

CITY OF TAKOMA PARK, MARYLAND
MAYOR AND COUNCIL WORKSESSION
March 3, 1980

Councilmembers present:

Mayor Roth
Councilman Faulkner
Councilman Forshee
Councilman Garcia
Councilman Ricks
Councilwoman Saloma
Councilman Weisman
City Administrator Gilsdorf

The meeting was called to order by Mayor Roth at 8:00 PM.

COMMITTEE REPORTS

Travis Drive Barricade. Councilman Weisman and the City Administrator reported to the Mayor and Council that a satisfactory design had been selected for the barricade. The President of the Hodges Heights Citizens' Association is pleased and the barrier will be in place shortly.

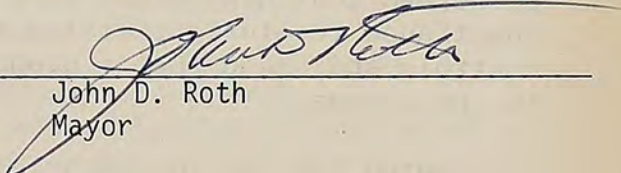
Rent Increases at 7667 Maple Avenue. Councilman Ricks, ^{the Mayor} and the City Administrator reported that they had met with Mr. Oberoi (spokesperson for the ownership of 7667 Maple Avenue) and that he had agreed to abide by Montgomery County's Rent Stabilization Program--and further, that rent increases in violation will be rolled-back.

REGULAR MEETING

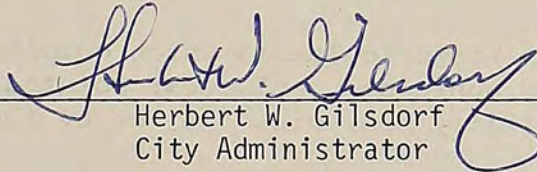
1. Rezoning on University Boulevard--R-60 to RT-8. After discussing the matter, the Mayor and Council unanimously agreed to offer no position except that of support for the opinion of the majority of neighborhood residents.
2. Franklin Apartments. The City Administrator presented to the Mayor and Council both contract documents and blueprints for the Franklin Apartments project. After cursory review, some Councilmembers expressed interest in reviewing the plans further.

There being no further business to discuss, the meeting adjourned at 10:30 PM.

APPROVED


John D. Roth
Mayor

ATTEST


Herbert W. Gilsdorf
City Administrator

THE CITY OF TAKOMA PARK, MARYLAND

MEETING OF THE MAYOR AND CITY COUNCIL

March 10, 1980

City Officials Present:

Mayor Roth	City Administrator Gilsdorf
Councilman Faulkner	Asst. City Administrator Shaffer
Councilman Forshee	Administrative Asst. Swinton
Councilman Garcia	Police Representative Duvall
Councilman Ricks	Public Works Director Robbins
Councilwoman Saloma	Recreation Director Ziegler
Councilman Webb	Corporation Counsel Gingerich
Councilman Weisman	Asst. Corporation Counsel Culpepper

The Mayor and Council of Takoma Park met on March 10, 1980 at 8:00 PM, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Md. Following the pledge of allegiance, a motion was made and duly seconded to approve the minutes of February 25; the motion was approved unanimously by the Council.

MAYOR ROTH'S COMMENTS AND PRESENTATIONS

Reminded citizens again of the rising property taxes and recommended appealing high property tax assessments; noted an article in Post on March 1 concerning Montgomery County Budget; that the County Executive stated that there would be a slight rise in property tax rate from \$3.30 to \$3.34 per \$100 of assessed value; however, Council President Fosler stated that the increase may have to be more; another Post article of March 6, stated that the Prince George's County Budget would be decreased, this includes a decrease in property tax rates of 6¢ from the current \$3.04. Mayor Roth noted the Council's correspondence with State delegates requesting an amendment to the Beck Bill (triennial assessment plan) to freeze assessments for a three year period and then to raise all the assessments at one time; noted the receipt of letters from delegates stating their agreement and willingness to help; suggested that citizens also write their State representatives asking to hold assessment increases down.

Noted that a meeting had been held with owners of 7667 Maple Avenue and Councilmembers at which the owners said they would voluntarily comply with Montgomery County's rent stabilization law; noted that most large buildings in the City have voluntarily complied with the County's guidelines, but he is concerned that new owners will not know of the Mayor and Council's voluntary compliance resolution; stated that the City is trying to provide additional controls and asked that a proposed ordinance on rent stabilization be added to the agenda.

Noted the receipt of a letter from Historic Takoma which complained of work being done on gas lines in City by municipal employees; pointed out that all utility work is conducted by the utility companies and not by the City.

ADDITIONAL AGENDA ITEMS

Discussion of the Carroll House (Councilman Weisman)

CITIZENS' REMARKS

1. Sammie Abbott, 7308 Birch Avenue: noted the City's self exemption

THE CITY OF TAKOMA PARK, MARYLAND

Meeting of the Mayor and City Council
March 10, 1980

AGENDA

CALL TO ORDER: Mayor Roth

ROLL CALL: Councilman Faulkner
Councilman Forshee
Councilman Garcia
Councilman Ricks
Councilwoman Saloma
Councilman Webb
Councilman Weisman

PLEDGE

READING AND APPROVAL OF THE MINUTES

MAYOR ROTH'S COMMENTS AND PRESENTATIONS

ADDITIONAL AGENDA ITEMS

CITIZENS' REMARKS

FINANCIAL STATEMENT: City Administrator Gilsdorf

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Gilsdorf

1. Communications
2. Administrative Reports and REcommendations for Council Action:

(1) Administrative reports:

--Notice of request for a 3-foot side-yard variance,
7206 Central Avenue. Public Hearing: 6:30 PM, 3-26-80,
County Administration Building, Upper Marlboro

---Election reminders: City Election, March 25, 1980,
7:00 AM to 8:00 PM, Municipal Building;
Last day to register to vote: March 10, 1980;
Deadline for receipt of Absentee Ballot (regular)
applications: midnight, March 14, 1980;
New requirements at the polls: current identification;
new address, if any; birth date and signature

--Meet the Candidates Night, 8:00 PM, March 12, Junior High
School Auditorium (sponsored by various citizens' associations)

(2) Proposed ordinance appointing Judges for City Election

SPECIAL REPORTS

NEW BUSINESS

ADJOURNMENT

from Montgomery County's rent control law; stated that he is glad to see the City consider adopting some kind of controls for rising rents; stated that the landlords that purchased Parkview Towers have also purchased dozens of homes in Takoma Park and Langley Park; that he did not know whether this was done with their own money or whether or not it is being done with front money such as the many motels now under the control of certain ethnic groups in California; recommended that the Council immediately adopt the County's rent stabilization guidelines and then proceed to adopt a City ordinance for rent controls; that this would be easier if the City were unified in one county; felt that the increased rents being proposed for the Franklin Apartments would affect the rents along Maple Avenue. Mayor Roth stated that the Council had adopted a resolution four years ago asking landlords for voluntary compliance with the County's rent control guidelines which had worked well until broken down by the owners of Parkview Towers; that the Council is concerned about tenants and that is why a proposed ordinance for City rent controls will be discussed later in the meeting. The City Administrator noted that the owners stated the tenants of the Parkview Towers would receive notices concerning retraction of increased rent with their next rent-due notice.

2. Charlie VanTassel, 116 Lee Avenue: noted that he has received rent increases for the last four years. Mayor Roth stated that the Council had asked for voluntary compliance with County law which gave a certain percentage that the rents could be raised, not that there would be no rent increases.

3. Joseph Lerner, 7708 Takoma Avenue: stated that he was disturbed by the statement concerning certain ethnic groups trying to buy property in the City; felt people should not be judged by what religion, race, etc., they belong to, but just by the facts of what is happening. Regarding the proposed subdivision of the Carroll House lot, with the rear portion being retained by the College, stated that the College has said it needs the land to meet the zoning square footage requirements for the Fine Arts building which they overbuilt; noted that the College, as a State institution, is exempt from zoning requirements, and the architect who drew up the plans for the building told them that even if they did over-build, the College could apply for a variance.

