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of note

Next MCCF Meeting #940

Monday, February 13, 2023, 7:30 p.m. *online via Zoom*. Topic: "A Session with County Executive Marc Elrich."

! [Join the Zoom Meeting Here](#)

[See further instructions on page 2. No password is required.]

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Federation Meeting #940

Monday, February 13, 2023

7:30 p.m.

Online Zoom Meeting

AGENDA

1. Call to Order/Introductions
2. Approval of Agenda
3. Approval of Minutes: January General Meeting **P.20**
4. Treasurer's Report
5. Announcements
6. February Program: County Executive Marc Elrich **P.3**
7. Committee Reports
8. Old Business
9. New Business
10. Adjournment

About MCCF Meetings

All monthly MCCF meetings are open to the public. They are held on the second Monday of each month, September through June. Since the beginning of the pandemic, the start time is now at 7:30 p.m.

The February meeting will be held online via Zoom (see page 3 for program) at 7:30 p.m.:

■ To be part of the video conference, first **visit the Zoom website** to download the program for your phone or computer.

■ Date and Time: Monday, February 13, 2023, 7:30 p.m. ET.

■ To **join the Zoom meeting from your browser, use this link.**

■ To participate by phone (audio only), call 301.715.8592. The meeting ID is 890 8733 9237. No password is required.

We hope you will join us! ■

mccf

The **Montgomery County Civic Federation, Inc.**, is a county-wide nonprofit educational and advocacy organization founded in 1925 to serve the public interest. Monthly MCCF meetings are open to the public (agenda and details at left).

The *Civic Federation News* is published monthly except July and August. It is emailed to delegates, associate members, news media, and local, state, and federal officials. **Recipients are encouraged to forward the *Civic Federation News* to all association members, friends, and neighbors.** Permission is granted to reproduce any article, provided that proper credit is given to the "*Civic Federation News* of the Montgomery County (Md.) Civic Federation."

Civic Federation News

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TO SUBMIT AN ARTICLE, SEE PAGE 28

MCCF Welcomes County Executive Marc Elrich to February 13th Online Meeting

Montgomery County Executive Marc Elrich is the featured speaker at the February meeting of the Montgomery County Civic Federation. He has been a frequent guest of the Civic Federation and is known for his candid and thoughtful analysis of issues facing the County.

In his first weekly County Executive Report for the new year, Marc Elrich outlined his resolutions for the County. Affordable housing topped the list. Finding ways to curb and stabilize rent seemed imperative as the CE projected an influx of lower-income individuals and families into the area in the years ahead. Creating more affordable housing, long a subject of concern for the County, also registered as a top priority. Current policies, he stated, were not getting the job done.

Regarding climate change, he said, “The County will also continue to develop a comprehensive flood management plan.... The fact is the stormwater systems that were built in the 1950s, ’60s, and ’70s just aren’t adequate to address what’s happening with the climate today.” On the Green Energy front, Elrich said four MCPS schools would receive solar panels. The U.S. Environmental Protection Agency will launch an electrification incentive program in partnership with the City of Takoma Park. Forty-five electric buses will find their way onto County roads this year.

He also addressed concerns about the Planning Commission and expressed support for Senator Ben Kramer’s proposal to revamp that group and encourage more transparency in its operations.

The successful contract with the University of Maryland’s Institute of Health Computing was cited as a new milestone for the County and a harbinger of great economic opportunities in the future.

Police recruitment ranks high in priorities to better serve the growing County population. Efforts to reduce speeding and make the roads safer include 75 new red light and traffic cameras to be installed this year. Elrich also expressed his optimism regarding the expansion of I-270 and the American Legion Bridge. He looks forward to working with the new Moore administration to find a solution that does not include prohibitive tolls and the management of our roads and infrastructure by foreign-based businesses.

February Program, cont.

As he wrapped up his report Elrich said, “Our resolution list is ambitious but achievable. And I am optimistic that in 2023 Montgomery County will see continued progress, innovation, and success.”

Marc Elrich was elected as Montgomery County Executive on Nov. 6, 2018. He had previously served three terms (12 years) on the Montgomery County Council as an at-large member, being first elected in 2006. He served as a Councilmember on the Takoma Park City Council from 1987–2006. For 17 years, he was a teacher at Rolling Terrace Elementary School in Takoma Park.

As a County Councilmember, he was the chief sponsor of several landmark pieces of legislation and programs. He led the successful effort to increase the Montgomery



County minimum wage in coordination with surrounding jurisdictions to \$11.50 an hour and subsequent legislation that will eventually increase the minimum wage to \$15 an

hour. He was the first elected official to propose building a Bus Rapid Transit (BRT) system throughout the County to address Montgomery’s transportation and environmental problems. Ground was broken in Fall 2018 for the first BRT line, which runs along Route 29.

Throughout his political career, he has been a champion of improving tenants’ rights and for making developers pay for a greater share of the infrastructure cost to build schools and transportation solutions. He was a leader in the fight to preserve Ten Mile Creek in the Clarksburg area by limiting the proposed development that would have threatened the health of Montgomery County’s last best stream which flows into the County’s backup water reservoir.

[View the County Executive’s New Year’s Report on YouTube.](#) ■

County Exec. Welcomes Historic Council, Touts Covid Response, Economy, Emphasizes Affordable Housing, Combatting Climate Change, Promoting Equity in His Second Term

Marc Elrich was sworn-in to his second four-year term as the 7th Montgomery County Executive—along with 11 members of the Montgomery County Council—during a historic Montgomery County government Inauguration ceremony at the Strathmore Music Center. The incoming Montgomery County Council increased by two members, from nine to eleven, with the most women ever, as well as became the most racially and ethnically diverse Council in County’s history. [View the Inauguration Ceremony here.](#)

County Executive Elrich expressed appreciation to his fellow elected officials, government employees, residents, nonprofits, and businesses for successes over the past four years and, most notably, in

response to the Covid-19 pandemic. Looking forward to his second term, the County Executive expressed economic optimism, expansion of educational offerings, continued investment in infrastructure, as well as an urgent call to action to combat climate change, produce more affordable housing units, and expand the County’s emphasis on equity. The County Executive expressed interest in collaborations with the new County Council, the County’s General Assembly Delegation, the incoming administration of Governor-Elect Wes Moore and Lt. Governor-Elect Aruna Miller, as well as the County’s Congressional delegation on policies, solutions, and funding priorities for the challenges that lie ahead.

