

City of Hyattsville

Hyattsville Municipal Building
4310 Gallatin Street, 3rd Floor
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org



Agenda Regular Meeting

https://us06web.zoom.us/webinar/register/WN_K5RexM1OTZ61o-ONQ7PKlg

Monday, November 18, 2024

7:00 PM

Virtual

City Council

Robert S. Croslin, Mayor
Joseph Solomon, Council President, Ward 5
Joanne Waszczak, Council Vice President, Ward 1
Sam Denes, Ward 1
Danny Schaible, Ward 2
Emily Strab, Ward 2
Jimmy McClellan, Ward 3
Kareem Redmond, Ward 3
Edouard Haba, Ward 4
Michelle Lee, Ward 4
Rommel Sandino, Ward 5

ADMINISTRATION

Tracey E. Douglas, City Administrator
Nate Groenendyk, City Clerk, 301-985-5001, cityclerk@hyattsville.org

WELCOME TO THE CITY OF HYATTSVILLE CITY COUNCIL MEETING!
Your participation at this public meeting is valued and appreciated.

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1. **Call to Order and Council Roll Call**
2. **Pledge of Allegiance to the Flag**
3. **Approval of Agenda**
4. Moment of Silence for Earl Isaac
5. **Approval of the Minutes**

5.a. Approval of the Minutes[HCC-154-FY25](#)

I move that the Mayor and Council approve the Council Meeting Minutes of April 15, 2024, August 5, 2024, and October 21, 2024.

Sponsors: City Administrator

Department: City Clerk

Attachments: [Minutes Oct 21 2024](#)
[Minutes August 05 2024](#)
[Minutes Apr 15 2024](#)

6. **Public Comment (7:10 p.m. – 7:20 p.m.) Complete Speaker Card, Limit 2 minutes per speaker**

7. **City Administrator Update (7:20 p.m - 7:45 p.m.)**

8. **Proclamations**

8.a. **Proclamation Recognizing November 18-22, 2024, as American Education Week** [HCC-124-FY25](#)

I move that the Mayor and Council adopt a proclamation recognizing November 18-22, 2024 as American Education Week.

Sponsors: City Administrator

Department: City Clerk

Attachments: [CM 1118 American Education Week 2024](#)

8.b. **Proclamation Recognizing December 1, 2024, as World AIDS Day in the City of Hyattsville** [HCC-133-FY25](#)

I move that the Mayor and Council recognize December 1, 2024, as World AIDS Day in the City of Hyattsville.

Sponsors: City Administrator

Department: City Clerk

Attachments: [CM 1118 World AIDS Day Proclamation](#)

8.c. **Proclamation Recognizing November 30, 2024, as Small Business Saturday in the City of Hyattsville** [HCC-149-FY25](#)

I move that the Mayor and Council adopt a proclamation recognizing November 30, 2024, as Small Business Saturday in the City of Hyattsville.

Sponsors: City Administrator

Department: City Clerk

Attachments: [Small Business Saturday 2024](#)

9. **Consent Items (7:45 p.m. 7:50 p.m.)**

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9.a. Disbursement of Ward 3 Discretionary Funds [HCC-155-FY25](#)

I move that the Mayor and Council authorize the disbursement of \$268.04 of Ward 3 FY25 discretionary funds to Councilmember Redmond as reimbursement for the Ward 3 Check-In.

Sponsors: Redmond

Department: Legislative

Attachments: [Receipt.pdf](#)

9.b. Federal Bureau of Investigation Cross Border (Cross Jurisdictional) Task Force Memorandum of Understanding [HCC-160-FY25](#)

I move that Mayor and Counsel authorize the City Administrator to enter into an Memorandum of Understanding with the Federal Bureau of Investigation (FB) Cross Border Task Force pending legal sufficiency.

Sponsors: City Administrator

Department: Police Department

Attachments: [DRAFT_CBTF_Hyattsville_PD_MOU](#)

9.c. Disbursement of Ward 4 Discretionary Funds [HCC-161-FY25](#)

I move that the Mayor and Council authorize the disbursement of Ward 4 Discretionary Funds in the amount of \$324.97 to Councilmember Lee as reimbursement for refreshment and supplies for the Ward 4 Check-in on October 12, 2024.

Sponsors: Lee and Haba

Department: Legislative

Attachments: [IMG_5247.jpeg](#)

[IMG_5246.jpeg](#)

10. Action Items (7:50 p.m. - 8:30 p.m.)

10.a. Variance Request V-70-24, 5408 40th Ave

[HCC-164-FY25](#)

I move the City Council authorize the Mayor to send a letter to the Board of Zoning Appeals requesting the denial of zoning variance application V-70-24, for the subject property located at 5408 40th Avenue; specifically for the request for additional net lot coverage.

Sponsors: City Administrator

Department: Community & Economic Development

Attachments: [2024-10-24 Memo-V-70-24 .ju](#)
[V-70-24 Binder](#)
[City of Hyattsville Zoning Variance Policy Statement & Variance Process ENGLISH](#)

10.b. Adoption of FY25 Legislative Agenda

[HCC-163-FY25](#)

I move that the Mayor and Council adopt the following legislative and bond bill priorities to be presented at a Joint District 22 Legislative Dinner on December 3, 2024.

Legislative Priorities:

- Affordable Housing
- Environmental Sustainability & Justice
- Grants/Programs for Recruitment & Retention of Police Officers
- Infrastructure & State Rd Improvements
- Juvenile Justice Reform
- Land Use Authority
- Mental Health & Addiction Support
- Regional Economic Development & Growth

Bond Bill Priorities:

Municipal Building Renovation - 2nd floor renovation after Police relocation - \$650K
West Hyattsville Green Alley Public Safety : Alley Lighting and Streetscape - \$350K
Public Infrastructure Public Safety Green Street Project (Jamestown Road Greenstreet and Stormwater project - \$1M.

Sponsors: City Administrator

Department: City Administrator

11. Discussion Items (8:30 p.m. - 9:30 p.m.)

11.a. Rent Stabilization Ordinance

[HCC-132-FY25](#)

Discussion

Sponsors: City Administrator

Attachments: [Updated 10.8.14 Copy V.1 City Attorney Draft to Staff 9.4.24](#)
[AOBA Comments on Draft Ordinance Oct 2024](#)
[CASA Comments on Draft Ordinance Oct 2024](#)
[Memo to City Council Rent Stab. Meeting Dev. Summary Oct 16](#)

11.b. Ranked Choice Voting Referendum for May 2025 City Election

[HCC-162-FY25](#)

For Discussion

Sponsors: Schaible, Waszczak and Denes

Department: Legislative

12. Council Dialogue (9:30 p.m. - 9:40 p.m.)

13. Motion to Adjourn



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Agenda Item Report

File #: HCC-154-FY25

11/18/2024

5.a.