4. Fred Millhiser, 7704 Takoma Avenue: thanked the Council for the resolution on the Carroll House, stating that he too would like to see the entire lot sold with the house; regarding the College's proposal to landscape, noted that they have done no landscaping since they have owned the property.

5. Diane Ravenscroft, 516 Philadelphia Avenue: stated that she was a possible potential purchaser of the Carroll House until she learned of the subdivision of the lot.

6. Charlotte Newman, 7513 Maple Avenue: listed the several rent increases she has received.

7. Johnny Dobson, 7777 Maple Avenue: asked what protection the tenants of the City have at this time. Mayor Roth stated that portions of the Montgomery County law apply in the County portion of the City--no more than one rent increase per year and the tenant must receive 60 days notice prior to that increase; that there is no limit on the amount of the increase, this portion is voluntary. Councilman Ricks noted that the County law of no more than a 10% increase only applies to controlled units--those apartments which have been occupied by the same tenant prior to July 1, 1976; for apartments occupied after that date there is no control on the amount of rent increase

anywhere in the County.

8. Carol King, 612 Kennebec Avenue: stated that her salary was increased 7% last year and her rent was increased 23%; noted that her neighbors have received rent increases for three consecutive months; asked that something be done.

9. Evelyn Longen, 7516 Holly Avenue: noted that friends who live at 610 Kennebec have received \$50 increases; requested something be done.

10. Sue Lerner, 7708 Takoma Avenue: stated that both the gas and electric companies provide energy audits and suggested that landlords be required to have these audits conducted at their buildings and comply with the recommendations of the audits; that it could save landlords money on utility bills.

11. Carol Gibson, 7667 Maple Avenue, #311: noted the large rent increases she has received, stating that it has become a choice of eating or having a roof over her head; urged Council to pass rent stabilization guidelines.

12. Robert Moore, 7314 Willow Avenue: stated that the Council should have anticipated this situation.

13. Nancy Ricks, 5 Lee Avenue: stated that the battle of the Carroll House has been going on a long time and felt that the Council should not consider using taxpayers money to purchase the property as suggested at previous Council meeting; that the College should be urged to sell the entire lot and change the bid requirements--both City and College need to give in some; stated her support for at-large elections in City.

14. Roland Halstead, 7116 Maple Avenue: stated that if The Council adopts an ordinance on rent stabilization, it should apply to all units, not just those occupied prior to July 1, 1976; suggested that something be considered for condominium conversions.

15. Ron Albaugh, 7202 Central Avenue, Longbranch-Sligo Citizens Asso.: regarding the denial of appeal for continued multi-family use of 7206 Flower Avenue, stated that the Council should make sure that it is discontinued; requested information on what other multi-family properties there are on that portion of Flower Avenue; that he has a meeting with Prince George's County staff concerning illegal multi-family properties on Flower Avenue; read from article on traffic management, noting the need for a traffic management person to look at pedestrian and neighborhood streets and not just at vehicle traffic flow; noted that the last letter received from State Highway Administration regarding the Flower/Carroll Avenues intersection pertained mainly to vehicular flow and not to pedestrian flow/safety, which is what the Council requested; noted that the Association is not in favor of the suggestions offered by SHA, but would only favor either no change in the intersection or having the corner where the SDA Church stands squared-off and a traffic signal with pedestrian cycles installed; reiterated request for City-wide traffic plan.

16. David Prosten, 7428 Carroll Avenue: endorsed Mr. Albaugh's request for City-wide traffic plan. Regarding at-large vs. ward-only elections, stated that ward-only elections would have the seven-member Council answerable to the constituency of their own individual ward.

17. Donald Ramsey, 8116 Roanoke Avenue: concerning proposed rent controls for City, stated that it is a difficult topic and felt it should be discussed at public hearings, but this should be done with speed; that rents must be

Council meeting minutes

March 10, 1980

in the hearing... but he did not like to see it go into an owner's pocket; noted that the trash he had mentioned at an earlier Council meeting on Flower Avenue had been cleaned up, but the crushed rock still remains; reiterated a suggestion made several meetings ago concerning Flower/Carroll intersection, which was to have two stop signs placed on each pole.

18. Sammie Abbott: to clarify remarks made earlier about purchasers of 7667 Maple Avenue, stated that in States such as Iowa, several thousand acres have been purchased by foreigners; that the purchases in the City warrant some attention. Suggested that the County discontinue funding to the College unless the entire Carroll House lot is put up for sale.

19. Sue Lerner: suggested that workshops be set up between landlords and the utility companies to discuss how to obtain energy audits and then the City could require energy conservation measures of the landlords; volunteered her help in coordination.

FINANCIAL STATEMENT

The City Administrator gave a brief summary of the City's financial status for the month of February.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Notice of request for a 3-foot side-yard variance, 7206 Central Avenue.
Public Hearing: 6:30 PM, 3-26-80, County Administration Building, Upper Marlboro.
The City Administrator reported that the variance related to an addition to the side of the house. The City Administrator was directed to survey the neighboring residents and the local citizen association for their comments.

2. Election Reminders: City Election, March 25, 1980, 7:00 AM to 8:00 PM, Municipal Building;
Last day to register to vote: March 10, 1980;
Deadline for receipt of Absentee Ballot (regular)
Applications: midnight, March 14, 1980;
New requirements at the polls: current identification, new address, if any, birth date and signature.

3. Meet the Candidates Night, 8:00 PM, March 12, Junior High School Auditorium (sponsored by various citizens' associations).

4. Ordinance appointing Judges for City Election. Upon motion by Councilman Garcia, duly seconded by Councilman Forshee, the ordinance below was adopted by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Ricks, Saloma, Webb and Weisman. NAY: None. EXCUSED: None.

ORDINANCE #2528

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND
SECTION 1. THAT the following persons, all registered voters of the City of Takoma Park, are hereby designated as Election Officials (Judges) to serve as a Board of Election for the March 25, 1980 City Election:

Clem J. Roski, 7203 Holly Avenue, Chairman
 Amove Alakoye, 7667 Maple Avenue, Apt. #312
 Clarence M. Boatman, 133 Ritchie Avenue
 Charlene L. Cohen, 7815 Takoma Avenue
 Edgar C. Dawson, 145 Ritchie Avenue
 Bertha L. Gesell, 8 Lee Avenue
 Eleanor S. Yaeger, 7213 Trescott Avenue
 Floyd W. Kester, 7116 Poplar Avenue
 Claire B. Kozel, 7804 Wildwood Drive
 Dorothy J. Malusky, 7302 Holly Avenue
 Barbara M. McCashin, 925 Sligo Creek Parkway
 Joanne M. Mood, 7019 Eastern Avenue
 Florence A. Nishimoto, 7409 Holly Avenue
 Cicero Satterfield, 6801 Allegheny Avenue
 Max S. Solomon, 8005 Wildwood Drive
 Maureen A. Thompson, 7330 Piney Branch Road
 Marvel A. Werner, 17 Darwin Avenue
 Octa B. Winter, 7403 Hancock Avenue, Apt. #202
 Edward Zerne, 7302 Garland Avenue

5. Councilman Ricks introduced a proposed ordinance on rent stabilization in the City (ATTACHED) for First Reading. Mayor Roth and Councilman Garcia asked that a few changes in the language of the ordinance be made, which were accepted by Councilman Ricks. Councilman Ricks made a motion, seconded by Councilwoman Saloma, that a public hearing date of March 24 (next Council meeting) be set and notices of such be published immediately. Councilman Garcia moved that the motion be amended to set the hearing date at March 31 to give people enough time to digest the ordinance; Councilman Forshee seconded this. There followed a lengthy discussion regarding the date for public hearing; Corporation Counsel Gingerich stated that he thought the hearing should be held after the election when the new Council would be able to preside, since it would be charged with the enforcement; also noted the danger in possible adoption of the ordinance the same night as the public hearing; that the courts could possible declare the ordinance null and void because it was adopted in haste; some Councilmembers noted that there are many items in the ordinance that need to be closely looked at. When the motion for amendment was put to a vote, it failed with Councilmembers Forshee, Garcia and Webb voting in the affirmative and Councilmembers Faulkner, Ricks, Saloma and Weisman voting in the negative. The original motion to set public hearing date for March 24 was approved with Councilmembers Faulkner, Ricks, Saloma, and Weisman voting in favor, and Councilmembers Forshee, Garcia and Webb voting against.

