, in accordance with the General Provisions Article §3-305(b) (4) of the Annotated Code of the Public General Laws of Maryland to consider a matter that concerns a proposal for a business to locate in the State.

Ms. Pope seconded.

ROLL CALL:	Ms. Davis	-	yes
	Mr. Herling	-	yes
	Ms. Mach	-	yes
	Ms. Pope	-	yes
	Mr. Putens	-	yes
	Mr. Roberts	-	no
	Mayor Jordan	-	yes

ADJOURNMENT: Ms. Mach moved to adjourn the meeting. Mr. Putens seconded. The motion passed 7-0.

Mayor Jordan adjourned the regular meeting of Thursday, January 28, 2016, at 10:45 p.m.

Respectfully submitted,

Cindy Murray  
City Clerk

"I hereby certify that the above and foregoing is a true and correct report of the regular meeting of the City Council of Greenbelt, Maryland, held January 28, 2016."

Emmett V. Jordan  
Mayor

REGULAR MEETING OF THE GREENBELT CITY COUNCIL held Monday, February 8, 2016.

Mayor Jordan called the meeting to order at 8:03 p.m.

ROLL CALL was answered by Councilmembers Judith F. Davis, Konrad E. Herling, Leta M. Mach, Silke I. Pope, Edward V. J. Putens, Rodney M. Roberts and Mayor Emmett V. Jordan.

ALSO PRESENT were Michael McLaughlin, City Manager; David Moran, Assistant City Manager; John Shay, City Solicitor; and Cindy Murray, City Clerk.

Mayor Jordan asked for a moment of silence in memory of former residents Esther Yalowitz and Kathleen McKinney Pantano. Mr. Putens then led the pledge of allegiance to the flag.

APPROVAL OF CONSENT AGENDA: Mr. Putens moved that the consent agenda be approved. Ms. Pope seconded. The motion passed 7-0.

Council thereby took the following actions:

Minutes:

Work Session, December 2, 2015  
Work Session, December 16, 2015  
Regular Meeting, January 11, 2016  
Work Session, January 13, 2016  
Approved as presented.

Committee Reports: Council accepted the Community Relations Advisory Board, Report #2016-1 (Preservation & Maintenance of the Turner Family Cemetery) and will consider it on the agenda of a future meeting.

Park and Recreation Advisory Board, Report #2016-1 (Recognition Group Application): Council granted Recognition Group status to the Boys to Men Mentoring Network of Greater Washington.

Reappointment to Advisory Group: Council reappointed Kevin Hammett to a new term on the Community Relations Advisory Board.

Appointment to the Greenbelt Green Team: Council appointed Margaret Cahalan as a member of the Greenbelt Green Team.

APPROVAL OF AGENDA: It was moved by Ms. Pope and seconded by Mr. Putens that the agenda be approved. The motion passed 7-0.

PRESENTATIONS:

Anacostia Trails Heritage Area Update: Aaron Marcavitch, Executive Director of the Anacostia Trails Heritage Area (ATHA), provided an update on the organization. He said that ATHA's current area of focus is on bikes and trails and hopes to have 2017 designated as "Year of the Bike."

Mr. Marcavitch described the Heritage Center Project which will create ATHA's permanent home in the new Pyramid Atlantic Art Center in Hyattsville and provide space to serve as a welcoming center for visitors. He spoke about the Heritage Center Fund which will support the design and implementation of exhibits and visitor amenities, and said ATHA was seeking a contribution from each of its member communities during the next fiscal year for the fund.

Council thanked Mr. Marcavitch for the update.

PETITIONS AND REQUESTS:

Bill Orleans, Greenbelt, inquired about past executive sessions of Council regarding annexation and acquisition of property. Mr. Shay stated that Council had held these meetings in accordance with State law.

Bill Norwood, 6-B Parkway, presented a petition requesting improved street lighting along Greenbelt Road. (Copy of petition attached to minutes) Mr. McLaughlin said he would forward the request to the State Highway Administration since Greenbelt Road is a state highway.

Ms. Mach read a petition from Elizabeth Barber, 16-Z-1 Ridge Road, requesting use of an abandoned newspaper box on Southway to place magazines for use by patrons at the bus stop. (Copy of petition attached to minutes) Council referred the petition to the Arts Advisory Board and Community Relations Advisory Board for review.

MINUTES OF COUNCIL MEETINGS:

Statement for the Record – Executive Session of February 3, 2016: Ms. Davis moved that in accordance with the General Provisions Article, Section 3-306(c)(2) of the *Annotated Code of Public General Laws of Maryland*, the minutes of tonight's meeting reflect that Council met in executive session on Wednesday, February 3, 2016, at 7:05 p.m. in Room 201 of the Community Center. Council held this closed meeting in accordance with the General Provisions Article, §3-305(b)(4) of the *Annotated Code of Public General Laws of Maryland*, to consider a matter that concerns a proposal for a business to locate in the State.

Vote to close session:

	Yes	No	Abstain	Absent
Ms. Davis	X			
Mr. Herling	X			
Ms. Mach	X			
Ms. Pope	X			
Mr. Putens	X			
Mr. Roberts		X		
Mayor Jordan	X			

The following staff members were in attendance: Michael McLaughlin, City Manager, and Cindy Murray, City Clerk.

Other individuals in attendance: County Council Member Todd Turner; Garth Beall and Paul Summers, Renard Development; and David Iannucci, Prince George's County.

Council took no actions during this session.

Mr. Pope seconded.

ROLL CALL:	Ms. Davis	-	yes
	Mr. Herling	-	yes
	Ms. Mach	-	yes
	Ms. Pope	-	yes
	Mr. Putens	-	yes
	Mr. Roberts	-	yes
	Mayor Jordan	-	yes

#### ADMINISTRATIVE REPORTS:

Mr. McLaughlin announced that Wi-Fi access is now available in the Council Room. He also announced the following upcoming hearings: 1) WMATA public hearing on February 23 at 7:00 p.m. at the Greenbelt Marriott regarding the proposed changes to facilities at Greenbelt Metro Station as part of the proposed development project; and 2) County Executive Rushern Baker's public hearing/listening session on the budget tomorrow at 7:00 p.m. at Laurel High School.

Ms. Davis said several members of the Greenbelt East Advisory Coalition asked about getting pole identifiers for fire hydrants in their neighborhoods so the hydrants can be easily located in heavy snow. Mr. McLaughlin said staff would check on the availability of the pole identifiers. He noted that installation of the pole identifiers on private property would likely have to be done by the homeowner association.

Council congratulated Dr. Caitlin McGrath, Executive Director of Old Greenbelt Theatre, for being recognized as one of the Forty Under 40 honorees by the Prince George's County Social Innovation Fund.

COMMITTEE REPORTS: None

#### LEGISLATION:

Purchase of 10-A Crescent Road to Become Part of the Greenbelt Museum: Mayor Jordan read the agenda comments.

Mayor Jordan explained that Council authorized the acquisition of 10-A Crescent Road for Greenbelt Museum purposes at its last meeting and now needs to decide whether to use available City funds (cash) or to take a loan to pay for the acquisition.

Ms. Davis noted that if available funds are used for the acquisition, the funds would come from the surplus in the General Fund. She said if Council decides to go with a loan for the acquisition, these funds could also be used towards paying down the City's debt, paying-off or paying down the deficit in the 2001 Bond Fund, funding on-going capital projects, funding some unfunded capital projects or put towards an infrastructure reserve fund.

Ms. Pope said she supported using available funds for the acquisition and saving over \$41,000 in interest over the 10 year term of a loan. Mr. Roberts, Mr. Herling and Ms. Mach agreed. Ms. Davis said she would support the use of available funds for the acquisition but wanted to be sure the “infrastructure reserve fund” was established for the next budget cycle.

Mr. Putens indicated his support for use of a loan for the acquisition.

- A. An Ordinance of the Council of the City of Greenbelt, Maryland to Make a Supplemental Appropriation in the General Fund in the Amount of Two Hundred Thousand Dollars (\$200,000) for the Acquisition of Certain Real Property Known as 10-A Crescent Road, Greenbelt, Maryland  
- 1<sup>st</sup> Reading, Adoption

Ms. Mach introduced the ordinance for first reading.

PG/MC 111-2016: Mayor Jordan read the agenda comments.

Mr. Putens removed this item from the table. Ms. Davis seconded. The motion passed 7-0.

County Council Member Turner explained the reason for this legislation is in response to a recent court case, *Prince George's County v. Zimmer Development Company* which found that the District Council only has appellate jurisdiction to review Planning Board decisions. This case greatly limits the 50 year old practice by the District Council of reviewing cases.

Council Member Turner said this bill would take the zoning powers of the Planning Board and Board of Appeals and vest them with the District Council. He advised that this is an effort to codify that the District Council has original jurisdiction over these matters, thus making the Planning Board subordinate to the District Council.

Celia Craze, Director of Planning and Community Development, explained that under current law, the Planning Board acts as the original review and the District Council as the appellate. She added that one of the intents to have an independent planning board is for it to serve as a nonpartisan body.

Ms. Davis moved that Council take no position on this bill but respectfully request that the City, along with other County municipalities, be included in any further discussion regarding the bill. Ms. Pope seconded.

The motion passed 7-0.

ALCOHOLIC BEVERAGE LICENSE APPLICATION – MISSION BBQ: Mayor Jordan read the agenda comments.

Doug Plain, Operating Partner for Mission BBQ Greenbelt, explained that Mission BBQ has submitted an application to the Board of License Commissioners to allow them to sell beer. He noted that beer is not one of Mission BBQ's main focus of business and represents less than 1% of Mission BBQ total sales.

Ms. Davis moved that Council take no position on the application. Mr. Putens seconded. The motion

passed 7-0.

RED LIGHT CAMERA CONTRACT: Mayor Jordan read the agenda comments.

Captain Triesky explained the Police Department's partnership with Howard County on the red light camera program. She advised that after undertaking a Request for Proposal (RFP) process, Howard County recently awarded its red light camera contract to American Traffic Solutions. Captain Triesky said the costs of the program will increase slightly with the price per camera increasing 9% from \$2,250 to \$2,450 per month and the price for processing citations increasing 13% from \$9.75 to \$11.00 per approved citation. Howard County will also increase its charge for managing the program from \$850 to \$1,030 per month (21%). She noted these are the first program increases since 2008 and 2004, respectively.

Mr. Roberts noted his opposition to the increase in fees.

Ms. Davis moved that Council authorize the Mayor to sign the proposed agreement with American Traffic Solutions (ATS) and the Memorandum of Understanding with Howard County for the red light camera program. Mr. Putens seconded.

The motion passed 6-1. (Roberts)

CONDITIONAL APPROVAL OF PERMIT APPLICATIONS FOR GREENBELT LAKE FOREBAY DREDGING PROJECTS: Mayor Jordan read the agenda comments.

Terri Hruby, Assistant Director of Planning, explained that the project, which will be fully funded by the County's Stormwater fee, will assist the County in meeting its Environmental Protection Agency pollutant reduction goals while improving the overall water quality of Greenbelt Lake. She said the dredging of the forebays is an unfunded capital project, and has been identified by two City environmental consultants as needed to address the sediment loads within the forebays and to restore the functionality of the forebays.

Mr. Putens moved that Council: 1) approve conditional support for the submittal of the Maryland Department of Environment permit application and the sediment erosion control plans to the Soil Conservation District for the forebay dredging projects; and 2) refer the projects to the Greenbelt Advisory Committee on Environmental Sustainability and the Park and Recreation Advisory Board for review and request reports be submitted back to Council within 30 days. Ms. Pope seconded.

Mr. Roberts expressed concern that funding the project through the County Stormwater fee is not appropriate. He said the fees should be used for retrofitting projects and not dredging projects. Ms. Pope asked staff to determine how much the dredging project would cost if the City had to assume the entire cost.

Ms. Hruby noted that final plans for the project will be brought back to Council for approval.

The motion passed 7-0.

GREENBELT STATION SOUTH CORE – PHASE 3 DETAILED SITE PLAN: Mayor Jordan read the agenda comments.

Jessica Bellah, Community Planner, explained that the Maryland-National Capital Park and Planning Commission (M-NCPPC) has referred the Greenbelt Station South Core Phase Three (3) Detailed Site Plan (DSP) 13045 to the City for review and comment. This case is scheduled for review at the Planning Board level and a hearing date has been set for February 25, 2016. M-NCPPC has requested that the City provide their comments for inclusion in the case record. As outlined in the Development Agreement, the city is afforded approval authority of detailed site plans and the applicant is required to obtain the city's approval for DSP-13045.

Ms. Bellah advised that staff has reviewed the DSP, landscape plan and architectural plan proposed in Phase 3 and has recommended forty-five (45) conditions of approval. Norman Rivera and Justin Frye, Woodlawn Development Group (WDG), said WDG has agreed to incorporate thirty-five (35) of the staff recommended conditions prior to plan certification.

Celia Craze, Director of Planning & Community Development, Ms. Bellah, Norman Rivera, Justin Frye and Council reviewed each of the conditions of approval as indicated in Ms. Bellah's memorandums of February 4, 2016, and February 8, 2016.

Mr. Putens moved that Council approve removal of the pedestrian overpass from the plans in its entirety. Ms. Davis seconded. The motion passed 7-0.

Ms. Craze expressed concern that WDG had publicly stated that the cost for the construction of the WMATA trail would be offset by its costs for providing the shuttle. Although, this had been previously expressed by Woodlawn, Mr. Rivera and Mr. Frye said they were committed by the Development Agreement to funding the construction of the WMATA trail for the full amount.

After discussion, Council directed City staff to continue to work with WDG and seek resolution to the remaining unresolved conditions.

Ms. Davis moved that Council table this item to the next meeting. Mr. Herling seconded. The motion passed 7-0.

#### STATE LEGISLATION:

HB 435 – Electric Companies - Vegetation Management: Mayor Jordan read the agenda comments.

Ms. Davis moved that Council support HB 435. Ms. Mach seconded.

Mr. Roberts noted his concern that the bill states that if an agreement cannot be reached within one year after the electric company contacts the county or municipality, the electric company may perform the proposed work. After discussion, Ms. Davis amended her motion to include Council support of the bill with an amendment that "Section 7-213(e)(4)(III)" be removed. Ms. Mach accepted the amendment.

The motion passed 7-0.

SB 367 – Redeemable Container and Litter Reduction Program: Mayor Jordan read the agenda comments.

Ms. Mach moved that Council support SB 367. Mr. Herling seconded.

After discussion, Ms. Mach moved that the following amendments be included in Council's support: removal of time limit from Section 9-1737(D)(1); and 2) addition of "if a redemption center is placed in a municipality, then the municipality should receive the funds." Mr. Herling agreed to the amendments.

The motion passed 7-0.

PG 418 – County Prohibition on Disposable Bags: Mayor Jordan read the agenda comments.

Ms. Davis moved that Council support PG 418. Mr. Herling seconded. The motion passed 7-0.

PG/MC 109 – Extraordinary Development District: Mayor Jordan read the agenda comments.

Ms. Davis moved that Council support PG/MC 109 with an amendment that Section 12-210(a)(3)(III)(2) state "in consultation with district where the TIF agreement is located." Ms. Mach seconded.

The motion passed 6-1. (Roberts) Mr. Roberts said developers should pay for all site improvements.

COUNCIL REPORTS: Councilmembers commented on their attendance at the following events.

Metropolitan Washington Council of Governments (COG) Chesapeake Bay Policy Committee  
Legislative Conference Calls – Ms. Davis  
Art Critique Group's Reception for Artistry by 3 – Ms. Davis  
Maryland Local Leaders Legislative Briefing sponsored by Smart Growth America and 100 Friends of MD – Ms. Davis  
Maryland Municipal League (MML) Legislative Committee Meeting – Ms. Davis  
Maryland Mayors Association Luncheon – Mayor Jordan and Ms. Davis  
Electronics Recycling – Ms. Davis  
Artful Afternoon – Ms. Davis  
Girl Scout Troop 27 Citizenship Presentation – Mayor Jordan and Ms. Davis  
Friends of the New Deal Café Arts Opening Reception – Mayor Jordan and Ms. Davis  
Prince George's County Delegation Hearing on PG/MC 117 – Mayor Jordan and Ms. Davis  
Maryland Mayors Association Conference – Mayor Jordan

Mayor Jordan announced that many programs and events are scheduled this month in honor of Black History Month.

MEETINGS: Council reviewed the upcoming meeting schedule.

ADJOURNMENT: Ms. Mach moved to adjourn the meeting. Mr. Putens seconded. The motion passed 7-0.

Mayor Jordan adjourned the regular meeting of Monday, February 8, 2016, at 12:28 a.m.



Respectfully submitted,

Cindy Murray  
City Clerk

"I hereby certify that the above and foregoing is a true and correct report of the regular meeting of the City Council of Greenbelt, Maryland, held February 8, 2016."

Emmett V. Jordan  
Mayor

DRAFT

FOREST PRESERVE ADVISORY BOARD  
REPORT TO COUNCIL

Report No. 2016-01

SUBJECT: Trail condition and maintenance – North Preserve  
DATE: January 21, 2016

**BACKGROUND:** Approximately 1680 feet from the intersection of Ridge Road and Northway<sup>1</sup>, there is a major trailhead for trails in the north preserve. This is one of two trailheads for the north preserve located along Northway.

As is the case for all trails in the forest preserve, this trailhead, and the trail system it feeds, have formed over years of usage, and therefore has formalized into a major trailhead.

Due to the steepness of the trail extending from the trail head, and the heavy use, the trail has become very eroded and worn. Erosion is accelerated by the steep slope and channelization of water along the trail path during heavy rain events. This has created a gully with exposed tree roots and muddy areas.

**ANALYSIS:** The Forest Preserve Management and Maintenance Guidelines generally allows for the existing informal trail system, while recommending against formal maintenance of these trails. The guidelines do provide for exceptions, particularly in situations when trails pose a threat to the preserve or to the users.

The condition of this trail poses a threat to the natural condition of the preserve due to the extreme erosion. The steepness and unstable condition of the trail also poses a threat to users. It is the opinion of the Forest Preserve Advisory Board that there is greater harm associated with leaving the trail surface in its current condition; than there would be harm if modest trail maintenance is performed.

Recent inspection of the trail has caused city staff to conclude that erosion and further channelization of this trail will continue unless there is intervention.

The Management and Maintenance Guidelines allow for modifications to trails for the purpose of addressing surface drainage as follows:

- Alteration of existing surface drainage patterns should be considered only when runoff creates conditions considered to be unsafe to the public or damaging to the surrounding natural conditions.
- Should surface drainage patterns require modification, such modification will only employ natural materials.

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<sup>1</sup> The trail head can be identified by a gravel apron extending to the edge of Northway.

- Grade dips or water bars may also be used to divert surface water flow from a trail.

The Public Works Department has previously addressed similar trail/path erosion at Buddy Attick Park through the installation of water bars which stabilize the trail, control water flow and minimize erosion.<sup>2</sup> A similar treatment could be installed along this trail, which would address the problem conditions in a manner consistent with the Forest Preserve Management and Maintenance Guidelines.

**RECOMMENDATION:** It is recommended that the City Council approve the installation of water bars along the length of the eroded trail off Northway in conformance with the policies and recommendations of the Forest Preserve Management and Maintenance Guidelines. It is further recommended that any materials used for this project be naturally sourced, preferably using wood from trees natural to the area.

**ATTACHMENT:** Erosion on referenced trail.

This report was approved by consent.

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<sup>2</sup> Another example of the use of water bars to stabilize trails can be found on Plateau Place. This was done by GHI with the use of volunteers.







**5ADVISORY PLANNING BOARD  
REPORT TO COUNCIL**

**REPORT NO. 2016-01  
February 16, 2016**

**SUBJECT: Greenbelt Auto & Truck – Modification to Non-Conforming Certification**

**BACKGROUND:** The City has received a referral from Maryland – National Capital Park and Planning Commission (M-NCPPC) for an application submitted by Greenbelt Auto & Truck to modify its non-conforming use certification. The Prince George’s County Planning Board is scheduled to hear the application on March 10, 2016.

Greenbelt Auto & Truck has had a storage shed on its property since the at least the late 1990’s. Last year, Mr. Aulisio, owner of Greenbelt Auto & Truck began work to demolish the existing shed which was damaged during a storm and replace it with a larger storage building on the same concrete slab. Mr. Aulisio was issued a “Stop Work” order from City inspection staff and was instructed to obtain the required County and City building permits. Upon applying for a County building permit for the construction of a 12’Lx20’Wx12’H storage building, Mr. Aulisio was instructed that since the gas station is a certified non-conforming use, and the certified non-conforming use did not include a shed on the property, he would have to apply for a modification to the non-conforming use certification which required Prince George’s County Planning Board approval.

**ANALYSIS:** The Prince George’s County Zoning Ordinance allows for a modification of a certified non-conforming gas station without a Special Exception if the addition, relocation, or modification to an accessory building is used solely for the storage of automotive replacement parts or accessories. The Ordinance also states that the building shall either be constructed of brick (or another building material similar in appearance to that of the main building and placed on a permanent foundation, or it shall be entirely surrounded with screening material.

The Applicant is proposing to install an aluminum, 12’Lx20’Wx12’H storage building. The building is to be located on an existing concrete slab where there used to be a smaller storage shed, and is to be white with green trim and a green roof to match the appearance of the main building. The Board inquired about the reason for the increased height from the previous shed, and the applicant explained the size of the storage building was predicated on the storage needs of Greenbelt Auto & Truck.

The Board concurred with staff that the proposed storage building does serve to screen the auto repair bays from the neighboring Parke Crescent Apartments. Currently, the Applicant’s site plan does not show any proposed landscaping associated with the new storage building. The Board believes some modest landscaping to the rear of the storage building would be appropriate.

**RECOMMENDATION:** The Board recommends City Council support Greenbelt Auto & Truck's request to modify its Non-conforming use certification to allow for the construction of a 12'Lx20'Wx12'H storage building on the subject premises with the condition that the Applicant agree to install landscaping along the rear of the proposed storage building. The landscaping plan should be submitted to the City's planning staff for review and approval.

Respectfully submitted,

Brian Gibbons  
Chair

This report was adopted by a vote of 5 to 0,

Introduced:  
1<sup>st</sup> Reading:  
Passed:  
Posted:  
Effective:

ORDINANCE NUMBER XXXX

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GREENBELT, MARYLAND TO MAKE A SUPPLEMENTAL APPROPRIATION IN THE GENERAL FUND IN THE AMOUNT OF TWO HUNDRED THOUSAND DOLLARS (\$200,000) FOR THE ACQUISITION OF CERTAIN REAL PROPERTY KNOWN AS 10-A CRESCENT ROAD, GREENBELT, MARYLAND

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WHEREAS, on January 28, 2016, the Council of the City of Greenbelt, Maryland (the "Council") approved Ordinance No. 1343 authorizing the City's acquisition of certain real property known as 10-A Crescent Road, Greenbelt, Maryland (the "Property") in an amount not to exceed Two Hundred Thousand Dollars (\$200,000) plus related costs and approving the execution of a Contract of Sale therefor; and

WHEREAS, the Contract of Sale approved by the Council contemplates that the City will obtain a loan to pay for the Property; and

WHEREAS, the Council has determined that it is in the best interest of the City to pay for the Property using money from the City's General Fund rather than obtain a loan.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Greenbelt, Maryland, that an additional \$200,000 shall be and hereby is appropriated as a supplemental appropriation in the General Fund of the City's FY2016 Budget for the acquisition of Unit 10-A Crescent Road, Greenbelt, Maryland.