Submitted by: Quianna Taylor
Submitting Department: City Clerk
Agenda Section: Approval of the Minutes

Item Title:
Approval of the Minutes

Suggested Action:
I move that the Mayor and Council approve the Council Meeting Minutes of April 15, 2024, August 5, 2024, and October 21, 2024.

Summary Background:
Action summaries for Council Meetings are posted to the City website within 48 hours of the meeting. Please see attached minutes.

Next Steps:
Upon approval, approved minutes will be posted on the City's website.

Fiscal Impact:
N/A

City Administrator Comments:
Recommend approval.

Community Engagement:
N/A

Strategic Goals:
Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?
N/A

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1. Call to Order and Council Roll Call

Call to order at 7:02 PM

Also Present:

City Administrator Tracey Douglas
 Deputy City Administrator Laura Reams
 Treasurer Ron Brooks
 Director of Public Works Lesley Riddle
 Deputy Director of Public Works Hal Metzler
 Deputy Director of Public Works Priyanka Joshi
 Director of Community Services Sandra Shephard
 Director of Human Resources Jay Joyner
 City Clerk Nate Groenendyk
 Deputy City Clerk Quianna Taylor
 Emergency Services Coordinator Reggie Bagley
 ARP Funds Manager Patrick Paschall

Present: Mayor Robert Croslin
 Council President Joseph Solomon
 Council Vice-President Joanne Waszczak
 Councilmember Sam Denes
 Councilmember Danny Schaible
 Councilmember Emily Strab
 Councilmember Jimmy McClellan
 Councilmember Kareem Redmond
 Councilmember Michelle Lee
 Councilmember Edouard Haba
 Councilmember Rommel Sandino

2. Pledge of Allegiance to the Flag**3. Approval of Agenda**

A motion was made by Councilmember Schaible, seconded by Councilmember Lee, that this item was Approved. The motion carried by the following vote:

Aye: Croslin, Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, Haba, and Sandino

4. Approval of the Minutes**4.a. Approval of the Minutes**[HCC-108-FY25](#)

I move that the Mayor and Council approve the minutes of the October 7, 2024, Public Hearing and October 7, 2024, Council Meeting.

Sponsors: City Administrator

Attachments: [Minutes Public Hearing Oct 7 2024](#)
[Minutes Oct 7 2024](#)

A motion was made by Council President Solomon, seconded by Councilmember Strab, that this agenda item be Approved. The motion carried by the following vote:

Aye: Croslin, Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, Haba, and Sandino

5. Public Comment (7:10 p.m. – 7:20 p.m.) Complete Speaker Card, Limit 2 minutes per speaker

Daniel Broder (Ward 2) stated that he is in favor of the new flag design. He also urged the Council to rethink signing onto the settlement from CSX as the amount offered does not cover the environmental impact.

Greg Smith (Ward 1) supports the climate action plan and asks that the Council consider implementing additional measures. He agrees with Daniel Broder that the CSX settlement amount is too low.

Melissa Schweisguth stated that she is disappointed in the CSX settlement. She is in favor of the climate action plan and asks that the Council consider equity and inclusion measures that include socio-economic impact on residents.

Mr. Marshall stated that he is not in favor of installing more speed humps in Hyattsville. He also advised that he's seen the street sweeper in his neighborhood, and does not like the new flag design. Lastly he proposed that the City create and implement a prescription drug plan stipend program for retired City employees.

6. City Administrator Update (7:20 p.m - 7:40 p.m.)

Ethan Sweep from Congressman Ivey's Office provided updates on potential grant funding and community awards.

City Administrator Douglas provided an update on upcoming events and City projects, and advised that the final ARPA motion to obligate all remaining funds will be included in the November 4, 2024 meeting. Emergency Manager Reggie Bagley provided feedback about the CSX settlement and ongoing derailment mitigation meetings.

Councilmembers Redmond and Waszczak discussed traffic diversion on Adelphi Road and asked about temporary traffic calming measures. City Administrator Douglas advised that they could speak offline.

7. ARPA Update (7:40 p.m. - 7:50 p.m.)

This item was presented as a part of the City Administrator report.

8. Presentations (7:50 p.m. - 8:10 p.m.)**8.a. West Hyattsville Green Alley Improvement Project Concept Design Presentation**[HCC-085-FY25](#)

For Presentation.

Sponsors: City Administrator

Deputy Director of Public Works Priyanka Joshi and Jenny Smeltzer (Neighborhood Design Center) provided an overview of the West Hyattsville Green Alley Improvement Project.

9. Proclamations

A motion was made by Council Vice-President Waszczak, seconded by Councilmember Strab, that this item was Approved. The motion carried by the following vote:

Aye: Croslin, Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, Haba, and Sandino

9.a. Proclamation Recognizing Economic Development Week in the City of Hyattsville[HCC-114-FY25](#)

I move that the Mayor and Council adopt a proclamation recognizing the week of October 21 - 25, 2024, as Economic Development Week in the City of Hyattsville.

Sponsors: City Administrator

Attachments: [CM 1021 Economic Development Week.pdf](#)

10. Appointments

A motion was made by Council Vice-President Waszczak, seconded by Councilmember Lee, that this item was Approved. The motion carried by the following vote:

Aye: Croslin, Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, Haba, and Sandino

10.a. Appointment to the Police and Public Safety Citizens' Advisory Committee [HCC-115-FY25](#)

I move that the Mayor and Council approve the appointments of Michelle Brown (Ward 3) and Adriane Powell (Ward 4) to the Police and Public Safety Citizen's Advisory Committee for a term of two (2) years to expire on October 31, 2026.

Sponsors: Strab

Attachments: [Adriane Powell W4 Sept 28 2024 redac](#)
[Michelle Brown W3 Sep 5 2024 redac](#)

11. Consent Items (8:10 p.m. - 8:15 p.m.)

Items listed on the Consent Agenda are considered routine in nature, and are approved in one motion. There will be no separate discussion of these items unless the Mayor/Council request specific items be removed from the Consent agenda for separate action.

A motion was made by Council President Solomon, seconded by Councilmember Strab, that the Consent Agenda was Approved. The motion carried by the following vote:

Aye: Croslin, Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, Haba, and Sandino

11.a. Hyattsville Resolution 2024-02: Hyattsville Climate Action Plan Development and Grant Application [HCC-084-FY25](#)

I move that the Mayor and Council introduce and adopt Hyattsville Resolution 2024-02, a Resolution of the City Council of Hyattsville, Maryland, whereby the City authorizes the submission of a grant application to the Planning Assistance to Municipalities and Communities Program to fund the development of a Climate Action Plan for the City of Hyattsville (INTRODUCTION & ADOPTION).