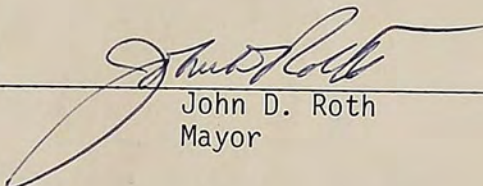
6. Councilman Weisman stated that on March 4, Montgomery College President Parilla sent letters to residents of the City stating why the College would retain a portion of the Carroll House lot; noted a resolution passed by the College Board of Trustees on January 14 which stated that the College intends to sell the property located at 7700 Takoma Avenue, land and improvements; Councilman Weisman cited several cases in which the wording "the property" was considered to mean all the property; that the College is leaving the minimum amount of land necessary under single-family zoning requirements; made a motion, seconded by Councilwoman Saloma, that a group made up of the following persons meet in Takoma Park and submit a report to the Council by their March 17 worksession--Mayor Roth, and two Councilmembers, residents of 7704 and 7708 Takoma Avenue, representative of Historic Takoma, Dr. Parilla, President of Montgomery College and the Chairman of the Board of Trustees; this motion was approved by Council. Councilman Weisman made a motion

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March 10, 1980

that copies of the previous City Council resolution (protesting the sale of only part of the lot, and the formation of a group of citizens to contribute in preparing bid specifications for the sale) the Board of Trustees' resolution, proposed subdivision site plan, and a brief history of the Carroll House, be sent to State Senator and Delegates representing the Montgomery County portion of the City, Governor Hughes, Congresswoman Spellman; this motion was seconded by Councilman Ricks and approved by the majority of the Council, with Councilman Forshee voting against, stating that he thought action like this should come later. Councilman Weisman made another motion that copies of the subdivision site plan be sent to members of the Montgomery County Council, as requested by Councilmember Neal Potter; the motion was seconded by Councilman Ricks and approved by the Council.

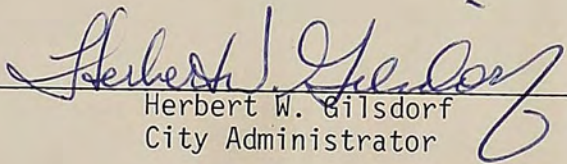
Upon motion, duly seconded, the meeting adjourned at 10:47 PM, to reconvene on Monday, March 24, 1980, at 8:00 PM.

APPROVED



John D. Roth
Mayor

ATTEST



Herbert W. Gilsdorf
City Administrator

ATTACHMENT

Council meeting minutes
March 10, 1980FIRST READING OF A PROPOSED ORDINANCE

WHEREAS, it is the desire of the Mayor and Council of the City of Takoma Park, Maryland, to adopt economic policies reasonably deemed necessary in order to maintain and promote adequate protection of the health, safety and welfare of the Citizens of the City of Takoma Park, Maryland, through the exercise of its police powers by the enactment of this ordinance permitting fair and reasonable compensation to the landlords for the use of their property by tenants, including adjustments in rent in order to meet rising operating expenses, while preventing excessive, unjust, unreasonable and oppressive rent increases, and

WHEREAS, it has been found that there exists a public emergency in the housing of a considerable number of persons in the City; that there exists a serious housing shortage of dwelling units within the City; that no significant construction of new housing units exists; that there is often unequal bargaining power between landlords and tenants particularly in the area of rental amounts and rental increases; that the conversion of rental units to subsidized housing further reduced the adequacy of the supply of rental housing; that the inadequacy of the housing supply together with the extreme rate of inflation and interest rates in the national economy justifies temporary rent control; that the problems associated with housing in the City, including rental amounts, has not resolved itself satisfactorily through self-regulation and voluntary restraint; that in the absence of the regulation of rents, excessive rent increases will seriously impair the health, safety and welfare of a large segment of the population of the City substantially hampering the efforts of the Mayor and Council to effectively protect and promote the health, safety and welfare of the citizens of the City, as well as the general purposes of planning; that announced rent increases in many cases are exorbitant and will result in a great hardship; that action by the

Mayor and Council of the City of Takoma Park, Maryland, is imperative in order to protect the health, safety and welfare of the citizenry; and

WHEREAS, it has been determined by the Mayor and Council of the City of Takoma Park, Maryland, to adopt an ordinance to establish rent stabilization and such regulations and controls as are necessary, and in order to prevent excessive, unjust, unreasonable and oppressive rent increases; to forstall profiteering, speculation and other disruptive practices tending to impair the public health, safety and general welfare; to provide for complaint, investigation, hearing, determination, enforcement and appellate procedures; to fix penalties for violations thereof and to establish responsibilities and duties thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

SECTION 1. The Mayor and Council finds that a public emergency exists in the housing of a considerable number of persons in the City; that there exists a serious housing shortage of dwelling units within the City; that no significant construction of new housing units exists; that there is often unequal bargaining power between landlords and tenants, particularly in the area of rental amounts and rental increase that the conversion of rental units to subsidized housing further reduced the adequacy of the supply of rental housing; that the inadequacy of the housing supply, together with the extreme rate of inflation and interest rates in the national economy, justifies temporary rent control; that the problems associated with housing in the City, including rental amounts, has not resolved itself satisfactorily through self-regulation and voluntary restraint; that in the absence of the regulation of rents, excessive rent increases will seriously impair the health, safety and welfare of a large segment of the population of the City

substantially hampering the efforts of the Mayor and Council to effectively protect and promote the health, safety and welfare of the citizens of the City, as well as the general purposes of planning; that announced rent increases in many cases are exorbitant and will result in a great hardship; that action by the Mayor and Council of the City of Takoma Park, Maryland, is imperative in order to protect the health, safety and welfare of the citizenry.

SECTION 2. Rent for any particular dwelling unit in a multiple family dwelling facility may be increased in an amount not to exceed 10% of the base rent charged on March 10, 1980, unless unusual factors justify otherwise.

SECTION 3. Whenever a landlord imposes a rent increase of more than 10%, the landlord shall provide an affidavit on a form provided by the City Administrator setting forth the justification for the increase. Upon receipt of the affidavit, the City Administrator shall review the justification presented by the landlord and determine whether the rent increase was reasonable based on the landlord's presentation. In the event the City Administrator shall determine that the increase in rent was justified, he shall by letter notify the landlord and tenant of his approval. In the event the City Administrator shall determine that the landlord was not justified in increasing rent above 10%, he shall notify the landlord and tenant of his finding. Should the landlord or tenant disagree with the findings of the City Administrator, the landlord or tenant may note an appeal to the Mayor and Council, which Notice of Appeal must be filed in writing within ten (10) days of the date of the notification of the approval or denial of the rent increase.

SECTION 4. No landlord may charge an increase in rent unless written notice is given to the tenant affected thereby at least sixty (60) days prior to the effective date of such rent increase. No tenant shall receive more than one (1) rent increase per annum. For rental facilities of twelve or more dwelling units, notice of such increase shall be given simultaneously to the City Administrator.

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SECTION 5. (a) The City Administrator shall be responsible for the investigation of all complaints filed with respect to rental housing and in this regard shall have authority to require landlords who are subject to such complaints to reveal as provided by law all matters pertaining to the operation of rental facilities.