“I want to welcome all of our new

Councilmembers and the returning Councilmembers and I look forward to working with each of you for the betterment of Montgomery County,” began Elrich in his remarks. “Four years ago, when I stood before you, none of us could have predicted that we’d be dealing with a global pandemic, an economic disruption, an attempted insurrection, and so much more. But it was COVID-19 that really changed our lives. When I saw the images of New York City where body bags of Covid victims were being dragged out of buildings, I was determined that was not going to happen here. Because of our collective efforts, we succeeded. The County death rate from Covid was only two-thirds of the national aver-

CE Inauguration, cont.

age and, if the other 3,000 counties in this nation had the same results as us, there would be over 300,000 fewer dead Americans. Today, we are the most vaccinated large jurisdiction in the nation. And we did that by turning to our community partners who helped us reach deeper in our communities and enabled us to achieve high rates of vaccination for all our residents. Our success cannot be credited to any one leader or institution; it was accomplished by our collective and communal response to this unprecedented health threat. Covid isn't gone, but we have far more tools to use if we need them. But there was always a bigger picture, and we always knew that every problem that faced us coming into office would still be waiting for us when we emerged from the worst

of Covid. So, while we were focused on public health, we did not let it deter us from working to move this County forward.”

Besides the County's Covid response and recovery, Elrich also noted the following successes of his first term in office:

- Establishing County's first office of Racial Equity and Social Justice and appointing the first Chief Equity Officer.

- Launching one of the nation's most aggressive Climate Action Plans.

- Creating budget surpluses without increasing taxes.

- Maintaining a AAA bond rating.

- Historic investments in educational funding, housing, early childhood education, and transportation.

- Increase in service delivery collaborations with community partners.

- Fairly compensating County employees.

- Eliminating unnecessary regulations and red-tape.

- Building County's first year-round homeless shelter.

- Established Reimagining Public Safety efforts—providing more transparency and accountability—and increasing resources, training, and pay to first responders.

- Record private sector investments in the County economy.

“The County has taken on big projects: starting Bus Rapid Transit, making county properties available for new affordable housing, and starting up a new Montgomery College Campus in East County,” Elrich continued in his second Inaugural address. “And a couple of weeks ago, we announced a new partnership with the University Maryland

CE Inauguration, cont.

system to create an Institute for Health Computing in North Bethesda, which the dean of the University of Maryland Medical System said would make us the “Silicon Valley of Health Computing.” This initiative will provide leading edge computing, data visualization, and AI research along with talent from the University system and population data from the University of Md. Medical System. With our proximity to federal research institutions, a trained workforce, and an ecosystem of booming life science and advanced computing companies, something very important and special will grow here. We are changing the narrative about the economic future of this County from pessimism to optimism. Too often, we can be our own worst enemy and allow well-funded political forces to

dictate a manufactured, false, and negative narrative about this County and our government. But the stars are now aligning for a renaissance in our economy built on the foundation that this County has always been known for—a robust education system with a highly educated and trained workforce.”

The County Executive addressed three key areas of concerns for continued policy approaches and advocacy—the need for more affordable housing, increased urgency to combat climate change, and expanding equity to all residents and neighborhoods.

PRODUCING MORE AFFORDABLE HOUSING

In terms of affordable housing, the County Executive outlined a three-pronged approach to preserve, protect, and produce more afford-

able housing in the County. Noting the tens of thousands County residents who are severely rent burdened, the County Executive announced the following upcoming policy proposals:

- Taking aggressive steps to increase the County supply of affordable housing by preserving our affordable housing stock, producing more affordable housing, and protecting tenants from displacement.

- Legislation that requires no net loss of Affordable Housing when existing housing is replaced.

- Legislation that replaces the Moderately Priced Dwelling Unit (MPDU) program with a program that expands the number of units required from new development and serves a wider range of incomes.

- Enactment of a rent stabilization program.

CE Inauguration, cont.

“Affordable housing stands as one of our greatest challenges. We are at a tipping point and Montgomery County has spent too long in fantasyland when it comes to solving this problem,” stated Elrich on affordable housing. “Current policies won’t create the housing we need, and the math simply doesn’t work; getting 15 percent of new market units as affordable doesn’t come close to meeting existing and projected needs. Like over 50,000 units of not close. Reaganesque trickle-down economics suggest that just building more market housing will solve the affordable housing crisis, but the market doesn’t build any more affordable units than governments require them to build and that’s a sad and sorry fact. If we want different outcomes, then we

need different policies that actually create affordable housing.”

COMBATING CLIMATE CHANGE

County Executive Elrich also called for a greater sense of urgency for the County to combat climate change. He expressed hopefulness for the passage of polices that allow the County to achieve the Climate Action Plan goal of 100 percent carbon emissions by the year 2035. Specifically, the County Executive committed to the following solutions over the next four years:

- Provide funding for buildings to transition from gas to electric.
- Electrify and retrofit our County buildings and fleet for energy efficiency.
- Expand the collection of food waste Countywide and move to composting.
- Expand the implementation of

solar on roof tops, parking lots, and field.

■ Financially assist marginalized communities most often impacted by climate change to transition to clean energy.

■ Shut down the incinerator, which is both a public health and climate change threat.