Sponsors: City Administrator

Attachments: [City of Hyattsville Resolution 2024_02.pdf](#)
[PAMC 2023 Program Guidelines](#)
[PAMC CAP Grant Application](#)

11.b. Traffic Calming Time Extension [HCC-105-FY25](#)

I move the Mayor and Council extend the time requirement regarding Council's decision on traffic calming devices for the 6000 block of 43rd Street (Ward 1) and the 4000 block of Nicholson Steet (Ward 2) to December 2, 2024.

Sponsors: City Administrator

Attachments: [Traffic Calming Petition PPT 20241007 FINAL.pdf](#)
[CityCodeTrafficCalming.pdf](#)

11.c. Disbursement of Ward 3 Discretionary Funds[HCC-106-FY25](#)

I move that the Mayor and Council authorize the disbursement of \$530.90 of Ward 3 FY25 discretionary funds to Councilmember Redmond as reimbursement for the purchase of neighborhood watch signs.

Sponsors: Redmond and McClellan

Attachments: [Receipt.pdf](#)

11.d. Installation of Speed Hump on 31st Avenue[HCC-107-FY25](#)

I move that the Mayor and Council authorize the installation of a speed hump on the 5600 block of 31st Avenue.

Sponsors: City Administrator

11.e. ARPA Compliance Consultant Contract Extension and Increase[HCC-109-FY25](#)

I move that the Mayor and Council authorize the City Administrator to enter into a contract extension and increase with Thomas Michael LLC, for a term to extend through December 31, 2026 and the total contract amount not to exceed \$250,000, for consulting services related to compliance with federal requirements related to the American Rescue Plan Act award funds. These funds are included in the Council approved ARPA spending plan, and the contract terms are subject to review and approval by the City Attorney.

Sponsors: City Administrator

11.f. Renewal Contract with the United States Department of Treasury[HCC-110-FY25](#)

I move that the Mayor and Council authorize the City Administrator to approve a one-year renewal contract between the City of Hyattsville and the United States Department of Treasury, pending legal review and approval. The contract will require the Department of Treasury to reimburse the City for HPD officers who will provide additional security around Department of Treasury premises within the City of Hyattsville. The contract term will begin on October 30, 2024, and extend for one-year.

Sponsors: City Administrator

Attachments: [2033H625R00002](#)

11.g. CSX Agreement[HCC-113-FY25](#)

I move that the Mayor and Council authorize the City Administrator to enter into a reimbursement agreement with CSX for expenses incurred as a result of the CSX train derailment in Hyattsville on September 23, 2023.

Sponsors: City Administrator

Attachments: [Hyattsville.Settlement Agreement.pdf](#)

12. Action Items (8:15 p.m. - 8:40 p.m.)**12.a. Adoption of the New City Flag**[HCC-112-FY25](#)

I move the Mayor and Council adopt the Hyattsville Flag Redesign Committee's recommended "Flower" design as the new Hyattsville flag as presented at the October 7, 2024 Council Meeting.

Sponsors: McClellan, Redmond and Schaible

Attachments: [Recommended Flag.pdf](#)
[Flag Committee Presentation.pdf](#)

CM McClellan thanked the flag committee for their hard work and asked for Council support in adopting the new flag. Councilmembers discussed the overall design and the submission process for residents.

A motion was made by Council President Solomon, seconded by Councilmember Strab, that this agenda item be Approved. The motion carried by the following vote:

Aye: Croslin, Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, Haba, and Sandino

13. Discussion Items (8:40 p.m. - 9:10 p.m.)**13.a. City of Hyattsville Property Tax Relief Programs: Administrative Recommendations Presentation and Council discussion**[HCC-118-FY25](#)

Sponsors: City Administrator

Attachments: [PFMGC Hyattsville Property Tax Relief Study \(2\) 10-16-2024](#)

Treasurer Brooks and Garrett Hincken (PFM Financial Advisors) provided an overview of the proposed changes to the City's Homestead Tax Credit Program and Homeowners Property Tax Credit Program. Treasurer Brooks proposed lowering the current property assessment cap to 6% from the current rate of 10% for the Homestead Tax Credit Program. He also proposed expanding the Homeowner's Tax Credit Program by raising the qualifying property values and lowering income qualifications.

Councilmembers inquired about the following:

- The number of participants in each program
- Potential revenue loss from property tax payments upon implementation
- Potential financial impact of the programs
- Outreach and engagement plans to alert residents to the program changes
- Sliding scale based on household income
- Inclusion of HOA's in the tax credit programs
- Changes in the application process

Treasurer Brooks will follow upon the following requests:

- Request from Council President Solomon to investigate if resident applications are being forwarded to the appropriate offices to receive their tax credits
- Request from CM Denes to investigate if the tax credits given by the state will impact taxes collected by the City

14. Council Dialogue (9:10 p.m. - 9:20 p.m.)

15. Motion to Adjourn

The meeting adjourned at 10:12 PM.

A motion was made by Councilmember Lee, seconded by Councilmember Strab, that this item was Approved. The motion carried by the following vote:

Aye: Croslin, Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, Haba, and Sandino

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https://us06web.zoom.us/webinar/register/WN_CLz_ApnQRf-y5K6zfbxxfg

1. Call to Order and Council Roll Call

The Call to order was 7:03 PM

Also Present:

City Administrator Tracey Douglas

Deputy City Administrator Laura Reams

Director of Community Business and Economic Development Debi Sandlin

City Treasurer Ron Brooks

Chief of Police Jarod Towers

Director of Public Works Lesley Riddle

Director of Community Services Sandra Shephard

Director of Human Resources Jay Joyner

City Clerk Nate Groenendyk

Emergency Services Coordinator Reggie Bagley

ARPA Program Manager Patrick Paschall

Deputy Director of Public Works Hal Metzler

Race and Equity Officer Shakira Louimarre

City Planner Jeff Ulysse

Housing Manager David Cristeal

Present: Council President Joseph Solomon
Council Vice-President Joanne Waszczak
Councilmember Sam Denes
Councilmember Danny Schaible
Councilmember Emily Strab
Councilmember Jimmy McClellan
Councilmember Kareem Redmond
Councilmember Michelle Lee
Councilmember Edouard Haba
Councilmember Rommel Sandino

Absent: Mayor Robert Croslin

2. Pledge of Allegiance to the Flag

3. Approval of Agenda

A motion to amend the agenda and move Item 9.a. from Consent Items to Action Items was made by CM Schaible.