(b) The City Administrator shall also monitor all actual and proposed rent increases. In cases where the City Administrator believes the rental increases are more than 10%, he shall investigate to determine the reasons for the rent increase without the need of a formal complaint, and with the full authority to investigate as if a complaint were filed.

SECTION 6. (a) In the event the City Administrator determines that a fact-finding hearing is necessary to compile additional information prior to making a determination of the merits of a rent increase of more than 10%, the City Administrator, or his designee, may conduct such hearing. Notice of the hearing and its time and place shall be given to the landlord whose rent increases are more than 10%, all tenants who are or may be affected by the rent increases, any known resident tenant association or organization, and any person who filed with the City Administrator a comment relative to the landlord's justification of the rent increase. Such notice shall be prepared and transmitted by the office in such form and such process as the City Administrator shall prescribe.

(b) The hearing shall be open to the public. In conducting hearings, the City Administrator shall have the power to summon all witnesses. Summonses must be signed by the City Administrator and shall require the attendance of named persons and the production of relevant documents and records. Failure to comply with a summons shall constitute a violation of this Ordinance and shall be referred to the Corporation Counsel's Office in order to obtain an appropriate order from the Circuit Court for either Montgomery County or Prince George's County to insure compliance with the summons. Any party to the hearing

may request the issuance of a summons. The City Administrator shall include in the hearing record testimony of the professional staff members of the City and such other witnesses as may be relevant to the issues posed in the hearing. The City Administrator may also request from the landlord such additional information and documents as the City Administrator considers relevant. Any party to a hearing, at the party's option, may appear in person before the City Administrator, or may appear by a duly authorized representative and may have the assistance of an attorney. The parties may present testimony and evidence which shall be given under oath or by affirmation. The parties may also cross-examine any witness presenting testimony at a public hearing. A verbatim record of the hearing shall be made. The record shall be open to inspection by any person and, upon request by any party to the proceeding, the office shall furnish such party a copy of the hearing record at such charges as are necessary to meet costs. The City Administrator's decision shall become the final decision unless appealed to the Mayor and Council.

SECTION 7. Any person aggrieved by the Mayor and Council's action may appeal to the Circuit Court for Montgomery County or Prince George's County in accordance with the Maryland Rules of Procedure for review of such action and may further appeal to the appellate courts a decision by the Circuit Court.

SECTION 8. This ordinance is applicable to all dwelling units located in the City, except the following:

(1) any establishments which have as their primary purpose the providing of diagnosis, cure, mitigation, and treatment of illnesses for residents;

(2) dwelling units owned by a person who owns fewer than five (5) rental dwelling units within the City;

(3) one-family dwellings, semi-detached dwellings, and townhouses not located within a centrally managed multi-family housing community offering services substantially similar to those offered to apartment dwellers;

(4) dwelling units which are part of federal government assisted multi-family housing projects and which require accountability of rent returns to the federal government or to dwelling units which are part of multi-family housing projects owned and operated by the Montgomery County Housing Opportunities Commission;

(5) dwelling units whose rents fall within the Section Eight market guidelines which are occupied by tenants participating in the federal government's Section Eight Housing Assistance Payments Program and whose owners receive housing assistance payments on behalf of those eligible tenants;

(6) dwelling units vacated after Marcy 10, 1980;

(7) dwelling units having a monthly rent in excess of \$600.00 per month as of March 31, 1979.

SECTION 9. (a) The City Administrator is authorized to adopt such regulations as may be necessary to administer this Ordinance properly.

(b) In the enforcement of any of the provisions of this Ordinance, necessary proceedings, including proceedings for the production of documents, may be instituted by the Corporation Counsel's Office after referral by the City Administrator. The Corporation Counsel after a matter has been referred by the City Administrator, may institute appropriate legal action, or refer the matter back to the City Administrator for such additional information or action necessary to take appropriate legal action. Nothing herein shall limit the authority of the Corporation Counsel to initiate prosecution or bring actions in law or equity for violation of any local law, ordinance or regulation, whether or not the City Administrator has made a formal referral.

(c) Any landlord who violates any provision of this Ordinance shall be liable for payment to the City of Takoma Park, Maryland, of a civil penalty, recoverable in a civil action in Circuit Court of Montgomery County or Prince George's County, in an amount

not to exceed \$500.00 for each such violation.

SECTION 10. This Ordinance shall be null and void at 12:00 midnight on March 10, 1981.

SECTION 11. The Mayor and Council declares that an emergency exists and that this ordinance is necessary for the immediate protection of public health, safety and welfare. Therefore, this Ordinance shall take effect immediately upon its adoption.

CITY OF TAKOMA PARK, MARYLAND
MAYOR AND COUNCIL WORKSESSION
March 17, 1980

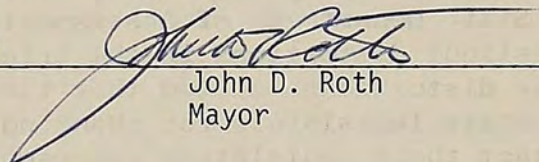
Councilmembers present:

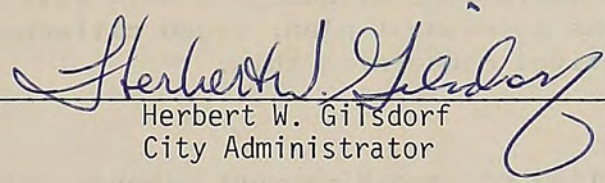
- Mayor Roth
- Councilman Faulkner
- Councilman Forshee
- Councilman Garcia
- Councilman Ricks
- Councilman Webb
- Councilman Weisman
- City Administrator Gilsdorf

The meeting was called to order by Mayor Roth at 7:45 PM.

1. Mayor Roth reported to Councilmembers on his afternoon meeting with Montgomery College Board of Trustees Chairman and the President of the College relative to the Carroll House. He stated that he presented the position of the Mayor and Council and the citizens that the entire Carroll House lot be conveyed with the sale of the property.
2. Rent Stabilization. The City Administrator explained to the Mayor and Council the new penalty clause that was added to the proposed Rent Stabilization Ordinance by the Corporation Counsel.
3. Takoma Tower. Mayor Roth recommended to the Council that they authorize him to reduce the "in lieu of tax" payment to the City to help Takoma Tower in keeping down the rents for the senior citizens. Several questions were raised by members of the Council and the Mayor agreed to obtain more information before a final decision is made.

There being no further business to discuss, the meeting adjourned at 9:30 PM.

APPROVED 
John D. Roth
Mayor

ATTEST 
Herbert W. Gilsdorf
City Administrator

THE CITY OF TAKOMA PARK, MARYLAND

Meeting of the Mayor and City Council
and
Public Hearing on Proposed Rent Stabilization Ordinance
March 24, 1980

City Officials Present:

- Mayor Roth
Councilman Faulkner
Councilman Forshee
Councilman Garcia
Councilman Ricks
Councilwoman Saloma
Councilman Webb
Councilman Weisman

- City Administrator Gilsdorf
Asst. City Administrator Shaffer
Public Works Director Robbins
Corporation Counsel Gingerich

The Mayor and Council of Takoma Park met on March 24 at 8:00 PM, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge of allegiance, a motion was made and duly seconded to approve the minutes of March 10; the motion was approved unanimously by the Council.

MAYOR ROTH'S COMMENTS AND PRESENTATIONS

Noted the inaccuracy of a piece of campaign literature for City election which stated that by State law fines for moving traffic violations are to be remitted to the assessing jurisdiction (municipalities or counties), and the Montgomery County Attorney's Office has said that this may not be happening; Mayor Roth stated that the fines for moving traffic violations are used to support State courts which must hear and decide on these cases; that municipalities and counties receive the fines from parking violations and not moving violations;

Reiterated comments from previous Council meetings concerning rising assessments and property taxes; noted the receipt of a letter from the director of the State Department of Assessments and Taxation which stated that there are a few slight distortions in the triennial assessment plan and rationalizations for these distortions; stated that the Council is continuing to work with members of the State legislature for changing the assessment plan; urged citizens to also contact their legislative representatives concerning this.