“The next challenge we face is climate change, where the news only gets worse, and yet the world dithers around the edges. Half-measures will not stop this impending disaster,” said Elrich. “Five years ago today, the County passed the most aggressive climate goals in the country. There are many obstacles to progress, including climate deniers, the misbelief that there are no solutions, that we lack the resources, or that we simply cannot make a difference. People need models and they

CE Inauguration, cont.

need success stories to show we can overcome the obstacles, and Montgomery County will continue to be that example of success.”

EXPANDING EQUITY

The County Executive also noted that the key to the County’s economic and educational prosperity must come through an emphasis on equity. During his inaugural speech, Elrich highlighted the following equity-related initiatives that will be focus of the County government over the next four years:

- New health officer, Dr. Davis, will bring a focus on Health in All Policies in the County, including working with health providers in the county, to broaden and increase the effectiveness of and access to our community health programs.

- Reevaluation of public safety to address adverse and/or unnecessary police interactions have a disproportional racial impact.

- Create a restoration center to divert more people from the criminal justice system.

- Increase focus on polices to expand home ownership.

- Equity perspective applied to all operating and capital budgets.

- Building Montgomery County East County academic center of Montgomery College will open new doors to education.

“In the end we must go on the journey as a community,” Elrich said on equity. “A little less than 60 years ago, when Dr. King was in the halls of Congress lobbying for Civil Rights legislation, a reporter asked him how he felt about critics who said he was moving too fast and King responded that, ‘they want us to wait another 40

years.’ Well, 40 years has come and gone and for almost every metric of what we call success—health, home ownership, income, educational attainment—black people are at the bottom of the metric. We know systemic racism and inequalities permeate our system. I’m excited by our new partners in the state, as this is a priority of the new Governor. We have many goals in common and there’s much we will work on together.”

CONCLUSION

“I still see myself as an activist,” concluded Elrich in his Inaugural speech. “I serve the interests of people and I try not to over-promise. I recognize I don’t have magical powers and sometimes I can’t do what I’d like to do because that’s just the way it is. But I don’t think that just because you’re an elected repre-

CE Inauguration, cont.

sentative that the job description requires you to defend the institutions, policies, or practices just because they exist. So, I've told my staff, at all levels, that if there are better ways of doing things, I am not afraid of change. Some people see changing as a confession of errors, I see change as a growth opportunity. At my core I know Montgomery County is the best place to raise a family, the best place to open a business, and the best place to look to the future. I am appreciative of all those who helped us get to where we are today and of all the people who believe in our County, and the path we are on. I look forward to the work and partnership ahead with all of you. I know that Montgomery County's best days lie ahead. And we will get there together." ■

Elrich Releases Recommended FY 24 Capital Budget and Amendments to FY 23–28 Capital Improvement Program

On January 17, Montgomery County Executive Marc Elrich transmitted his \$5.4 billion Recommended Fiscal Year 2024 Capital Budget and Amendments to the FY23-28 Capital Improvement Program (CIP) to the County Council. The recommendations are a \$136.7 million (2.6 percent) increase from the previously approved capital budget.

This is the second year of the County's two-year capital budget. As a result, adjustments are limited to project changes that either meet the County's CIP amendment criteria or are necessary to address capital or operating budget constraints. [See the complete recommended FY24 Capital Budget and amended FY23-28 Capital Improve-](#)

[ments Program here.](#)

“My FY24 CIP amendment recommendations take advantage of opportunities to leverage significant non-County resources and reflect our broadly shared values of prioritizing education and core infrastructure improvements while considering racial equity and climate change concerns,” said County Executive Marc Elrich. “These amendments are all affordable within available resources. However, high inflation due to supply chain issues, labor shortages, and a tight construction market has had a major impact on this CIP proposal. Without more funding, we are limited in our ability to solve local problems and to build the kind of

FY 24 Capital Budget, cont.

healthy, just, economically vibrant community we want for our residents.”

CIP RECOMMENDATIONS HIGHLIGHTS

■ \$1.72 billion in General Obligation bond issuances over the next six years

| This is \$40 million more than the current Spending Affordability Guideline limit.

| A modest increase in bond authorizations is recommended in FY24 and FY25 to respond to a change in conditions affecting State Aid for school construction.

■ \$1,874,811,000 for Montgomery County Public Schools (MCPS) capital projects.

| This is an increase of \$104,010,000 (5.9 percent) from

the prior approved budget.

| Record amount of funding for schools if approved by Council.

| Funding recommended for building new Burtonsville Elementary School instead of renovating current building.

| High School wellness center construction funding for Blake, Crown, Damascus, Einstein, Magruder, Northwood, Springbrook, and Woodward high schools as well as planning costs for a future center at Poolesville High School.

| MCPS’s new Materials Management Building Relocation project to facilitate redevelopment of the Stonestreet site in Rockville and modernization of warehouse facilities is added.

■ \$345,299,000 for Montgomery College capital projects.

| This is a \$9,484,000 (2.8 percent) increase over the prior ap-

proved budget.

■ \$30.2 million increase for the preservation of Naturally Occurring Affordable Housing (NOAH) program.

■ \$282.7 million for Maryland-National Capital Park and Planning Commission (M-NCPPC) CIP projects.

| This is a \$7.9 million (2.9 percent) increase over the prior approved budget.

■ Substantial funding for the Wheaton Arts and Cultural Center included for the first time.

| The County has selected Montgomery Housing Partnership’s (MHP) proposal to combine an affordable housing development with a new arts center in the Wheaton Arts and Entertainment District

| MHP will develop the former WMATA site with two affordable

FY 24 Capital Budget, cont.

rental buildings of 280 apartments, a standalone garage, and 40 affordable for-sale units.

| The arts center will be included on the ground floor of the building fronting on Georgia Avenue.

| The center will include two performance spaces, classrooms, gallery space, back of house support space, and administrative offices.

■ \$1.4 billion in funding for projects that advance Montgomery County's Climate Action Plan goals.

| Additional funding to provide a full upgrade of the County's recycling center.

| Funding for planning and design of a new transit maintenance depot to accommodate an expanded fleet and low-emission vehicle maintenance and fueling/charging facilities.

| Funding for new HVAC systems for the Executive Office Building, the Judicial Center, and the 4th District Police Station that will improve energy efficiency.