BE IT FURTHER ORDAINED that said supplemental appropriation will come from the General Fund fund balance and be appropriated to Account 990 "Non-Departmental" in the General Fund.

BE IT FURTHER ORDAINED that said supplemental appropriation is in addition to the appropriation of \$26,699,500 made by Ordinance 1340 for the fiscal year ending June 30, 2016, thereby making the total appropriation in the General Fund for the fiscal year in the amount of \$26,899,500.

BE IT FURTHER ORDAINED that this Ordinance shall be effective immediately upon its passage.

PASSED by the Council of the City of Greenbelt, Maryland, at its regular meeting of February 22, 2016.

\_\_\_\_\_  
Emmett V. Jordan, Mayor

ATTEST:

\_\_\_\_\_  
Cindy Murray, City Clerk

DRAFT





Anacostia Trails Heritage Area

Managing Board

Lee Cain, President  
Alfonso Navarez, Vice-President  
Tracey Toscano, Treasurer  
Pat Williams, Secretary

Rose Green Colby  
Jonathan Ebbeler  
Laurie Lemieux  
Joseph Pruden  
Carl Smith  
D. Lingua (Gov. Board Liaison)

Executive Director

Aaron Marcavitch

February 11, 2016

Dear Mayors, Councilmembers, and Commissioners:

I am forwarding to you for review and signature a Memorandum of Understanding and a “Frequently Asked Questions” document related to the development, connection, and improvement of bicycle and walking routes.

Earlier in 2015, each of the communities within the Anacostia Trails Heritage Area sat down and discussed potential bike connections between the trails and our communities. We identified potential routes, maintenance issues, and future plans. Out of that process, those that participated agreed that a MOU should be put in place that would help guide future discussions.

These meetings were hosted jointly by Councilmembers Glaros and Tavaras, in cooperation with ATHA Inc. These county councilmembers have shown great interest in making sure our bike system for the region is robust. ATHA Inc. has been involved because of our interest in bicycle tourism. However, this interest can only go so far. We now need each of the communities within ATHA to sign on and agree to move this effort forward.

Do not hesitate to contact me with questions or concerns. We look forward to working with each of the communities on the specific goal of growing bicycle and pedestrian use.

Sincerely,

Aaron Marcavitch

Executive Director, ATHA Inc.

## MEMORANDUM OF UNDERSTANDING

### Inter-Municipal Bikeways Working Group

This Memorandum of Understanding is effective this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between the City of Mount Rainier, the Town of Brentwood, the Town of North Brentwood, the City of Hyattsville, the Town of Edmonston, the Town of Colmar Manor, the Town of Cottage City, the Town of Bladensburg, the Town of Riverdale Park, the Town of University Park, the City of College Park, the Town of Berwyn Heights, and the City of Greenbelt, each of which is a municipal corporation of the State of Maryland, hereinafter referred to collectively as the Municipalities.

### WITNESSETH

Whereas, the Prince George's Countywide Master Plan of Transportation Bikeways and Trails is being developed as a connected network for bicyclists, pedestrians, and other non-motorized forms of transportation, and many of these bikeways run through the Municipalities; and

Whereas, the residents of the Municipalities highly value alternative modes of transportation, especially for personal use, to exercise as well as commute to local amenities such as shops, restaurants, service venues, and even the workplace; and

Whereas, the Municipalities are promoting sustainability and making efforts to reduce the carbon footprint of both their municipality and the residents thereof, as well as reduce motorized vehicle traffic within their jurisdictions; and

Whereas, at times the infrastructure for bicycle and pedestrian paths within the Municipalities is limited, generally unmarked, less-than-safe, and needs notable development and improvement; and

Whereas, the Municipalities have decided to establish the Inter-Municipal Bikeways Working

Group for the purposes of developing, promoting, and maintaining a safe, well-marked, connected and integrated bicycle and pedestrian path network that it will serve all communities as a functional yet healthy transportation amenity in the area for generations.

NOW THEREFORE, in consideration of the sum of the foregoing, the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City of Mount Rainier, the Town of Brentwood, the Town of North Brentwood, the City of Hyattsville, the Town of Edmonston, the Town of Colmar Manor, the Town of Cottage City, the Town of Bladensburg, the Town of Riverdale Park, the Town of University Park, the City of College Park, the Town of Berwyn Heights, and the City of Greenbelt recognize their mutual interest in the development of the bicycle and pedestrian path network, and agree to work together to promote and strive to utilize resources for maintenance, and further agree as follows:

1. The “Whereas” clauses set forth above are included and incorporated as part of this Memorandum of Understanding.
2. The Inter-Municipal Bikeways Working Group be and it is hereby established to advise the municipalities and is charged with: 1. developing a short-term and long-term bicycle path network plan to compliment the Maryland National Capital Park & Planning (M-NCPPC) Trail Master Plan; 2. facilitating the development of a safe, well-marked integrated and connected bicycle path network; 3. creating agreements among municipalities and other organizations for maintenance and improvements of the bikeways; and, 4. facilitating the collection, sharing, and dissemination of information in support of the three items immediately above .

Each Municipality shall appoint at least one representative to serve on the Working Group for an initial term ending on July 1, 2016. It would be preferred that at least one of the representatives be a member of the municipality’s elected body. Subsequent appointments or the filling of vacancies shall be handled by each governing body in a manner it chooses; however, preference shall remain that subsequent members that serve shall be elected officials.

The Working Group shall select its own Chair and other offices, and organize sub-committees as it requires. It may request expertise and information from individuals

and entities, such as staff from the Anacostia Trails Heritage Area Inc. (ATHA) or M-NCPPC, in order to carry out its mission. The Working Group's meetings shall be governed by the Maryland Open Meetings Act, and all meeting minutes shall be available to the public. The Working Group shall provide to each municipality, at a minimum, an annual report by July 30<sup>th</sup> 2016 summarizing its meetings and activities for the preceding 12 months (more frequent updates to municipalities are expected of the Working Group's representatives).

3. The Municipalities agree to contribute expertise, perspective, and mutual support via membership and participation in the Inter-Municipal Bicycle Trails Working Group.
4. The Municipalities agree to share knowledge of the bicycle paths with each other, including photos, technical and scientific data, and analyses.
5. The Municipalities agree to work collaboratively in building community support, and to solicit the support of the Federal government, State of Maryland, Prince George's County, and other entities needed to develop and maintain the bicycle paths.
6. The Municipalities agree to jointly plan and pursue actions to ensure that the bicycle paths, for its entire network, remains a valuable community resource.
7. The Municipalities agree that any position taken or request for support made by the Inter-Municipal Bikeways Working Group must be affirmatively acted upon by a majority of the Municipalities before the Inter-Municipal Working Group may state support of the position or request. All parties will be informed via email and/or a meeting 14 days in advance prior to any action being taken on a proposed position or a request for support (such as a grant).
8. The Municipalities agree that membership in the Inter-Municipal Bikeways Working Group is voluntary in nature. The Municipalities may, from time to time, amend this Memorandum of Understanding and the directives to the Working Group by adopting identical resolutions stating the amendments. Each municipality may at any time terminate its participation on the Working Group and / or withdraw from this Memorandum of Understanding by officially notifying the Working Group's Chair and the other parties.

**IN WITNESS WHEREOF**, the Municipalities have caused this Memorandum of Understanding to be effective as of the date and year first written above, and this Memorandum of Understanding shall automatically terminate five years from the effective date, unless it is renewed by all parties. Renewal of this Memorandum of Understanding shall be based on an evaluation of accomplishments under item 2 above.

ATTEST:

CITY OF MOUNT RAINIER

\_\_\_\_\_  
Janis Lomax, Clerk

By: \_\_\_\_\_  
Malinda Miles, Mayor

TOWN OF BRENTWOOD

\_\_\_\_\_  
Magdalena Rojas, Clerk

By: \_\_\_\_\_  
Racio Treminio-Lopez, Mayor

TOWN OF NORTH BRENTWOOD

\_\_\_\_\_  
Eleanor Traynham, Clerk

By: \_\_\_\_\_  
Petrella Robinson, Mayor

CITY OF HYATTSVILLE

\_\_\_\_\_  
Laura Reams, Clerk

By: \_\_\_\_\_  
Candace Hollingsworth, Mayor

TOWN OF EDMONSTON

\_\_\_\_\_  
Michelle Rodriguez, Clerk

By: \_\_\_\_\_  
Tracy Gant, Mayor

TOWN OF COLMAR MANOR

\_\_\_\_\_  
Daniel Baden, Clerk

By: \_\_\_\_\_  
Sadara Barrow, Mayor

TOWN OF COTTAGE CITY

\_\_\_\_\_  
Tina Pryce, Clerk

By: \_\_\_\_\_  
Abel Nunez, Chair Commissioner

TOWN OF BLADENSBURG

\_\_\_\_\_  
Patricia McAuley, Clerk

By: \_\_\_\_\_  
Walter Lee James, Jr, Mayor

TOWN OF RIVERDALE PARK

\_\_\_\_\_  
Jessica Barnes, Clerk

By: \_\_\_\_\_  
Vernon Archer, Mayor

TOWN OF UNIVERSITY PARK

\_\_\_\_\_  
Tracey Toscano, Clerk

By: \_\_\_\_\_  
Len Carey, Mayor

CITY OF COLLEGE PARK

\_\_\_\_\_  
Janeen Miller, Clerk

By: \_\_\_\_\_  
Andrew Fellows, Mayor

TOWN OF BERWYN HEIGHTS

\_\_\_\_\_  
Kerstin Harper, Clerk

By: \_\_\_\_\_  
Jodie Kulpa-Eddy, Mayor

CITY OF GREENBELT

\_\_\_\_\_  
Cindy Murray, Clerk

By: \_\_\_\_\_  
Emmett Jordan, Mayor

# Inter-Municipal Bicycle Trails Working Group

## Frequently Asked Questions

**What is the Inter-Municipal Bicycle Trails Working Group?** The Inter-Municipal Bicycle Trails Working Group (henceforth “The Group” or “The Inter-Municipal Group”) is a body of representatives from thirteen municipalities within the Anacostia Trails Heritage Area (ATHA) which will meet regularly and create an agreement for the planning, development, promotion, and maintenance of the bicycle path network within the ATHA district.

**How was the Group started?** Several County Councilmembers, the Director of ATHA, and other local municipal leaders saw the need for coordination in creating and promoting a safe, well-marked, connected, and integrated bicycle and pedestrian path network. Through the leadership of ATHA’s Director, Aaron Marcavitch, and support from the Council, the thirteen municipalities within ATHA are being contacted and encouraged to designate a representative for the Group as well as to sign on to the Group’s Memorandum of Understanding.

**Why do we need a Memorandum of Understanding?** A Memorandum of Understanding is simply a framework agreement for the Group’s purpose, how it will operate, and sets a foundation for a cooperative approach in the development and improvement of the bike trails network. The Memorandum of Understanding is amendable, and as participation in the Group is voluntary, any member can withdraw from the Memorandum of Understanding by officially notifying the Group’s Chair and other parties.

**How is the Group’s goals related to the Prince George’s Countywide Master Plan of Transportation Bikeways & Trails?** The initial leadership and members of the Group have been interacting regularly with Park & Planning, coordinating with the Master Plan’s design, but also working with the staff to seek improvements upon the plan, especially within ATHA’s district. The Group has also been regularly attending the Bicycle and Trails Advisory Group (BTAG) to inform BTAG’s members of its purpose and exchange information for the betterment of the entire Master Plan.



**If Park & Planning is creating a Countywide Master Plan through their staff and they are having regular BTAG meetings, why is the The Inter-Municipal Group needed?** Park & Planning's Master Plan calls for the creation of 400 new miles of hard and soft trails in Prince George's County by 2040. This is a huge goal- given Park & Planning's resources, it will be a lengthy period before their Master Plan is fully implemented. The Inter-Municipal Group, being focused on only a small area of the County, will be dedicated to a cooperative approach in developing and improving the bicycle path network for the ATHA district in a much shorter time period.

**Can you provide more insight on what is meant by "developing and improving" the bicycle path network?** A large percentage of the bicycle trails in the ATHA district are not interconnected, are poorly marked, and are less than safe to ride on. Additionally, maintenance responsibilities are vague for certain trail sections. The Group will focus on a plan to add paths in creating an interconnected network of bicycle paths, establishing markers and signage that is universal to the ATHA (and County) district, enhancing the trails to make them safer, define and develop maintenance agreements to ensure all jurisdictions (and other organizations) are aware of their maintenance responsibilities and follow through with them, and develop a strategic campaign to promote the bicycle path network.

**Our municipality has limited personnel, and we're not sure any elected official could attend your meetings. Who can we send to represent our jurisdiction?** We understand the limitations of some municipalities. The ideal would be to have one of your elected officials represent you. If this is not possible, maybe a staff member, or a community leader, activist, or other resident that has an interest in bicycling, walking, health & fitness, or simply wants to see an improvement in their community through less motorized traffic. If you put the word out to the community, you may be amazed at who would be willing to attend our meetings and represent your town or city.

***We hope this FAQ sheet has answered any questions you have about the Inter-Municipal Bicycle Trails Working Group. If you have any further inquiries, please contact Aaron Marcavitch at 301-887-0777.***

## Memorandum

**TO:** Michael McLaughlin, City Manager  
**FROM:** Jessica Bellah, Community Planner  
**VIA:** Celia Craze, Director, Planning and Community Development  
**DATE:** February 16, 2016  
**RE:** Staff Review - Greenbelt Station South Core Phase 3, DSP-13045

The Maryland-National Capital Park and Planning Commission (M-NCPPC) has referred the Greenbelt Station South Core Phase Three (3) Detailed Site Plan (DSP-13045) to the City for review and comment. This case will be reviewed by the Planning Board and the hearing date was rescheduled from February 25, 2016 to March 10, 2016. M-NCPPC has requested the City provide its comments for inclusion in the technical staff report by February 18, 2016. Any comments received after February 18, 2016 will be presented at the Planning Board hearing.

In two memos dated February 4, 2016 and February 8, 2016, staff recommended approval of DSP-13045, Phase 3, Greenbelt Station South Core subject to forty-five (45) conditions. The applicant, Woodlawn Development Group (WDG), submitted response letters agreeing to incorporate thirty-five (35) of the conditions prior to plan certification. A letter indicating the preliminary agreement between the applicant and the City has been submitted for inclusion in M-NCPPC's technical staff report detailing the agreed to conditions.

Council discussed the remaining disputed comments at the Council meeting on February 8, 2016. Council requested staff and the applicant continue to work on and seek resolution to the remaining ten (10) conditions.

Staff recommends that the following previously recommended conditions be removed as conditions of approval:

- A. All units shall meet the 1,240 SF minimum lot size threshold as is the standard in Phase 1 and 2.

County planning staff has indicated that DSP-13045 is not subject to a minimum lot size requirement.

- B. Prior to issuance of the first building permit for Phase 3, the WMATA trail shall be bonded with the City at 100% of the cost specified in Exhibit H of the Development Agreement.

The Applicant has agreed that the shuttle service does not satisfy Condition 15 of the Greenbelt Station South Core Development Agreement between Woodlawn and the City of Greenbelt to construct a trail/boardwalk to provide bike and pedestrian connection to

the WMATA Metro Station. WDG will pursue construction of the trail as outlined in the Development Agreement.

Staff recommends approval of Phase 3, DSP – 13045 subject to the following conditions:

- 1) The City opposes the location of the pedestrian overpass as shown on the plan. Prior to approval of the DSP, the applicant shall revise the site plan to remove the pedestrian overpass from the plans in its entirety. The applicant shall seek to remove the CSP condition associated with the overpass.
- 2) Lot 116 (Parcel 1), if dedicated as public parkland, shall not be part of the home owners' association.
- 3) The noise barrier wall shall be constructed of a masonry material. Final design is subject to City approval.
- 4) Rear elevations for townhome units located west of Road A shall be raised to a higher architectural standard. Rear elevation windows will be enhanced with shutters to match front and side elevations of units. The builder shall provide for a variety of color options in vinyl siding.
- 5) Planting strips on both sides of Road A shall be adjusted to allow for at least four (4) feet of planted landscape buffer. Structured soil shall be utilized for all street tree plantings. Storm drain inlets will be appropriately sized to avoid placement within sidewalks.
- 6) The applicant shall construct a low ornamental fence delineating the front yards of homes on Greenbelt Station Parkway from the public realm. If the applicant demonstrates that no fencing is allowable within the platted Public Utilities Easement (PUE), hedge rows will be planted to serve this purpose. Design of the fence or hedges are subject to City of Greenbelt review and approval.
- 7) Building groups for Lots 1-6 and 7-12 shall be reduced from 6 units each to 5 units each to restore the green open space as originally presented in prior submissions.
- 8) In accordance with condition 18 and exhibit F. of the Development Agreement, funds to complete the Lot 116 as a dedicated public park will be made available at the time the 450<sup>th</sup> building permit is issued. After completion of the required one year marketing period and determination of feasibility for implementing neighborhood serving retail, the applicant shall work with the City to develop a design for the public park.

## David Moran

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**From:** simplicitygroupsm@gmail.com on behalf of Lore Rosenthal <lore@simplicity-matters.org>  
**Sent:** Tuesday, February 16, 2016 2:32 PM  
**To:** David Moran; Cindy Murray  
**Subject:** David Moran, request for 6 Legislative Items on the Agenda for Mon, Feb 22 (attached) - please add to COUNCIL PACKET  
**Attachments:** hb0610f, GGRA.pdf; GGRA fact sheet - 1-23-16.pdf; hb1106f, Clean Energy Jobs Act.pdf; RPS increase fact sheet, Clean Energy Jobs Act - 1-23-16.pdf; hb1287f, Clean Up the RPS.pdf; RPS clean-up fact sheet - 1-23-16.pdf; hb0211f, Pollinator Protection Act.pdf; Pollinator Protection, Neonics fact sheet 1-23-16.pdf; hb0829f, Antibiotics Bill.pdf; Antibiotics fact sheet 1-11-16.pdf; hb0862f, Bottle Bill.pdf; Bottle Bill fact sheet 1-22-16.pdf; OOL CB-003-2016.pdf; Prince-Georges-Fracking-Ban-Fact-Sheet\_Jan2016-PDF.pdf

Dear Mr. Moran, [cc: Cindy Murray]

As requested, here are the **six bills** that Greenbelt Climate Action Network is requesting be placed on the **City Council Agenda for Mon, Feb 22nd**. Five are **state bills** while the last one is a **county bill**. [Initially there were seven, but I believe the council already voted on the **Bottle Bill** on Feb 8th.]

### Attached are

- a) the text of each bill
- b) a fact sheet of each bill

Please let me know if you need additional info about any of them.

The **names in red** indicate that our representative has not yet signed on as a co-sponsor. The dates indicate when each bill will be heard in committee. Fortunately, most are after 2/22.

**I plan to attend the Feb 22nd City Council Meeting**, with several other GCAN members.

Can you tell me approx what time you think the Council will get to Legislative Issues? (It is usually quite late, around 10 pm?)

**Please confirm** that you received this email with attachments, that you will be able to include the info in the Council Packets, and whether you have any questions.

Thanks,

Lore Rosenthal, Program Coordinator  
Greenbelt Climate Action Network  
301-345-2234

\*\*\*\*\*

GGRA - Greenhouse Gas Reduction Act

[HB610](#) (Barve) (Healey, Gaines, **Washington**) Ec Matters, 2/26 at 12 pm

[SB 323](#) (Pinsky) EHEA, 2/9 at 1 pm, ADOPTED!

CLEAN ENERGY JOBS ACT (RPS)

[HB1106](#) (Frick) (Healey, Washington, **Gaines**) Ec Matters, 3/3 at 1 pm

[SB921](#) (Pugh) (WF **Pinsky**) Finance, 3/8 at 1 pm

CLEAN UP THE RPS [Renewal Portfolio Standard: "Eligible Sources"]  
[HB1287](#) (Waldsteicher) (Washington, **Gaines, Healey**) Ec Matters, 3/3 at 1 pm  
[SB867](#) (Nathan Pulliam, no co-sponsors) (**Pinsky**) Finance, 3/8 at 1 pm

#### POLLINATOR PROTECTION ACT

[HB211](#) (Healey) (Healey, **Gaines, Washington**) E&T, 2/10 at 1 pm **outcome?**  
[SB198](#) (Nathan-Pulliam) (**Pinsky**) EHEA, 2/9 at 1pm (cancelled); 2/16 at 1 pm (**this week**)

#### ANTIBIOTICS BILL (Antimicrobials in Cattle/Swine/Poultry)

[HB829](#) (S. Robinson) (**Healey, Gaines, Washington**) E & T, 3/2 at 1 pm  
[SB607](#) (Pinsky) EHEA, 3/1 at 1 pm

#### BOTTLE BILL (done!)

[HB862](#) (Frush) (Gaines, Washington, **Healey**) E & T, 3/4 at 1 pm  
[SB367](#) (Ferguson) (Pinsky) Finance, 2/18 at 1 pm (**this week**)

#### BAN ON FRACKING IN PRINCE GEORGE'S COUNTY

[CB3-2016](#) (Lehman & Turner) PZED, 2/17 at 10 am

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL  
2016 Legislative Session**

Bill No. CB-3-2016  
Chapter No. \_\_\_\_\_  
Proposed and Presented by Council Members Lehman, Taveras, Turner, Glaros, Franklin  
Introduced by \_\_\_\_\_  
Co-Sponsors \_\_\_\_\_  
Date of Introduction \_\_\_\_\_

**ZONING BILL**

1 AN ORDINANCE concerning  
2 Residential, Commercial, and Industrial Zones – Table of Uses – Hydraulic Fracturing  
3 For the purpose of amending the Residential Table of Uses, the Commercial Table of Uses, the  
4 Industrial Table of Uses and the Zoning Ordinance to prohibit the mining and exploration of  
5 natural gas by hydraulic fracturing in the Residential, Commercial and Industrial Zones in the  
6 County.

7 BY adding:

8 Sections 27-445.02.01, 27-464.01.02, 27-475.01.02,  
9 The Zoning Ordinance of Prince George's County, Maryland,  
10 being also  
11 SUBTITLE 27. ZONING.  
12 The Prince George's County Code  
13 (2015 Edition).