ADDITIONAL AGENDA ITEMS

Discussion of Takoma Tower "in lieu of taxes" payment (Mayor Roth)

CITIZENS' REMARKS

I. Public Hearing on Proposed Rent Stabilization Ordinance.

1. Harold Myers, 7212 Cedar Avenue: stated that there is usually a 30-60 day time period for interested persons to digest literature between the time legislation is introduced and when a public hearing is held, which was not done in this case; felt this hearing was a farce since there was no one (tenants or landlords) to testify on the proposed ordinance; that the City's voluntary rent controls had not worked, citing the increased rents at Parkview Towers, whose tenants have not yet received notices of rent roll-backs as promised by the

THE CITY OF TAKOMA PARK, MARYLAND

Meeting of the Mayor and City Council
and
Public Hearing on Proposed Rent Stabilization Ordinance
March 24, 1980

AGENDA

CALL TO ORDER: Mayor Roth

ROLL CALL: Councilman Faulkner
Councilman Forshee
Councilman Garcia
Councilman Ricks
Councilwoman Saloma
Councilman Webb
Councilman Weisman

PLEDGE

READING AND APPROVAL OF THE MINUTES

MAYOR ROTH'S COMMENTS AND PRESENTATIONS

ADDITIONAL AGENDA ITEMS

CITIZENS' REMARKS

1. Public Hearing on Proposed Rent Stabilization Ordinance
2. Other remarks by Citizens

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Gilsdorf

1. Communications
2. Administrative Reports and Recommendations for Council Action
 - (1) Appeal No. 5730, request for 3-foot side-yard variance, 7206 Central Avenue. Public Hearing: 6:30 PM, 3-25-80, Park & Planning Auditorium, Kenilworth Avenue, Riverdale
 - (2) Appeal No. A-670, request for 5-foot side-yard variance, 6800 Allegheny Avenue. Public Hearing: 1:30 PM, County Office Building, Rockville, 4-3-80
 - (3) Election Reminders: City Election, March 25, 1980, 7:00 AM to 8:00 PM, Municipal Building;
All persons on the March 10, 1980 City registration list are eligible to vote;
New requirements at the polls: current identification; new address, if any; birth date and signature
 - (4) Proposed ordinance appointing alternate Judges for City Election

SPECIAL REPORTS

NEW BUSINESS

ADJOURNMENT

landlords; that there was not enough publicity concerning the hearing and suggested a possible postponement. It was noted by the City Administrator that notice of the hearing had been published in newspapers, although no notice was in the City Newsletter because it had already gone to press.

2. Bob Moore, 7314 Willow Avenue: stated that the Corporation Counsel had suggested that the public hearing on this matter be held off until after the election; noted the persons who had testified at the last Council meeting concerning rent increases and felt that there should be a larger turn-out for an item as important as this. Mayor Roth stated it was the decision of the Council to hold the public hearing this evening because they felt it necessitated immediate attention; that notice of this hearing had been published in the same manner as all others; that if the Council felt it was necessary, there could be an extension of the hearing. Both Councilmembers Saloma and Weisman noted that they voted to set the hearing date because they felt it was an emergency situation.

3. Ron Albaugh, 7202 Central Avenue: stated that he was sorry to see the poor turnout for the public hearing and agreed that it was an emergency situation; listed several items he has questions about in the proposed ordinance concerning those exempt from control. It was noted by several Councilmembers that the proposed ordinance corresponds with most of Montgomery County's rent stabilization law, although some changes had to be made; regarding question raised by Mr. Albaugh concerning the March 10, 1980 initiation date and that the ordinance would only apply to those tenants occupying apartments in the City at that time, Corporation Counsel Gingerich noted that he thought it was the Council's wish to protect the existing tenants with rent stabilization, so they would not be forced out of their apartments with high rent increases; that protecting existing tenants occupying units as of March 10, 1980 and not persons moving in after that date is the difference between rent stabilization and rent control.

4. Donald Ramsey, 8116 Roanoke Avenue: noted his questions about the ordinance were similar to Rev. Albaugh's in not understanding all the exemptions, but he did agree with the exemption for vacated units; suggested that it would be reasonable to postpone the public hearing so that more people could attend.

5. Jan Schwartz, 7309 Garland Avenue: suggested a postponement of the hearing to obtain a larger attendance.

6. Carlos Stewart, 7710 Maple Avenue: stated that he was in favor of the ordinance, and if the changing of the Council, because of the election, would not affect adoption, he would favor postponement.

7. Frank King, 7334 Piney Branch Road: stated that he felt the proposed ordinance was basically good, but that there are some items in it that need more thought and discussion.

8. Tom Gagliardo, 8120 Roanoke Avenue: urged Council to postpone public hearing; noted his opposition to the maximum 10% rent increase limit, stating that the figure would increase profits for landlords who are already charging high rents and hurt landlords whose rents are now low; also felt the complaint process was too complicated.

9. Don Feldman, 24 Manor Circle, #G-7: noted that there has been no

response from landlords on the ordinance; that he did not like to see rents going up, but inflation has to be considered--rising costs of utilities and fuel; felt that a blanket 10% maximum increase in rents would not give all landlords a fair chance; that upkeep of the buildings could be neglected and also conversion to condominiums; urged Council to postpone any decision on ordinance until there is more input from both landlords and tenants. It was noted by Councilman Ricks that the Council would like to protect landlords and tenants with this ordinance and not hurt the landlord who is trying to do his job and keeping rents at a reasonable level, but some tenants have received large increases, as much as 40% at one time; noted that the ordinance provides a 10% maximum increase, which could be made larger if the landlord could provide justification.

10. Bob Moore: noted that he did not object to the ordinance itself, but felt that it has not been heard by enough people; urged Council to postpone any decision until there is more input.

11. Ron Albaugh: stated that Councilman Ricks, who introduced the ordinance, was responding to citizens' requests from the last Council meeting, when introduced as emergency legislation; stated that he hoped the ordinance would be adopted that evening; read comments of tenants from minutes of March 10 which emphasized the emergency; noted that the upkeep of rental buildings in the District of Columbia have not gone down because of their rent control laws.

12. Frank King: noted that the Council's previous request for voluntary compliance with the County's rent control has not worked; felt something should have been done a long time ago, but encouraged Council not to adopt ordinance without further study.

13. Carlos Stewart: asked what has happened at Parkview Towers on notification of rent roll-backs. It was noted by Councilmembers that the owners of the building had agreed to notify affected tenants of the roll-backs with the next rent due notice; also that the roll-backs would apply only to those tenants who have been in their units since July 1, 1976; that Montgomery County Office of Landlord-Tenant Affairs had been notified of the violations and they notified the landlords to commence a roll-back. Councilman Ricks noted that many good points had been raised about the ordinance; that he felt an obligation to protect tenants, but that there had not been enough input received from either tenants or landlords; requested Corporation Counsel's advice about proceeding, especially regarding the emergency situation. Corporation Counsel Gingerich stated that based upon what had been said at the meeting, the situation could not be considered an emergency; that most speakers had requested postponement; that there is a good possibility that if the ordinance is adopted now, the Courts could declare it void because there is not enough material in the public hearing record to support emergency situation and adoption.

14. Tom Gagliardo: stated that he has heard of a proposed major rent increase for one of the larger apartment buildings and assumes that the other buildings will raise their rents to be competitive; suggested a 60-day rent freeze during which time public hearings could be held to discuss the ordinance.

15. Ron Albaugh: felt most people would like to see the ordinance adopted and not postpone action; suggested using the minutes of March 10, 1980 as evidence enough to adopt the ordinance immediately.