■ New transit maintenance depot.

| Activities to locate a site and begin preliminary design to have a new depot in place prior to the expiration of the Nicholson lease to accommodate fleet growth due to the introduction of Flex, Extra, and Bus Rapid Transit (Flash) services.

■ Lactation rooms in all County buildings.

| Recommended funding will assess all County-owned and -leased facilities, as well as improvements needed to comply with Bill 11-22, Lactation Rooms in County Buildings.

■ Elizabeth Square Mixed-Use Development in Silver Spring.

| The South County Regional

Recreation and Aquatics Center (SCRRAC) is being built as part of the Housing Opportunities Commission's (HOC) Elizabeth Square mixed-income, multigenerational, mixed-use development.

| Recommended funding will provide HOC with half the requested funds to demolish their current Elizabeth House public housing development. Additional County loans will also support the demolition project.

| Funding has been increased to complete Elizabeth Square WSSC Water sewer and storm line improvements.

BUDGET EQUITY

As part of the FY23–28 two-year CIP process, the Office of Management and Budget (OMB) assisted the Office of Racial Equity and So-

FY 24 Capital Budget, cont.

cial Justice (ORESJ) in developing a budget equity tool to encourage departments and decision makers to consider the racial equity and social justice impacts of proposed projects, project amendments, and budget decisions. ORESJ staff conducted training and provided technical assistance to departments as they requested CIP amendments. In addition, racial equity was considered in assessing possible CIP additions and deferrals. Where possible, efforts were made to hold harmless projects which could address racial disparities.

In their analysis, the Office of Racial Equity and Social Justice also noted ways in which different approaches to implementing projects could impact racial equity.

This input is useful to continuing conversations about how programs can be structured to achieve our racial equity and social justice goals.

Proposed CIP project changes that have the greatest potential to advance racial equity and social justice include the \$30.2 million increase for the preservation of Naturally Occurring Affordable Housing; additional High School Wellness Centers in the highest need schools; the Wheaton Arts and Cultural Center; Digital Equity/Montgomery Connects grant funding to bring broadband to affordable housing complexes; school construction projects serving communities primarily comprised of Black, Latino, and low-income students; and Montgomery College projects.

[Link to photos and video here.](#) ■

Largest-Ever Construction Development of Deeply Affordable Housing in Montgomery County Breaks Ground in Silver Spring

[Press Release January 20, 2023]

AHC, Inc., and Habitat for Humanity Metro Maryland broke ground Thursday, Jan. 19, on a 195-home, deeply affordable community in Silver Spring. The development is the largest new construction, affordable development of its kind in Montgomery County and includes 85 hard-to-find, family-sized, three- and four-bedroom homes. The community will colocate rental and homeownership housing options and offer onsite resident services programming and childcare.

Located at 4010 Randolph Rd., near the intersection of Veirs

Affordable Housing, cont.

Mill Road, the development sits on six acres, with excellent access to schools, shopping, employment and transit. Two future Bus Rapid Transit lines are scheduled to operate near the community. The site also fronts the County's broadband access cable, which will help bridge the digital divide by offering low-cost internet access.

To help with the goal of creating more affordable housing, Montgomery County issued a request for proposals in 2019 to redevelop the land. The land value, coupled with reduced property taxes through the County's PILOT program and a substantial loan from the County's Housing Initiative Fund, enabled the transaction to close despite dramatic increases in both construction costs and interest rates.

“Since taking office in my first term, I have been focused on creative solutions to our long-standing affordable housing crisis. As I noted in my recent inaugural address, this will continue to be a priority in my second term in office,” said County Executive Marc Elrich. “I am thrilled that this project is moving forward and that it includes homeownership options for low-income residents. When we began discussing this project, I pushed for homeownership opportunities, and I'm grateful to our partners for making sure that was included. It is an outstanding, innovative project. I want to express my deep appreciation to the many who are making this happen, including, of course, the project developers AHC and Habitat for Humanity; our DHCA and DGS and other County staff—as well as the strong support of the County

Council.”

AHC will develop 168 affordable rental units across six new buildings. Habitat will develop and sell 27 affordable homeownership homes—24 garden-style condominiums in two buildings and three single-family detached homes with Universal Design features.

The rental homes will be affordable to households earning 30–60 percent of the Area Median Income (AMI), which currently is \$42,700–\$85,380 for a family of four. The condominiums will be affordable at 30–50 percent AMI. The three single-family homes will be affordable at 70 percent AMI and use the unique Habitat for Humanity approach. With this approach, homeowners participate in the construction of their future homes that they purchase through a no-profit mort-

Affordable Housing, cont.

gage from Habitat.

“The vision for this community is to address several primary challenges facing many of our neighbors living on lower incomes—deeply affordable housing for larger families, access to transit, and the availability of childcare,” said Alan Goldstein, AHC’s vice president of real estate development. “We are thrilled that AHC’s mission-aligned partnership with Habitat for Humanity allows us to offer both affordable rental homes as well as homeownership opportunities.”

The program will create unique opportunities for potential new homebuyers.

“This exciting project will be truly transformative for our future homebuyers. Through the partnership with AHC and Montgomery

County, we are building deeply affordable homes for families unable to secure conventional mortgage financing due to market pressures,” said Jeff Dee, president and CEO of Habitat for Humanity Metro Maryland. “We thank our partners for prioritizing affordable homeownership, helping to ensure equitable access to wealth building in our community.”

In addition to large, family-sized units, the Randolph Road project will include a community center, onsite resident services staff and programming, a fitness center, and a half-acre public park with a playground and picnic area. It will have inviting pedestrian walkways and open lawn areas. Space will be available onsite for a future childcare provider.

