

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2023 Legislative Session

Reference No.: CB-066-2023

Draft No.: 2

Committee: PLANNING, HOUSING AND ECONOMIC DEVELOPMENT

Date: 9/26/2023

Action: FAV(A)

REPORT:

Committee Vote, Favorable (In favor: Council Members Ivey, Blegay, Dernoga, Olson, and Oriadha)

The Planning, Housing and Economic Development (PHED) Committee convened on September 26, 2023, to resume consideration of CB-066-2023 after it was held in Committee at the July 6, 2023, work session. The Acting Committee Director summarized the bill provisions and procedural history for the Committee. As styled, DR-1 amends two sections of the Housing and Property Standards Subtitle of the County Code to require certain additional security measures, to include security surveillance and security guards, within high occupancy age-restricted multifamily rental communities in the County; and authorizes the County Department of Permits, Inspections, and Enforcement to perform inspections and enforce compliance with the new requirements.

Council Members Blegay and Oriadha, co-sponsors of the legislation, reiterated the important public purpose of the bill, which is to safeguard the well-being and safety of all residents, particularly our seniors residing in age-restricted rental communities. Both proposers also emphasized the importance of taking the important proactive steps in the bill to protect these vulnerable members of the community.

Sakinda Skinner, the County Council Liaison, reaffirmed for the Committee that, while the Administration maintains its No Position on the legislation, the County Executive remains committed to enhancing the public safety and security of all County residents.

PHED Committee Chair Ivey announced that, because the legislation has been openly debated with public speaker testimony from the public, open registration for testimony on the bill is not generally taken. However, in deference to a point of personal privilege expressed by Council Member Blegay, Chair Ivey announced that the Committee would hear from one speaker on the legislation. Accordingly, one resident, Ms. Gwendolyn D. Bethe, a resident of the Vistas at Lake Largo, offered testimony in support of the legislation and urged that the Committee take favorable action on the bill.

Amanda Denison, Chief Legislative Officer, summarized changes discussed in an unofficial Proposed DR-2 of CB-066-2023, which was discussed in detail during the Committee's July 6, 2023, consideration of the bill.

On a Motion to Substitute Proposed DR-2 of CB-066-2023 for DR-1, moved by Council Member Blegay, and seconded by PHED Committee Chair Ivey, the Committee voted 5–0 (Aye: Ivey, Olson, Blegay, Dernoga, and Oriadha).

Thereafter, the Chief Legislative Officer explained certain additional amendments for the Committee’s consideration, as suggested by Council Member Olson, to strike requirements in the bill relating to the provision of security guards, as follows:

1. Page 1, line 4

~~security guards at~~

2. Page 4, Lines 23-24

~~**Security Guard shall mean an individual that has a valid armed or unarmed security guard license issued by the State of Maryland.**~~

Renumber remaining definitions, last definition will now be number 19.

3. Page 7, Lines 15-21

~~**[Security Measures and Security Equipment for Age Restricted Senior Housing.**~~

~~(1) Each Age Restricted Senior Housing shall have at least one (1) twelve (12) hour Security Guard on duty each day of the week.~~

~~(A) The management for the Age Restricted Senior Housing shall assign the duty hours of Security Guard.~~

~~(2) The landlord or Property Manager shall be responsible for complying with the mandates of this subsection.]~~

Reletter subsections (h) and (i) respectively

4. Page 8, Line 16

~~[a security guard and/or]~~

On a Motion for Amendment No. 1 made by Council Member Olson, seconded by PHED Committee Chair Ivey, the Committee voted 4–1 (Aye: Ivey, Olson, Blegay, and Dernoga. Nay: Oriadha).

PHED Committee Chair Ivey next offered an amendment to address concerns raised during the July 6, 2023, discussion of the bill concerning the potential for unintended additional burden for older, existing multifamily rental buildings to comply with the prescriptions of the bill. As a result, Chair Ivey offered an amendment to provide an additional six-month grace period for buildings with an initial Use and Occupancy permits issued before 2003 to comply with the requirements of CB-066-2023. On a Motion for Amendment No. 2 made by PHED Committee Chair Ivey, seconded by Council Member Blegay, the Committee voted 5–0 (Aye: Ivey, Olson, Blegay, Dernoga, and Oriadha).

With the previously voted Amendment Nos. 1 and 2 to CB-066-2023, on a Motion by Council Member Blegay and seconded by Council Member Oriadha, the Committee voted 5–0 on CB-066-2023 as amended (Aye: Ivey, Olson, Blegay, Dernoga, and Oriadha).