14 BY repealing and reenacting with amendments:

15 Sections 27-441(b), 27-461(b), 27-473(b),  
16 The Zoning Ordinance of Prince George's County, Maryland,  
17 being also  
18 SUBTITLE 27. ZONING.  
19 The Prince George's County Code  
20 (2015 Edition).

1 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
2 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional  
3 District in Prince George's County, Maryland, that Sections 27-445.02.01, 27-464.01.02, and 27-  
4 475.01.02, of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27  
5 of the Prince George's County Code, be and the same are hereby added:

6 SUBTITLE 27. ZONING.

7 PART 5. RESIDENTIAL ZONES.

8 DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

9 **Sec. 27-445.02.01. Mining, Excavation – Hydraulic Fracturing.**

10 **(a) Definitions.**

11 Hydraulic fracturing means a drilling technique that expands existing fractures or creates  
12 new fractures in rock by injecting fluids, often a mixture of water and chemicals, sand, or other  
13 substances, and often under pressure, into or underneath the surface of the rock for purposes that  
14 include well drilling and the exploration or production of natural gas. Hydraulic fracturing  
15 includes fracking, hydrofracking, and hydrofracturing.

16 Flow back is the fracturing fluids that return to the surface after a hydraulic fracture is  
17 completed.

18 **(b) Purposes.**

19 The purposes of this Section are to prevent the detrimental economic, environmental, and  
20 public health effects of hydraulic fracturing upon neighboring properties, and existing and  
21 proposed land uses within Residential, Commercial and Industrial Zones in the County. The  
22 prohibition seeks to ensure the health, safety and welfare of the residents of the County.

23 **(c) Prohibition.**

24 A person may not engage in the hydraulic fracturing of a well for the exploration or  
25 production of natural gas in the County. In addition, there is a prohibition against the storage,  
26 treatment, transfer, production materials, support activities and disposal of flow back,  
27 wastewater, or drill cuttings in the County generated by hydraulic fracturing.

28 SUBTITLE 27. ZONING.

29 PART 6. COMMERCIAL ZONES.

30 DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

31 **Sec. 27-464.01.02 Mining, Excavation – Hydraulic Fracturing.**





1        The purposes of this Section are to prevent the detrimental economic, environmental, and  
2 public health effects of hydraulic fracturing upon neighboring properties, and existing and  
3 proposed land uses within Residential, Commercial and Industrial Zones in the County. The  
4 prohibition seeks to ensure the health, safety and welfare of the residents of the County.

5        **(c) Prohibition.**

6        A person may not engage in the hydraulic fracturing of a well for the exploration or  
7 production of natural gas in the County. In addition, there is a prohibition against the storage,  
8 treatment, transfer, production materials, support activities and disposal of flow back,  
9 wastewater, or drill cuttings in the County generated by hydraulic fracturing.

10        SECTION 2. BE IT ENACTED by the County Council of Prince George's County,  
11 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional  
12 District in Prince George's County, Maryland, that Sections 27-441(b), 27-461(b), and 27-473(b)  
13 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the  
14 Prince George's County Code, be and the same are hereby repealed and reenacted with the  
15 following amendments:

**SUBTITLE 27. ZONING.  
PART 5. RESIDENTIAL ZONES.  
DIVISION 3. USES PERMITTED.**

**Sec. 27-441. Uses permitted.**

**(b) TABLE OF USES.**

USE	ZONE									
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20	
<b>(7) RESOURCE PRODUCTION/RECOVERY:</b>										
* * * * *	*	*	*	*	*	*	*	*	*	*
Surface Mining, in accordance with Section 27-445.02	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
<u>Mining, Excavation – Hydraulic Fracturing</u>	X <sup>106</sup>	X <sup>106</sup>	X <sup>106</sup>	X <sup>106</sup>	X <sup>106</sup>	X <sup>106</sup>	X <sup>106</sup>	X <sup>106</sup>	X <sup>106</sup>	X <sup>106</sup>
* * * * *	*	*	*	*	*	*	*	*	*	*

USE	ZONE									
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H		
(7) RESOURCE PRODUCTION/RECOVERY:										
* * * * *	*	*	*	*	*	*	*	*	*	*
Surface Mining, in accordance with Section 27-445.02	SE $X^{106}$	SE $X^{106}$	SE $X^{106}$	SE $X^{106}$	SE $X^{106}$	SE $X^{106}$	SE $X^{106}$	SE $X^{106}$	SE $X^{106}$	SE $X^{106}$
<u>Mining, Excavation – Hydraulic Fracturing</u>										
* * * * *	*	*	*	*	*	*	*	*	*	*

# 60 A person is prohibited from engaging in the hydraulic fracturing of a well for the exploration or production or natural gas in Prince George's County.

\* \* \* \* \*

**SUBTITLE 27. ZONING.  
PART 6. COMMERCIAL ZONES.  
DIVISION 3. USES PERMITTED.**

**Sec. 27-461. Uses permitted.**

**(b) TABLE OF USES I.**

USE	ZONE						
	C-O	C-A	C-S-C	C-W	C-M	C-R-C	
<b>(7) RESOURCE PRODUCTION/RECOVERY:</b>							
* * * * *	*	*	*	*	*	*	*
Surface mining	SE	SE	SE	X	SE	X	X
<u>Mining, Excavation – Hydraulic Fracturing</u>	<u>X<sup>61</sup></u>	<u>X<sup>61</sup></u>	<u>X<sup>61</sup></u>	<u>X<sup>61</sup></u>	<u>X<sup>61</sup></u>	<u>X<sup>61</sup></u>	<u>X<sup>61</sup></u>
* * * * *	*	*	*	*	*	*	*

**# 6 1** A person is prohibited from engaging in the hydraulic fracturing of a well for the exploration or production or natural gas in Prince George's County.

\* \* \* \* \*

**SUBTITLE 27. ZONING.  
PART 7. INDUSTRIAL ZONES.  
DIVISION 3. USES PERMITTED.**

**Sec. 27-473. Uses permitted.**

**(b) TABLE OF USES.**

USE	ZONE				
	I-1 <sup>33</sup>	I-2 <sup>33</sup>	I-3	I-4	U-L-I
(8) RESOURCE PRODUCTION/RECOVERY:					
* * * * *	*	*	*	*	*
Surface mining	SE	SE	SE	SE	X
<u>Mining, Excavation – Hydraulic Fracturing</u>	X <sup>60</sup>	X <sup>60</sup>	X <sup>60</sup>	X <sup>60</sup>	X <sup>60</sup>
* * * * *	*	*	*	*	*

**# 60** A person is prohibited from engaging in the hydraulic fracturing of a well for the exploration or production or natural gas in Prince George's County.

\* \* \* \* \*

1 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Ordinance are  
2 hereby declared to be severable; and, in the event that any section, subsection, paragraph,  
3 subparagraph, sentence, clause, phrase or word of this Ordinance is declared invalid or  
4 unconstitutional by a court of competent jurisdiction, such as invalidity or unconstitutionality,  
5 shall not affect the remaining words, phrases, clauses, sentences, subparagraphs paragraphs,  
6 subsections or sections of this Ordinance, since the same would have been enacted without the  
7 incorporation in this Ordinance of any such invalid or unconstitutional word, phrase, clause,  
8 sentence, paragraph, subparagraph, subsection, or section.

9 SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall take effect on the  
10 date of its adoption.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2016.

COUNTY COUNCIL OF PRINCE GEORGE’S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE’S COUNTY,  
MARYLAND

BY: \_\_\_\_\_  
Derrick L. Davis  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.



# Keep Prince George's Gorgeous

## Ban Fracking to Protect Our Climate, Our Health, and Our Economy!

Hydraulic fracturing, or fracking, involves extracting methane gas from porous, shale rock deep in the earth. A mixture of toxic chemicals, many of them known human carcinogens, is injected into the drilling wells with water at very high pressure to fracture the rock and release the natural gas.

In neighboring states and across the nation, evidence is mounting that fracking for natural gas leads to polluted air and water, serious health problems, earthquakes and economic losses for local communities - all while worsening climate change.

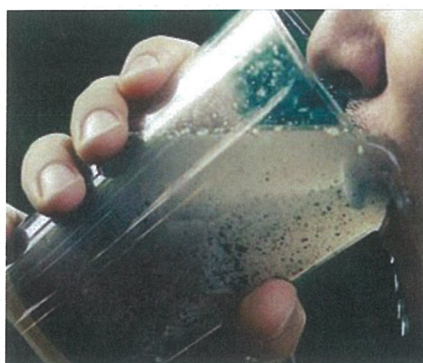
In Maryland, a growing grassroots movement has kept fracking at bay — for now. In the 2015 Maryland General Assembly, CCAN worked with over 100 groups in the Don't Frack Maryland Coalition to put a 2.5 year moratorium on fracking. Thanks to thousands of emails and calls, lobby, meetings, actions and more, Governor Larry Hogan let HB 449 become law on May 29th, 2015. This bill puts a hold on drilling in Maryland until October 2017. But the gas industry is already maneuvering to put fracking on the fast-track as soon as the moratorium lifts. And they have their eye on Prince George's County.

The Taylorsville gas basin spreads from Virginia, past Upper Marlboro, to Annapolis, covering nearly a third of the surface area of Prince George's County (see map). A Texas company has already leased 84,000 acres of land for fracking just across the Potomac River in the Virginia portion of this basin. When Maryland's two-year moratorium expires, drilling in Prince George's could soon follow.

Prince George's County, Maryland



Source: U.S. Geological Survey 2010; U.S. Census, 2010; Prince George's County Planning Department, Councilmanic Districts, 2014 Edition



### What could fracking mean for Prince George's?

#### Fracking's impacts on drinking water

Fracking poses risks to both the quantity and quality of water in the parts of Prince George's County that lie above the Taylorsville Basin.

Most of the area is outside the coverage of the Washington Suburban Sanitary Commission and reliant on wells for drinking water.



According to county permit records, there are an estimated 4,274 wells used for drinking water, 221 used for irrigation, and 99 for farming in the part of the County overlaying the Taylorsville Basin.



- Each fracking well uses 4-15 million gallons of clean water to drill. Gas companies usually draw that water from nearby sources, which can contribute to water scarcity for other uses, like drinking water and farming
- Drinking water and other wells are at risk of contamination from fracking chemicals that leak from underground drilling into nearby groundwater reservoirs and from storage of fracking water in pits at the surface.

Residents and businesses in the affected area could experience a one-two punch of having limited water sources drained for fracking and then polluted afterwards with toxic, carcinogenic chemicals used during the drilling process.

#### **Fracking's impacts on real estate values**

Prince George's was one of the hardest hit counties in the country coming out of the 2008 recession. It has made a slow recovery from the subprime mortgage housing collapse. However, in a new study the University of Denver found that homes within a mile of drilling activity fell in value as much as 15%! It goes without saying that the market value of a home or business with a contaminated well from fracking is dramatically less.

#### **Fracking's impacts on the climate**

A new wave of scientific evidence shows that fracked gas, comprised mostly of methane, leaks into the atmosphere during drilling and piping. Because methane is 84 times more heat-trapped of a greenhouse gas compared to carbon dioxide over a 20-year time frame, this means a spike in fracking drastically accelerates climate change. Maryland, with its growing coastal population and economic activity in the Chesapeake Bay, is particularly vulnerable to feeling the effects of climate change by way of sea level rise and dangerous storms.

#### **How we can protect Prince George's:**

There is a growing movement to ban fracking within this dynamic, vibrant part of Maryland.

Visit [chesapeakeclimate.org/fracking](http://chesapeakeclimate.org/fracking),

or email [monique@chesapeakeclimate.org](mailto:monique@chesapeakeclimate.org) to get involved!

# SENATE BILL 323

M3

6lr0362  
CF 6lr1490

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By: **Senators Pinsky, Raskin, Benson, Brochin, Conway, Currie, Feldman, Ferguson, Guzzone, Kagan, Kelley, King, Klausmeier, Lee, Madaleno, Manno, Mathias, McFadden, Middleton, Miller, Nathan-Pulliam, Peters, Pugh, Ramirez, Rosapepe, Young, and Zirkin**

Introduced and read first time: January 27, 2016

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Greenhouse Gas Emissions Reduction Act – Reauthorization**

3 FOR the purpose of repealing the termination date for a certain provision of law requiring  
4 the State to reduce statewide greenhouse gas emissions by a certain amount by a  
5 certain date; requiring the State to reduce statewide greenhouse gas emissions by a  
6 certain amount by a certain date; requiring the Department of the Environment to  
7 submit a proposed plan in accordance with certain requirements to the Governor and  
8 the General Assembly on or before a certain date; requiring the Department to adopt  
9 a final plan in accordance with certain requirements on or before a certain date;  
10 requiring an institution of higher education in the State to conduct a certain study  
11 in accordance with certain requirements and submit the study to the Governor and  
12 the General Assembly on or before a certain date; authorizing the General Assembly  
13 to maintain, revise, or eliminate certain statewide greenhouse gas emissions  
14 reduction requirements under certain circumstances; requiring the General  
15 Assembly to consider whether to continue certain manufacturing provisions under  
16 certain circumstances; altering the date by which the Department must monitor the  
17 implementation of certain plans and submit certain reports to the Governor and the  
18 General Assembly on or before certain dates; requiring the Department to include  
19 certain agencies and entities in certain discussions regarding certain matters;  
20 making the provisions of this Act severable; providing for the termination of a certain  
21 provision of this Act; and generally relating to the reduction of statewide greenhouse  
22 gas emissions.

23 BY repealing and reenacting, with amendments,  
24 Chapter 171 of the Acts of the General Assembly of 2009  
25 Section 7

26 BY repealing and reenacting, with amendments,

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Chapter 172 of the Acts of the General Assembly of 2009  
2 Section 7

3 BY repealing and reenacting, without amendments,  
4 Article – Environment  
5 Section 2–1204  
6 Annotated Code of Maryland  
7 (2013 Replacement Volume and 2015 Supplement)

8 BY adding to  
9 Article – Environment  
10 Section 2–1204.1  
11 Annotated Code of Maryland  
12 (2013 Replacement Volume and 2015 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Environment  
15 Section 2–1205, 2–1206, 2–1207, 2–1210, and 2–1211  
16 Annotated Code of Maryland  
17 (2013 Replacement Volume and 2015 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
19 That the Laws of Maryland read as follows:

20 **Chapter 171 of the Acts of 2009**

21 SECTION 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take  
22 effect October 1, 2009. [It shall remain effective for a period of 7 years and 3 months, and  
23 at the end of December 31, 2016, with no further action required by the General Assembly,  
24 Section 2 of this Act shall be abrogated and of no further force and effect.]

25 **Chapter 172 of the Acts of 2009**

26 SECTION 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take  
27 effect October 1, 2009. [It shall remain effective for a period of 7 years and 3 months, and  
28 at the end of December 31, 2016, with no further action required by the General Assembly,  
29 Section 2 of this Act shall be abrogated and of no further force and effect.]

30 **Article – Environment**

31 2–1204.

32 The State shall reduce statewide greenhouse gas emissions by 25% from 2006 levels  
33 by 2020.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
2 as follows:

3 Article – Environment

4 2–1204.1.

5 THE STATE SHALL REDUCE STATEWIDE GREENHOUSE GAS EMISSIONS BY 40%  
6 FROM 2006 LEVELS BY 2030.

7 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
8 as follows:

9 Article – Environment

10 2–1205.

11 (a) The State shall develop [a plan] PLANS, adopt regulations, and implement  
12 programs that reduce statewide greenhouse gas emissions in accordance with this subtitle.

13 (b) On or before December 31, [2011] 2018, the Department shall:

14 (1) Submit a proposed plan THAT REDUCES STATEWIDE GREENHOUSE  
15 GAS EMISSIONS BY 40% FROM 2006 LEVELS BY 2030 to the Governor and General  
16 Assembly;

17 (2) Make the proposed plan available to the public; and

18 (3) Convene a series of public workshops to provide interested parties with  
19 an opportunity to comment on the proposed plan.

20 (c) (1) The Department shall, on or before December 31, 2012, adopt a final  
21 plan that reduces statewide greenhouse gas emissions by 25% from 2006 levels by 2020.

22 (2) THE DEPARTMENT SHALL, ON OR BEFORE DECEMBER 31, 2019,  
23 ADOPT A FINAL PLAN THAT REDUCES STATEWIDE GREENHOUSE GAS EMISSIONS BY  
24 40% FROM 2006 LEVELS BY 2030.

25 [(2)] (3) The [plan] PLANS shall be developed [as the initial State action]  
26 in recognition of the finding by the Intergovernmental Panel on Climate Change that  
27 developed countries will need to reduce greenhouse gas emissions by between 80% and 95%  
28 from 1990 levels by 2050.

29 (d) The final [plan] PLANS required under subsection (c) of this section shall  
30 include:

1 (1) Adopted regulations that implement all plan measures for which State  
2 agencies have existing statutory authority; and

3 (2) A summary of any new legislative authority needed to fully implement  
4 the [plan] PLANS and a timeline for seeking legislative authority.

5 (e) In developing and adopting a final plan to reduce statewide greenhouse gas  
6 emissions, the Department shall consult with State and local agencies as appropriate.

7 (f) (1) Unless required by federal law or regulations or existing State law,  
8 regulations adopted by State agencies to implement [the] A final plan may not:

9 (i) Require greenhouse gas emissions reductions from the State's  
10 manufacturing sector; or

11 (ii) Cause a significant increase in costs to the State's manufacturing  
12 sector.

13 (2) Paragraph (1) of this subsection may not be construed to exempt  
14 greenhouse gas emissions sources in the State's manufacturing sector from the obligation  
15 to comply with:

16 (i) Greenhouse gas emissions monitoring, recordkeeping, and  
17 reporting requirements for which the Department had existing authority under § 2-301(a)  
18 of this title on or before October 1, 2009; or

19 (ii) Greenhouse gas emissions reductions required of the  
20 manufacturing sector as a result of the State's implementation of the Regional Greenhouse  
21 Gas Initiative.

22 (g) A regulation adopted by a State agency for the purpose of reducing greenhouse  
23 gas emissions in accordance with this section may not be construed to result in a significant  
24 increase in costs to the State's manufacturing sector unless the source would not incur the  
25 cost increase but for the new regulation.

26 2-1206.

27 In developing and implementing the [plan] PLANS required by § 2-1205 of this  
28 subtitle, the Department shall:

29 (1) Analyze the feasibility of measures to comply with the greenhouse gas  
30 emissions reductions required by this subtitle;

31 (2) Consider the impact on rural communities of any transportation related  
32 measures proposed in the [plan] PLANS;

1 (3) Provide that a greenhouse gas emissions source that voluntarily  
2 reduces its greenhouse gas emissions before the implementation of this subtitle shall  
3 receive appropriate credit for its early voluntary actions;

4 (4) Provide for the use of offset credits generated by alternative compliance  
5 mechanisms executed within the State, including carbon sequestration projects, to achieve  
6 compliance with greenhouse gas emissions reductions required by this subtitle;

7 (5) Ensure that the [plan does] PLANS DO not decrease the likelihood of  
8 reliable and affordable electrical service and statewide fuel supplies;

9 (6) Consider whether the measures would result in an increase in  
10 electricity costs to consumers in the State;

11 (7) Consider the impact of the [plan] PLANS on the ability of the State to:

12 (i) Attract, expand, and retain commercial aviation services; and

13 (ii) Conserve, protect, and retain agriculture; and

14 (8) Ensure that the greenhouse gas emissions reduction measures  
15 implemented in accordance with the [plan] PLANS:

16 (i) Are implemented in an efficient and cost-effective manner;

17 (ii) Do not disproportionately impact rural or low-income, low- to  
18 moderate-income, or minority communities or any other particular class of electricity  
19 ratepayers;

20 (iii) Minimize leakage;

21 (iv) Are quantifiable, verifiable, and enforceable;

22 (v) Directly cause no loss of existing jobs in the manufacturing  
23 sector;

24 (vi) Produce a net economic benefit to the State's economy and a net  
25 increase in jobs in the State; and

26 (vii) Encourage new employment opportunities in the State related to  
27 energy conservation, alternative energy supply, and greenhouse gas emissions reduction  
28 technologies.

29 2-1207.



1 (a) (1) An institution of higher education in the State shall conduct an  
2 independent study of the economic impact of requiring greenhouse gas emissions reductions  
3 from the State's manufacturing sector.

4 (2) The [Governor shall appoint a task force to] **MARYLAND**  
5 **COMMISSION ON CLIMATE CHANGE SHALL** oversee the independent study required by  
6 this section.

7 [(3) The task force shall include representatives of:

8 (i) Labor unions;

9 (ii) Affected industries and businesses;

10 (iii) Environmental organizations; and

11 (iv) Low-income and minority communities.

12 (4) To the extent practicable, the members appointed to the task force shall  
13 reflect the geographic, racial, and gender diversity of the State.]

14 (b) On or before October 1, [2015] **2022**, the institution of higher education  
15 responsible for the independent study shall complete and submit the study to the Governor  
16 and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

17 2-1210.

18 On review of the study required under § 2-1207 of this subtitle, and the report  
19 required under § 2-1209 of this subtitle, the General Assembly [may]:

20 (1) **MAY** act to maintain, revise, or eliminate the [25%] **40%** greenhouse  
21 gas emissions reduction required under **§ 2-1204.1 OF** this subtitle; **AND**

22 (2) **SHALL CONSIDER WHETHER TO CONTINUE THE SPECIAL**  
23 **MANUFACTURING PROVISIONS IN § 2-1205(F)(1) OF THIS SUBTITLE.**

24 2-1211.

25 The Department shall monitor implementation of the [plan] **PLANS** required under  
26 § 2-1205 of this subtitle and shall submit a report, on or before October 1, [2020] **2022**,  
27 and every 5 years thereafter, to the Governor and, in accordance with § 2-1246 of the State  
28 Government Article, the General Assembly that describes the State's progress toward  
29 achieving:

1           (1) The [reduction] **REDUCTIONS** in greenhouse gas emissions required  
2 under this subtitle, or any revisions conducted in accordance with § 2–1210 of this subtitle;  
3 and

4           (2) The greenhouse gas emissions reductions needed by 2050 in order to  
5 avoid dangerous anthropogenic changes to the Earth’s climate system, based on the  
6 predominant view of the scientific community at the time of the latest report.

7           SECTION 4. AND BE IT FURTHER ENACTED, That during the process outlined  
8 in § 2–1205(a) of the Environment Article, as enacted by Section 3 of this Act, the  
9 Department of the Environment shall include the Department of Agriculture, the Maryland  
10 Farm Bureau, the Maryland Association of Soil Conservation Districts, the Delmarva  
11 Poultry Industry, the Maryland Dairy Industry Association, and the Maryland Agricultural  
12 Commission in discussions on the role to be played by agriculture to reduce greenhouse gas  
13 emissions.

