



## Takoma Park City Council Meeting – July 14, 2021 Agenda Item 4

### **Work Session**

Discussion of Legislative Priorities and Legislative Action Requests to Submit to the Maryland Municipal League

### **Recommended Council Action**

Discuss legislative priorities for the 2022 General Assembly Session and select legislative requests for consideration by the Maryland Municipal League.

### **Context with Key Issues**

Each year the City Council considers its legislative priorities for the upcoming session of the Maryland General Assembly and determines which, if any, should be submitted to the Maryland Municipal League (MML) to be considered as a League priority. The deadline to submit MML Legislative Action Requests for the 2022 Session is Friday, July 30.

The MML LAR process is as follows:

- Member municipalities submit up to three LAR forms on issues they would like to have addressed by legislation in the upcoming General Assembly Session;
- MML staff prepares background on each LAR for the Legislative Committee to consider;
- The Legislative Committee meets to discuss the requests and to consider the MML priority issues not resolved during the previous session;
- The MML membership votes on the recommended Legislative Committee priorities at the Fall Conference in October.

A legislative request that is the same or substantially similar to a request that has been previously been considered and rejected by the Legislative Committee twice within a four-year period coinciding with the current General Assembly term shall be excluded from consideration by the Committee.

The Legislative Committee shall limit recommended legislative proposals to the membership for consideration at the annual fall conference to no more than four non-prioritized issues and the membership is limited to adopting no more than four legislative priorities at the fall conference.

A list of Takoma Park's requests to MML for the 2015-2021 sessions of the General Assembly is attached along with the League's legislative priorities for those same years.

Ann Ciekot, the City's legislative advocate, will attend the City Council meeting for the discussion of legislative priorities.

### **Council Priority**

Fiscally Sustainable Government; Environmentally Sustainable Community; Community Development for an Improved and Equitable Quality of Life

### **Environmental Considerations**

To be evaluated as Council selects priorities to submit to MML.

**Fiscal Considerations**

Fiscal impact will depend upon the priorities selected and the success of those priorities in the legislative session.

**Racial Equity Considerations**

To be evaluated as Council selects priorities to submit to MML.

**Attachments and Links**

- Takoma Park requests and MML legislative priorities - 2015-2021
- [Blank Legislative Action Request form](#)

## Takoma Park Legislative Action Requests and MML Legislative Priorities 2015-2021

### 2021 Takoma Park Legislative Action Requests

1) The Council urges the MML to initiate or support legislation that bolsters the economy within Maryland municipalities and supports Maryland residents by:

- **Supporting small businesses through tax incentives, grants, and technical assistance.** Businesses in our communities are negatively impacted by COVID-19 closures. Many of our small businesses were unable to qualify or apply for aid before limited resources at the federal and county levels ran out. Legislation that supports these businesses during these trying times are critical to ensuring the economic vitality of communities across the state; and
- **Increasing workforce development opportunities (in collaboration with county government).** With a growing number of residents currently unemployed, it is important to support workforce development opportunities including but not limited to paid on-the-job training and apprenticeship programs, employment search assistance and expedited licensure pathways for residents with degrees from outside the U.S., funding for certificate programs that provide career advancement, funding assistance for job-training transportation and distance-learning equipment, and programs to assist veterans, returning citizens, and others transitioning to new employment needs; and
- **Providing support for childcare and senior daycare providers to sustain their businesses and when possible, reopen and provide safe care for the youngest and oldest members of our communities.** Senior daycare providers are not eligible for other funds and grant opportunities available to childcare providers and may need particular assistance.

2) The Council urges the MML to initiate or support legislation on police reform that would require:

- **Repeal of the Law Enforcement Officers' Bill of Rights (LEOBR).** Even for police officers with a proven track record of abusing and killing Black and Brown people, our state still gives law enforcement special rights against punishment for wrongdoing under the LEOBR – the most extreme such law in the country. Since LEOBR was enacted, it has allowed police abuse to go unpunished. Now is the time for accountability, and accountability requires pending LEOBR; and
- **Transparent investigations into police misconduct.** The Maryland Public Information Act (MPIA) currently blocks access to information about how police misconduct investigations are handled, wrongfully categorizing this information as confidential personnel files. This secrecy allows police departments to hide the details of police misconduct. Survivors of police misconduct, their families, and communities should have the right to know if their cases – all of their cases, without exception – are investigated properly or if they were even investigated at all; and
- **Limiting the use of force by law enforcement.** Maryland is one of a few states that do not have a statutory limit on police officers' use of force. For decades, officers have used violent and often deadly force against Black and Brown people, which is why legislators need to pass a law to address the use of force by law enforcement in Maryland; and

- **Expanding or establishing mobile mental health crisis units.** This would potentially reduce the number of mental health service calls police officers are currently required to address.