The entire project will meet National Green Building Standards

and Energy Star compliance, with increased building insulation, LED lighting, and WaterSense plumbing fixtures. In addition, the site will include six electric vehicle charging stations for residents and will have the capacity to add another 10 stations if demand increases. The electrical infrastructure and roof are designed for solar energy panel installation.

AHC, Inc.’s \$86 million affordable apartment development successfully competed for a variety of local, State, and national funds, including \$27 million in low-income housing tax credit equity (LIHTC) and a nearly \$24 million loan from the Montgomery County Housing Initiative Fund (HIF). It also acquired a \$500,000 loan from the Federal Home Loan Bank of Atlanta. From the Maryland Department of

Affordable Housing, cont.

Housing and Community Development Administration (DHCD), it acquired a \$2 million Rental Housing Program loan, a \$3.5 million Rental Housing Works loan, and \$300,000 in Maryland Energy Efficiency and Housing Affordability Program (MEEHA) funds.

Hudson Housing Capital syndicated the LIHTC, which were purchased by Capital One. Other sources include a construction loan from Capital One and a permanent mortgage loan originated by Capital One and guaranteed by Freddie Mac.

The design and development team includes Bonstra | Haresign Architects, Parker Rodriguez Landscape Architects, Johnson Bernat Associates (civil engineer), Harkins Builders (construction), and Lerch Early Brewer (zoning attorney). ■

Overview of Recent State Legislation Worth Supporting

By Peggy Dennis, Legislation Chair

The Civic Federation has already supported vigorously two bicounty bills introduced by Senator Ben Kramer in response to last autumn's debacle at the Planning Commission:

■ **MC/PG 104-23:** *Montgomery County—Maryland-National Capital Park and Planning Commission Restructuring Task Force—Establishment.*

■ **MC/PG 105-23:** *The Montgomery County Planning Trust and Transparency Act of 2023.* Introduced by Sen. Ben Kramer. MCCF is already supporting this one.

The Executive Committee now recommends that the Civic Federation vote to support the following:

■ **HB0299:** *Environment—Synthetic Turf—Chain of Custody.*

This bill on artificial turf fields was

introduced by Del. Mary Lehman. We have supported this bill in the past and hope to spur it through this session.

■ **HB0058/SB0035:** *Open Meetings Act—State Ethics Commission.* Introduced by Del. Marc Korman. This legislation expands various open meeting and transparency requirements—including web streaming meetings—to the Maryland State Ethics Commission.

■ **HB0129:** *Courts—Strategic Lawsuits Against Public Participation.* Altering the conditions under which a lawsuit is considered a strategic lawsuit against public participation (SLAPP suit), altering the conditions under which a defendant in a SLAPP suit is not civilly liable for certain communications, establishing

State Legislation, cont.

certain standards and requirements relating to a motion to dismiss an alleged SLAPP suit, and applying the Act prospectively. Introduced by Del Rosenberg (see page 18).

Although the Executive Committee did not discuss this bill, I would recommend that the Civic Federation vote to support **HB70/SB00016**, *Safe Access for All (SAFE) Roads Act of 2023*. The bill is requiring the Department of Transportation to recommend and implement certain design elements for pedestrian and bicycle safety when developing any construction or improvement project, or post-construction project, preservation, or maintenance; and requiring the State Highway Administration to submit certain reports including pedestrian and bicycle safety data,

analyses, and plans to the General Assembly by certain dates. Given the number of deaths and injuries to pedestrians and bicyclists during the last several years, this measure could help us get closer to our goal of “Zero” deaths. This bill is introduced by Del. Lorig Charkoudian and Sen. Jeff Waldstreicher. It is being supported by the Washington Area Bicyclist Association; Bike Maryland; the County’s Pedestrian, Bicycle, and Traffic Safety Advisory Committee; even the NTSB (National Traffic Safety Board). Let’s get behind this good piece of legislation and back a winner!

If I have my druthers, there are other issues I would like to see the state legislature address. On the consumer protection side, a “Right to Repair” bill would be welcome. Cary Lamari champions this issue and the radio program 1A on 88.5

FM did an excellent job of covering this issue on Jan. 26. You can listen to the program on [the WAMU archive](#). Look for the program called “The ‘right to repair’ and the future of fixing our stuff.” It’s fascinating.

I would like to see Maryland’s “Lemon Law,” which now covers automobiles, expanded to cover freezers and refrigerators. The limited liability warranties that covers many of these major appliances do not require repairs to be carried out within a reasonable number of hours and explicitly exempt the manufacturer from the liability for any of the products lost when a freezer/refrigerator stops working. A consumer can lose hundreds or thousands of dollars of food and medications if an appliance repeatedly breaks down and is not promptly repaired. California now covers freezers and refrigerator under its Lemon Law. Why not Maryland? ■

What Does the Strategic Lawsuit Against Public Participation (SLAPP) Bill Actually Say?

[In the Maryland General Assembly’s Department of Legislative Services’ “Fiscal and Policy Note” on House Bill 129, Courts—Strategic Lawsuits Against Public Participation, introduced by Delegate Samuel (Sandy) Rosenberg, Amy Devadas provided the following analysis.]

This bill (1) redefines a strategic lawsuit against public participation (SLAPP suit) under § 5-807 of the Courts and Judicial Proceedings Article; (2) alters the conditions under which a defendant in a SLAPP suit is not civilly liable for certain communications; and (3) contains specified provisions regarding motions to dismiss a SLAPP suit, including authorizing a court to order specified discovery to enable a plaintiff to defeat a motion

to dismiss, requiring a court to rule expeditiously on a defendant’s motion to dismiss, and awards for costs and reasonable attorney’s fees. The bill applies prospectively to causes of action arising on or after October 1, 2023.

FISCAL SUMMARY

■ **State Effect:** The bill’s requirements can be handled with existing State resources.

■ **Local Effect:** The bill’s requirements can be handled with existing local resources.

■ **Small Business Effect:** None.