14           SECTION 5. AND BE IT FURTHER ENACTED, That, if any provision of this Act or  
15 the application thereof to any person or circumstance is held invalid for any reason in a  
16 court of competent jurisdiction, the invalidity does not affect other provisions or any other  
17 application of this Act that can be given effect without the invalid provision or application,  
18 and for this purpose the provisions of this Act are declared severable.

19           SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take  
20 effect October 1, 2016. It shall remain effective for a period of 7 years and 3 months and at,  
21 the end of December 31, 2023, with no further action required by the General Assembly,  
22 Section 2 of this Act shall be abrogated and of no further force and effect.

23           SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in Section  
24 6 of this Act, this Act shall take effect October 1, 2016.



## Climate & Energy Solutions for Maryland: Renew Maryland's Greenhouse Gas Reduction Act



- Climate change poses a grave threat to our health and our environment, and Maryland is particularly vulnerable to its ravages. Each year, humans dump billions of tons of greenhouse gases into the atmosphere by burning fossil fuels and engaging in other activities.
- Maryland is a leader in the fight to reduce greenhouse gas emissions and transition to a clean energy economy. After enacting the Greenhouse Gas Reduction Act in 2009, Maryland is implementing a comprehensive plan to reduce its greenhouse gas emissions, and more and more we are powering our economy using renewable energy sources such as wind and solar.
- In 2016, the General Assembly must renew and strengthen the Greenhouse Gas Reduction Act: we must reaffirm the current goal of reducing greenhouse gas emissions by 25% by 2020; and we must set a new goal of reducing greenhouse gas emissions by 40% by 2030, as recommended by the state's bipartisan Climate Change Commission.

*Let's Make 2016 a Turning Point in Maryland for Fighting Climate Change*

- The Greenhouse Gas Reduction Act of 2009 requires the state to reduce its greenhouse gas emissions by 25% from 2006 levels by 2020.
- The state's climate change plan is composed of over 150 programs and initiatives. They include: relying on renewable energy like wind and solar; participating with other states in a cap-and-trade program to limit greenhouse gas emissions by power plants; energy efficiency; and implementing California's strict vehicle-emission standards.
- In October 2015, the Maryland Department of the Environment (MDE) reported that Maryland is on schedule for achieving the 25% reduction goal. MDE also reported that the climate change plan will help produce 2.5 to 3.5 billion dollars in economic output, and 26,000 to 33,000 new jobs.
- The 2009 law requires the General Assembly, in 2016, to review and update the Greenhouse Gas Reduction Act.
- This year, the General Assembly must renew the 25% reduction requirement, or it will lapse.
- The General Assembly also should set a new goal of a 40% reduction in Maryland's greenhouse gas emissions by 2030. Maryland's bipartisan Climate Commission has voted unanimously to support this target. Ultimately, as the Greenhouse Gas Reduction Act recognizes, Maryland must reduce its greenhouse emissions by up to 90% by 2050.
- Reducing Maryland's greenhouse gas emissions requires further specific actions. In 2016, Maryland's Renewable Portfolio Standard should be updated to accelerate the state's transition to renewable energy, and to stop providing financial incentives to dirty energy sources. Maryland also should work with its state partners in the regional cap-and-trade program to lower the program's greenhouse gas emission caps.

**For more information or to volunteer, contact us:**

Web - <http://www.sierraclub.org/maryland/legislation>

Email - [Legislation@MDSierra.org](mailto:Legislation@MDSierra.org)

# HOUSE BILL 211

M4  
HB 605/15 – ENV

6lr1266  
CF SB 198

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By: **Delegates Healey, Beidle, Beitzel, Carr, Fraser-Hidalgo, Frush, Gilchrist, Gutierrez, Holmes, Jalisi, Kaiser, Lafferty, Lam, Lierman, Luedtke, Moon, Morhaim, Pendergrass, B. Robinson, S. Robinson, Sydnor, M. Washington, and Zucker**

Introduced and read first time: January 22, 2016  
Assigned to: Environment and Transportation

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## A BILL ENTITLED

- 1 AN ACT concerning
- 2 **Neonicotinoid Pesticides – Labeling, Signage, and Restrictions on Sales and Use**  
3 **(Pollinator Protection Act of 2016)**
- 4 FOR the purpose of prohibiting a person from selling at retail in the State certain seeds,  
5 material, or plants that have been treated with a neonicotinoid pesticide unless the  
6 seeds, material, or plants bear a label with, or are in close proximity to a sign that  
7 displays in a certain manner, a certain statement; prohibiting a person from selling  
8 at retail in the State, on or after a certain date, a neonicotinoid pesticide unless the  
9 person also sells a restricted use pesticide; prohibiting a person from using a  
10 neonicotinoid pesticide on or after a certain date unless the person is a certified  
11 applicator, a farmer who uses the product for a certain purpose, or a veterinarian;  
12 providing for the application of certain provisions of this Act; defining certain terms;  
13 and generally relating to neonicotinoid pesticides.
- 14 BY repealing and reenacting, without amendments,  
15 Article – Agriculture  
16 Section 5–201(a), (c), and (r)  
17 Annotated Code of Maryland  
18 (2007 Replacement Volume and 2015 Supplement)
- 19 BY adding to  
20 Article – Agriculture  
21 Section 5–2A–01 and 5–2A–02 to be under the new subtitle “Subtitle 2A.  
22 Neonicotinoid Pesticides”  
23 Annotated Code of Maryland  
24 (2007 Replacement Volume and 2015 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
2 That the Laws of Maryland read as follows:

3 **Article – Agriculture**

4 5–201.

5 (a) In this subtitle the following words have the meanings indicated.

6 (c) “Certified applicator” means a person who is certified by the Secretary under  
7 this subtitle.

8 (r) “Restricted use pesticide” means a pesticide so classified by the provisions in  
9 this title or by the federal government or the Secretary of Agriculture, State of Maryland.

10 **SUBTITLE 2A. NEONICOTINOID PESTICIDES.**

11 **5–2A–01.**

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
13 INDICATED.

14 (B) “NEONICOTINOID PESTICIDE” MEANS ANY PESTICIDE CONTAINING A  
15 CHEMICAL BELONGING TO THE NEONICOTINOID CLASS OF CHEMICALS, INCLUDING:

16 (1) IMIDACLOPRID;

17 (2) NITHIAZINE;

18 (3) ACETAMIPRID;

19 (4) CLOTHIANIDIN;

20 (5) DINOTEFURAN;

21 (6) THIACTOPRID;

22 (7) THIAMETHOXAM; AND

23 (8) ANY OTHER CHEMICAL DESIGNATED BY THE DEPARTMENT AS  
24 BELONGING TO THE NEONICOTINOID CLASS OF CHEMICALS.

25 (C) “NURSERY STOCK” MEANS:

1           (1) ANY HARDY PLANT OR PLANT THAT SURVIVES MARYLAND  
2 WINTERS, INCLUDING A DECIDUOUS OR EVERGREEN TREE, SHRUB, OR WOODY VINE,  
3 WHETHER CULTIVATED, NATIVE, OR WILD, AND ALL VIABLE PARTS OF THE PLANT;

4           (2) ANY NONHARDY PLANT OR PLANT PART TO BE DISTRIBUTED IN  
5 ANOTHER STATE THAT REQUIRES PLANT INSPECTION AND CERTIFICATION BEFORE  
6 ENTERING THAT STATE; OR

7           (3) ANY OTHER PLANT INCLUDED BY THE SECRETARY, IF  
8 REGULATING ITS MOVEMENT IS NECESSARY TO CONTROL ANY DANGEROUSLY  
9 INJURIOUS PLANT PEST.

10 5-2A-02.

11           (A) A PERSON MAY NOT SELL AT RETAIL IN THE STATE ANY SEED, PLANT  
12 MATERIAL, NURSERY STOCK, ANNUAL PLANT, BEDDING PLANT, OR OTHER PLANT  
13 THAT HAS BEEN TREATED WITH A NEONICOTINOID PESTICIDE UNLESS THE SEED,  
14 PLANT MATERIAL, NURSERY STOCK, ANNUAL PLANT, BEDDING PLANT, OR OTHER  
15 PLANT BEARS A LABEL WITH, OR IS IN CLOSE PROXIMITY TO A SIGN THAT  
16 PROMINENTLY DISPLAYS, THE FOLLOWING STATEMENT:

17           “WARNING: THIS PRODUCT HAS BEEN TREATED WITH NEONICOTINOID  
18 PESTICIDES, FOUND TO HARM OR IMPAIR NONTARGET ORGANISMS, INCLUDING  
19 BEES AND OTHER POLLINATORS, BIRDS, EARTHWORMS, AND AQUATIC  
20 INVERTEBRATES.”.

21           (B) (1) THIS SUBSECTION AND SUBSECTION (C) OF THIS SECTION DO NOT  
22 APPLY TO A FLEA OR TICK COLLAR THAT CONTAINS A NEONICOTINOID PESTICIDE.

23           (2) ON OR AFTER JANUARY 1, 2017, A PERSON MAY NOT SELL AT  
24 RETAIL IN THE STATE A NEONICOTINOID PESTICIDE UNLESS THE PERSON ALSO  
25 SELLS A RESTRICTED USE PESTICIDE, AS DEFINED IN § 5-201 OF THIS TITLE.

26           (C) ON OR AFTER JANUARY 1, 2017, A PERSON MAY NOT USE A  
27 NEONICOTINOID PESTICIDE UNLESS THE PERSON IS:

28           (1) A CERTIFIED APPLICATOR, AS DEFINED IN § 5-201 OF THIS TITLE;

29           (2) A FARMER WHO USES THE PESTICIDE FOR AGRICULTURAL  
30 PURPOSES, INCLUDING CROP PRODUCTION, LIVESTOCK, POULTRY, AND NONCROP  
31 AGRICULTURAL FIELDS; OR

32           (3) A VETERINARIAN.



1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2016.



**SIERRA  
CLUB**

# **The Pollinator Protection Act**

**HB211/SB198**



## **Honey bees in alarming decline**

Research overwhelmingly shows that toxic neonicotinoid pesticides (aka “neonics”) kill and harm bees, butterflies, and birds - posing a serious threat to our food, public health, and wildlife. Last year, Maryland beekeepers lost 61 percent of their bees, about twice the national average and far more than is typical in a year. In addition to killing bees outright, even low levels of these toxic pesticides impair bees’ ability to learn, find their way back to the hive, collect food, produce new queens and mount an effective immune response.

## **One out of three bites of food**

Honeybees and other pollinators are responsible for one out of every three bites of food we eat. Bees pollinate 71 of the 100 crops that make up 90 percent of the world’s food supply. Many fruits and vegetables, including apples, blueberries, strawberries, carrots and broccoli, as well as almonds and coffee, rely on bees.

## **Not so “bee-friendly”**

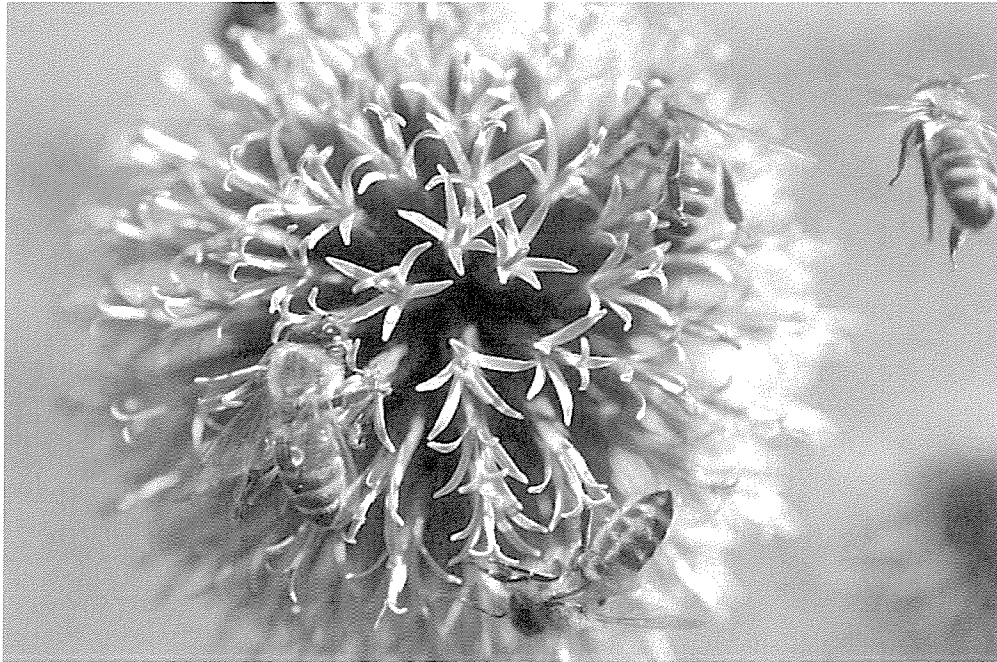
Surveys show that Marylanders are very concerned about the dangers of pesticides to their health, but consumers lack information about products treated with neonics. More than half of “bee-friendly” plants purchased at Home Depot, Walmart and Lowe’s stores in 18 cities across the U.S. and Canada, including in Maryland, had levels of neonicotinoids sufficient to kill bees outright, according to a recent study by Friends of the Earth.

## **A pervasive, growing threat**

Neonic pesticide use is widespread - neonics are the fastest growing and most heavily used class of pesticides. A November 2015 U.S. Geological Survey study found residue from one of three types of neonics in a majority of native bees sampled. Another USGS study found 59 percent of streams sampled nationwide had detectable levels of neonic contamination - including sampling from the Chesapeake bay watershed.

## **We Need The Pollinator Protection Act**

**We urge you to support and help pass this important Pollinator Protection Act, which would curb consumer purchases of harmful neonicotinoids and ensure consumers know when plants contain these toxic pesticides.**



*The Smart on Pesticides Maryland coalition works to protect Marylanders and the natural systems we depend upon from the toxic impacts of pesticides. The coalition includes more than 75 businesses, organizations and institutions representing communities, beekeepers, farmers, health care providers, environmentalists, Waterkeepers, interfaith congregants as well as environmental justice, public health and wildlife advocates.*

### **For more information, contact us:**

Web - <http://www.sierraclub.org/maryland/legislation>

Email - [Legislation@MDSierra.org](mailto:Legislation@MDSierra.org)

# HOUSE BILL 1106

C5, M3, C8

6lr2003  
CF SB 921

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By: Delegates Frick, Davis, B. Barnes, Barkley, Barron, Barve, Brooks, Clippinger, Cullison, Dumais, Ebersole, Fraser-Hidalgo, Gilchrist, Gutierrez, Healey, Hill, Hixson, Jalisi, Kaiser, Kelly, Korman, Kramer, Lam, Lierman, Luedtke, A. Miller, Moon, Morhaim, Pena-Melnyk, Platt, Reznik, S. Robinson, Smith, Tarlau, Turner, Valderrama, Valentino-Smith, Vaughn, Waldstreicher, and A. Washington

Introduced and read first time: February 11, 2016

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Clean Energy Jobs – Renewable Energy Portfolio Standard Revisions**

3 FOR the purpose of establishing the Clean Energy Workforce Account in the Maryland  
4 Employment Advancement Right Now Program; providing for the funding of the  
5 Account; specifying the purpose for which the Account may be used; specifying the  
6 priority for grants awarded from the Account; requiring the Department of Labor,  
7 Licensing, and Regulation to include certain information about the Account in a  
8 certain annual report; altering the renewable energy portfolio standard percentage  
9 derived from solar energy for certain years; altering the renewable energy portfolio  
10 standard percentage derived from Tier 1 renewable sources for certain years;  
11 altering the minimum required percentage of Tier 1 renewable energy that must be  
12 derived from solar energy in the State's renewable energy portfolio standard in  
13 certain years; altering the minimum required percentage of energy that must be  
14 derived from Tier 1 renewable sources in the State's renewable energy portfolio  
15 standard in certain years; altering the compliance fee for an electricity supplier that  
16 fails to comply with certain renewable energy portfolio standards for certain years;  
17 establishing certain compliance fees for an electricity supplier that fails to comply  
18 with certain renewable energy portfolio standards for certain years; altering the  
19 percentage of total annual electricity sales revenues based on which an electricity  
20 supplier may request a delay of certain solar energy requirements in the renewable  
21 energy portfolio standard; establishing the Clean Energy Business Development  
22 Account in the Small, Minority, and Women-Owned Businesses Account; providing  
23 for the funding in the Clean Energy Account; specifying the purpose for which the  
24 Clean Energy Account may be used; prohibiting funding from the Clean Energy  
25 Account from being limited to certain businesses; requiring the Maryland Energy  
26 Administration to use the Maryland Strategic Energy Investment Fund in a certain

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 manner; requiring proceeds from a certain Public Service Commission order to be  
2 allocated in a certain manner; stating certain findings of the General Assembly;  
3 defining certain terms; providing for the application of this Act; making the  
4 provisions of this Act severable; and generally relating to clean energy jobs and the  
5 renewable energy portfolio standard.

6 BY adding to

7 Article – Labor and Employment

8 Section 11–708.1

9 Annotated Code of Maryland

10 (2008 Replacement Volume and 2015 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article – Labor and Employment

13 Section 11–709

14 Annotated Code of Maryland

15 (2008 Replacement Volume and 2015 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article – Public Utilities

18 Section 7–702, 7–703(b)(12), (13), (14), (15), (16), and (17), and 7–705(b) and (e)

19 Annotated Code of Maryland

20 (2010 Replacement Volume and 2015 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article – State Government

23 Section 9–1A–35, 9–20B–01, and 9–20B–05(f) and (i) through (l)

24 Annotated Code of Maryland

25 (2014 Replacement Volume and 2015 Supplement)

26 BY adding to

27 Article – State Government

28 Section 9–20B–05(i)

29 Annotated Code of Maryland

30 (2014 Replacement Volume and 2015 Supplement)

31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

32 That the Laws of Maryland read as follows:

33 **Article – Labor and Employment**

34 **11–708.1.**

35 **(A) THERE IS A CLEAN ENERGY WORKFORCE ACCOUNT.**

36 **(B) THE ACCOUNT SHALL BE FUNDED IN ACCORDANCE WITH § 9–20B–05(I)**  
37 **OF THE STATE GOVERNMENT ARTICLE.**



1           **(3) SEEK TO BUILD LOCAL WORKFORCE CAPACITY THROUGH**  
2 **COOPERATION WITH COMMUNITY COLLEGES OR OTHER LOCAL GOVERNMENT**  
3 **ORGANIZATIONS.**

4 11-709.

5           (a) On or before December 31 of each year, the Department shall report to the  
6 Governor and, in accordance with § 2-1246 of the State Government Article, to the Senate  
7 Finance Committee and the House Economic Matters Committee on the Maryland EARN  
8 Program.

9           (b) The report required under subsection (a) of this section shall include:

10                   (1) an identification of training needs statewide, including industries in  
11 urgent need of qualified workers;

12                   (2) information on measures being used to track the success and  
13 accountability of the Maryland EARN Program, including use of the StateStat  
14 accountability process under § 3-1003(b) of the State Finance and Procurement Article;

15                   (3) (i) a description of each strategic industry partnership receiving  
16 grant funding and the status of the partnership; and

17                               (ii) the jurisdiction of the State in which each strategic industry  
18 partnership is located;

19                   (4) the number of individuals:

20                               (i) by sex, race, national origin, income, county of residence, and  
21 educational attainment, participating in each component of the Maryland EARN Program;  
22 and

23                               (ii) participating in the Maryland EARN Program who, as a result of  
24 the Program, have obtained:

25   1. a credential or an identifiable skill;

26   2. a new employment position;

27   3. a title promotion; or

28   4. a wage promotion; [and]

29                   (5) an assessment of whether and to what extent the approved strategic  
30 industry partnerships utilized existing data concerning:

31                               (i) training needs in the State identified in previous studies; and

1 (ii) applicable skills needs identified in existing workforce studies,  
2 plans, or research; AND

3 (6) INFORMATION ON THE SUCCESS OF FUNDING STRATEGIC  
4 INDUSTRY PARTNERSHIPS THAT ACHIEVE THE PRIORITIES UNDER § 11-708.1 OF  
5 THIS SUBTITLE.

#### 6 Article – Public Utilities

7 7-702.

8 (a) It is the intent of the General Assembly to:

9 (1) recognize the economic, environmental, fuel diversity, and security  
10 benefits of renewable energy resources;

11 (2) establish a market for electricity from these resources in Maryland; and

12 (3) lower the cost to consumers of electricity produced from these resources.

13 (b) The General Assembly finds that:

14 (1) the benefits of electricity from renewable energy resources, including  
15 long-term decreased emissions, a healthier environment, increased energy security, and  
16 decreased reliance on and vulnerability from imported energy sources, accrue to the public  
17 at large; [and]

18 (2) electricity suppliers and consumers share an obligation to develop a  
19 minimum level of these resources in the electricity supply portfolio of the State;

20 (3) THE RENEWABLE ENERGY PORTFOLIO STANDARD IS AN  
21 ESSENTIAL CARBON-REDUCING PROGRAM FOR THE STATE, AS IDENTIFIED IN THE  
22 STATE'S GREENHOUSE GAS REDUCTION PLAN DEVELOPED UNDER § 2-1205 OF THE  
23 ENVIRONMENT ARTICLE; AND

24 (4) ACHIEVING A RENEWABLE PORTFOLIO STANDARD OF 25% FROM  
25 TIER 1 RENEWABLE SOURCES BY 2020 WOULD, IF CONTINUED AT THE SAME RATE  
26 OF GROWTH, PUT THE STATE ON A TRAJECTORY TOWARDS CONSUMING AT LEAST  
27 40% OF ITS ELECTRICITY FROM RENEWABLE ENERGY SOURCES BY 2025, KEEPING  
28 THE STATE'S EFFORTS CONSISTENT WITH INTERNATIONAL EFFORTS TO REACH  
29 CARBON REDUCTIONS IN ACCORDANCE WITH SCIENTIFIC DATA.

30 7-703.



1 (b) The renewable energy portfolio standard shall be as follows:

2 (12) in 2017:

3 (i) 13.1% from Tier 1 renewable sources, including:

4 1. at least [0.95%] **1.15%** derived from solar energy; and

5 2. an amount set by the Commission under § 7-704.2(a) of  
6 this subtitle, not to exceed 2.5%, derived from offshore wind energy; and

7 (ii) 2.5% from Tier 2 renewable sources;

8 (13) in 2018:

9 (i) 15.8% from Tier 1 renewable sources, including:

10 1. at least [1.4%] **1.5%** derived from solar energy; and

11 2. an amount set by the Commission under § 7-704.2(a) of  
12 this subtitle, not to exceed 2.5%, derived from offshore wind energy; and

13 (ii) 2.5% from Tier 2 renewable sources;

14 (14) in 2019, [17.4%] **20.4%** from Tier 1 renewable sources, including:

15 (i) at least [1.75%] **1.95%** derived from solar energy; and

16 (ii) an amount set by the Commission under § 7-704.2(a) of this  
17 subtitle, not to exceed 2.5%, derived from offshore wind energy; AND

18 (15) in 2020 AND LATER, [18%] **25%** from Tier 1 renewable sources,  
19 including:

20 (i) at least [2.0%] **2.5%** derived from solar energy; and

21 (ii) an amount set by the Commission under § 7-704.2(a) of this  
22 subtitle, not to exceed 2.5%, derived from offshore wind energy[];

23 (16) in 2021, 18.7% from Tier 1 renewable sources, including:

24 (i) at least 2.0% derived from solar energy; and

25 (ii) an amount set by the Commission under § 7-704.2(a) of this  
26 subtitle, not to exceed 2.5%, derived from offshore wind energy; and

1 (17) in 2022 and later, 20% from Tier 1 renewable sources, including:

2 (i) at least 2% derived from solar energy; and

3 (ii) an amount set by the Commission under § 7-704.2(a) of this  
4 subtitle, not to exceed 2.5%, derived from offshore wind energy].