16. Carlos Stewart: reiterated Mr. Albaugh's suggestion to use minutes of March 10, 1980. Councilman Ricks requested that this be made an agenda item and that the public hearing on proposed rent stabilization ordinance be held open until after the Council discusses it during the business portion of meeting; this was accepted by the Council and added to the agenda.

II. Other remarks by citizens.

1. Ellen Margolius, 7508 Glenside Drive: noted the receipt of a City election campaign flyer which had personal remarks written on it; felt that this was irresponsible.

2. Debbie Messinger, 7411 Flower Avenue: noted that her Council representative did not know his ward boundaries and questioned whether he condoned the remarks, to which he stated he did not write the remarks.

3. Mike Messinger, 7411 Flower Avenue: felt there should be no discussion of who is supporting whom in the campaign.

4. Lou D'Ovidio, 7324 Piney Branch Road: noted that there has been no mention of the Master Plan Hearing to be held April 9 in the Council minutes. Regarding Historic Takoma's request of the Mayor for information on the Carroll/Laurel Business District, stated that he had been informed that the City has a copy of a portion of the study. Mayor Roth stated that the portion of the study the City has is unacceptable and that the County has been told this. Mr. D'Ovidio stated that he should have been notified.

5. Ron Albaugh, Longbranch-Sligo Citizens' Asso.: stated that the Council should soon be receiving a copy of correspondence sent to the State Highway Administration from the Association regarding State Highway Administration's proposals for the Flower-Carroll intersection; concerning Appeal #5730 for side-yard variance on Central Avenue, stated that the Association's executive committee had voted not to oppose the Appeal because it did not appear to adversely affect the neighborhood at this time. Mr. Albaugh commended Mayor Roth for all his hard work with the City for so many years, noting the Mayor's decision not to run for office again; stated that it was time for a change and wished the Mayor well.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Appeal No. 5730, request for 3-foot sideyard variance, 7206 Central Avenue. Public Hearing: 6:30, March 25, 1980, Park and Planning Auditorium, Kenilworth Avenue, Riverdale. The City Administrator reported that of the 14 survey letters mailed to neighboring residents, there were three responses, all with no objections. Councilman Garcia made a motion to offer no objection to the Appeal and to notify the County Board of Appeals of this; the motion was seconded by Councilman Webb and approved unanimously by the Council.

2. Appeal No. A-670, request for a 3-foot sideyard variance, 6800 Allegheny Avenue. Public Hearing: 1:30 PM, April 3, 1980, County Office Building, Rockville. The City Administrator reported that an addition to the house was constructed last summer without a building permit; that when a next door neighbor reported to the County they notified the owner that he would need to apply for a variance; stated that two neighbors have objected strenuously to

the Appeal for variance and also the local citizen association. Councilman Faulkner made a motion that the Council oppose the Appeal based on the objections of neighbors and citizen association; the motion was seconded by Councilman Ricks and approved by the Council.

3. Election Reminders: City Election, March 25, 1980, 7:00 AM to 8:00 PM, Municipal Building;
All persons on the March 10, 1980 City registration list are eligible to vote;
New requirements at the polls: current identification; new address, if any; birth date and signature.

4. Ordinance appointing alternate Judges for City Election. Upon motion by Councilman Ricks, duly seconded by Councilman Faulkner, the ordinance below was adopted by roll call vote as follows: AYE: Councilmembers Faulkner, Rorshee, Garcia, Ricks, Saloma, Webb, Weisman. NAY: None. EXCUSED: None.

ORDINANCE #2529

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND

SECTION 1. THAT the following person, a registered voter of the City of Takoma Park, is hereby designated as an alternate Election Official (Judge) for the March 25, 1980 City Election:

Vera M. Lindsey, 7301 Maple Avenue

5. Regarding Takoma Tower's "in lieu of taxes" payment to the City, Mayor Roth noted that when the City first initiated the formula for this, it was to be approximately half of that paid for an equal number of units in a commercial rental building, since the elderly residents would make very little demands on City services; that the building could not operate with any profit; that the formula had worked fine, but now commercial rental building assessments are decreasing while the assessment for Takoma Tower is increasing, which means a higher payment for them; made a motion that the current formula of 4% of gross annual rental income be modified to 2½% and that it be reviewed periodically for any necessary changes; the motion was seconded by Councilman Weisman. There followed a lengthy discussion regarding the authority of person that asked for this change; it was also noted by Councilmembers that the rental increases being received by tenants of the building would probably not be affected by decreasing the "in lieu of taxes" payment. When the motion was put to a vote it was approved by a 4 to 3 vote with Councilmembers Faulkner, Garcia, Webb and Weisman voting in favor, and Councilmembers Forshee, Ricks and Saloma voting against. Councilman Forshee made a motion for reconsideration which was seconded by Councilman Ricks; Mayor Roth stated that this was an improper motion and could not be considered.

6. Councilman Ricks stated that the questions raised concerning the proposed rent stabilization ordinance (copies available at City Office) need to be taken into consideration; requested the Corporation Counsel to explain Section 8, item 2, why the use of a 5 dwelling unit figure instead of a larger or smaller figure; Corporation Counsel Gingerich stated that that figure was felt to be

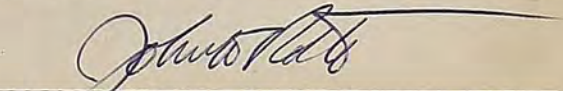
adequate; that it would not affect the smaller building owners; noted that Montgomery County's ordinance uses 3 units and that the Council could change this figure, as it was only offered for their consideration. It was noted by Councilman Faulkner that there have been no complaints of rent increases from smaller buildings and that he felt the owners of small buildings did not have the financial flexibility of the larger buildings; Councilman Ricks stated that if the owners of 5 units or less are not regulated, they could raise rents any amount; moved that item 2 in Section 8 be deleted from the ordinance; the motion failed for lack of second. Several Councilmembers noted that a majority of persons speaking on the ordinance that evening had requested postponement of decision until there was more input from tenants and landlords and that the attendance at the public hearing did seem to show that it was not an emergency situation, although some action is needed. Councilman Faulkner made a motion that the public hearing be continued to a date 8 weeks from March 24, 1980, so that landlords and tenants would have enough time to find out about the hearing and attend, and that the March 10, 1980 effective date of the ordinance would still be in effect; this was seconded by Councilman Webb. Councilman Ricks stated that he thought the ordinance should be discussed and action taken on it immediately; Councilman Garcia moved to amend the motion to continue the hearing in 4 weeks (to the Council meeting of April 28); the amendment was accepted by Councilman Faulkner. Several Councilmembers supported the idea of continuance so as to provide for more input from those persons who would be affected by the ordinance. Corporation Counsel stated that if the ordinance were adopted immediately, in his opinion, the Courts would not uphold the ordinance because it was adopted without enough evidence that it was an emergency situation and was done in haste; that if the Council wants the ordinance to hold up in Court, it would need a good record to support it. When the motion to continue the public hearing on April 28 was put to a vote, it was approved by the majority of the Council, with Councilman Ricks voting in the negative. Councilman Ricks made a motion to freeze all rents in the City for 60 days until there is enough evidence to prove that there is an emergency situation; this motion failed for lack of a second.

7. Councilman Garcia reported that he and Alan Shaffer, Director of community Development, had appeared before the Prince George's County Council to give testimony in support of the City's CDBG proposal; thought that they were well received and had high expectations that the City would receive the monies requested.

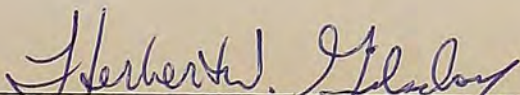
Councilman Garcia wished Councilman Webb success in his future endeavors, noting that this would be the last Council meeting he would be attending because of business out of town; stated that he felt it was a privilege serving with Councilman Webb. Mr. Webb stated that he has enjoyed working for the City as a Councilmember for the almost 10 years. Mayor Roth noted that Mr. Webb had been defeated in the March 1970 election, but in October of that year had been chosen by the Mayor and Council to fill the unexpired term of a Councilmember who had resigned.