ANALYSIS

Bill Summary

A lawsuit is a SLAPP suit if it is brought against a person (the defendant) based on an act or state-

ment of the person that was done or made in furtherance of the person’s federal or State constitutional right of petition or free speech in connection with a public issue or an issue of public interest. This includes a written or oral statement made (1) before a legislative, executive, or judicial proceeding, or any other official proceeding authorized by law or in connection with an issue under consideration or review in these proceedings; (2) in a public place or a public forum in connection with an issue of public interest; or (3) to a government official or an individual running for public office.

A lawsuit is not a SLAPP suit if the lawsuit is brought in the public interest or on behalf of the general public and specified conditions ex-

SLAPP Bill, cont.

ist. These conditions relate to (1) the relief sought by the plaintiff; (2) the connection between success of the lawsuit and enforcement of an important right affecting the public interest and the granting of a significant benefit to the general public or a large class of persons; (3) the need for private enforcement and the financial burden of private enforcement on the plaintiff; and (4) the defendant's status as a seller or lessor of goods or services and the nature of the defendant's statement or conduct.

A defendant in a SLAPP suit is not civilly liable for communicating with a federal, State, or local government body or the public at large, if the defendant, without constitutional malice, acted in furtherance of the defendant's federal or State

right of petition or free speech regarding any matter within the authority of a government body or any public issue or issue of public interest.

In responding to a motion to dismiss, the bill places the burden on plaintiffs to show that their alleged SLAPP suits have substantial justification in law and fact. A court may allow discovery if it appears likely that discovery will enable a plaintiff to defeat a motion to dismiss and not be unduly burdensome. However, an order allowing such discovery must be conditioned on the plaintiff paying any expenses incurred by the defendant in responding to the discovery.

If the court grants an anti-SLAPP motion, the court must award costs and reasonable attorney's fees to the movant if the court determines that justice and equity require the award

of such costs and fees. If the court finds that a motion to dismiss is frivolous or solely intended to cause unnecessary delay, the court may award costs and reasonable attorney's fees to the responding party.

Current Law

A lawsuit is a SLAPP suit if it (1) is brought in bad faith against a party who has exercised specified federal or State constitutional rights of free speech in communicating with a government body or the public at large regarding any matter within the authority of the government body or any issue of public concern; (2) is materially related to the defendant's communication; and (3) inhibits or is intended to inhibit the exercise of federal or State constitutional rights of free speech. A defendant in a SLAPP suit is not

SLAPP Bill, cont.

civily liable for communicating with a government body or the public at large if the defendant acts without constitutional malice in exercising rights protected by federal or State constitutional rights of free speech regarding any matter within the authority of a government body or any issue of public concern.

A defendant in an alleged SLAPP suit may move to dismiss the suit or move to stay all court proceedings until the matter about which the defendant communicated to the government body or the public at large is resolved.

[Read Amy Devadas' Fiscal and Policy Note on House Bill 129 yourself at https://mgaleg.maryland.gov/2023RS/fnotes/bil_0009/hb0129.pdf. Keep track of the bill's progress here.] ■

Minutes of January 9, 2023, MCCF General Meeting #939

By Karen Cordry, MCCF Recording Secretary

[Due to the COVID-19 outbreak, the General Meeting was held via Zoom as a virtual meeting. A total of 53 persons attended.]

Call to Order: Alan Bowser, President, called the Meeting to order at 7:32 p.m. The meeting was recorded through the end of the formal program.

Approval of Meeting Agenda: Moved, seconded, and approved by voice vote.

Approval of December General Meeting Minutes: Moved, seconded, and approved by voice vote. (There was a correction to the December minutes: the references

under paragraph 9 to the Parkside CA should have been to the North Hills of Sligo Creek CA).

Treasurer's Report: Jerry Garson reported \$988 for the first six months and expenses of \$1,227 for a net negative balance of \$240. Of the total, \$165 was received in the last 30 days.

ANNOUNCEMENTS

■ Remembering Sue Schumacher who was a long-time MCCF member [from Kenwood Condominium and was treasurer of the Citizen's Coordinating Committee on Friendship Heights] who passed away last fall.

■ The MoCo Council is looking for candidates for Planning Board; nominations are due by Jan. 13.

January Minutes, cont.

I Laura Stewart is working with the State PTA, Md. Educational Coalition, to hold a town hall on Jan. 31 with Eric Luedtke, Chief Legislative Affairs Officer for Governor Moore. MEC will break down the proposed FY23 budget for education, provide updates on the implementation of the Blueprint for Maryland's future, and review pending legislation.

PROGRAM

The primary speaker was new Council President Evan Glass who made some introductory remarks and then took questions.

President Glass noted that the new Council has grown both in size and in diversity in terms of more female, more up-county members, etc. They have revised the Committee structure in view of the new

members. One decision was to split up Planning Housing and Economic Development since it had been meeting much more than other committees but still wasn't really dealing enough with economic development. They will now have separate Planning Housing and Parks and Economic Development Committees. The latter group will be chaired by Natali Fani-Gonzales and will also have himself, Marilyna Balcombe, and Laurie-Anne Sayles.

He is chairing the Transportation and Environment Committee. 538 people were struck on county roads last year, with 16 killed. They are still working on implementing Vision Zero goals. They want to improve public transport to get more people out of cars, which includes improving the BRT and working on the CIP budget to implement those changes. He also wants to continue to im-

prove transparency in passing and implementing \$6+ billion budget and make sure government works for everyone. He then took audience questions.

There were a number of questions raised by audience members about specific intersections, including: Colesville Road and St. Andrews; the Woodside area that has a large Orthodox Jewish population that needs to cross Georgia Ave. just west of Spring Street in downtown Silver Spring (DTSS); and the Kemp Mill/Univ. Blvd. area where again bike lanes are being implemented in ways that impede traffic and cause their own safety issues. Some of these are old issues, some are new but it's a real problem to figure out who to talk to and get things done. The SHA has to understand that a "state highway" in a highly urban-

January Minutes, cont.

ized area isn't the same as one in the more rural areas but the only help we've been getting has been from our state delegates, not the Council. Glass indicated people should contact his office directly if they were having trouble with answers so he would know where the issues were coming up and who they needed to work on.