5 7-705.

6 (b) (1) This subsection does not apply to a shortfall from the required Tier 1  
7 renewable sources that is to be derived from offshore wind energy.

8 (2) If an electricity supplier fails to comply with the renewable energy  
9 portfolio standard for the applicable year, the electricity supplier shall pay into the  
10 Maryland Strategic Energy Investment Fund established under § 9-20B-05 of the State  
11 Government Article:

12 (i) except as provided in item (ii) of this paragraph, a compliance fee  
13 of:

14 1. [4 cents] THE FOLLOWING AMOUNTS for each  
15 kilowatt-hour of shortfall from required Tier 1 renewable sources other than the shortfall  
16 from the required Tier 1 renewable sources that is to be derived from solar energy:

17 A. 4 CENTS THROUGH 2016; AND

18 B. 3.75 CENTS IN 2017 AND LATER;

19 2. the following amounts for each kilowatt-hour of shortfall  
20 from required Tier 1 renewable sources that is to be derived from solar energy:

21 A. 45 cents in 2008;

22 B. 40 cents in 2009 through 2014;

23 C. 35 cents in 2015 and 2016;

24 D. [20] 19.5 cents in 2017 [and 2018];

25 E. [15 cents in 2019 and 2020] 17.5 CENTS IN 2018;

26 F. [10 cents in 2021 and 2022] 15 CENTS IN 2019; [and]

27 G. [5 cents in 2023 and later] 12.5 CENTS IN 2020; [and]

28 H. 10 CENTS IN 2021;

- 1                   **I.     7.5 CENTS IN 2022;**
- 2                   **J.     6 CENTS IN 2023;**
- 3                   **K.     5 CENTS IN 2024 AND LATER; AND**
- 4                   3.     1.5 cents for each kilowatt–hour of shortfall from required  
5 Tier 2 renewable sources; or
- 6                   (ii)    for industrial process load:
- 7                   1.     for each kilowatt–hour of shortfall from required Tier 1  
8 renewable sources, a compliance fee of:
- 9                   A.     0.8 cents in 2006, 2007, and 2008;
- 10                  B.     0.5 cents in 2009 and 2010;
- 11                  C.     0.4 cents in 2011 and 2012;
- 12                  D.     0.3 cents in 2013 and 2014;
- 13                  E.     0.25 cents in 2015 and 2016; and
- 14                  F.     except as provided in paragraph (3) of this subsection, 0.2  
15 cents in 2017 and later; and
- 16                  2.     nothing for any shortfall from required Tier 2 renewable  
17 sources.
- 18                  (3)    For industrial process load, the compliance fee for each kilowatt–hour  
19 of shortfall from required Tier 1 renewable sources is:
- 20                  (i)    0.1 cents in any year during which suppliers are required to  
21 purchase ORECs under § 7–704.2 of this subtitle; and
- 22                  (ii)   nothing for the year following any year during which, after final  
23 calculations, the net rate impact per megawatt–hour from qualified offshore wind projects  
24 exceeded \$1.65 in 2012 dollars.
- 25                  (e)    (1)   Notwithstanding the requirements of § 7–703(b) of this subtitle, if the  
26 actual or projected dollar–for–dollar cost incurred or to be incurred by an electricity  
27 supplier solely for the purchase of Tier 1 renewable energy credits derived from solar energy  
28 in any 1 year is greater than or equal to, or is anticipated to be greater than or equal to,

1 [1%] 2.5% of the electricity supplier’s total annual electricity sales revenues in Maryland,  
2 the electricity supplier may request that the Commission:

3 (i) delay by 1 year each of the scheduled percentages for solar energy  
4 under § 7–703(b) of this subtitle that would apply to the electricity supplier; and

5 (ii) allow the renewable energy portfolio standard for solar energy  
6 for that year to continue to apply to the electricity supplier for the following year.

7 (2) In making its determination under paragraph (1) of this subsection, the  
8 Commission shall consider the actual or projected dollar–for–dollar compliance costs of  
9 other electricity suppliers.

10 (3) If an electricity supplier makes a request under paragraph (1) of this  
11 subsection based on projected costs, the electricity supplier shall provide verifiable evidence  
12 of the projections to the Commission at the time of the request.

13 (4) If the Commission allows a delay under paragraph (1) of this  
14 subsection:

15 (i) the renewable energy portfolio standard for solar energy  
16 applicable to the electricity supplier under the delay continues for each subsequent  
17 consecutive year that the actual or projected dollar–for–dollar costs incurred, or to be  
18 incurred, by the electricity supplier solely for the purchase of solar renewable energy credits  
19 is greater than or equal to, or is anticipated to be greater than or equal to, [1%] 2.5% of the  
20 electricity supplier’s total annual retail electricity sales revenues in Maryland; and

21 (ii) the renewable energy portfolio standard for solar energy  
22 applicable to the electricity supplier under the delay is increased to the next scheduled  
23 percentage increase under § 7–703(b) of this subtitle for each year in which the actual or  
24 projected dollar–for–dollar costs incurred, or to be incurred, by the electricity supplier  
25 solely for the purchase of solar renewable energy credits is less than, or is anticipated to be  
26 less than, [1%] 2.5% of the electricity supplier’s total annual retail electricity sales  
27 revenues in Maryland.

28 Article – State Government

29 9–1A–35.

30 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
31 INDICATED.

32 (2) “ACCOUNT” MEANS THE SMALL, MINORITY, AND  
33 WOMEN–OWNED BUSINESSES ACCOUNT ESTABLISHED UNDER THIS SECTION.

1           **(3) “CLEAN ENERGY ACCOUNT” MEANS THE CLEAN ENERGY**  
2 **BUSINESS DEVELOPMENT ACCOUNT ESTABLISHED UNDER SUBSECTION (E) OF THIS**  
3 **SECTION.**

4           **(4) “CLEAN ENERGY INDUSTRY” HAS THE MEANING STATED IN §**  
5 **9–20B–01 OF THIS TITLE.**

6           **(5) “ELIGIBLE FUND MANAGER” MEANS AN ENTITY THAT HAS**  
7 **SIGNIFICANT FINANCIAL OR INVESTMENT EXPERIENCE UNDER CRITERIA THAT THE**  
8 **BOARD OF PUBLIC WORKS DEVELOPS.**

9           **[(a)] (B)**     There is a Small, Minority, and Women–Owned Businesses Account  
10 under the authority of the Board of Public Works.

11           **[(b)] (C)**     (1)     The Account shall receive money:

12                           **(I)**     as required under § 9–1A–27 of this subtitle; AND

13                           **(II)**    **FROM THE CLEAN ENERGY ACCOUNT ESTABLISHED UNDER**  
14 **SUBSECTION (E) OF THIS SECTION.**

15           (2)     Money in the Account shall be invested and reinvested by the Treasurer  
16 and interest and earnings shall accrue to the Account.

17           (3)     The Comptroller shall:

18                           (i)     account for the Account; and

19                           (ii)    on a properly approved transmittal prepared by the Board of  
20 Public Works, issue a warrant to pay out money from the Account in the manner provided  
21 under this section.

22           (4)     The Account is a special, nonlapsing fund that is not subject to § 7–302  
23 of the State Finance and Procurement Article.

24           (5)     Expenditures from the Account shall only be made on a properly  
25 approved transmittal prepared by the Board of Public Works as provided under subsection  
26 **[(c)] (D)** of this section.

27           **[(c)] (D)**     (1)     [In this subsection, “eligible fund manager” means an entity that  
28 has significant financial or investment experience, under criteria developed by the Board  
29 of Public Works.

1           (2)] Subject to [the provisions of] paragraph [(3)] (2) of this subsection, the  
2 Board of Public Works shall make grants to eligible fund managers to provide investment  
3 capital and loans to small, minority, and women-owned businesses in the State.

4           [(3)] (2) The Board of Public Works shall ensure that eligible fund  
5 managers allocate at least 50% of the funds from this Account to small, minority, and  
6 women-owned businesses in the jurisdictions and communities surrounding a video lottery  
7 facility.

8           (E) (1) THERE IS A CLEAN ENERGY BUSINESS DEVELOPMENT ACCOUNT  
9 AS A SUBACCOUNT IN THE ACCOUNT.

10           (2) THE CLEAN ENERGY ACCOUNT SHALL RECEIVE MONEY IN  
11 ACCORDANCE WITH § 9-20B-05(I) OF THE STATE GOVERNMENT ARTICLE.

12           (3) MONEY IN THE CLEAN ENERGY ACCOUNT SHALL BE AVAILABLE  
13 TO:

14           (I) MAKE GRANTS TO ELIGIBLE FUND MANAGERS TO PROVIDE  
15 INVESTMENT CAPITAL AND LOANS TO SMALL, MINORITY, AND WOMEN-OWNED  
16 BUSINESSES IN THE CLEAN ENERGY INDUSTRY IN THE STATE; AND

17           (II) PROVIDE A MANAGEMENT FEE TO COMPENSATE A FUND  
18 MANAGER FOR ADMINISTRATIVE EXPENSES.

19           (4) FUNDING FROM THE CLEAN ENERGY ACCOUNT MAY NOT BE  
20 LIMITED TO SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES IN THE CLEAN  
21 ENERGY INDUSTRY IN THE JURISDICTIONS AND COMMUNITIES SURROUNDING A  
22 VIDEO LOTTERY FACILITY.

23           (5) A FUND MANAGER THAT PROVIDES INVESTMENT CAPITAL AND  
24 LOANS UNDER THIS SUBSECTION SHALL BE COMPENSATED FOR MARKETING AND  
25 OPERATION ON A MANAGEMENT FEE BASIS.

26           [(d)] (F) Fund managers receiving grants under this section shall:

27           (1) keep proper records of funds and accounts;

28           (2) provide an annual report to the Governor and, in accordance with §  
29 2-1246 of this article, the General Assembly on investment capital and loans made  
30 pursuant to subsection [(c)] (D) of this section; and

31           (3) be subject to audit by the Office of Legislative Audits of the Department  
32 of Legislative Services.

1            ~~[(e)]~~ (G)        (1)     Subject to paragraph (2) of this subsection, **EXCEPT FOR AN**  
 2 **ELIGIBLE FUND MANAGER MANAGING A GRANT UNDER SUBSECTION (E) OF THIS**  
 3 **SECTION**, an eligible fund manager may use money from grants received under this section  
 4 to pay expenses for administrative, actuarial, legal, and technical services.

5            (2)        The Board of Public Works shall set the maximum amount of grant  
 6 money that each eligible fund manager may use under paragraph (1) of this subsection.

7            ~~[(f)]~~ (H)        Each fiscal year the Legislative Auditor shall audit and evaluate the  
 8 utilization of the funds that are allocated to small, minority, and women-owned businesses  
 9 by eligible fund managers under subsection ~~[(c)(3)]~~ **(D)(2)** of this section.

10 9-20B-01.

11            (a)        In this subtitle the following words have the meanings indicated.

12            (b)        “Administration” means the Maryland Energy Administration.

13            (c)        “Board” means the Strategic Energy Investment Advisory Board established  
 14 under § 9-20B-07 of this subtitle.

15            **(D)        “CLEAN ENERGY INDUSTRY” MEANS A GROUP OF EMPLOYERS THAT ARE**  
 16 **ASSOCIATED BY THEIR PROMOTION OF:**

17            **(1)        PRODUCTS AND SERVICES THAT IMPROVE ENERGY EFFICIENCY**  
 18 **AND CONSERVATION, INCLUDING PRODUCTS AND SERVICES PROVIDED BY:**

19                            **(I)        ELECTRICIANS;**

20                            **(II)       HEATING,     VENTILATION,     AND     AIR-CONDITIONING**  
 21 **INSTALLERS;**

22                            **(III)      PLUMBERS; AND**

23                            **(IV)      ENERGY AUDITORS;**

24            **(2)        RENEWABLE AND CLEAN ENERGY RESOURCES THAT REDUCE**  
 25 **GREENHOUSE GAS EMISSIONS; AND**

26            **(3)        TECHNOLOGY THAT ADVANCES EMISSIONS-FREE ENERGY**  
 27 **SYSTEMS.**

28            ~~[(d)]~~ (E)        “Fund” means the Maryland Strategic Energy Investment Fund.

29            ~~[(e)]~~ (F)        “Program” means the Maryland Strategic Energy Investment Program.

1 9–20B–05.

2 (f) The Administration shall use the Fund:

3 (1) to invest in the promotion, development, and implementation of:

4 (i) cost-effective energy efficiency and conservation programs,  
5 projects, or activities, including measurement and verification of energy savings;

6 (ii) renewable and clean energy resources;

7 (iii) climate change programs directly related to reducing or  
8 mitigating the effects of climate change; and

9 (iv) demand response programs that are designed to promote  
10 changes in electric usage by customers in response to:

11 1. changes in the price of electricity over time; or

12 2. incentives designed to induce lower electricity use at times  
13 of high wholesale market prices or when system reliability is jeopardized;

14 (2) to provide targeted programs, projects, activities, and investments to  
15 reduce electricity consumption by customers in the low-income and moderate-income  
16 residential sectors;

17 (3) to provide supplemental funds for low-income energy assistance  
18 through the Electric Universal Service Program established under § 7–512.1 of the Public  
19 Utilities Article and other electric assistance programs in the Department of Human  
20 Resources;

21 (4) to provide rate relief by offsetting electricity rates of residential  
22 customers, including an offset of surcharges imposed on ratepayers under § 7–211 of the  
23 Public Utilities Article;

24 (5) to provide grants, loans, and other assistance and investment as  
25 necessary and appropriate to implement the purposes of the Program as set forth in §  
26 9–20B–03 of this subtitle;

27 (6) to implement energy-related public education and outreach initiatives  
28 regarding reducing energy consumption and greenhouse gas emissions;

29 (7) to provide rebates under the Electric Vehicle Recharging Equipment  
30 Rebate Program established under § 9–2009 of this title;



1 (8) to provide grants to encourage combined heat and power projects at  
2 industrial facilities; [and]

3 (9) TO INVEST IN PRE-APPRENTICESHIP, APPRENTICESHIP, AND  
4 OTHER WORKFORCE DEVELOPMENT PROGRAMS TO ESTABLISH CAREER PATHS IN  
5 THE CLEAN ENERGY INDUSTRY UNDER § 11-708.1 OF THE LABOR AND  
6 EMPLOYMENT ARTICLE;

7 (10) TO PROVIDE ACCESS TO CAPITAL FOR SMALL, MINORITY, AND  
8 WOMEN-OWNED BUSINESSES IN THE CLEAN ENERGY INDUSTRY UNDER § 9-1A-35  
9 OF THIS TITLE; AND

10 [(9)] (11) to pay the expenses of the Program.

11 (I) MONEY THAT THE FUND RECEIVES UNDER PUBLIC SERVICE  
12 COMMISSION ORDER NUMBER 86372 SHALL BE ALLOCATED AS FOLLOWS:

13 (1) \$10,000,000 TO A CLEAN ENERGY WORKFORCE ACCOUNT  
14 ESTABLISHED IN THE MARYLAND EMPLOYMENT ADVANCEMENT RIGHT NOW  
15 PROGRAM UNDER § 11-708.1 OF THE LABOR AND EMPLOYMENT ARTICLE; AND

16 (2) \$30,000,000 TO A CLEAN ENERGY BUSINESS DEVELOPMENT  
17 ACCOUNT ESTABLISHED IN THE SMALL, MINORITY, AND WOMEN-OWNED  
18 BUSINESSES ACCOUNT UNDER § 9-1A-35 OF THIS TITLE.

19 [(i)] (J) (1) Except as provided in paragraph (2) of this subsection,  
20 compliance fees paid under § 7-705(b) of the Public Utilities Article may be used only to  
21 make loans and grants to support the creation of new Tier 1 renewable energy sources in  
22 the State.

23 (2) Compliance fees paid under § 7-705(b)(2)(i)2 of the Public Utilities  
24 Article shall be accounted for separately within the Fund and may be used only to make  
25 loans and grants to support the creation of new solar energy sources in the State.

26 [(j)] (K) (1) The Treasurer shall invest the money of the Fund in the same  
27 manner as other State money may be invested.

28 (2) Any investment earnings of the Fund shall be paid into an  
29 administrative expense account within the Fund.

30 (3) Any repayment of principal and interest on loans made from the Fund  
31 shall be paid into the Fund.

1           (4) Balances in the Fund shall be held for the benefit of the Program, shall  
2 be expended solely for the purposes of the Program, and may not be used for the general  
3 obligations of government.

4           [(k)] (L) Expenditures from the Fund shall be made by:

5           (1) an appropriation in the annual State budget; or

6           (2) a budget amendment in accordance with § 7-209 of the State Finance  
7 and Procurement Article.

8           [(I)] (M) An expenditure by budget amendment may be made under subsection  
9 [(k)] (L) of this section only after:

10           (1) the Administration has submitted the proposed budget amendment and  
11 supporting documentation to the Senate Budget and Taxation Committee, Senate Finance  
12 Committee, House Appropriations Committee, and House Economic Matters Committee;  
13 and

14           (2) the committees have had 45 days for review and comment.

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
16 apply only prospectively and may not be applied or interpreted to have any effect on or  
17 application to any contract existing before the effective date of this Act.

18           SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or  
19 the application thereof to any person or circumstance is held invalid for any reason in a  
20 court of competent jurisdiction, the invalidity does not affect other provisions or any other  
21 application of this Act that can be given effect without the invalid provision or application,  
22 and for this purpose the provisions of this Act are declared severable.

23           SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2016.



## Climate & Energy Solutions for Maryland: Clean Energy Jobs Act



- In 2016, Maryland should update its Renewable Portfolio Standard (RPS) to accelerate the state's transition to renewable energy. The General Assembly should require that renewable sources provide 25% of the state's energy by 2020, with at least 2.5% from solar energy.
- Increasing Maryland's reliance on renewable energy is fully achievable. Maryland already is committed to obtaining 20% of its energy from renewable sources by 2022.
- Increasing the RPS requirements is a positive step toward a clean energy future that relies on energy sources like wind and solar. Separately, the RPS should be updated so that it no longer incentivizes combustion-based "renewable" sources, which release greenhouse gases and other pollutants into our atmosphere.

*Let's Make 2016 a Turning Point in Maryland for Fighting Climate Change*

## Renewable Energy is Beneficial Energy for Maryland

- Climate benefits – A 25% renewable energy standard can create incentives for roughly 1,800 megawatts of new clean energy in our region and reduce greenhouse gas emissions by over 2.7 million metric tons per year (the equivalent of taking 563,000 passenger vehicles off the road every year).
- Health benefits – Fossil fuel combustion is a public health crisis. Maryland has some of the worst air quality on the East Coast, disproportionately harming communities of color and the poor. Cutting pollution from fossil fuel combustion will significantly improve the state's air quality.
- Economic benefits – Better health outcomes will increase our region's annual economic growth by hundreds of millions of dollars. Relying on more renewable energy should lead to thousands of new jobs in the solar and wind industries, including an annual increase of 1,000 new solar jobs.
- Reliability benefits – Weather in our region is getting more intense, and our electricity grid is increasingly compromised by climate-related hazards, including more intense storms and heat waves. Dispersed and locally generated electricity is a more sustainable solution to our energy needs.

### Clean Energy is Affordable Energy for Maryland

- Average solar prices have fallen 63% since 2010 as U.S. installations have increased by 600%.
- Wind power costs hit record lows in 2014, have fallen by 58% in the last five years, and are projected to decrease 20-30% over the next 20 years. Wind is already out-competing natural gas and other fossil fuels in many parts of the country.

### **For more information or to volunteer, contact us:**

Web - <http://www.sierraclub.org/maryland/legislation>

Email - [Legislation@MDSierra.org](mailto:Legislation@MDSierra.org)

# HOUSE BILL 1287

C5

6lr1754  
CF SB 867

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By: Delegates Waldstreicher, B. Barnes, Beidle, Brooks, Carr, Ebersole, Fraser-Hidalgo, Gutierrez, Haynes, Hettleman, Hixson, Kelly, Korman, Lafferty, Lam, Luedtke, Moon, Morhaim, Pena-Melnyk, Platt, Reznik, S. Robinson, Rosenberg, Smith, Valderrama, A. Washington, and M. Washington

Introduced and read first time: February 12, 2016

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities – Renewable Energy Portfolio Standard – Eligible Sources**

3 FOR the purpose of prohibiting certain Tier 1 renewable sources from being eligible for  
4 inclusion in meeting the renewable energy portfolio standard on and after a certain  
5 date; authorizing renewable energy credits generated from certain Tier 1 renewable  
6 sources before a certain date to be eligible for inclusion in meeting the renewable  
7 energy portfolio standard in accordance with a certain provision of law; altering the  
8 definition of “geothermal heating and cooling system”; providing for the application  
9 of this Act; and generally relating to the renewable energy portfolio standard.

10 BY repealing and reenacting, without amendments,  
11 Article – Public Utilities  
12 Section 7–701(a) and (r) and 7–709(d)  
13 Annotated Code of Maryland  
14 (2010 Replacement Volume and 2015 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Public Utilities  
17 Section 7–701(d) and 7–704(a)  
18 Annotated Code of Maryland  
19 (2010 Replacement Volume and 2015 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
21 That the Laws of Maryland read as follows:

22 **Article – Public Utilities**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-701.

2 (a) In this subtitle the following words have the meanings indicated.

3 (d) "Geothermal heating and cooling system" means a system that:

4 (1) exchanges thermal energy from groundwater or a shallow ground  
5 source to generate thermal energy through a geothermal heat pump or a system of  
6 geothermal heat pumps interconnected with any geothermal extraction facility that is:

7 (i) a closed loop or a series of closed loop systems in which fluid is  
8 permanently confined within a pipe or tubing and does not come in contact with the outside  
9 environment; or

10 (ii) an open loop system in which ground or surface water is  
11 circulated in an environmentally safe manner directly into the facility and returned to the  
12 same aquifer or surface water source;

13 (2) meets or exceeds the current federal Energy Star product specification  
14 standards;

15 (3) replaces or displaces inefficient space or water heating systems whose  
16 primary fuel is electricity or a [nonnatural gas] **COMBUSTION-BASED** fuel source;

17 (4) replaces or displaces inefficient space cooling systems that do not meet  
18 federal Energy Star product specification standards;

19 (5) is manufactured, installed, and operated in accordance with applicable  
20 government and industry standards; and

21 (6) does not feed electricity back to the grid.