A motion was made by Council President Solomon, seconded by Councilmember Schaible, that this item was Approved as Amended. The motion carried by the following vote:

Aye: Solomon, Waszczak, Denes, Schaible, Strab, Redmond, Lee, and Haba

Aye: Solomon, Waszczak, Denes, Schaible, Strab, Redmond, Lee, and Haba

Absent: Croslin, McClellan, and Sandino

Absent: Croslin, McClellan, and Sandino

4. Public Comment (7:10 p.m. – 7:20 p.m.) Complete Speaker Card, Limit 2 minutes per speaker

Kurt Britzenhofe (Ward 5) expressed concerns over the West Hyattsville/Queens Chapel Road Sector plan and questioned if it will encourage gentrification and displace vulnerable residents.

Jennifer Kubit (Ward 4) urged the Council to act on one accord in reference to the missing middle housing study and limiting the number of permits for development/construction. She also asked that the Council keep their cameras on during meetings.

Jamila Larson lives in Hyattsville and is a volunteer leader for Welcome Home Neighbor, an organization that supports people moving from shelters into independent housing. Over the past two years they have helped furnish apartments for 40 families with the help of volunteers and donors. They are seeking assistance acquiring storage space for donated items.

Melissa Schweisguth (Ward 2) agreed with Jennifer Kubit and asked that the Council turn on their cameras during meetings. She thanked the staff for their support. She touched on the letter to M-NCPPC and asked for more clarity about vandalism, alcohol use, and illegal farming. Lastly, she recommended reduced street parking as a part of the sector plan to enhance driver safety.

Greg Smith disagrees with the zoning bill that was passed by the Prince George's County Council.

Mr. Marshall (Ward 4) is opposed to funding for "The Spot" that does not support constructing a building on that site. He is also opposed to the Stop Light Camera Ordinance and removing parking as a part of the Prince George's County Sector Plan. He also raised concerns about damage to the City Teen Center that was discovered after its purchase. He questioned the integrity of the inspections and asked if there is a way for the City to recoup funds.

5. City Administrator Update (7:20 p.m - 7:40 p.m.)

City Administrator Douglas and Department Heads gave updates on City related news and events. The Council also received more information on the letter to M-NCPPC regarding the Northwest Branch Trail.

6. Presentations (7:40 p.m. - 8:20 p.m.)

6.a. Race & Equity Task Force: Draft 2024 Equity Plan

[HCC-016-FY25](#)

For presentation.

Sponsors: City Administrator

Attachments: [RETF Draft Presentation_073024](#)
[Hyattsville RETF Equity Plan_08.05 Council Packet.pdf](#)

The Council and staff discussed the timeline for completion of the draft plan, future collaborative opportunities with Councilmembers, budgetary impact in the FY26 budget, and including support for residents with intellectual disabilities in the draft plan. City Administrator Douglas also advised that a data analyst position was authorized in the FY25 budget by the Council.

7. Proclamations

A motion was made by Councilmember Redmond, seconded by Councilmember Haba, that this item was Approved. The motion carried by the following vote:

Aye: Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, and Haba

Absent: Croslin, and Sandino

7.a. Proclamation Declaring August 26, 2024 as Women’s Equality Day in the City of Hyattsville [HCC-040-FY25](#)

I move that the Mayor and Council adopt a proclamation to declare August 26, 2024 as Women’s Equality Day in the City of Hyattsville.

Sponsors: City Administrator

Attachments: [CM 0805 Women's Equality Day Proclamation.pdf](#)

7.b. Proclamation Celebrating August as National Black Business Month in the City of Hyattsville [HCC-041-FY25](#)

I move that the Mayor and Council adopt a proclamation celebrating August as National Black Business Month in the City of Hyattsville.

Sponsors: City Administrator

Attachments: [CM0805 Black Business Month Proclamation.pdf](#)

8. Appointments

A motion was made by Council Vice-President Waszczak, seconded by Councilmember Denes, that this item was Approved. The motion carried by the following vote:

Aye: Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, and Haba

Absent: Croslin, and Sandino

8.a. Appointment to the Police and Public Safety Citizens’ Advisory Committee [HCC-039-FY25](#)

I move that the Mayor and Council approve the appointment of Ana Chapa (Ward 1) to the Police and Public Safety Citizen’s Advisory Committee for a term of two (2) years to expire on August 5, 2026.

Sponsors: Strab

Attachments: [Ana Chapa W1 Feb 8, 2024 redac.pdf](#)

9. Consent Items (8:20 p.m. - 8:25 p.m.)

Items listed on the Consent Agenda are considered routine in nature, and are approved in one motion. There will be no separate discussion of these items unless the Mayor/Council request specific items be removed from the Consent agenda for separate action.

A motion was made by Council Vice-President Waszczak, seconded by Councilmember Strab, to approve the Consent Agenda. The motion carried by the following vote:

Aye: Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, and Haba

Absent: Croslin, and Sandino

9.b. Driskell Rec Center 3-Season Pavilions [HCC-024-FY25](#)

I move the Mayor and Council authorize the City Administrator enter into an agreement with Playground Specialists for the purchase and installation of two (2) 3-season Pavilions at Driskell Park Rec Center for an encumbrance not to exceed \$300,000. This purchase will be paid for with state bond bill funding, and the Treasurer is authorized to make the necessary budget modifications to facilitate this expenditure.

Sponsors: City Administrator

Attachments: [PROPOSAL #31702A](#)
[PROPOSAL #31703A](#)
[Driskell park 3 season classroom.pdf](#)
[Driskell Park 3 season classroom - TS-H2070-04-Preliminary.pdf](#)
[Driskell Park 3 season classroom - TS-H2025-04-Preliminary.pdf](#)

9.c. IT Managed Services [HCC-026-FY25](#)

I move the Mayor and Council authorize the City Administrator to execute an IT managed services agreement with Dataprise Inc., 3700 Koppers Street, Suite 520, Baltimore, MD, 21227 for a term of 12-months to include non-recurring and recurring costs and not to exceed \$238,000. This agreement reduces the annual costs of contracted IT managed services by 56%.

Sponsors: City Administrator

9.d. MOU with Revenue Authority of Prince George's County: The Spot [HCC-030-FY25](#)

I move that the Mayor and Council authorize the City Administrator to enter into an MOU with the Revenue Authority of Prince George's County for the purpose of extending the term for the expenditure of \$681,655 in grant funding to support the construction of the community trailhead project, "The Spot". The MOU requires all grant funding to be expended by December 31, 2024.

Sponsors: City Administrator

Attachments: [MOU re The Spot -Smart Growth Grant -tmb 5.28.24](#)

9.e. FY25 Memorandum of Understanding with Capital Area Food Bank [HCC-031-FY25](#)

I move that the Mayor and Council authorize the City Administrator to enter into a Memorandum of Understanding with the Capital Area Food Bank for the continuation of a Mobile Market to include the monthly receipt and distribution of fresh produce at First United Methodist Church from July 1, 2024 through June 30, 2025.