There were questions about safety issues in Silver Spring, including the hours that facilities—particularly with drinking capacity—stay open. The bar limits are 2 a.m., but there are some places that are allowed to stay open until 5 a.m. but they aren't supposed to be selling alcohol. There were questions whether DTSS was becoming a focal point for people coming from DC and/or PG County to have late-night options

and whether we should continue shorter hours.

Peggy Dennis noted concerns in the parks with vines killing trees and the potential for using the Weed Warrior and "Adopt a Road" programs to address this. Glass noted his interest in the topic.

Jerry Garson and Allen Myers raised questions about the new bike lanes on Old Georgetown Rd. which have become very controversial with the extent to which they are backing up traffic overall, causing confusion about how to navigate them and potentially creating more cut-through traffic in the neighborhood. Although there were a number of bad accidents and deaths in that area, there are a lot of concerns about how much communication was done with the residents before-hand, whether the changes address the real problems, and what is being done

to safely implement the changes. Glass agreed there are lessons to be learned.

Other topics that were raised were the new schools being built and a need for more crossing guards and safe walking routes to cut down on need for busing; other questions dealt with efforts to maintain tree canopy and forest protection, noting the Planning Board had made recommendations last year but nothing happened. Glass noted that he chaired the Transportation and Environment Committee and he would look at a work session to bring the new members up to speed.

A question was raised about sidewalk construction: in view of the very limited number of projects funded each year, where do we get clarity on what are the priorities and how do we push for more funding to

January Minutes, cont.

get these done to cut down on traffic. Glass stated that these are ongoing conversations and there will be a fourth annual Vision Zero Town Hall in February.

A question was raised about transparency issues, including the limits on speaker time to only two minutes at Council meetings. Glass noted that that was done when the virtual meetings during COVID raised audience levels but they are going back to in-person meetings and he plans to return the times to three minutes.

That segued into a conversation about the many issues over the prior year with the Park and Planning Commission that resulted in the whole Board Planning being asked to resign. Del. Kramer has proposed transparency bills and a study of the

structure of the M-NCPPC. While Glass didn't support Kramer's particular legislation, he agrees there is a need for more analysis on the issues, especially on the agency structure in light of its age and overall changes. He noted there were three vacancies for the Planning Board: one Republican, one Democrat, and one Unaffiliated. The application deadline is Friday, Jan. 13. Alan Bowser asked what analysis process of the M-NCPPC did he support as an alternative to the Kramer bill? Glass noted it was a State bill so they really couldn't decide anything.

Alan Bowser then asked what are the next steps on Thrive. Glass noted that all the plans he had voted on at the Council were based on a General Plan that was passed long before. Thrive is a once-in-a-generation plan that contains no zoning but sets a vision that will guide plans

produced by the Planning Department. There will be full discussion, input, etc., for specific areas when the time comes for their plan to be decided. We have a broad, diverse county and will look at differences as we go forward in particular areas.

Alan Bowser also asked why the Council didn't fund the Office of the People's Counsel. He asked whether Glass would commit to supporting it this year and that it was a high priority for the Civic Fed but Glass did not do so.

A final question was asked about environmental/climate change bills the County has been working on. Glass noted that there were several good bills passed on energy efficiency and the like and the next step is for the agencies to draft implementing regulations.

Glass left the meeting at 9 p.m.

January Minutes, cont.

There was further discussion on a number of the topics, including the People's Counsel and the problems that had developed around the Planning Board. It was noted that we hadn't gotten into how to produce and keep deeply affordable housing and what sort of controls there should be on upzoning to get it done right.

FEBRUARY PROGRAM

We'll be hearing from Marc Elrich, County Executive.

COMMITTEE REPORTS

Alan noted that we are always looking for volunteers for officers and committee chairs and participants.

Public Safety

■ Concerns were raised about

the murder in Silver Spring before Christmas. There area establishments staying open until 5:00 a.m. even if they are not theoretically selling alcohol.

Public Finance

■ Thanked Wilen for bringing up complex subject.

Utilities

■ Louis Wilen noted Comcast equipment fell off a pole near his home but there was no way to report it to Comcast unless you are a customer yourself. Pepco and Verizon said it wasn't their equipment and it just sat there for days until the Public Service Commission was contacted. Here is a contact for such problems: John Conwell, Sr., Director, Regulatory Affairs, Comcast, Northeast Division; john_conwell@comcast.com; cell: 240.605.6704.

Legislation

■ Peggy Dennis said State legislature is about to start up, but it's only about a three-month session. She had emailed them to tell us about what they are going to be working on, but they tend not to respond until they get bills ready to go.

■ We should have a spot set on the website for us to post on bills and let the entire membership have input and comments.

Transportation

■ Jerry Garson said there is a push to keep free WMATA and RideOn service; he'll write an article for the newsletter.

Jacquie Bokow will be adding a website section on CA best practices, good developments, etc.

Adjournment: The video recording ended and meeting adjourned at 9:25 p.m. ■

Civic Federation Leadership for the 2023–2024 Fiscal Year: Time To Step Up!

2023 AWARDS COMMITTEE

The Civic Federation's Annual Awards Celebration in June may seem a long way off but, truly, there is much to be done within the coming months. The work of this committee—soliciting and accepting nominations for award recipients, evaluating those nominations, and making final recommendations on the awardees—should be carried out during the winter, and much of the work may be done by email, text, or even phone calls!

First, we need an Awards Committee. This group will be confirmed at the February Executive Committee meeting. Volunteers, please step forward! Contact our President, Alan Bowser, at president@montgomerycivic.org to let him know that you're willing to serve.