22 (r) "Tier 1 renewable source" means one or more of the following types of energy  
23 sources:

24 (1) solar energy, including energy from photovoltaic technologies and solar  
25 water heating systems;

26 (2) wind;

27 (3) qualifying biomass;

28 (4) methane from the anaerobic decomposition of organic materials in a  
29 landfill or wastewater treatment plant;

30 (5) geothermal, including energy generated through geothermal exchange  
31 from or thermal energy avoided by, groundwater or a shallow ground source;

1 (6) ocean, including energy from waves, tides, currents, and thermal  
2 differences;

3 (7) a fuel cell that produces electricity from a Tier 1 renewable source  
4 under item (3) or (4) of this subsection;

5 (8) a small hydroelectric power plant of less than 30 megawatts in capacity  
6 that is licensed or exempt from licensing by the Federal Energy Regulatory Commission;

7 (9) poultry litter-to-energy;

8 (10) waste-to-energy;

9 (11) refuse-derived fuel; and

10 (12) thermal energy from a thermal biomass system.

11 7-704.

12 (a) (1) Energy from a Tier 1 renewable source:

13 (i) is eligible for inclusion in meeting the renewable energy portfolio  
14 standard regardless of when the generating system or facility was placed in service; and

15 (ii) may be applied to the percentage requirements of the standard  
16 for either Tier 1 renewable sources or Tier 2 renewable sources.

17 (2) (i) **[Energy] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS**  
18 **SUBSECTION, ENERGY** from a Tier 1 renewable source under § 7-701(r)(1), (5), (9), (10),  
19 or (11) of this subtitle is eligible for inclusion in meeting the renewable energy portfolio  
20 standard only if the source is connected with the electric distribution grid serving  
21 Maryland.

22 (ii) If the owner of a solar generating system in this State chooses to  
23 sell solar renewable energy credits from that system, the owner must first offer the credits  
24 for sale to an electricity supplier or electric company that shall apply them toward  
25 compliance with the renewable energy portfolio standard under § 7-703 of this subtitle.

26 (3) Energy from a Tier 1 renewable source under § 7-701(r)(8) of this  
27 subtitle is eligible for inclusion in meeting the renewable energy portfolio standard if it is  
28 generated at a dam that existed as of January 1, 2004, even if a system or facility that is  
29 capable of generating electricity did not exist on that date.

30 (4) **(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
31 **PARAGRAPH, ON OR AFTER JANUARY 1, 2018, ENERGY FROM A TIER 1 RENEWABLE**  
32 **SOURCE UNDER § 7-701(R)(3), (4), (7), (9), (10), (11), OR (12) OF THIS SUBTITLE IS**

1 NOT ELIGIBLE FOR INCLUSION IN MEETING THE RENEWABLE ENERGY PORTFOLIO  
2 STANDARD.

3 (II) A RENEWABLE ENERGY CREDIT GENERATED FROM A TIER 1  
4 RENEWABLE SOURCE UNDER § 7-701(R)(3), (4), (7), (9), (10), (11), OR (12) OF THIS  
5 SUBTITLE BEFORE JANUARY 1, 2017, IS ELIGIBLE FOR INCLUSION IN MEETING THE  
6 RENEWABLE ENERGY PORTFOLIO STANDARD IN ACCORDANCE WITH § 7-709(D) OF  
7 THIS SUBTITLE.

8 (5) Energy from a Tier 2 renewable source under § 7-701(s) of this subtitle  
9 is eligible for inclusion in meeting the renewable energy portfolio standard through 2018 if  
10 it is generated at a system or facility that existed and was operational as of January 1,  
11 2004, even if the facility or system was not capable of generating electricity on that date.

12 7-709.

13 (d) (1) Except as authorized under paragraph (2) of this subsection, a  
14 renewable energy credit shall exist for 3 years from the date created.

15 (2) A renewable energy credit may be diminished or extinguished before  
16 the expiration of 3 years by:

17 (i) the electricity supplier that received the credit;

18 (ii) a nonaffiliated entity of the electricity supplier:

19 1. that purchased the credit from the electricity supplier  
20 receiving the credit; or

21 2. to whom the electricity supplier otherwise transferred the  
22 credit; or

23 (iii) demonstrated noncompliance by the generating facility with the  
24 requirements of § 7-704(f) of this subtitle.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
26 apply only prospectively and may not be applied or interpreted to have any effect on or  
27 application to any contract for renewable energy credits that existed before the effective  
28 date of this Act.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2016.





**SIERRA  
CLUB**

## **Climate & Energy Solutions for Maryland: We Need CLEAN Renewable Energy**



- Maryland needs to transition from polluting energy sources based on combustion to clean renewable energy like wind and solar.
- Maryland's Renewable Portfolio Standard (RPS) has helped launch the growing solar and wind industries in Maryland, but the policy also provides incentives to some combustion technologies, including trash incineration, paper mill waste, and chicken manure.
- The RPS should no longer incentivize these combustion sources that pollute the air, emit greenhouse gases thus contributing to global warming, and clog the path to more clean energy.
- In 2016, Maryland should commit to a clean, renewable energy future. The state's Renewable Portfolio Standard (RPS) should be updated so that it only provides financial incentives for clean energy (like wind and solar).
- Additionally, the RPS should be updated to increase the state's renewable energy goal to 25% by 2020. This alone will result in Maryland obtaining more of its energy from clean sources like wind and solar.

*Let's Make 2016 a Turning Point in Maryland for Fighting Climate Change*

## **In Maryland, “renewable” energy is not always clean energy.**

Today, over half of Maryland’s renewable energy is produced by combustion (burning black liquor, trash, wood, poultry manure, and landfill gas). These energy sources release carbon dioxide and other pollutants into our atmosphere, harming our climate and our citizens’ health. For example:

- **Black liquor** incineration produces sulfur dioxide, arsenic, and lead at levels as high as fossil fuels.
- **Trash incinerators** emit more dioxin, mercury, nitrogen oxide, lead, and carbon dioxide than fossil fuel plants. We need to get better at solving our trash problems through recycling, composting, and waste reduction.
- **Woody biomass incinerators** produce energy not only from waste wood but also from whole trees and forests. This turns a carbon sink into a carbon emitter. Obtaining just 4% of our electricity from burning trees would use up 70% of our nation’s entire timber harvest.

### **CLEAN ENERGY is good for our health**

Currently, 85% of Marylanders live in areas that don’t meet federal air quality standards. 20% of Baltimore children have asthma; that’s twice the national average. Solar and wind produce electricity without adding any air pollution.

#### **... good for our economy**

The Maryland solar industry already employs over 2000 people across 30 companies. Shifting RPS incentives to clean sources could create 1,000 megawatts of new capacity and as many as 4,000 jobs in our region.

#### **... and is increasingly affordable**

Average solar prices have fallen 63% since 2010 as U.S. installations have increased by 600%. Wholesale wind now costs only 2.35 cents a kilowatt, the lowest it has ever been. And utility scale solar projects are now below the cost of coal and gas in dollars per megawatt hour.

### **For more information or to volunteer, contact us:**

Web - <http://www.sierraclub.org/maryland/legislation>

Email - [Legislation@MDSierra.org](mailto:Legislation@MDSierra.org)

# SENATE BILL 607

M4

6lr2071  
CF 6lr1946

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By: **Senators Pinsky, Nathan-Pulliam, Conway, Ferguson, Madaleno, Manno, Ramirez, Raskin, Rosapepe, and Young**

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Cattle, Swine, and Poultry – Use of Antimicrobial Drugs**

3 FOR the purpose of prohibiting, on or after a certain date, a certain owner of cattle, swine,  
4 or poultry from administering, or authorizing an agent to administer, certain  
5 antimicrobial drugs in certain cattle, swine, and poultry without a certain  
6 prescription or veterinary feed directive issued by a licensed veterinarian in  
7 accordance with certain conditions; prohibiting certain antimicrobial drugs from  
8 being administered to cattle, swine, and poultry for certain purposes; specifying that  
9 certain antimicrobial drugs may be administered only for a use authorized by a  
10 certain prescription or veterinary feed directive; requiring certain antimicrobial  
11 drugs to be administered in a certain manner; requiring a certain veterinarian who  
12 issues a certain veterinary feed directive to submit to the Department of Agriculture  
13 certain information in a certain manner; requiring the Department to maintain  
14 certain information and make the information available for public review in a certain  
15 manner; requiring the Department to report to the General Assembly on or before a  
16 certain date each year, beginning on or before a certain date; authorizing the  
17 Secretary of Agriculture to impose a certain penalty; authorizing the Department to  
18 adopt certain regulations; providing for the application of this Act; defining certain  
19 terms; and generally relating to the use of antimicrobial drugs in cattle, swine, and  
20 poultry.

21 BY adding to

22 Article – Agriculture

23 Section 3–1001 through 3–1006 to be under the new subtitle “Subtitle 10. Use of  
24 Antimicrobial Drugs”

25 Annotated Code of Maryland

26 (2007 Replacement Volume and 2015 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

28 That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Agriculture

## SUBTITLE 10. USE OF ANTIMICROBIAL DRUGS.

## 3-1001.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “DISEASE CONTROL” MEANS THE USE OF A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG TO CONTROL THE SPREAD OF A DOCUMENTED DISEASE OR INFECTION PRESENT IN A BARN OR EQUIVALENT ANIMAL HOUSING UNIT.

(C) “MEDICALLY IMPORTANT ANTIMICROBIAL DRUG” MEANS ANY DRUG FROM A CLASS OF DRUG OR DERIVATIVE OF A CLASS OF DRUG THAT IS:

(1) (I) MADE FROM A MOLD OR BACTERIUM THAT KILLS OR SLOWS THE GROWTH OF OTHER MICROBES, SPECIFICALLY BACTERIA; AND

(II) USED IN HUMAN BEINGS OR INTENDED FOR USE IN HUMAN BEINGS TO TREAT OR PREVENT DISEASE OR INFECTION; OR

(2) LISTED IN APPENDIX A OF THE FEDERAL FOOD AND DRUG ADMINISTRATION’S GUIDANCE FOR INDUSTRY #152, INCLUDING CRITICALLY IMPORTANT, HIGHLY IMPORTANT, OR IMPORTANT ANTIMICROBIAL DRUGS.

(D) “OWNER” MEANS A PERSON THAT:

(1) HAS AN OWNERSHIP INTEREST IN CATTLE, SWINE, OR POULTRY, INCLUDING A RIGHT OR AN OPTION TO PURCHASE THE CATTLE, SWINE, OR POULTRY; OR

(2) IS OTHERWISE ENGAGED IN THE BUSINESS OF OBTAINING LIVE CATTLE, SWINE, OR POULTRY UNDER A GROWING AGREEMENT FOR THE PURPOSE OF EITHER SLAUGHTERING THE CATTLE, SWINE, OR POULTRY OR SELLING THE CATTLE, SWINE, OR POULTRY FOR SLAUGHTER.

(E) “VETERINARY FEED DIRECTIVE” MEANS A WRITTEN STATEMENT ISSUED BY A VETERINARIAN LICENSED IN THE STATE IN THE COURSE OF THE VETERINARIAN’S PROFESSIONAL PRACTICE THAT:

(1) ORDERS THE USE OF AN ANIMAL DRUG IN OR ON ANIMAL FEED;

1           (2) AUTHORIZES AN OWNER OR A CARETAKER OF AN ANIMAL TO  
2 OBTAIN AND USE ANIMAL FEED BEARING OR CONTAINING AN ANIMAL DRUG TO  
3 TREAT THE ANIMAL; AND

4           (3) MEETS THE CONDITIONS AND REQUIREMENTS SPECIFIED UNDER  
5 TITLE 21, § 558.6 OF THE CODE OF FEDERAL REGULATIONS.

6 **3-1002.**

7           EXCEPT AS OTHERWISE PROVIDED IN FEDERAL LAW OR REGULATION, THIS  
8 SUBTITLE DOES NOT APPLY TO ANTIMICROBIAL USE IN:

9           (1) DAIRY CATTLE;

10           (2) CATTLE ON A FARM OPERATION THAT SELLS FEWER THAN 200  
11 CATTLE PER YEAR;

12           (3) SWINE ON A FARM OPERATION THAT SELLS FEWER THAN 200  
13 SWINE PER YEAR; OR

14           (4) POULTRY ON A FARM OPERATION THAT SELLS FEWER THAN  
15 60,000 BIRDS PER YEAR.

16 **3-1003.**

17           (A) ON OR AFTER FEBRUARY 1, 2017, AND SUBJECT TO SUBSECTION (B) OF  
18 THIS SECTION, AN OWNER OF CATTLE, SWINE, OR POULTRY MAY NOT ADMINISTER  
19 OR AUTHORIZE AN AGENT TO ADMINISTER A MEDICALLY IMPORTANT  
20 ANTIMICROBIAL DRUG TO THE CATTLE, SWINE, OR POULTRY WITHOUT A  
21 PRESCRIPTION OR A VETERINARY FEED DIRECTIVE ISSUED BY A LICENSED  
22 VETERINARIAN:

23           (1) IN THE CONTEXT OF A VETERINARIAN-CLIENT-PATIENT  
24 RELATIONSHIP THAT MEETS THE CRITERIA FOR A VALID  
25 VETERINARIAN-CLIENT-PATIENT RELATIONSHIP ESTABLISHED UNDER TITLE 21, §  
26 530.3 OF THE CODE OF FEDERAL REGULATIONS;

27           (2) WHO HAS, WITHIN THE PREVIOUS 6 MONTHS, VISITED THE FARM  
28 OPERATION IN WHICH THE CATTLE, SWINE, OR POULTRY IS LOCATED; AND

29           (3) WHO HAS DETERMINED THAT THE MEDICALLY IMPORTANT  
30 ANTIMICROBIAL DRUG IS NECESSARY:

- 1 (I) TO TREAT A DOCUMENTED DISEASE OR INFECTION;
- 2 (II) FOR DISEASE CONTROL;
- 3 (III) FOR A SURGERY OR A MEDICAL PROCEDURE; OR
- 4 (IV) TO PREVENT A DISEASE THAT RESULTS FROM A  
5 VETERINARIAN-DOCUMENTED SPECIFIC EVENT THAT SIGNIFICANTLY INCREASES  
6 DISEASE RISK RELATIVE TO NORMAL FACILITY OPERATING CONDITIONS.

7 (B) (1) (I) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY NOT  
8 BE ADMINISTERED TO CATTLE, SWINE, OR POULTRY FOR:

- 9 1. GROWTH PROMOTION;
- 10 2. FEED EFFICIENCY OR WEIGHT GAIN PURPOSES; OR
- 11 3. ROUTINE DISEASE PREVENTION.

12 (II) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY BE  
13 ADMINISTERED ONLY FOR A USE AUTHORIZED BY A PRESCRIPTION OR VETERINARY  
14 FEED DIRECTIVE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

15 (2) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG SHALL BE  
16 ADMINISTERED IN A MANNER THAT TREATS THE FEWEST NUMBER OF CATTLE,  
17 SWINE, OR POULTRY FOR THE SHORTEST DURATION NECESSARY FOR THE USE  
18 AUTHORIZED BY THE PRESCRIPTION OR THE VETERINARY FEED DIRECTIVE.

19 **3-1004.**

20 (A) ON OR BEFORE FEBRUARY 1, 2018, AND EACH FEBRUARY 1  
21 THEREAFTER, A VETERINARIAN WHO ISSUES A VETERINARY FEED DIRECTIVE SHALL  
22 SUBMIT TO THE DEPARTMENT, IN A MANNER DETERMINED BY THE DEPARTMENT,  
23 THE FOLLOWING INFORMATION FROM EACH VETERINARY FEED DIRECTIVE ISSUED  
24 DURING THE PREVIOUS CALENDAR YEAR:

- 25 (1) DATE OF ISSUANCE;
- 26 (2) EXPIRATION DATE;
- 27 (3) NAME OF EACH ANIMAL DRUG;
- 28 (4) INDICATIONS FOR USE FOR EACH ANIMAL DRUG;

1           (5) SPECIES AND PRODUCTION CLASS OF EACH ANIMAL TO BE FED  
2 THE MEDICATED FEED;

3           (6) APPROXIMATE NUMBER OF ANIMALS TO BE FED THE MEDICATED  
4 FEED;

5           (7) LEVEL OF EACH ANIMAL DRUG ORDERED FOR THE FEED AND THE  
6 AMOUNT OF FEED REQUIRED FOR TREATMENT;

7           (8) FEEDING INSTRUCTIONS WITH THE WITHDRAWAL TIME;

8           (9) NUMBER OF REORDERS AUTHORIZED BY THE VETERINARY FEED  
9 DIRECTIVE IF REORDERS ARE ALLOWED UNDER FEDERAL LAW OR REGULATION;  
10 AND

11           (10) ANY SPECIAL INSTRUCTIONS AND CAUTIONARY STATEMENTS  
12 NECESSARY FOR THE USE OF THE ANIMAL DRUG IN CONFORMANCE WITH ANIMAL  
13 DRUG APPROVALS UNDER FEDERAL LAW OR REGULATION.

14           (b) ALL RECORDS AND INFORMATION RELATING TO A VETERINARY FEED  
15 DIRECTIVE SUBMITTED TO THE DEPARTMENT UNDER THIS SECTION SHALL BE  
16 MAINTAINED BY THE DEPARTMENT AND MADE AVAILABLE FOR PUBLIC REVIEW IN A  
17 MANNER THAT PROVIDES THE GREATEST PUBLIC DISCLOSURE OF RECORDS AND  
18 INFORMATION WHILE PROTECTING THE IDENTITY OF THE FARM OPERATION OR  
19 OWNER OF THE FARM OPERATION TO WHICH THE VETERINARY FEED DIRECTIVE  
20 RELATES.

21           (c) ON OR BEFORE DECEMBER 1, 2018, AND EACH DECEMBER 1  
22 THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN  
23 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE  
24 INFORMATION SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION.

25 **3-1005.**

26           THE SECRETARY MAY IMPOSE AN ADMINISTRATIVE PENALTY, NOT  
27 EXCEEDING \$2,000, ON A PERSON THAT VIOLATES THIS SUBTITLE.

28 **3-1006.**

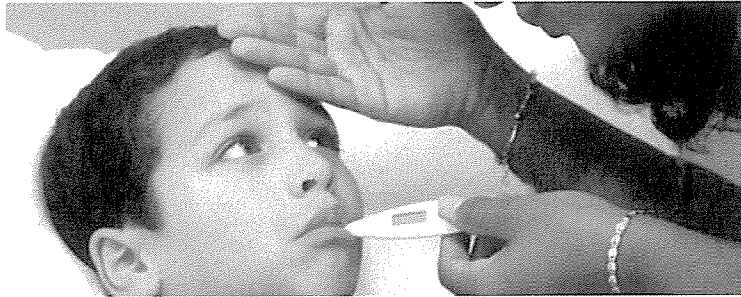
29           THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

30           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2016.



**SIERRA  
CLUB**

# KEEP OUR ANTIBIOTICS WORKING



## **Stop the Routine Use of Antibiotics for Farm Animals**

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To combat the spread of bacterial drug-resistance, antibiotics for food animal use should be used sparingly, and only on sick animals.

But many food animals are fed a daily dose of antibiotics to help them gain weight or to prevent disease caused by unsanitary conditions – not to treat illness.

Routinely feeding antibiotics to animals that are not sick kills off weak bacteria, but allows antibiotic-resistant superbugs to develop and multiply.

If we want to keep antibiotics working for future generations, we need to stop the routine use of medically important antibiotics in livestock production.

This would still allow for the use of antibiotics when an animal is sick or to stop an infectious outbreak.

## **Antibiotics Overuse: Why it Matters**

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We rely on antibiotics to treat everything from simple infections like strep throat, to more serious illnesses like pneumonia. Unfortunately, these drugs are beginning to fail.

- *At least 2 million people become infected with bacteria that are resistant to antibiotics.*
- *As least 23,000 people die from antibiotic-resistant bacteria.*
- *We lose at least \$55 billion a year due to excess hospital costs and lost worker productivity.*



## The Problem: Overuse of Antibiotics on Livestock

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70% of the medically important antibiotics sold in the US are sold for use to raise chickens, hogs, and cattle on large farms.

The majority of this is not to treat sick animals. Many food animals are fed a daily dose of antibiotics to help them gain weight or to prevent disease caused by unsanitary conditions.

This accelerates the development of drug-resistant bacteria, which can then find their way to human populations through contaminated food, airborne dust blowing off farms, and water or soil polluted with contaminated feces.



*“Antimicrobial resistance is a growing public health crisis. ... Because of the link between antibiotic use in food-producing animals and the occurrence of antibiotic-resistant infections in humans, antibiotic agents should be used in food-producing animals only to treat and control infectious diseases and not to promote growth or to prevent disease routinely.”*

-American Academy of Pediatrics Technical Report, November 2015

**For more information or to volunteer, contact us:**

Web - <http://www.sierraclub.org/maryland/legislation>

Email - [Legislation@MDSierra.org](mailto:Legislation@MDSierra.org)

# HOUSE BILL 436

R5

6lr1223  
CF 6lr2614

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By: Delegates W. Miller, Afzali, Arentz, Beitzel, Bromwell, Buckel, Cassilly, Cluster, Folden, Ghrist, Glass, Grammer, Hornberger, S. Howard, Impallaria, Kittleman, Krebs, Lisanti, Long, Malone, Mautz, McConkey, McDonough, McKay, Metzgar, Otto, Reilly, Rey, Rose, Shoemaker, Simonaire, Vogt, B. Wilson, and Wivell

Introduced and read first time: January 29, 2016

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Speed Monitoring, Work Zone Speed Control, and Traffic**  
3 **Control Signal Monitoring Systems – Repeal**

4 FOR the purpose of repealing the authority of counties and municipalities in the State to  
5 use speed monitoring systems to enforce certain highway speed laws; repealing the  
6 authority to use work zone speed control systems to enforce certain highway speed  
7 laws within work zones; repealing the authority to use traffic control signal  
8 monitoring systems to enforce certain traffic control signal laws; requiring the  
9 publishers of the Annotated Code of Maryland, in consultation with and subject to  
10 the approval of the Department of Legislative Services, to correct any references  
11 throughout the Annotated Code that are rendered incorrect by this Act and to  
12 describe any corrections in an editor's note following the section affected; and  
13 generally relating to the repeal of provisions of law authorizing the use of speed  
14 monitoring and work zone speed control systems.