3) The Council urges the MD Municipal League to initiate or support statewide climate mitigation and adaptation legislation that would:

- **Assist municipalities with resources and technical support to meet state and local climate mitigation and adaptation goals; and**
- **Provide state legislative authority to establish a 100% renewable electricity community choice aggregation or similar program; and**
- **Provide targets and resources to dramatically improve the energy efficiency of buildings, especially low- and middle-income housing and multifamily buildings; and**
- **Facilitate greater use of zero-emission vehicles, public transit, and other de-carbonizing transportation strategies; and**
- **Embrace aggressive statewide targets and actions for climate mitigation and adaptation.**

### 2021 MML Legislative Priorities

Highway User Revenues: After years of underfunding, the MML Legislative Priority for 2021 is the full and permanent restoration of municipal highway user revenues (HUR). Specifically:

- 1) Eliminate the sunset on the current level of municipal Highway User Revenues that is due to occur after FY 2024.
- 2) Return to full pre-recession funding of municipal Highway User Revenues beginning with the FY 2025 State budget.

#### *Strategic Initiatives:*

In addition to HURs, MML membership adopted two strategic initiatives for 2021:

- 1) Retaining local authority over technology infrastructure installation: Due to an uptick in State and Federal proposals to weaken local policy authority over technological infrastructure placement in public spaces, it is imperative that MML members prioritize retaining local authority; specifically as it applies to revenue, expenditures, right-of-way usage, and land use policy.
- 2) Mitigating the Effects of Climate Change: With climate change impacting every corner of the State – through flooding, shore erosion, summer heatwaves, and more severe storms – the League will devote further legislative resources toward mitigating the negative impacts on residents’ lives and municipal budgets.

## 2020 Takoma Park Legislative Action Requests

- 1) Initiate or support legislation to grant municipal authority similar to certain counties to implement expanded property tax deferrals to certain categories of homeowners, such as elderly or low income residents; and
- 2) Support legislation to authorize a group of counties or municipalities to form or join a “community choice aggregator” to purchase or generate electricity from renewable sources for their residents; and
- 3) Support legislation or sources of funding to assist rental property owners to eliminate environmental hazards in rental properties, including lead.

## 2020 MML Legislative Priorities

- 1) Eliminate the sunset on the current level of municipal Highway User Revenues that is due to occur after FY 2024.
  - 2) Return to full pre-recession funding of municipal Highway User Revenues beginning with the FY 2025 State budget.
  - 3) Beginning in the FY 2025 State budget, tether Highway User Revenue funding to the Consumer Protection Index (CPI) as is currently done to adjust the gas tax rate.
  - 4) Continue to protect local government authority as it relates to 5g small cell wireless facilities.
- Strategic Initiatives:

### *Strategic Initiatives:*

- 1) Continue to assess and identify alternative sources of municipal revenues both through the legislative process and through other opportunities as they arise.
- 2) Open a dialogue with stakeholders involved in the annexation process in Maryland. A discussion will be held to determine whether an alternative to the existing “5 year rule” which allows a county to deny a municipal zoning change on annexed land for a period of five years can be identified and agreed upon.

## 2019 Takoma Park Legislative Action Requests

- 1) Legislation or sources of funding to maintain affordable housing in areas with rising property values and rents resulting from infrastructure improvements, transit projects such as the Purple Line, and redevelopment.
- 2) Legislation mandating coordination and cooperation between utilities, the State Highway Administration, and municipalities in order to minimize impact on residents and businesses resulting from infrastructure construction and repairs.
- 3) Legislation that would provide additional opportunities to raise municipal revenues without increasing dependence on property taxes.