In addition, all MCCF delegates should also start thinking about individuals and/or groups you would like to nominate. Here are the descriptions of the awards and the rationale for each award:

■ **The Wayne Goldstein Award** is awarded to an individual or group for outstanding service to the people of Montgomery County.

■ **The Sentinel Award** (originally sponsored by *The Montgomery Sentinel* newspaper) is awarded to an individual or group for a significant contribution to good government at the local level.

■ **The Star Cup** is sponsored by the Civic Federation and is awarded to a delegate or committee of the Federation for outstanding public service on behalf of Montgomery County.

NOMINATIONS COMMITTEE

We need volunteers—including a chairperson—to serve on the MCCF Nominating Committee. There is no better way to help highlight shared County concerns and provide a bigger voice for residents and their civic associations.

The Committee will be responsible for filling the elective positions for the year 2023–2024:

- President,
- First Vice President,
- Second Vice President,
- Secretary, and
- Treasurer.

No travel! No meetings! Most work will be done by email and telephone. Please contact President Alan Bowser at president@montgomerycivic.org to volunteer to help with this important task. ■

Minutes of the January Executive Committee Meeting, Jan. 19, 2023, 7:00 p.m.

Attendance: Alan Bowser, Jerry Garson, Karen Cordry, Jacquie Bokow, Peggy Dennis, Liz Joyce, and Joshua Montgomery.

Zoom meeting began at 7:05 p.m.

Treasurer's Report: Jerry Garson said there was nothing new since the January meeting.

MEETING PLANNING

■ For our February general meeting, County Executive Elrich will be our guest speaker.

■ For the March meeting, we have affordable housing as a topic for that month. It was noted that Elrich had announced a large affordable housing project today for Randolph Road and Georgia Avenue, so we can ask Elrich about that as a lead-

in to the March meeting. There was some discussion but no decisions on speakers for that meeting. We do want someone who can talk about other jurisdictions that are successfully pursuing these goals.

■ The Mont. Housing Partnership has also indicated that it will be working another large affordable housing project in Lyttonsville.

LEGISLATION

■ Peggy Dennis did a run-down on a large number of bills that had been introduced to date, including: Del. Kramer's two bills on studying/restricting the Planning Dept. and M-NCPPC structure bills, Del. Lehman's chain of custody bill for artificial turf; Del. Korman's bill on open meetings act and the state ethics commission and on changes to the

net metering credits for private solar generation; Del. Rosenberg's bill on setting standards for SLAPP suits (strategic litigation against public participation); Del Long's bill (R.-Balt. Co.) that would impose higher requirements for voters, including requiring photo ID and current bill with name and address. We should strongly oppose this as a voter suppression tactic. Alan B. suggested we should have recommendations from Exec. Cmte. on bills rather trying to have whole membership vote. It was also noted that there had been bills to ban corporate contributions in prior years that we had supported but one was not filed yet this year.

There was some discussion of the bills and an agreement that we would make ExCom recommenda-



January ExCom Mtg., cont.

tions on ones of primary concern to our members so they could use them to decide their own actions. It was agreed that we would support the planning bills, the artificial turf bill, the state ethics commission bill, and the introduction of a corporate contributions bill. We would oppose the voter ID bill, although it's unclear if it's going anywhere and we want to look at the details of the SLAPP bill before taking a position on it. On the County Council side, we also support the establishment of an Office of People's Counsel.

■ Jerry Garson noted that he had been in Annapolis and met with Kramer about his Planning Board bills and then took the rest of the day to spend time with members from each of the districts in the MoCo delegation, including Dels. Charkoudian

(D. 20), Foley (D. 15), and Mireku-North (D. 14), and aides to Dels. Korman (D. 16) and Palakovich-Carr (17) to discuss our positions supporting Kramer's bills. They indicated there might be some amendments but there seemed to be some support for moving forward on these, particularly on the ethics coverage. It was noted that the current structure has been around for 100 years and it would seem normal to do a review at this point. We will do a letter to our overall delegation members to give them our reasons for supporting the bills and will also copy PG County representatives since they may have an interest as well.

MEMBERSHIP

■ We want to do some serious work on reviewing and increasing our information on current and potential members who we should try

to get information out to about Civic Fed and see about trying to recruit them for full memberships.

NEWSLETTER

■ Alan Bowser will do an article on the upcoming program and the letter to the delegation about Del. Kramer's legislation.

■ Peggy Dennis will do an article on the ExCom's legislative recommendations.

■ Jerry Garson will look at doing an article on transportation issues and the effect of the new governor.

■ Alan will also do something on the new cabinet appointees and which, if any, come from MoCo.

■ The deadline for articles is the 26th.

Adjournment: The meeting adjourned at 8:13 pm. ■

Become Part of an Active Advocacy Group: Join the MCCF

You can become part of MCCF's Countywide organization in support of our civic associations and homeowner's associations. With your help, we can continue our active advocacy work on behalf of our neighbors and maintain the high level of service we provide to MoCo residents.

We invite the participation of you and your organization at our meetings and in the work of our Executive Committee and in our subject-matter committees. There are many opportunities for your delegates to serve as chairs of Civic Fed committees and to be part of our Executive Committee team.

For 98 years, the MCCF has been devoted to improving the quality of life in Montgomery County, advocating for improvements in the infrastructure of the County, and evaluat-

ing and discussing issues of concern to its members.

The MCCF is the only Montgomery County-wide membership organization which addresses critical issues across a wide spectrum, including land use and planning, public safety, environment, education, public finance, health, and community development. We have successfully mobilized community support to make meaningful changes in transportation, environmental, and public accountability issues. With member feedback, communications, resolutions, and testimony are provided to the County government, State government, and bi-County agencies on a regular basis.

You can join the Civic Federation [online here](#) or mail your application.

Hope to see you soon. ■

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Submit contributions for the next issue by the 26th of the current month. Send to CFN at [civicfednews AT montgomerycivic.org](mailto:civicfednews@montgomerycivic.org).

Send all address corrections to membership AT montgomerycivic.org.

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