15 BY repealing

16 Article – Transportation  
17 Section 21–202.1, 21–809, and 21–810  
18 Annotated Code of Maryland  
19 (2012 Replacement Volume and 2015 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
21 That Section(s) 21–202.1, 21–809, and 21–810 of Article – Transportation of the Annotated  
22 Code of Maryland be repealed.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the publishers of the  
24 Annotated Code of Maryland, in consultation with and subject to the approval of the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Department of Legislative Services, shall correct any references throughout the Annotated  
2 Code that are rendered incorrect by this Act, with no further action required by the General  
3 Assembly. The publishers shall adequately describe any such correction in an editor's note  
4 following the section affected.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2016.

# HOUSE BILL 524

N1

6lr1856

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By: **Delegates Cluster and Parrott**  
Introduced and read first time: February 1, 2016  
Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Foreclosure – Responsibility for Maintenance of Residential Property and**  
3 **Registration Requirement**

4 FOR the purpose of establishing that, on and after the filing of an action to foreclose a  
5 mortgage or deed of trust on residential property, the secured party shall be  
6 responsible for maintenance of the property until the foreclosure sale occurs;  
7 requiring the secured party to submit a registration to the Foreclosed Property  
8 Registry within a certain period of time after the filing of an action to foreclose a  
9 mortgage or deed of trust on residential property; requiring the registration to be in  
10 a certain form and contain certain information; establishing certain fees; making a  
11 certain conforming change; providing for the application of this Act; and generally  
12 relating to foreclosure of residential property.

13 BY repealing and reenacting, with amendments,  
14 Article – Real Property  
15 Section 14–126.1  
16 Annotated Code of Maryland  
17 (2015 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
19 That the Laws of Maryland read as follows:

20 **Article – Real Property**

21 14–126.1.

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) “Department” means the Department of Labor, Licensing, and  
24 Regulation.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (3) “Foreclosed Property Registry” means the Foreclosed Property Registry  
2 established by the Department under subsection (b) of this section.

3           (4) “Foreclosure purchaser” means the person identified as the purchaser  
4 on the report of sale required by Maryland Rule 14–305 for a foreclosure sale of residential  
5 property.

6           (5) “Fund” means the Foreclosed Property Registry Fund established by  
7 the Department under subsection (i) of this section.

8           (6) “Local jurisdiction” means:

9                   (i) A county; or

10                   (ii) A municipal corporation.

11           (7) “Residential property” means real property improved by four or fewer  
12 dwelling units that are designed principally and are intended for human habitation.

13           (b) The Department shall establish and maintain an Internet–based Foreclosed  
14 Property Registry for information relating to foreclosure sales of residential property.

15           (c) At the time of a foreclosure sale of residential property, the person responsible  
16 for conducting the foreclosure shall obtain from the foreclosure purchaser a written  
17 acknowledgment of the requirements of this section.

18           (d) (1) Within 30 days after a foreclosure sale of residential property, a  
19 foreclosure purchaser shall submit an initial registration to the Foreclosed Property  
20 Registry.

21                   (2) The initial registration shall:

22                           (i) Be in the form the Department requires; and

23                           (ii) Contain the following information:

24                                   1. The name, telephone number, and address of the  
25 foreclosure purchaser;

26                                   2. The street address of the property that is the subject of the  
27 foreclosure sale;

28                                   3. The date of the foreclosure sale;

29                                   4. Whether the property is a single–family or multifamily  
30 property;

1                                   5.     The name and address of the person, including a  
2 substitute purchaser, who is authorized to accept legal service for the foreclosure  
3 purchaser;

4                                   6.     To the best of the foreclosure purchaser's knowledge at the  
5 time of registration:

6                                   A.     Whether the residential property is vacant; and

7                                   B.     The name, telephone number, and street address of the  
8 person who is responsible for the maintenance of the property; and

9                                   7.     Whether the foreclosure purchaser has possession of the  
10 property.

11                   (3)     Within 30 days after a deed transferring title to the residential property  
12 has been recorded, the foreclosure purchaser shall submit a final registration to the  
13 Foreclosed Property Registry.

14                   (4)     The final registration shall:

15                                   (i)     Be in the form the Department requires; and

16                                   (ii)    Contain the following information as of the date of final  
17 registration:

18                                   1.     The name, telephone number, and address of the owner on  
19 the deed;

20                                   2.     The date of the ratification of the sale; and

21                                   3.     The date the deed was recorded.

22                   (e)     **(1) ON AND AFTER THE FILING OF AN ACTION TO FORECLOSE A**  
23 **MORTGAGE OR DEED OF TRUST ON RESIDENTIAL PROPERTY UNDER § 7-105.1 OF**  
24 **THIS ARTICLE, THE SECURED PARTY SHALL BE RESPONSIBLE FOR MAINTENANCE OF**  
25 **THE PROPERTY UNTIL THE FORECLOSURE SALE OCCURS.**

26                   **(2) WITHIN 30 DAYS AFTER THE FILING OF AN ACTION TO FORECLOSE**  
27 **A MORTGAGE OR DEED OF TRUST ON RESIDENTIAL PROPERTY UNDER § 7-105.1 OF**  
28 **THIS ARTICLE, THE SECURED PARTY SHALL SUBMIT A REGISTRATION TO THE**  
29 **FORECLOSED PROPERTY REGISTRY.**

30                   **(3) THE REGISTRATION SHALL:**

31                                   **(I) BE IN THE FORM THE DEPARTMENT REQUIRES; AND**

(II) CONTAIN THE FOLLOWING INFORMATION:

1. THE NAME, TELEPHONE NUMBER, AND ADDRESS OF THE SECURED PARTY;

2. THE STREET ADDRESS OF THE PROPERTY THAT IS THE SUBJECT OF THE FORECLOSURE ACTION;

3. THE DATE THE FORECLOSURE ACTION WAS FILED;

4. WHETHER THE PROPERTY IS A SINGLE-FAMILY OR MULTIFAMILY PROPERTY;

5. THE NAME AND ADDRESS OF THE PERSON WHO IS AUTHORIZED TO ACCEPT LEGAL SERVICE FOR THE SECURED PARTY;

6. TO THE BEST OF THE SECURED PARTY'S KNOWLEDGE AT THE TIME OF REGISTRATION:

A. WHETHER THE RESIDENTIAL PROPERTY IS VACANT; AND

B. THE NAME, TELEPHONE NUMBER, AND STREET ADDRESS OF THE PERSON WHO IS RESPONSIBLE FOR THE MAINTENANCE OF THE PROPERTY; AND

7. WHETHER THE SECURED PARTY HAS POSSESSION OF THE PROPERTY.

(F) (1) The filing fees for registering a residential property are:

(i) \$50 for an initial registration filed within the time period required under subsection (d)(1) of this section; [and]

(ii) \$100 for an initial registration filed after the time period required under subsection (d)(1) of this section;

(III) \$50 FOR A REGISTRATION FILED WITHIN THE TIME PERIOD REQUIRED UNDER SUBSECTION (E)(2) OF THIS SECTION; AND

(IV) \$100 FOR A REGISTRATION FILED AFTER THE TIME PERIOD REQUIRED UNDER SUBSECTION (E)(2) OF THIS SECTION.

1 (2) There is no fee for a final registration.

2 (3) A filing fee paid under paragraph (1) of this subsection is  
3 nonrefundable.

4 (4) A local jurisdiction may enact a local law that imposes a civil penalty  
5 for failure to register under this section in an amount not exceeding \$1,000.

6 ~~[(f)]~~ (G) (1) Subject to paragraph (2) of this subsection, a local jurisdiction  
7 that, in accordance with any applicable building code or local ordinance, abates a nuisance  
8 on a residential property registered under this section or takes action to maintain a  
9 residential property registered under this section may collect the cost associated with the  
10 abatement or other action as a charge included on the residential property's property tax  
11 bill.

12 (2) (i) The cost associated with an abatement or other action taken  
13 under paragraph (1) of this subsection may not be included as a charge on the residential  
14 property's property tax bill unless the local jurisdiction provides advance written notice in  
15 accordance with subparagraph (ii) of this paragraph to:

16 1. The person identified in the registry who is authorized to  
17 accept legal service for the SECURED PARTY OR foreclosure purchaser; and

18 2. The person identified in the registry who is responsible for  
19 the maintenance of the property.

20 (ii) The notice described in subparagraph (i) of this paragraph shall:

21 1. Describe the intended abatement or other action the local  
22 jurisdiction intends to take; and

23 2. Be provided:

24 A. In accordance with the notice provisions of the applicable  
25 building code or local ordinance; or

26 B. If the applicable building code or local ordinance does not  
27 provide for notice, at least 30 days before the local jurisdiction abates the nuisance or takes  
28 action to maintain the property.

29 ~~[(g)]~~ (H) (1) The Foreclosed Property Registry:

30 (i) Is not a public record as defined by § 4-101 of the General  
31 Provisions Article; and

32 (ii) Is not subject to Title 4 of the General Provisions Article.



1           (2) The Department may authorize access to the Foreclosed Property  
2 Registry only to local jurisdictions, their agencies, and representatives and State agencies.

3           (3) Notwithstanding paragraphs (1) and (2) of this subsection, the  
4 Department or a local jurisdiction may provide information for a specific property in the  
5 Foreclosed Property Registry to:

6                   (i) A person who owns property on the same block; or

7                   (ii) A homeowners association or condominium in which the property  
8 is located.

9           **[(h)] (I)** Revenue collected from the filing fees required under subsection **[(e)(1)]**  
10 **(F)(1)** of this section shall be distributed to the Fund.

11           **[(i)] (J)** (1) There is a Foreclosed Property Registry Fund in the Department.

12                   (2) The purpose of the Fund is to support the development, administration,  
13 and maintenance of the Foreclosed Property Registry established under this section.

14                   (3) The Department shall administer the Fund.

15                   (4) (i) The Fund is a special, nonlapsing fund that is not subject to §  
16 7-302 of the State Finance and Procurement Article.

17                   (ii) The State Treasurer shall hold the Fund separately, and the  
18 Comptroller shall account for the Fund.

19                   (5) The Fund consists of:

20                           (i) Revenue distributed to the Fund under subsection **[(h)] (I)** of this  
21 section;

22                           (ii) Investment earnings of the Fund;

23                           (iii) Money appropriated in the State budget to the Fund; and

24                           (iv) Any other money from any other source accepted for the benefit  
25 of the Fund.

26                   (6) (i) The State Treasurer shall invest the money of the Fund in the  
27 same manner as other State money may be invested.

28                           (ii) Any investment earnings of the Fund shall be paid into the Fund.

1            ~~[(j)]~~ (K)        (1)     Except as provided in paragraph (2) of this subsection, only the  
2 State may enact a law requiring a notice to be filed with a unit of government to register  
3 residential properties that are subject to foreclosure.

4            (2)        This subsection does not restrict or otherwise affect the ability of a unit  
5 of government to require a registration or notice to be filed for a purpose other than one  
6 relating to foreclosure, even if a property to be identified in the registration or notice is  
7 subject to foreclosure.

8            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
9 apply only prospectively and may not be applied or interpreted to have any effect on or  
10 application to any foreclosure action filed before the effective date of this Act.

11            SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2016.

# SENATE BILL 776

Q7, Q4

6lr1247  
CF 6lr2253

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By: **Senator Astle**

Introduced and read first time: February 5, 2016

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Hotel Rental Tax and Sales and Use Tax – Limited Residential Lodging**

3 FOR the purpose of imposing, under certain circumstances, the State sales and use tax on  
4 certain limited residential lodgings; imposing, under certain circumstances, a  
5 limited residential lodging tax on certain limited residential lodging transactions  
6 booked through a hosting platform; requiring certain hosting platforms to collect and  
7 remit the limited residential lodging tax; providing that revenue from the limited  
8 residential lodging tax is required to be distributed in the same manner as certain  
9 hotel rental tax revenue; requiring a hosting platform that offers certain lodgings to  
10 register with the Comptroller for the collection of certain taxes; requiring a hosting  
11 platform to give certain individuals a certain statement and collect certain taxes;  
12 requiring a person to pay certain taxes when a person pays a certain charge;  
13 requiring a hosting platform to hold certain taxes in trust; providing that an  
14 individual that enters into a certain agreement with a hosting platform may not be  
15 held liable for certain failures; requiring a hosting platform to complete, sign, and  
16 file certain tax returns on or before a certain day; requiring the Comptroller to  
17 provide the form and content of a certain tax return; providing record retention  
18 requirements for limited residential lodging operators; requiring the Comptroller to  
19 make certain distributions from the limited residential lodging tax revenue;  
20 requiring the Comptroller to provide a county or municipality with certain  
21 information; authorizing the Comptroller to impose a certain fee; imposing certain  
22 penalties, under certain circumstances, on a hosting platform; limiting the use of  
23 certain information; providing that only the Comptroller may conduct certain audits  
24 in a certain manner; defining certain terms; providing for the application of this Act;  
25 and generally relating to the taxation of certain limited residential lodging  
26 transactions.

27 BY adding to

28 Article – Local Government

29 Section 20–439 through 20–447 to be under the new part “Part III. Limited  
30 Residential Lodging Taxes”

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2013 Volume and 2015 Supplement)

3 BY repealing and reenacting, without amendments,  
4 Article – Tax – General  
5 Section 11–101(a)  
6 Annotated Code of Maryland  
7 (2010 Replacement Volume and 2015 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article – Tax – General  
10 Section 11–101(a–1) and (a–2)  
11 Annotated Code of Maryland  
12 (2010 Replacement Volume and 2015 Supplement)  
13 (As enacted by Chapter 3 of the Acts of the General Assembly of 2016)

14 BY adding to  
15 Article – Tax – General  
16 Section 11–101(c–1) and (c–2)  
17 Annotated Code of Maryland  
18 (2010 Replacement Volume and 2015 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
20 That the Laws of Maryland read as follows:

21 Article – Local Government

22 **20–437. RESERVED.**

23 **20–438. RESERVED.**

24 **PART III. LIMITED RESIDENTIAL LODGING TAXES.**

25 **20–439.**

26 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS  
27 INDICATED.

28 (B) “BOOKING TRANSACTION” MEANS ANY TRANSACTION IN WHICH THERE  
29 IS A CHARGE TO OCCUPY ANY DWELLING, SLEEPING, OR LODGING  
30 ACCOMMODATIONS THROUGH A HOSTING PLATFORM.

31 (C) “HOSTING PLATFORM” MEANS A PERSON THAT FACILITATES  
32 RESERVATIONS OR COLLECTS PAYMENT FOR A BOOKING TRANSACTION ON BEHALF

1 OF A LIMITED RESIDENTIAL LODGING OPERATOR THROUGH AN ONLINE DIGITAL  
2 PLATFORM.

3 (D) "LIMITED RESIDENTIAL LODGING" MEANS THE ACCESSORY OR  
4 SECONDARY USE OF A RESIDENTIAL DWELLING UNIT OR A PORTION OF THE UNIT BY  
5 A LIMITED RESIDENTIAL LODGING OPERATOR TO PROVIDE, IN EXCHANGE FOR  
6 COMPENSATION, A ROOM OR SPACE THAT IS SUITABLE OR INTENDED FOR  
7 DWELLING, SLEEPING, OR LODGING PURPOSES.

8 (E) "LIMITED RESIDENTIAL LODGING OPERATOR" MEANS AN OPERATOR  
9 WHO USES A HOSTING PLATFORM.

10 (F) "LIMITED RESIDENTIAL LODGING TAX" MEANS THE TAX ON A  
11 TRANSIENT CHARGE.

12 (G) "OPERATOR" MEANS THE PROPRIETOR OF ANY DWELLING, LODGING,  
13 OR SLEEPING ACCOMMODATION OFFERED FOR A CHARGE TO OCCUPANTS.

14 (H) (1) "TRANSIENT CHARGE" MEANS A CHARGE FOR LIMITED  
15 RESIDENTIAL LODGING FOR SLEEPING ACCOMMODATIONS.

16 (2) "TRANSIENT CHARGE" INCLUDES ANY RELATED SERVICE CHARGE  
17 OR BOOKING FEES.

18 20-440.

19 (A) (1) A LIMITED RESIDENTIAL LODGING IS SUBJECT TO THE STATE  
20 SALES AND USE TAX UNDER TITLE 11 OF THE TAX - GENERAL ARTICLE AND THE  
21 TAX MAY BE COLLECTED AND REMITTED WITH THE LIMITED RESIDENTIAL LODGING  
22 TAX IMPOSED UNDER THIS PART.

23 (2) IF A COUNTY IMPOSES A HOTEL RENTAL TAX UNDER THIS  
24 SUBTITLE OR ANY OTHER LAW, A LIMITED RESIDENTIAL LODGING IS SUBJECT TO  
25 THE LIMITED RESIDENTIAL LODGING TAX AT THE SAME RATE AS THE HOTEL RENTAL  
26 TAX IMPOSED BY THE COUNTY.

27 (3) IF A MUNICIPALITY IMPOSES A HOTEL RENTAL TAX UNDER THIS  
28 SUBTITLE OR OTHER LAW, A LIMITED RESIDENTIAL LODGING IS SUBJECT TO THE  
29 LIMITED RESIDENTIAL LODGING TAX AT THE SAME RATE AS THE HOTEL RENTAL TAX  
30 IMPOSED BY THE MUNICIPALITY.

31 (B) A HOSTING PLATFORM THAT IS REGISTERED WITH THE COMPTROLLER  
32 TO COLLECT AND REMIT THE STATE SALES AND USE TAX OR THE COUNTY OR

1 MUNICIPALITY LIMITED RESIDENTIAL LODGING TAX THAT APPLIES TO A LIMITED  
2 RESIDENTIAL LODGING TRANSACTION FACILITATED BY THE HOSTING PLATFORM  
3 SHALL REMIT, ON THE DAY REQUIRED UNDER § 20-443 OF THIS PART, THE TOTAL  
4 AMOUNT OF TAX COLLECTED TO THE COMPTROLLER WITH A SCHEDULE THAT LISTS  
5 THE AMOUNT OF TAX THAT IS DUE TO THE STATE, COUNTY, OR MUNICIPALITY FOR  
6 THE REPORTING PERIOD.

7 (C) REVENUE FROM A LIMITED RESIDENTIAL LODGING TAX SHALL BE  
8 DISTRIBUTED IN THE SAME MANNER AS HOTEL RENTAL TAX REVENUE IS  
9 DISTRIBUTED UNDER THIS SUBTITLE OR ANY APPLICABLE LAW.

10 20-441.

11 A HOSTING PLATFORM THAT OFFERS LIMITED RESIDENTIAL LODGING IN THE  
12 STATE SHALL REGISTER WITH THE COMPTROLLER TO COLLECT:

- 13 (1) THE STATE SALES AND USE TAX;
- 14 (2) THE COUNTY LIMITED RESIDENTIAL LODGING TAX; AND
- 15 (3) THE MUNICIPALITY LIMITED RESIDENTIAL LODGING TAX.

16 20-442.

17 (A) A HOSTING PLATFORM SHALL:

18 (1) GIVE A PERSON REQUIRED TO PAY THE STATE SALES AND USE TAX  
19 AND LIMITED RESIDENTIAL LODGING TAX A STATEMENT THAT IDENTIFIES THE  
20 TRANSIENT CHARGE AS AN ITEM SEPARATE FROM ANY OTHER TAX OR CHARGE; AND

21 (2) COLLECT THE STATE SALES AND USE TAX AND LIMITED  
22 RESIDENTIAL LODGING TAX FROM THE PERSON WHO PAYS THE TRANSIENT CHARGE.

23 (B) A PERSON SHALL PAY THE STATE SALES AND USE TAX AND LIMITED  
24 RESIDENTIAL LODGING TAX TO THE HOSTING PLATFORM WHEN THE PERSON PAYS  
25 THE TRANSIENT CHARGE.

26 (C) (1) A HOSTING PLATFORM SHALL HOLD THE STATE SALES AND USE  
27 TAX AND LIMITED RESIDENTIAL LODGING TAX COLLECTED IN TRUST UNTIL THE  
28 HOSTING PLATFORM REMITS THE TAXES COLLECTED TO THE COMPTROLLER.

1           (2) A HOSTING PLATFORM SHALL COLLECT THE LIMITED  
2 RESIDENTIAL LODGING TAX ON BEHALF OF A LIMITED RESIDENTIAL LODGING  
3 OPERATOR.

4           (3) A LIMITED RESIDENTIAL LODGING OPERATOR THAT ENTERS INTO  
5 AN AGREEMENT WITH A HOSTING PLATFORM TO COLLECT AND REMIT THE STATE  
6 SALES AND USE TAX AND LIMITED RESIDENTIAL LODGING TAX MAY NOT BE HELD  
7 LIABLE FOR THE FAILURE OF A HOSTING PLATFORM TO COLLECT AND REMIT THE  
8 TAXES OR FILE ANY REQUIRED TAX RETURNS.

9   **20-443.**

10          (A) A HOSTING PLATFORM SHALL COMPLETE, SIGN, AND FILE A STATE  
11 SALES AND USE TAX RETURN AND A LIMITED RESIDENTIAL LODGING TAX RETURN  
12 WITH THE COMPTROLLER ON OR BEFORE THE 10TH DAY OF A MONTH THAT  
13 FOLLOWS A MONTH IN WHICH THE HOSTING PLATFORM COLLECTS THE TAXES.

14          (B) THE COMPTROLLER SHALL PROVIDE FOR THE FORM AND CONTENT OF  
15 THE LIMITED RESIDENTIAL LODGING TAX RETURN.

16          (C) (1) A LIMITED RESIDENTIAL LODGING OPERATOR SHALL KEEP, FOR  
17 AT LEAST 4 YEARS, COMPLETE AND ACCURATE RECORDS OF THE DATES OF ANY  
18 LIMITED RESIDENTIAL LODGINGS AND THE NUMBER OF OCCUPANTS THAT USED THE  
19 LIMITED RESIDENTIAL LODGING.

20          (2) A LIMITED RESIDENTIAL LODGING OPERATOR MAY BE REQUIRED  
21 TO MAKE ONLY THE RECORDS UNDER PARAGRAPH (1) OF THIS SUBSECTION  
22 AVAILABLE IN RESPONSE TO A SUBPOENA SERVED BY THE COMPTROLLER.

23   **20-444.**

24          (A) FROM THE LIMITED RESIDENTIAL LODGING TAX REVENUE, THE  
25 COMPTROLLER SHALL DISTRIBUTE THE AMOUNT NECESSARY TO ADMINISTER THE  
26 LIMITED RESIDENTIAL LODGING TAX.

27          (B) AFTER MAKING THE DISTRIBUTION REQUIRED UNDER SUBSECTION (A)  
28 OF THIS SECTION, THE COMPTROLLER SHALL DISTRIBUTE THE LIMITED  
29 RESIDENTIAL LODGING TAX TO THE COUNTY OR MUNICIPALITY WHERE THE LIMITED  
30 RESIDENTIAL LODGING TAX WAS INCURRED IN THE SAME MANNER THAT THE HOTEL  
31 RENTAL TAX IS DISTRIBUTED UNDER THIS SUBTITLE OR OTHER LAW.