Sponsors: City Administrator

Attachments: [FY25 Mobile Market MOU](#)

9.f. Letter to M-NCPPC Regarding the Northwest Branch Trail [HCC-032-FY25](#)

I move the City Council authorize the Mayor to send correspondence to the Maryland-National Capital Park and Planning Commission requesting the Commission address urban farming, deforestation, public safety, and pet waste along the Northwest Branch Trail.

Sponsors: Solomon, Haba, Sandino and Lee

9.g. Disbursement of Ward 2 Discretionary Funds [HCC-034-FY25](#)

I move that the Mayor and Council authorize the disbursement of Ward 2 Discretionary Funds in the amounts of \$479.08 to Councilmember Strab for Back to School Jam supplies and \$500 to Welcome Home Neighbor.

Sponsors: Schaible and Strab

Attachments: [Amazon.com - Order 111-9238617-1397840.pdf](#)
[Amazon.com - Order 111-1275005-3016240.pdf](#)

9.h. Disbursement of Ward 5 Discretionary Funds [HCC-035-FY25](#)

I move that the Mayor and Council authorize the disbursement of Ward 5 Discretionary Funds in the amount of \$1,000 for the Back to School Jam.

Sponsors: Solomon and Sandino

9.i. FY25 Budget Appropriation: Reappropriate \$5,000 from Maryland Department of Aging (MDoA) FY 2024 Healthy Aging Grant [HCC-037-FY25](#)

I move that the Mayor and Council reappropriate into the FY25 Budget, the Maryland Department of Aging (MDoA) FY24 Healthy Aging Grant in the amount of \$5,000 to continue City programs for older adults.

Sponsors: City Administrator

9.j. Schedule Public Hearing for Traffic Calming Petitions - 43rd Street, 31st Avenue and Nicholson Street [HCC-038-FY25](#)

I move that the City Council schedule a Public Hearing for Monday, Oct 7, 2024 at 6:00 PM, to consider public testimony regarding the Traffic Calming Petitions submitted for the 5600 block of 31st Avenue (Ward 4), the 6000 block of 43rd Street (Ward 1), and the 4000 block of Nicholson Street (Ward 2).

Sponsors: City Administrator

Attachments: [Traffic Calming Flowchart](#)
[4000 Block of Nicholson Street between 40th & 41st_Redacted.pdf](#)
[43rd Street between Oliver St & Oglethorpe St PETITION TO THE CITY OF HYATTSVILLE_Redacted.pdf](#)
[31st Avenue 5600 hundred Block Petition_Redacted.pdf](#)

9.k. Teen Center Exterior - Walkway, Bike Rack, Pour-in-place Site Work [HCC-043-FY25](#)

I move the Mayor and Council authorize the City Administrator to enter into an agreement with NZI for installation of a walking path, bike rack, and pour-in-place site work at the Teen Center, for an encumbrance of \$43,000 under their existing contract. This will be funded using legislative bond bill funding, and the Treasurer is authorized to make the budget amendments necessary to facilitate this expenditure.

Sponsors: City Administrator

Attachments: [Teen Center Proposal 07-08-2024](#)

9.l. Teen Center Exterior - Playground Equipment [HCC-044-FY25](#)

I move the Mayor and Council authorize the City Administrator to enter into an agreement with Playground Specialists to furnish and install playground equipment at the Teen Center, for an amount not to exceed \$200,000. This will be funded using legislative bond bill funding, and the Treasurer is authorized to make the budget amendments necessary to facilitate this expenditure.

Sponsors: City Administrator

Attachments: [Playground Specialists HGAC PR11-20 Teen Ctr Proposal 31936A 06-26-2024.pdf](#)
[L-1 Landscape Layout 2024-01-19.pdf](#)

9.m. Restoration of Emerson Alley [HCC-045-FY25](#)

I move that the Mayor and Council authorize an expenditure not to exceed \$290,000 to NZI Construction for the restoration of Emerson Alley under their current contract with the City. This encumbrance will be made upon final settlement with CSX for the damages caused by the train derailment in Sept 2023. The Treasurer is authorized to make the budget amendments necessary to receive the CSX payment and encumber the funds as authorized.

Sponsors: City Administrator

Attachments: [proposal_CSX Damage Repairs Emerson Alley and Alt Rt 1 4.22.2024](#)

9.n. Installation of INet and Public Wifi pilot Project - Phase 1 - ARPA Funded [HCC-046-FY25](#)

I move that the Mayor and Council authorize the City Administrator to enter into an agreement with Systems Application & Technologies, Inc (SA-Tech) for an amount not to exceed \$360,000 for the installation of private fiber optic cable from 4310 Gallatin Street to 3505 Hamilton Street, to include connecting the Driskell Park Community building. Additionally, SA-Tech will provide turn-key public wifi connections to King Park, Driskell Park, and Hyatt Park as a pilot project for the City. This work will be facilitated by utilizing a rider on Prince George's County Master Agreement for Information Technology Professional Consulting Technical Services dated February 3, 2023, pending legal review. The Treasurer is authorized to make the budget amendments necessary to encumber the funds using American Rescue Plan Act (ARPA) funds as previously approved by Council.

Sponsors: City Administrator

Attachments: [Sa_Tech City of Hyattsville Police Department and Access Points Latetrals Fiber Project Quote Submittal CJ 2024_06_25 \(1\)](#)

9.o. Purchase of Upfitting for Unmarked Police Vehicle [HCC-048-FY25](#)

I move Mayor and Council to authorize the purchase of a vehicle upfitting from Frontline Mobile Tech in an amount not to exceed \$13,970.00.

Sponsors: City Administrator

Attachments: [Front Line Mobile Tech.002841.v1.64 Redacted](#)

9.p. FY25 Budget Amendment: Special Revenues Budget Appropriation of American Rescue Plan Act Funds [HCC-050-FY25](#)

I move that the Mayor and Council amend the FY25 Special Revenues Fund Budget and appropriate the remaining ARPA fund balance of \$8,627,160 to cover anticipated expenditures in various categories to include, but not limited to, salaries, supplies, contract services, professional services, capital equipment, miscellaneous reimbursements, and grant awards through December 31, 2024. All ARPA funds must be obligated by December 31, 2024, and all obligated funds must be spent by December 31, 2026.

Sponsors: City Administrator

9.q. FY25 Budget Amendment: Special Revenues Funds Budget Appropriation of FEMA COVID-19 Reimbursement Grant Funds [HCC-051-FY25](#)

I move that the Mayor and Council amend the FY25 Special Revenues Funds Budget to appropriate the amount not to exceed \$198,662 to close-out COVID-19 FEMA Reimbursement Grant Funds. These funds cover the remaining close-out costs for vaccines, equipment, and testing sites that are 100% reimbursed by FEMA for the period ending June 30, 2024.