Upon motion, duly seconded, the meeting adjourned at 11:30 PM, to reconvene on Monday, April 14, 1980, at 8:00 PM.

APPROVED


John D. Roth, Mayor

ATTEST


Herbert W. Gilsdorf, City Administrator

PROPOSED ORDINANCE

ATTACHMENT
Council meeting minutes
March 24, 1980

WHEREAS, it is the desire of the Mayor and Council of the City of Takoma Park, Maryland, to adopt economic policies reasonably deemed necessary in order to maintain and promote adequate protection of the health, safety and welfare of the Citizens of the City of Takoma Park, Maryland, through the exercise of its police powers by the enactment of this ordinance permitting fair and reasonable compensation to the landlords for the use of their property by tenants, including adjustments in rent in order to meet rising operating expenses, while preventing excessive, unjust, unreasonable and oppressive rent increases, and

WHEREAS, it has been found that there exists a public emergency in the housing of a considerable number of persons in the City; that there exists a serious housing shortage of dwelling units within the City; that no significant construction of new housing units exists; that there is often unequal bargaining power between landlords and tenants particularly in the area of rental amounts and rental increases; that the conversion of rental units to subsidized housing further reduced the adequacy of the supply of rental housing; that the inadequacy of the housing supply together with the extreme rate of inflation and interest rates in the national economy justifies temporary rent control; that the problems associated with housing in the City, including rental amounts, has not resolved itself satisfactorily through self-regulation and voluntary restraint; that in the absence of the regulation of rents, excessive rent increases will seriously impair the health, safety and welfare of a large segment of the population of the City substantially hampering the efforts of the Mayor and Council to effectively protect and promote the health, safety and welfare of the citizens of the City, as well as the general purposes of planning; that announced rent increases in many cases are exorbitant and will result in a great hardship; that action by the

Mayor and Council of the City of Takoma Park, Maryland, is imperative in order to protect the health, safety and welfare of the citizenry; and

WHEREAS, it has been determined by the Mayor and Council of the City of Takoma Park, Maryland, to adopt an ordinance to establish rent stabilization and such regulations and controls as are necessary, and in order to prevent excessive, unjust, unreasonable and oppressive rent increases; to forstall profiteering, speculation and other disruptive practices tending to impair the public health, safety and general welfare; to provide for complaint, investigation, hearing, determination, enforcement and appellate procedures; to fix penalties for violations thereof and to establish responsibilities and duties thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

SECTION 1. The Mayor and Council finds that a public emergency exists in the housing of a considerable number of persons in the City; that there exists a serious housing shortage of dwelling units within the City; that no significant construction of new housing units exists; that there is often unequal bargaining power between landlords and tenants, particularly in the area of rental amounts and rental increase that the conversion of rental units to subsidized housing further reduced the adequacy of the supply of rental housing; that the inadequacy of the housing supply, together with the extreme rate of inflation and interest rates in the national economy, justifies temporary rent control; that the problems associated with housing in the City, including rental amounts, has not resolved itself satisfactorily through self-regulation and voluntary restraint; that in the absence of the regulation of rents, excessive rent increases will seriously impair the health, safety and welfare of a large segment of the population of the City

substantially hampering the efforts of the Mayor and Council to effectively protect and promote the health, safety and welfare of the citizens of the City, as well as the general purposes of planning; that announced rent increases in many cases are exorbitant and will result in a great hardship; that action by the Mayor and Council of the City of Takoma Park, Maryland, is imperative in order to protect the health, safety and welfare of the citizenry.

SECTION 2. Rent for any particular dwelling unit in a multiple family dwelling facility may be increased in an amount not to exceed 10% of the base rent charged on March 10, 1980, unless unusual factors justify otherwise.

SECTION 3. Whenever a landlord imposes a rent increase of more than 10%, the landlord shall provide an affidavit on a form provided by the City Administrator setting forth the justification for the increase. Upon receipt of the affidavit, the City Administrator shall review the justification presented by the landlord and determine whether the rent increase was reasonable based on the landlord's presentation. In the event the City Administrator shall determine that the increase in rent was justified, he shall by letter notify the landlord and tenant of his approval. In the event the City Administrator shall determine that the landlord was not justified in increasing rent above 10%, he shall notify the landlord and tenant of his finding. Should the landlord or tenant disagree with the findings of the City Administrator, the landlord or tenant may note an appeal to the Mayor and Council, which Notice of Appeal must be filed in writing within ten (10) days of the date of the notification of the approval or denial of the rent increase.

SECTION 4. No landlord may charge an increase in rent unless written notice is given to the tenant affected thereby at least sixty (60) days prior to the effective date of such rent increase. No tenant shall receive more than one (1) rent increase per annum. For rental facilities of twelve or more dwelling units, notice of such increase shall be given simultaneously to the City Administrator.

SECTION 5. (a) The City Administrator shall be responsible for the investigation of all complaints filed with respect to rental housing and in this regard shall have authority to require landlords who are subject to such complaints to reveal as provided by law all matters pertaining to the operation of rental facilities.

(b) The City Administrator shall also monitor all actual and proposed rent increases. In cases where the City Administrator believes the rental increases are more than 10%, he shall investigate to determine the reasons for the rent increase without the need of a formal complaint, and with the full authority to investigate as if a complaint were filed.

SECTION 6. (a) In the event the City Administrator determines that a fact-finding hearing is necessary to compile additional information prior to making a determination of the merits of a rent increase of more than 10%, the City Administrator, or his designee, may conduct such hearing. Notice of the hearing and its time and place shall be given to the landlord whose rent increases are more than 10%, all tenants who are or may be affected by the rent increases, any known resident tenant association or organization, and any person who filed with the City Administrator a comment relative to the landlord's justification of the rent increase. Such notice shall be prepared and transmitted by the office in such form and such process as the City Administrator shall prescribe.

(b) The hearing shall be open to the public. In conducting hearings, the City Administrator shall have the power to summon all witnesses. Summonses must be signed by the City Administrator and shall require the attendance of named persons and the production of relevant documents and records. Failure to comply with a summons shall constitute a violation of this Ordinance and shall be referred to the Corporation Counsel's Office in order to obtain an appropriate order from the Circuit Court for either Montgomery County or Prince George's County to insure compliance with the summons. Any party to the hearing

may request the issuance of a summons. The City Administrator shall include in the hearing record testimony of the professional staff members of the City and such other witnesses as may be relevant to the issues posed in the hearing. The City Administrator may also request from the landlord such additional information and documents as the City Administrator considers relevant. Any party to a hearing, at the party's option, may appear in person before the City Administrator, or may appear by a duly authorized representative and may have the assistance of an attorney. The parties may present testimony and evidence which shall be given under oath or by affirmation. The parties may also cross-examine any witness presenting testimony at a public hearing. A verbatim record of the hearing shall be made. The record shall be open to inspection by any person and, upon request by any party to the proceeding, the office shall furnish such party a copy of the hearing record at such charges as are necessary to meet costs. The City Administrator's decision shall become the final decision unless appealed to the Mayor and Council.

SECTION 7. Any person aggrieved by the Mayor and Council's action may appeal to the Circuit Court for Montgomery County or Prince George's County in accordance with the Maryland Rules of Procedure for review of such action and may further appeal to the appellate courts a decision by the Circuit Court.

SECTION 8. This ordinance is applicable to all dwelling units located in the City, except the following:

- (1) any establishments which have as their primary purpose the providing of diagnosis, cure, mitigation, and treatment of illnesses for residents;
- (2) dwelling units owned by a person who owns fewer than five (5) rental dwelling units within the City;
- (3) one-family dwellings, semi-detached dwellings, and townhouses not located within a centrally managed multi-family housing community offering services substantially similar to those offered to apartment dwellers;

(4) dwelling units which are part of federal government assisted multi-family housing projects and which require accountability of rent returns to the federal government or to dwelling units which are part of multi-family housing projects owned and operated by the Montgomery County Housing Opportunities Commission;

(5) dwelling units whose rents fall within the Section Eight market guidelines which are occupied by tenants participating in the federal government's Section Eight Housing Assistance Payments Program and whose owners receive housing assistance payments on behalf of those eligible tenants;

(6) dwelling units vacated after Marcy 10, 1980;

(7) dwelling units having a monthly rent in excess of \$600.00 per month as of March 31, 1979.