32   **20-445.**

1 (A) THE COMPTROLLER SHALL PROVIDE A COUNTY OR MUNICIPALITY WITH  
2 INFORMATION TO HELP THE COUNTY OR MUNICIPALITY VERIFY THE AMOUNT OF  
3 LIMITED RESIDENTIAL LODGING TAX GENERATED IN THE COUNTY OR  
4 MUNICIPALITY.

5 (B) THE COMPTROLLER MAY CHARGE A COUNTY OR MUNICIPALITY A  
6 REASONABLE FEE FOR THE COST OF PROVIDING INFORMATION UNDER THIS  
7 SECTION.

8 20-446.

9 (A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A HOSTING  
10 PLATFORM THAT IS REGISTERED WITH THE COMPTROLLER FAILS TO FILE A  
11 LIMITED RESIDENTIAL LODGING TAX RETURN REQUIRED UNDER THIS PART, THE  
12 COMPTROLLER SHALL ASSESS:

13 (I) A PENALTY IN THE AMOUNT OF \$500 IF THE LIMITED  
14 RESIDENTIAL LODGING TAX RETURN IS FILED ON OR BEFORE 30 DAYS AFTER THE  
15 DATE REQUIRED UNDER THIS PART; AND

16 (II) A PENALTY IN THE AMOUNT OF \$1,000 FOR EACH 30-DAY  
17 PERIOD, OR FRACTION OF A 30-DAY PERIOD, IF THE LIMITED RESIDENTIAL  
18 LODGING TAX RETURN IS FILED ON OR AFTER 31 DAYS OF THE DATE REQUIRED  
19 UNDER THIS PART.

20 (2) THE PENALTY UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY  
21 NOT EXCEED THE LESSER OF:

22 (I) \$10,000; OR

23 (II) 5% OF THE LIMITED RESIDENTIAL LODGING TAX DUE.

24 (3) THE COMPTROLLER, FOR GOOD CAUSE, MAY WAIVE THE PENALTY  
25 REQUIRED UNDER THIS PARAGRAPH.

26 (B) IF A HOSTING PLATFORM THAT IS REGISTERED WITH THE  
27 COMPTROLLER FAILS TO PAY OR UNDERPAYS THE LIMITED RESIDENTIAL LODGING  
28 TAX REQUIRED UNDER THIS PART, THE COMPTROLLER SHALL ASSESS:

29 (1) A PENALTY IN THE AMOUNT OF 3% OF THE UNDERPAYMENT IF THE  
30 LIMITED RESIDENTIAL LODGING TAX IS PAID ON OR BEFORE 30 DAYS AFTER THE  
31 DATE REQUIRED UNDER THIS PART; AND



1           (2) A PENALTY IN THE AMOUNT OF AN ADDITIONAL 3% OF THE  
2 UNDERPAYMENT FOR EACH 30-DAY PERIOD, OR FRACTION OF A 30-DAY PERIOD, IF  
3 THE LIMITED RESIDENTIAL LODGING TAX IS PAID ON OR AFTER 31 DAYS AFTER THE  
4 DATE REQUIRED UNDER THIS PART.

5           (C) IF A HOSTING PLATFORM THAT IS REGISTERED WITH THE  
6 COMPTROLLER WILLFULLY FILES A FALSE OR FRAUDULENT LIMITED RESIDENTIAL  
7 LODGING TAX RETURN UNDER THIS PART WITH THE INTENT TO DEFRAUD A COUNTY  
8 OR A MUNICIPALITY OF THE LIMITED RESIDENTIAL LODGING TAX, THE  
9 COMPTROLLER SHALL ASSESS A PENALTY EQUAL TO 50% OF THE DIFFERENCE  
10 BETWEEN THE AMOUNT OF LIMITED RESIDENTIAL LODGING TAX REPORTED ON THE  
11 LIMITED RESIDENTIAL LODGING TAX RETURN AND THE AMOUNT OF LIMITED  
12 RESIDENTIAL LODGING TAX THE COMPTROLLER DETERMINES IS DUE.

13           (D) A PENALTY UNDER THIS SECTION SHALL BE PAID BY THE HOSTING  
14 PLATFORM AND COLLECTED BY THE COMPTROLLER IN THE SAME MANNER AS THE  
15 LIMITED RESIDENTIAL LODGING TAX.

16           (E) THE PENALTIES THAT APPLY TO THE ADMINISTRATION OF THE STATE  
17 SALES AND USE TAX UNDER TITLE 13 OF THE TAX – GENERAL ARTICLE APPLY TO  
18 THE STATE SALES AND USE TAX THAT IS REMITTED WITH THE LIMITED RESIDENTIAL  
19 LODGING TAX RETURN UNDER THIS PART.

20 20-447.

21           (A) (1) THIS SECTION APPLIES TO ANY INFORMATION PROVIDED TO OR  
22 OBTAINED BY THE COMPTROLLER UNDER THIS PART AND INCLUDES:

23                   (I) INFORMATION CONTAINED IN A LIMITED RESIDENTIAL  
24 LODGING TAX RETURN FILED BY A HOSTING PLATFORM;

25                   (II) INFORMATION RELATING TO UNDERLYING LIMITED  
26 RESIDENTIAL LODGING TRANSACTIONS; OR

27                   (III) INFORMATION RELATING TO AN AUDIT OR INVESTIGATION.

28           (2) THE INFORMATION DESCRIBED UNDER PARAGRAPH (1) OF THIS  
29 SUBSECTION:

30                   (I) IS CONFIDENTIAL AND MAY BE DISCLOSED ONLY IN  
31 ACCORDANCE WITH THE PROVISIONS OF A WRITTEN AGREEMENT BETWEEN THE  
32 HOSTING PLATFORM AND THE COMPTROLLER; AND

1 (II) MAY NOT BE DISCLOSED:

2 1. WITHOUT THE WRITTEN CONSENT OF THE HOSTING  
3 PLATFORM; OR

4 2. TO ANY AGENCY OR INSTRUMENTALITY OF THE STATE  
5 OR A POLITICAL SUBDIVISION OF THE STATE.

6 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
7 INFORMATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT SUBJECT TO  
8 DISCLOSURE UNDER ANY APPLICABLE FREEDOM OF INFORMATION ACT REQUEST.

9 (B) (1) THE LIMITED RESIDENTIAL LODGING TAX UNDER THIS PART IS  
10 SUBJECT TO AUDIT BY ONLY THE COMPTROLLER OR THE COMPTROLLER'S  
11 REGISTERED AGENT.

12 (2) THE TAX COLLECTOR OF A COUNTY OR MUNICIPALITY MAY NOT  
13 CONDUCT AN AUDIT OF LIMITED RESIDENTIAL LODGING TAXES UNDER THIS PART.

14 (3) THE AUDIT MAY ONLY BE BASED ON THE LIMITED RESIDENTIAL  
15 LODGING TAX RETURNS AND SCHEDULES FILED BY A HOSTING PLATFORM.

16 (4) THE AUDIT MAY NOT BE CONDUCTED, DIRECTLY OR INDIRECTLY,  
17 ON A LIMITED RESIDENTIAL LODGING OPERATOR OR THE OCCUPANT OF A LIMITED  
18 RESIDENTIAL LODGING.

19 (C) THE AUDIT AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION  
20 SHALL BE CONDUCTED ON AN ANONYMOUS NUMBERED ACCOUNT BASIS AND MAY  
21 NOT REQUIRE THE PRODUCTION OF ANY PERSONALLY IDENTIFIABLE INFORMATION  
22 RELATING TO:

23 (1) A LIMITED RESIDENTIAL LODGING TRANSACTION;

24 (2) A LIMITED RESIDENTIAL LODGING OPERATOR; OR

25 (3) AN OCCUPANT OF A LIMITED RESIDENTIAL LODGING.

26 Article – Tax – General

27 11–101.

28 (a) In this title the following words have the meanings indicated.

1 (a-1) "Accommodation" means a right to occupy a room or lodgings **OR A LIMITED**  
2 **RESIDENTIAL LODGING** as a transient guest.

3 (a-2) (1) "Accommodations intermediary" means a person, other than an  
4 accommodations provider, who facilitates the sale or use of an accommodation and charges  
5 the buyer the taxable price for the accommodation.

6 (2) For purposes of this subsection, a person shall be considered to facilitate  
7 the sale or use of an accommodation if the person brokers, coordinates, or in any other way  
8 arranges for the sale or use of an accommodation by a buyer.

9 (3) "ACCOMMODATIONS INTERMEDIARY" INCLUDES A HOSTING  
10 PLATFORM.

11 (C-1) "HOSTING PLATFORM" HAS THE MEANING STATED IN § 20-439 OF THE  
12 LOCAL GOVERNMENT ARTICLE.

13 (C-2) "LIMITED RESIDENTIAL LODGING" HAS THE MEANING STATED IN §  
14 20-439 OF THE LOCAL GOVERNMENT ARTICLE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2016, and shall apply to all limited residential lodgings booked through a hosting  
17 platform after October 1, 2016.

# OFFICIAL NOTICE

Pursuant to Section 10-302 of Article 2B of the Annotated Code of Maryland, Notice is hereby given that all alcoholic beverage licenses in Prince George's County will expire as follows:

*Class A, Licenses expire on April 30th*  
*Class B, Licenses expire on May 31st*  
*Class C, Licenses expire on June 30th*  
*Class D, Licenses expire on June 30th*

In order to process a protest against the granting of the 2016 - 2017 License Renewal, a protest notice must be submitted to the Board of License Commissioners no later than March 1, 2016.

Protest of a renewal shall be filed on or before March 1, 2016 at the Board of License Commissioners, 9200 Basil Court, Suite 420, Largo, Maryland 20774.

Should you have any questions, please contact the Board's Office at 301-583-9980.

BOARD OF LICENSE COMMISSIONERS  
(LIQUOR CONTROL BOARD)  
FRANKLIN D. JACKSON, CHAIRMAN  
SHAIHI MWALIMU, VICE CHAIRMAN  
CHARLES W. CALDWELL, III, COMMISSIONER  
EARL J. HOWARD, COMMISSIONER

Attest:  
David D. Son  
Administrator  
November 10, 2015

**5ADVISORY PLANNING BOARD  
REPORT TO COUNCIL**

**REPORT NO. 2016-01  
February 16, 2016**

**SUBJECT: Greenbelt Auto & Truck – Modification to Non-Conforming Certification**

**BACKGROUND:** The City has received a referral from Maryland – National Capital Park and Planning Commission (M-NCPPC) for an application submitted by Greenbelt Auto & Truck to modify its non-conforming use certification. The Prince George’s County Planning Board is scheduled to hear the application on March 10, 2016.

Greenbelt Auto & Truck has had a storage shed on its property since the at least the late 1990’s. Last year, Mr. Aulisio, owner of Greenbelt Auto & Truck began work to demolish the existing shed which was damaged during a storm and replace it with a larger storage building on the same concrete slab. Mr. Aulisio was issued a “Stop Work” order from City inspection staff and was instructed to obtain the required County and City building permits. Upon applying for a County building permit for the construction of a 12’Lx20’Wx12’H storage building, Mr. Aulisio was instructed that since the gas station is a certified non-conforming use, and the certified non-conforming use did not include a shed on the property, he would have to apply for a modification to the non-conforming use certification which required Prince George’s County Planning Board approval.

**ANALYSIS:** The Prince George’s County Zoning Ordinance allows for a modification of a certified non-conforming gas station without a Special Exception if the addition, relocation, or modification to an accessory building is used solely for the storage of automotive replacement parts or accessories. The Ordinance also states that the building shall either be constructed of brick (or another building material similar in appearance to that of the main building and placed on a permanent foundation, or it shall be entirely surrounded with screening material.

The Applicant is proposing to install an aluminum, 12’Lx20’Wx12’H storage building. The building is to be located on an existing concrete slab where there used to be a smaller storage shed, and is to be white with green trim and a green roof to match the appearance of the main building. The Board inquired about the reason for the increased height from the previous shed, and the applicant explained the size of the storage building was predicated on the storage needs of Greenbelt Auto & Truck.

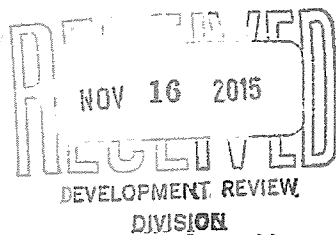
The Board concurred with staff that the proposed storage building does serve to screen the auto repair bays from the neighboring Parke Crescent Apartments. Currently, the Applicant’s site plan does not show any proposed landscaping associated with the new storage building. The Board believes some modest landscaping to the rear of the storage building would be appropriate.

**RECOMMENDATION:** The Board recommends City Council support Greenbelt Auto & Truck's request to modify its Non-conforming use certification to allow for the construction of a 12'Lx20'Wx12'H storage building on the subject premises with the condition that the Applicant agree to install landscaping along the rear of the proposed storage building. The landscaping plan should be submitted to the City's planning staff for review and approval.

Respectfully submitted,

Brian Gibbons  
Chair

This report was adopted by a vote of 5 to 0,



**STATEMENT OF JUSTIFICATION  
REPLACEMENT OF AN EXISTING ACCESSORY BUILDING**

**NCGS 22**

**Case Name:** Greenbelt Automotive Holding Corporation  
Dbba / Greenbelt Auto and Truck Service  
**Property Owner:** Mr. Joseph Aulisio, President

**Case Number/Application Number:** NCGS-22  
**DPIE Permit number** 45265-2014-00 CGW  
**Application Date:** 12/10/2014  
**Current Zone Code:** CSC

**Previous Approvals:**

**SDC Plan** 32363-2015-0  
**DPIE UOW** 15483-2015-00  
**Deed** 11192/548  
**Use and Occupancy permit**  
**NonConforming Gas Station** 47202-2006-U

**Certified Non Conforming Use** 3312-1983-0 & 3312-1983-1

**DESCRIPTION OF PROPOSED REQUEST:** Pursuant to Sec. 27-242 (3) Gas stations.

(A) *The following modifications of a certified nonconforming gas station may be permitted by the Planning Board without a special exception (Section 27-384):*

(iv) *The addition, relocation, or modification of an accessory building used solely for the storage of automotive replacement parts or accessories. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to that of the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The screening shall be approved as part of the modification.*

The property owner is filing this application to modify a certified nonconforming gas station use without filing a special exception in accordance with the above referenced Section of the Prince George's County Zoning Ordinance. Specifically, this application is to obtain approval for the modification/installation of a wholly enclosed accessory building to be used solely for the storage of automotive replacement parts and accessories. The proposed accessory building will replace an existing shed that was damaged by snow falls and a fallen tree limb.

The previous shed was constructed of wood painted white with an asphalt shingle roof and on a concrete slab foundation located between the Greenbelt City storage garage and the front north east corner of the auto service repair building and was used for storage of auto accessories and parts (see attached Site Development Plan). The accessory building became an attractive nuisance/safety concern when the roof and rear wall began to cave in after the snowfall and tree limb damage. The owner, proceeding under his understanding of the requirements for replacement of the existing accessory building, began construction of a new accessory building in the same location on the subject property.

A "Notice of Violation" was issued by the City of Greenbelt on November 21, 2014 under the city code section 4-34 requiring the owner to stop work pending an approved permit for an accessory structure.

The proposed wholly enclosed accessory structure is 12Lx20Wx12H, constructed of 14 gauge white aluminum panels with closed ends, a 9x7 roll up door, and green 14 - gauge aluminum roof and trim.

**DESCRIPTION AND LOCATION OF THE SUBJECT PROPERTY, OWNER:** The subject property is located within the Greenbelt town center, in the north quadrant of Centerway Road at the intersection with Garden Way and consists of 0.23 acres ("Property"). The Property is zoned C-S-C (Commercial Shopping Center). The subject Property's address is 159 and 161 Centerway Road, Greenbelt, Maryland 20770. The businesses are a gas station auto repair use which were certified as non-conforming uses in 1983 (3312-1983-0 & 3312-1983-1).

The subject Property is part of a well-established, existing commercial area consisting of retail, commercial office and city municipal buildings and other uses. The original subdivision was dedicated a subdivision subject to certain detailed shared and common area uses as described in the resolution adopted July 9, 1953 by the Greenbelt City Council, which is included in this application. Use and occupancy permits have been issued continuously since 1958 for a service station and garage on the subject Property.

The Property is improved with a gas station with two service bays, a retail store and two double pump gas dispensaries. The gas station structure is frame, block and aluminum siding, white and banner colors to correspond with the petroleum supplier designated color. This building has a flat tar and rubber roof system. This primary structure is 1650 square feet, in size. Located directly behind this structure is a frame and block service building of 1950 square feet with a large aluminum roll up door painted white from approximately 4 foot up to the roof cap and lighter gray from approximately 4 foot to the impervious surface. The building has a flat tar and rubber roof system. Also located on the Property, in the area of the shared parking, is the leased garage consisting of 6 bays. Four bays of the structure are of painted white block and the bay doors have been removed and filled in with a painted white T-111 wood 4x8 sheet product, a window and single access entry door. The roofing is flat with a mansard of either shingle or wood fascia material either green or brown in color. Photos the main structure and surrounding areas are included.

The current owner is a native of the Greenbelt area, and was a volunteer fire fighter at the Greenbelt Fire Department. He was previously employed by the Prince Georges County Fleet Service and later employed with the Mobile Oil Corporation, at the subject Property, prior to purchasing it from Mobil in 1996. This business, prior to and under current ownership, has long been a part of the City of Greenbelt community, providing reliable and affordable auto service to the local and visiting population for many years.

#### **DESCRIPTION OF EACH REQUIRED FINDING:**

DIVISION 6. NONCONFORMING BUILDINGS, STRUCTURES, AND USES, SUBDIVISION 1. GENERAL REQUIREMENTS AND PROCEDURES, we have included the sections that pertain to our application.

Section 27-242

(3) Gas stations.



(A) The following modifications of a certified nonconforming gas station may be permitted by the Planning Board without a special exception (Section 27-384):

**RESPONSE:** The gas station use on the subject Property was certified as a nonconforming use in 1983 (3312-1983-0 & 3312-1983-1), attached hereto. The current owner has been continuously operating the subject Property as a gas station and auto repair facility since 1996 when the Property was purchased by the current owner from Mobil Oil Corporation to Greenbelt Automotive Holding Corporation.

(iv) The addition, relocation, or modification of an accessory building used solely for the storage of automotive replacement parts or accessories. The accessory building shall be wholly enclosed.

**RESPONSE:** The instant request is to modify/replace a storm damaged accessory building used solely for the storage of automotive replacement parts or accessories to support the certified non-conforming gas station use. The building will be wholly enclosed. The proposed 12Lx20Wx12H building will be constructed of 14 gauge white aluminum with closed ends, a 9x7 roll up door, and green 14 - gauge aluminum roof and trim.

*The building shall either be constructed of brick (or another building material similar in appearance to that of the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The screening shall be approved as part of the modification.*

**RESPONSE:** There is no one standard building material that is "similar in appearance to that of the main structure" on the Property. The gas station building is a frame, block and aluminum structure, with large roll-up bay doors, other structures on the Property are constructed of concrete block, aluminum, and painted wood siding. The only "similarity" in appearance of the main structures is the color. All of the structures on the subject Property are predominantly white in color. The proposed accessory building will be an aluminum structure primarily white in color and will be located on the existing modified concrete foundation of the previous shed.

(B) A site plan shall be submitted showing the modifications.

**RESPONSE:** A Site Development Concept Plan showing the proposed modifications, prepared by Landtech Corporation is attached.

(C) The modifications shall not violate any condition of a previously approved Special Exception for a gas station on the property.

**RESPONSE:** The existing gas station use is a certified nonconforming use, there is no Special Exception.

(D) The modification shall be in conformance with Section 27-358(a), (5), (6), (7), (8), and (10), Section 27-358(c), and any provisions of the zone in which the property is located.

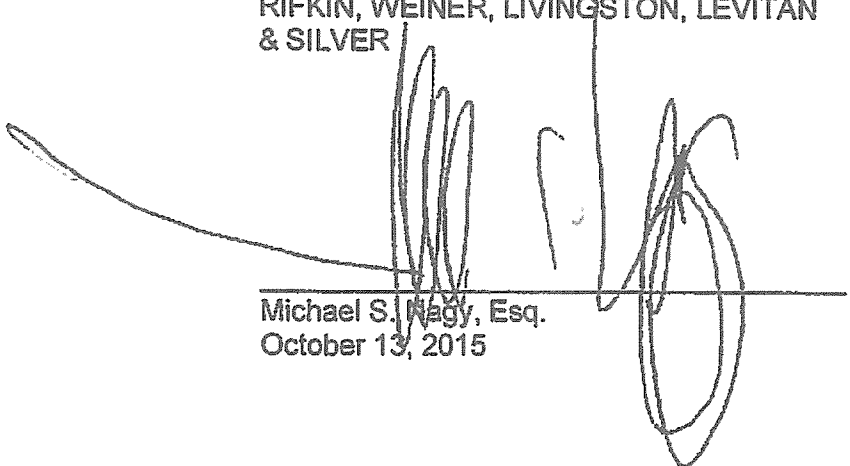
**RESPONSE:** The proposed replacement of the accessory building is fully in conformance with the cited requirements of Section 27-358 and the C-S-C zone. The wholly enclosed building to be used solely for the storage of automotive replacement

parts or accessories to support the certified non-conforming gas station use will not impact the existing access driveways or sidewalks and the building materials proposed are in harmony with the surrounding development.

**CONCLUSION:** The application meets all of the criteria for the grant of a modification of a certified nonconforming gas station use to modify/install a wholly enclosed accessory building to be solely used for the storage of automotive replacement parts or accessories on the subject Property. The certified nonconforming gas station use has been operating without interruption since the current owner, took title to the Property in October of 1996. Mr. Aulisio has and does operate as a good neighbor and upstanding citizen in the City of Greenbelt. His business and customer base has grown over these past nineteen years. Replacement of the previously existing, storm damaged accessory storage building is necessary to store an adequate supply of accessory automotive replacement parts and accessories to maintain the prompt and affordable level of service his patrons have come to expect. This minor modification of the nonconforming use creates little disturbance of the existing environment and no change to any existing approvals. The modification will simply allow the Property owner to apply for a permit to construct the accessory building. Granting approval of this request will have no substantial impact on the site or the surrounding area, but will allow this long-operating business to replace a necessary accessory storage building on an existing concrete pad to support his operation.

For all of the reasons set forth above the Property owner of the subject Property, by and through its attorneys, respectfully requests that the Prince George County Planning Board approve this application pursuant to Section 27-242.

RIFKIN, WEINER, LIVINGSTON, LEVITAN  
& SILVER



Michael S. Nagy, Esq.  
October 13, 2015