Sponsors: City Administrator

9.r. Resident Satisfaction Survey Firm Selection [HCC-052-FY25](#)

I move the Mayor and Council authorize the City Administrator to enter into a contact with Probolsky Research for a resident satisfaction survey at a cost not to exceed \$35,000, upon the review and approval of the City Attorney for legal sufficiency.

Sponsors: City Administrator

9.s. FY25 Budget: Accept and Appropriate Grant Award from The Governor's Office of Crime Patrol and Prevention [HCC-055-FY25](#)

I move that Mayor and Council accept and appropriate into the FY25 Special Revenue Fund, the SFY24 Byrne Justice Assistance Grant (BJAG) - White Papers Grant in the amount of \$90,000 to be used for the AVoIP system at 3505 Hamilton Street.

Sponsors: City Administrator

Attachments: [AwardPacketAuthorizedOfficial_Generated](#)

9.t. Contract with Activu Regarding the AV-Over-IP system for the Communications Department at 3505 Hamilton Street [HCC-053-FY25](#)

I move that the Mayor and Council authorize the City Administrator to execute a contract with Activu for the design, purchase, and installation of a AVoIP system for the communications department at 3505 Hamilton Street in an amount not to exceed \$390,000, pending the review and approval of the City Attorney for legal sufficiency.

Sponsors: City Administrator

10. Action Items (8:25 p.m. - 9:45 p.m.)

9.a. Lease of 4631 Baltimore Ave for Potential Environmental Depot[HCC-011-FY25](#)

I move the Mayor and Council authorize the City Administrator to negotiate and enter into a lease for 4631 Baltimore Ave to be a drop off site for residents and the potential site of the Hyattsville Environmental Depot. An expenditure not to exceed \$45,000 is authorized for the first year of the lease to be funded from the Public Works FY25 budget. The Treasurer is authorized to make the budget amendments necessary to encumber this expenditure.

Sponsors: City Administrator

Attachments: [4631 Baltimore Ave Letter of Intent - FE \(6.28.24\)](#)

CM Schaible asked for clarification for why this site was picked, and intended uses of the space including staffing needs and hours of operation. He also asked if the City was seeking grant funding to cover lease expenses and why the City negotiated a 21 year lease. CM Schaible was advised by Director Riddle and Deputy Director Metzler that this site was chosen because of its location, general viability, and the presence of storage bays. Other sites were unsuitable due to budget constraints and space availability. The City is seeking funding via congressional earmarks which are being supported by Congressman Ivey as well as EPA grants, however the funding options require City ownership or the presence of a long term lease (15-25 years). The City was able to include a clause that the lease can be terminated within 2 years for any reason. Presently, additional staff would not be necessary, but the long-term goal is for the depot to be open seven days a week and be open to the larger community (non-residents would have fees assessed to them).

The Council also discussed the timeline for use of the new building, terms of the lease, and funding options.

A motion was made by Council Vice-President Waszczak, seconded by Councilmember Denes, that this agenda item be Approved. The motion carried by the following vote:

Aye: Solomon, Waszczak, Denes, Strab, McClellan, Redmond, Lee, Haba, and Sandino

Absent: Croslin

Abstain: Schaible

10.a. Purchase of Park and Playground Equipment for the Trolley Trailhead Park project - ARPA Funded [HCC-020-FY25](#)

I move the Mayor and Council authorize the City Administrator to enter into an agreement with Playground Specialist for the furnishing and installation of park and playground equipment for the Trolley Trailhead Park project, current referred to as "The Spot", for an encumbrance of \$250,000. This will be funded using American Rescue Plan Act (ARPA) funds as previously authorized by Council, and the Treasurer is authorized to make the budget amendments necessary to facilitate this expenditure.

Sponsors: City Administrator

Attachments: [240703 - Trolley Trailhead Park - Playground Specialists - PROPOSAL #31982A](#)
[2024-03-11-Site Concept The SPOT.pdf](#)

Director of Public Works Lesley Riddle and Deputy Director of Public Works Hal Metzler provided an overview and update to the Trolley Trail Head ("The Spot") project.

The staff and Council discussed site accessibility, and park amenities such as a circuitous trails and a play space for children. Director Riddle advised that there are no current plans for building construction at the site.

A motion was made by Council Vice-President Waszczak, seconded by Councilmember Strab, that this agenda item be Approved. The motion carried by the following vote:

Aye: Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, Haba, and Sandino

Absent: Croslin

10.b. Hyattsville Ordinance 2024-04: Stop Sign Monitoring Systems in School Zones [HCC-033-FY25](#)

I move that the Mayor and Council introduce Hyattsville Ordinance 2024-04, an ordinance whereby the City Council amends the City Code, Chapter 114, Article II Traffic Regulations to add Section 114-10, Stop Sign Monitoring Systems in School Zones (INTRODUCTION & FIRST READING).

Sponsors: City Administrator

Attachments: [REVISED HO-2024-04 Section 114-10 stop sign monitoring draft 7.15.24 4879-6765-2556 v.1 4865-6567-3168 v.2 .1.pdf](#)

Chief Towers provided an overview of the stop sign monitoring program, which included information about fines, the warning period, and a timeline for implementing the program.

The Council and staff discussed fines for stop sign violations, the process to challenge citations, and the geographic area that will be included in this program. Chief Towers also discussed the process the police department will use to assess the best places to install the camera and community outreach to alert residents to the program.

A motion was made by Council Vice-President Waszczak, seconded by Councilmember Lee, that this agenda item be Approved. The motion carried by the following vote:

Aye: Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Haba, and Sandino

Absent: Croslin

Abstain: Lee

10.c. Staff Draft II West Hyattsville-Queens Chapel Sector Plan and SMA

[HCC-049-FY25](#)

I move the Mayor and Council authorize correspondence to the M-NCPPC Planning Board in support of and recommending the incorporation of the revisions as detailed in the staff memo dated August 5th, 2024, to the Staff Draft II West Hyattsville Queens Chapel Sector Plan and SMA.

Sponsors: City Administrator

Attachments: [2024-07-16_Staff Report - Draft WHQC Sector Plan and SMA v2.ju Presentation.pdf](#)

Interim Community, Business & Economic Director Jeff Ulysse provided a recap of the sector plan and opened the discussion for comments to add to the letter.

Council discussed the equity implications of the Sector Plan and asked that the language regarding the request for the missing middle housing study, be clear that the study should not slow down the progress of the plan. Additionally, Council expressed its support for incentivizing new housing opportunities as well as accessory dwelling units.