SECTION 9. (a) The City Administrator is authorized to adopt such regulations as may be necessary to administer this Ordinance properly.

(b) In the enforcement of any of the provisions of this Ordinance, necessary proceedings, including proceedings for the production of documents, may be instituted by the Corporation Counsel's Office after referral by the City Administrator. The Corporation Counsel after a matter has been referred by the City Administrator, may institute appropriate legal action, or refer the matter back to the City Administrator for such additional information or action necessary to take appropriate legal action. Nothing herein shall limit the authority of the Corporation Counsel to initiate prosecution or bring actions in law or equity for violation of any local law, ordinance or regulation, whether or not the City Administrator has made a formal referral.

(c) Any landlord who violates any provision of this Ordinance shall be liable for payment to the City of Takoma Park, Maryland, of a civil penalty, recoverable in a civil action in Circuit Court of Montgomery County or Prince George's County, in an amount

not to exceed \$500.00 for each such violation.

SECTION 10. This Ordinance shall be null and void at 12:00 midnight on March 10, 1981.

SECTION 11. The Mayor and Council declares that an emergency exists and that this ordinance is necessary for the immediate protection of public health, safety and welfare. Therefore, this Ordinance shall take effect immediately upon its adoption.

THE CITY OF TAKOMA PARK, MARYLAND

March 26, 1980

SPECIAL MEETING OF THE MAYOR AND COUNCIL TO
RECEIVE MARCH 25, 1980 ELECTION REPORT FROM
JUDGES AND CLERKS OF THE ELECTION

The meeting was called to order at approximately 8:00 PM, with Mayor Roth in the chair. Others present were Councilmembers Faulkner, Garcia, Ricks, Saloma and Weisman; the City administrator; the City Clerk; Chairman of the Board of Elections, Clem J. Roski; and Election Judges Clarence M. Boatman, Charlene L. Cohen, Bertha L. Gesell, Eleanor S. Jaeger, Claire B. Kozel, Dorothy J. Malusky, Barbara M. McCashin, Joanne M. Mood, Florence A. Nishimoto, Cicero Satterfield, Maureen A. Thompson, Octa B. Winter, Edward Zerne and Vera M. Lindsey.

The Chairman of the Board of Elections presented the following report to the Mayor and Council:

Mayor and City Council
City of Takoma Park
7500 Maple Avenue
Takoma Park, Maryland 20012

Mayor and Councilmembers:

The duly appointed and qualified Judges of Election are pleased to submit the following report of the City Election held on the 25th day of March 1980, in the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

The Board was organized with the appointment of Clem J. Roski, Chairman; Amoke Alakoye, Clarence M. Boatman, Charlene L. Cohen, Edgar C. Dawson, Bertha L. Gesell, Eleanor S. Jaeger, Floyd W. Kester, Claire B. Kozel, Dorothy J. Malusky, Barbara M. McCashin, Joanne M. Mood, Florence A. Nishimoto, Cicero Satterfield, Max S. Solomon, Maureen A. Thompson, Octa B. Winter, Edward Zerne and Vera M. Lindsey as Judges, after having taken the prescribed Oath of Office before Mayor Roth. The polls were opened at the legal hour of 7:00 AM, and closed at the legal hour of 8:00 PM.

The following candidates for Mayor received the number of votes set opposite their names:

Sammie A. Abbott	1,324
Joseph A. Faulkner	1,060
Ronald J. Wylie	437

Candidates for Councilmembers received the following number of votes:

1ST AND 2ND WARDS, MONTGOMERY COUNTY

Jennifer L. Saloma	1,678
David B. Weisman	1,666

3RD AND 4TH WARDS, MONTGOMERY COUNTY

James F. Holland	1,518
Vernon H. Ricks, Jr.	1,638

5TH WARD, MONTGOMERY COUNTY

Clayton D. Forshee	1,078
Donald D. Ramsey	1,336

6TH AND 7TH WARDS, PRINCE GEORGE'S COUNTY

Frank V. Garcia	1,554
Norman E. Patrick, III	1,467

The following candidate for Mayor received the highest number of votes, and was duly elected Mayor for a period of two years from the second Monday in April 1980:

Sammie A. Abbott

The following candidates for Councilmembers received the largest number of votes in their respective wards and were duly elected Councilmembers for a period of two years from the second Monday in April 1980:

1ST AND 2ND WARDS, MONTGOMERY COUNTY:

Jennifer L. Saloma
David B. Weisman

3RD AND 4TH WARDS, MONTGOMERY COUNTY:

James F. Holland
Vernon H. Ricks, Jr.

5TH WARD, MONTGOMERY COUNTY:

Donald D. Ramsey

6TH AND 7TH WARDS, PRINCE GEORGE'S COUNTY:

Frank V. Garcia
Norman E. Patrick, III

-3-

The votes cast on the proposed Charter Amendment, Question A, are listed below. A copy of the text of the Charter Amendment is appended hereto.

QUESTION A
PROPOSED CHARTER AMENDMENT

Amend the City Charter to provide that one member of the Council be elected from each ward by the voters of that ward only.

FOR the Charter Amendment	1,463
AGAINST the Charter Amendment	580

The results of the election indicates that 2,834 registered voters cast their votes, 80 of which were cast by absentee ballot. The City Clerk informs us that there were a total of 7,889 certified registered voters, 5,434 of whom are registered in Montgomery County, and 2,455 in Prince George's County.

Certificates of Election in accordance with the results stated above have been prepared, and it is my pleasure to present them at this time.

Respectfully submitted,

Clem J. Roski
Chairman

Mayor Roth thanked the Judges for their efforts and adjourned the meeting at 8:10 PM.

APPROVED: _____

John Roth
Mayor

ATTEST: _____

M. Sibyl Pusti
City Clerk

**CHARTER AMENDMENT TO DELETE "AT-LARGE" VOTING FOR COUNCILMEMBERS
AND PROVIDE FOR "WARD-ONLY" VOTING FOR COUNCILMEMBERS**

by substituting new language in place of Sec. 1.3 (c) and (e) as follows:

Sec. 1.3 (c) Beginning with the election to be held on the fourth Tuesday in [March 1966] MARCH 1980 and every second year thereafter, the mayor [and councilmen] shall be elected at large; [two councilmen shall be elected from within the boundaries of the First and Second Ward within the city; two councilmen shall be elected from within the boundaries of the Third and Fourth Ward within the city; one councilman shall be elected from within the boundaries of the Fifth Ward within the city; and two councilmen shall be elected from within the boundaries of the Sixth and Seventh Ward within the city.] **ONE MEMBER OF COUNCIL SHALL BE ELECTED FROM EACH OF THE WARDS BY VOTERS OF THAT WARD ONLY.**

Sec. 1.3 (e) The candidate receiving the largest number of votes for mayor shall be declared elected. [The candidate receiving the largest number of votes and the candidate receiving the next largest number of votes from the First and Second Ward and the candidate receiving the largest number of votes and the candidate receiving the next largest number of votes from the Third and Fourth Ward and the candidate receiving the largest number of votes from the Fifth Ward and the candidate receiving the largest number of votes and the candidate receiving the next largest number of votes from the Sixth and Seventh Ward shall be declared elected.] **THE CANDIDATE FOR COUNCIL RECEIVING THE LARGEST NUMBER OF VOTES IN EACH WARD SHALL BE DECLARED ELECTED.**

*Please note: [Language inside of bold brackets is to be deleted]
and the NEW LANGUAGE proposed is in CAPITAL LETTERS.*