### **2019 MML Legislative Priorities**

- 1) Preservation of Local Authority to Site Small Cellular Infrastructure

#### *Strategic Initiatives:*

- 1) Oppose any attempt to preempt local authority
- 2) Explore Municipal Revenue Options
- 3) Consider 5-year Annexation Rule Changes

### **2018 Takoma Park Legislative Action Requests**

- 1) Appropriation of funding in the State budget for the National Capital Strategic Economic Development Fund which would provide grants to assist local governments and nonprofits in predevelopment activities for revitalization in areas designated as Sustainable Communities.
- 2) Legislation that would require allocation of a portion of the State Sales Tax to municipalities.
- 3) Legislation that would move away from direct bill payment assistance and require at least 60% of the proceeds received from the Regional Greenhouse Gas Initiative (RGGI) to be used for efforts that reduce greenhouse gas emissions, such as energy efficiency retrofits for homes or apartments of low-income residents.

### **2018 MML Legislative Priorities**

- 1) Permanently restore municipal highway user revenues (HURs), not only to meet current road maintenance needs, but more importantly, to provide a long-term, stable funding source for municipal transportation projects.
- 2) Work with stakeholders to provide clear authority to deny Public Information Act requests which would require the release of email addresses and phone numbers provided by residents to allow them to receive emergency alerts and city/town newsletters.
- 3) Protect the authority of a municipality to assert local control over the siting and installation of small cellular towers and antennas and to impose a fee for permit review and rental of space in a municipal right-of-way.

### **2017 Takoma Park Legislative Action Requests**

- 1) Creation of an Innovation Fund from which municipalities could receive grant funding to undertake innovative efforts to advance one or more high priority goals of the State of Maryland.
- 2) Legislation that would mandate coordination of construction and repairs by utilities and the State Highway Administration, and localities, provide notice to municipalities and residents, and mandate time frames in which final repaving and repairs are made to residents' property.

3) Evaluation of the collection and distribution of business personal tax by the State of Maryland.

#### **2017 MML Legislative Priorities**

1) Highway User Revenue Funding Restoration for Municipalities.

2) Authorize municipalities that charge a stormwater management fee for stormwater management services to apply those fees to county and State-owned property within municipalities, and provide tools to enforce payment of fees.

3) Improve coordination, collaboration, and communication between municipalities and public utilities/State Highway Administration regarding project/construction schedules.

#### **2016 Takoma Park Legislative Action Requests**

1) Ensure that municipal residents are no longer harmed by tax duplication laws or the lack of appropriate tax duplication laws, and that reimbursement or tax differential eligibility is extended to all tax-duplicated services regardless of how those services are funded by the municipality or county.

2) Mandate coordination of construction and repairs by utilities and the State Highway Administration, and localities, provide notice to municipalities and residents, and mandate time frames in which final repaving and repairs are made to residents' property.

3) Ensure that Maryland municipalities that participate in the Maryland State Retirement and Pension System will not be required to report unfunded liabilities under GASB 68 that are significantly larger than their actual liabilities in the System.

#### **2016 MML Legislative Priorities**

1) Highway User Revenue Funding Restoration for Municipalities

2) Restoration of Program Open Space funding and for protection of the program to ensure that program funds are not diverted to other uses

#### **2015 Takoma Park Legislative Action Requests**

1) Ensure that an adequate, ongoing formula for Highway User Revenue for municipalities is established and fully funded each year.

2) Ensure that municipal residents are no longer harmed by tax duplication laws or the lack of appropriate tax duplication laws, and that reimbursement or tax differential eligibility is extended to all tax-duplicated services regardless of how those services are funded by the municipality or county.

3) Create an Innovation Fund from which municipalities could receive grant funding to undertake innovative efforts to advance one or more high priority goals of the State of Maryland.

#### **2015 MML Legislative Priorities**

- 1) Highway User Revenue Funding Restoration for Municipalities
- 2) Alleviate the financial disclosure requirements of state ethics law for municipal government officials.
- 3) Alter the comprehensive master plan adoption procedure to (a) establish a timeframe longer than 60 days for adoption of a plan or plan amendment; (b) authorize the legislative body to remand back to the planning commission for further action; and (c) authorize the legislative body to approve a plan or plan amendment with changes.