A motion was made by Council Vice-President Waszczak, seconded by Councilmember Sandino, that this agenda item be Approved. The motion carried by the following vote:

Aye: Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, Haba, and Sandino

Absent: Croslin

10.d. FY25 ARPA Budget: Adjusting FY25 ARPA Funds for Salaries[HCC-054-FY25](#)

I move the Mayor and Council approve the American Rescue Plan Act budget adjustments listed in Exhibit A, reflecting adjustments to 23 projects. I further move that the Mayor and Council approve the reallocation of \$2,476,446 of American Rescue Plan Act Funds, reflecting the total amount of project savings from the budget adjustments listed in Exhibit A, to the ARPA Fund salary budget line to pay for FY25 General Fund Operating staff salaries. I move that the Mayor and Council earmark the projects and amounts listed in Exhibit B to the General Fund Capital Budget and General Fund Operating Budget as the Treasurer determines appropriate for each project.

Sponsors: City Administrator

Attachments: [ARPA Spending Plan Exhibit A P.1 Rev Replacement - 07.31.2024.pdf](#)
[ARPA Spending Plan Exhibit A P.2 - Restricted 07.31.2024.pdf](#)
[ARPA Spending Plan Exhibit A P.3 - Summary 07.31.2024.pdf](#)
[ARPA Spending Plan Exhibit B - General Fund Savings Projects 07.31.2024.pdf](#)
[ARPA Update Presentation 7.31.24.pdf](#)

ARPA Fund Manager Patrick Paschall presented the plan for reallocating ARPA funds. Council President Solomon asked if the spending plan needed to be approved immediately and was advised by Treasurer Brooks stated that they would like to start paying salaries from the general fund in September.

The Council discussed how much funding is left to be obligated and how funding shifts were determined. City Administrator Douglas advised that more information will be presented at the next meeting.

A motion was made by Council Vice-President Waszczak, seconded by Councilmember Denes, that this agenda item be Approved. The motion carried by the following vote:

Aye: Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, Haba, and Sandino

Absent: Croslin

11. Discussion Items (9:45 p.m. - 10:05 p.m.)

11.a. Police Officer Recruitment Rental Incentive Program[HCC-017-FY25](#)

For discussion.

Sponsors: Redmond, Croslin and Waszczak

Attachments: [Draft Police Officer Recruitment Rental Incentive Program Guidelines.pdf](#)
[Police Recruitment-Rental Assistance Presentation.pdf](#)

Councilmember Redmond and Chief Jarod Towers gave an overview of the proposed program. The one year pilot program will be funded through ARPA funds and is designed to address the officer shortage in the Hyattsville Police Department by incentivizing new Hyattsville officers to live closer to work, easing the burden of commuting. The program will be available to new entry level officers and officers that are moving laterally into the Hyattsville Police Department.

The Council and staff discussed expanding the program to existing officers, pathways to home ownership in Hyattsville, and the need for retention incentives beyond 1 year. Chief Towers also advised that he will speak with the City attorney to ensure this program will not have tax implications.

A motion was made by Councilmember Redmond, seconded by Councilmember Strab, that this agenda item be Approved. The motion carried by the following vote:

Aye: Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, and Sandino

Nay: Haba

Absent: Croslin

12. Council Dialogue (10:05 p.m. - 10:15 p.m.)**13. Motion to Adjourn**

Motion to adjourn made at 11:50 PM.

A motion was made by Councilmember Denes, seconded by Council Vice-President Waszczak, that this item was Approved. The motion carried by the following vote:

Aye: Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, Haba, and Sandino

Absent: Croslin

City of Hyattsville

*Hyattsville Municipal Building
4310 Gallatin Street, 3rd Floor
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org*



Meeting Minutes

Monday, April 15, 2024

7:00 PM

Register in advance for this webinar:

https://us06web.zoom.us/webinar/register/WN_R2byPIIhRcWlxsuSq0lg_g

Virtual

City Council

Robert S. Croslin, Mayor
Joseph Solomon, Council President, Ward 5
Joanne Waszczak, Council Vice President, Ward 1
Sam Denes, Ward 1
Danny Schaible, Ward 2
Emily Strab, Ward 2
Jimmy McClellan, Ward 3
Kareem Redmond, Ward 3
Edouard Haba, Ward 4
Michelle Lee, Ward 4
Rommel Sandino, Ward 5

ADMINISTRATION

Tracey E. Douglas, City Administrator

Nate Groenendyk, City Clerk, 301-985-5001, cityclerk@hyattsville.org

WELCOME TO THE CITY OF HYATTSVILLE CITY COUNCIL MEETING!
Your participation at this public meeting is valued and appreciated.

AGENDA/PACKET: The Agenda/Packet is available for review at the Hyattsville Municipal Building and online at www.hyattsville.org prior to the scheduled meeting (generally available no later than the Friday prior to the scheduled Monday meeting). Please note, times given for agenda items are estimates only. Matters other than those indicated on the agenda may also be considered at Council discretion.

AMERICANS WITH DISABILITY ACT: In compliance with the ADA, if you need special assistance to participate in this meeting or other services in conjunction with this meeting, please contact the City Clerk's Office at (301) 985-5009. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

AUDIBLE DEVICES: Please ensure all audible devices are turned off or otherwise not audible when the City Council is in session. Thank you.

PUBLIC INPUT: If you wish to address the Council during the Public Comment period, please use the "Raise Hand" feature in the virtual meeting interface. Participants may also submit statements electronically using the eComment feature at www.hyattsville.org/meetings or via email to cityclerk@hyattsville.org no later than two (2) hours prior to the start of the meeting. Submitted electronic statements will be sent to Councilmembers prior to the meeting and will not be read aloud. All participants shall remain respectful in their contributions and associated functions of the virtual meeting interface are not intended for public dialogue or discussion.

WAYS TO WATCH THE MEETING LIVE: City Council meetings are broadcast live on cable television channel 71 (Comcast) and channel 12 (Verizon). You may also view meetings live online at hyattsville-md.granicus.com/MediaPlayer.php?camera_id=2

REPLAY SCHEDULE: The meetings will be re-broadcast on cable television, channel 71 (Comcast) and channel 12 (Verizon) daily at 7:00 a.m., 1 p.m., and 8 p.m. Meetings are also able for replay online at www.hyattsville.org/meetings.

CITY INFORMATION: Sign up to receive text and email notifications about Hyattsville events, government, police and programs at www.hyattsville.org/list.aspx

INCLEMENT WEATHER: In the event of inclement weather, please call 301-985-5000 to confirm the status of the Council meeting.

Meeting Notice:

The Hyattsville City Council will hold its meeting on Monday, April 15, 2024 remotely via video conference. The Council meeting will be conducted entirely remotely; there will be no in-person meeting attendance.

The meeting will be broadcast live on cable television channel 71 (Comcast), channel 12 (Verizon), and available via live stream at www.hyattsville.org/meetings.

PUBLIC PARTICIPATION:

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Members of the public who wish to comment during the virtual Council meeting must register in advance using the link below.

https://us06web.zoom.us/webinar/register/WN_R2byPIIhRcWlxsuSq0lg_g

1. Call to Order and Council Roll Call

Call to order at 7:00 PM.