Held in Committee

On July 6, 2023, the Planning, Housing, and Economic Development Committee convened to consider CB-066-2023, an Act amending Sections 13-138 and 13-153 of the Landlord-Tenant Regulations, Housing and Property Standards Subtitle, Prince George’s Code. As styled, the bill will add definitions for the terms “Homeowner’s Association” and “Property Manager” in the Code; requires that Property Managers of a High-Occupancy Apartment Building provide on-site security surveillance equipment with certain optic range with a designated minimum of property visibility coverage; provide security personnel for a stated daily period of on-site coverage; and confers inspection and enforcement authority upon the Department of Permits, Inspection, and Enforcement for compliance purposes.

The Committee Director provided a staff overview of DR-1 of the bill and summarized the comments received from the public and agency stakeholders, to include AOBA and HIP, who each submitted letters to the Committee in opposition to the legislation.

Council Members Blegay and Oriadha, the bill’s co-proposers, explained the public safety and recent criminal activity trends that prompted the initiative. The bill’s proposers emphasized the important public safety and welfare purpose of the bill, as well as direct experience with constituents stressing security as a pressing concern. These governmental interests buttress the initiative to incorporate these minimum security standards for senior residential communities throughout the County.

The PHED Committee Chair next turned to Jibril Brown, Legislative Officer, for an overview and explanation of a Proposed DR-2 that was offered on the Committee Work Session floor. Jibril Brown, Legislative Officer, chronicled the following changes proposed in a revised draft of the bill, as follows:

1. On Page 3, after Line 1:
 - (9) **High Occupancy Dwelling Facility** shall mean any apartment building or group of buildings on the same parcel, lot, tract, block of land, or group of buildings having the same name comprising more than one hundred (100) Dwelling Units that have one or more owners in common.
2. On Page 4, after Line 17:
 - (15) **Security Guard** shall mean an individual that has a valid armed or unarmed security guard license issued by the State of Maryland.

3. On Page 6, after Line 27, substitute the following language for proposed Section 13-153(f)(1):
 - (1) Each High Occupancy Dwelling Facility shall install and ~~have~~ maintain twenty-four (24) hour security camera(s) located:
 - (A) on each building that has a field of view of one hundred eighty degrees (180°) located at each aperture designated for ingress and egress to include emergency exits; and
 - (B) at each common area(s).

4. On Page 7, after Line 10, substitute the following language for proposed Section 13-153(g):
 - (g) **Security Measures and Security Equipment for Age Restricted Senior Housing.**
 - (1) Each Age Restricted Senior Housing shall have at least one (1) twelve (12) hour Security Guard on duty each day of the week.
 - (A) The management for the Age Restricted Senior Housing shall assign the duty hours of Security Guard.
 - (2) The landlord or Property Manager shall be responsible for complying with the mandates of this subsection.

Sakinda Skinner, County Council Liaison, and Jose Sousa, Assistant Deputy Chief Administrative Officer for Economic Development, summarized the County Executive's position on the legislation. Ms. Skinner expressed the concerns raised by DPIE about enforcement capacity and insufficiency of agency resources to ensure adequate compliance and enforcement of the proposed requirements set forth in the bill, as well as onerous cost burdens shifted from landlords to fixed-income tenants, and burdensome financial costs for older, established multifamily buildings, as a result of potential enactment of the bill. Mr. Sousa expanded on additional cost burdens that may occur as an unintended consequence of CB-066-2023, noting that the new requirements could limit tax incentives available from the State Department of Housing and Community Development, which could in turn jeopardize the availability of affordable housing in the County.

PHED Committee Chair Ivey next turned to the speakers signed up for the legislation. Appearing on behalf of the Cameron Grove Community Association, Philippa Johnston testified generally in support of the legislation and submitted written comments to the Committee. Appearing on behalf of AOBA, Ryan Washington testified in opposition to the bill, stating that the cost burden of providing security guards on a daily basis, and the retrofitting of existing buildings for surveillance cameras, would constitute a serious financial hardship on County landlords of multifamily residential dwellings for seniors.

Ron Taylor, CEO of Watch Call Security, offered supportive comments on the legislation, adding that Security Guards tend to be more beneficial to help deter and prevent crime, since cameras alone tend to be more useful to help solve a crime once it has already happened. Shawn Hay, of Penta Maintenance Service, also testified in support of the legislation.

Chair Ivey next turned to her colleagues for a sense of the Committee. Council Member Olson acknowledged the concern, raised by letter submitted by the Housing Initiative Partnership, that Landlord-subsidized security personnel be stricken from the bill as cost-prohibitive. Council Member Dernoga observed that a grace period to provide time for older buildings used as multifamily residential uses to perform the necessary installations for the security cameras.