Also Present:

City Administrator Tracey Douglas
Deputy City Administrator Suzanne Ludlow
City Treasurer Ron Brooks
Director of Public Works Lesley Riddle
Director of Community Services Sandra Shephard
Director of Human Resources
City Clerk Laura Reams
Deputy City Clerk Nate Groenendyk
Deputy of Public Works Priyanka Joshi
City Planner Jeff Ulysse
Housing Manager David Cristeal
American Rescue Plan Program Manager Patrick Paschall

2. Pledge of Allegiance to the Flag**3. Approval of Agenda**

A motion was made by Council President Solomon, seconded by Councilmember Sandino, that this item was Approved. The motion carried by the following vote:

Aye: Croslin, Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, and Sandino

Absent: Haba

Absent: Haba

4. Public Comment (7:10 p.m. – 7:20 p.m.) Complete Speaker Card, Limit 2 minutes per speaker

Sally Ethelston speaking on behalf of St. Matthews Episcopal Church requested financial support for the renovation of their bathrooms. The facility is used to support the immigrant community.

5. City Administrator Update (7:20 p.m - 7:40 p.m.)

City Administrator Tracey Douglas gave updates on City related news and events.

6. Proclamations

A motion was made by Council Vice-President Waszczak, seconded by Council President Solomon, that this item was Approved. The motion carried by the following vote:

Aye: Croslin, Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, and Sandino

Absent: Haba

6.a. Arbor Day Proclamation

[HCC-271-FY24](#)

I move the Mayor and Council proclaim April 26, 2024 as Arbor Day in the City of Hyattsville.

Sponsors: City Administrator

Attachments: [CM 0415 Arbor Day 2024](#)

6.b. Proclamation in Honor of National Volunteer Week

[HCC-280-FY24](#)

I move that the Mayor and Council proclaim April 14 - 20, 2024 as National Volunteer Week in the City of Hyattsville.

Sponsors: City Administrator

Attachments: [CM 0415 National Volunteer Week 2024](#)

7. Appointments

A motion was made by Council President Solomon, seconded by Council Vice-President Waszczak, that this item was Approved. The motion carried by the following vote:

Aye: Croslin, Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, and Sandino

Absent: Haba

7.a. Appointment to the Shade Tree Board[HCC-279-FY24](#)

I move that the Mayor, with Council approval, appoint Kyla Gallagher (Ward 2) to the Shade Tree Board for a term of 3 years to expire on April 30, 2027.

Sponsors: Croslin

Attachments: [Kyla Gallagher, W2 Nov 21, 2023 redac](#)

8. Consent Items (7:40 p.m. - 7:45 p.m.)

Items listed on the Consent Agenda are considered routine in nature, and are approved in one motion. There will be no separate discussion of these items unless the Mayor/Council request specific items be removed from the Consent agenda for separate action.

A motion was made by Council President Solomon, seconded by Councilmember Strab, to approve the Consent Agenda. The motion carried by the following vote:

Aye: Croslin, Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, and Sandino

Absent: Haba

8.a. Nicholson Street Pedestrian Safety Improvements Change Order[HCC-254-FY24](#)

I move that the Mayor and Council authorize an expenditure not to exceed \$60,000 to NZI Construction for additional street art as part of the Nicholson Street Pedestrian Safety Improvement project under their existing contract with the City.

Sponsors: City Administrator

Attachments: [Proposal_Nicholson Street_Street Art](#)

8.b. MOU with MDOT SHA for maintenance of MD500 and MD410[HCC-260-FY24](#)

I move the Mayor and Council authorize the City Administrator to enter into a memorandum of understanding (MOU) with the Maryland Department of Transportation - State Highway Administration (MDOT-SHA) for the maintenance of grass medians on MD500 Queen's Chapel Road and MD410 - East-West Highway. The City will provide mowing services and be reimbursed by MDOT-SHA an amount not to exceed \$63,138 over the 3-year life of the agreement, pending legal review.

Sponsors: City Administrator

Attachments: [MD 500 and MD 410 Median Maintenance MOU#5](#)

8.c. Lancer Drive and Longfellow Street Traffic Calming [HCC-263-FY24](#)

I move the Mayor and Council authorize an expenditure not to exceed \$45,000 to Toole Design to create a traffic calming concept design for Lancer Drive and Longfellow Street under their existing contract with the City.

Sponsors: City Administrator

Attachments: [2024-03-27_50707.16_Lancer_and_Longfellow_Traffic_Calming_Scope_Corrected](#)

8.d. MOU with the U.S. Attorney's Office, Metropolitan Police Department and City of Hyattsville - Presidential Inauguration Task Force (PITF) [HCC-264-FY24](#)

I move that Mayor and Council authorize the City Administrator to enter into an MOU with the U.S. Attorney's Office, Metropolitan Police Department, and the City regarding the Presidential Inauguration on January 17, 2025, pending legal approval.

Sponsors: City Administrator

8.e. ARPA: Purchase of Ambulance for Hyattsville Volunteer Fire Department [HCC-273-FY24](#)

I move that the Mayor and Council authorize the City Administrator to enter into a contract for the purchase of an ambulance from Atlantic Emergency Solutions for an amount not to exceed \$390,000, utilizing ARPA funds, pending legal review. This purchase was authorized by the Council in December 2023.

Sponsors: City Administrator

Attachments: [HVFD Ambulance Procurement](#)
[Attachment F - Executed Contract-Siddons Martin Emergency Group LLC](#)
[Attachment G - Limited Assignment-Atlantic Emergency Solutions, Inc.](#)
[Attachment H - Hyattsville Proposal Binder WC F550 11.24.24](#)

8.f. Disbursement of Ward 1 Discretionary Funds [HCC-278-FY24](#)

I move the Mayor and Council approve the disbursement of \$252 from the Ward 1 discretionary funds to Arrow Bicycles for the purchase of children and youth bicycle helmets.

Sponsors: Denes and Waszczak

Attachments: [OrderFormHelmets](#)

8.g. Donation of Two Police Vehicles for Non-Emergency Administrative Purposes [HCC-284-FY24](#)

I move that the Mayor and Council to authorize the donation of two (2) Police Department out-of-service 2009 Chevrolet Impalas to the Hyattsville Volunteer Fire department, to be used for non-emergency administrative purposes.

Sponsors: City Administrator

Attachments: [4693_001](#)

9. Action Items (7:45 p.m. - 8:05 p.m.)**9.a. Hyattsville Charter Amendment Resolution: 2024-01: Modernizing the City's Procurement Provisions** [HCC-287-FY24](#)

I move the Mayor and Council adopt Hyattsville Charter Amendment Resolution 2024-01, a Resolution amending the Charter to modernize the City's procurement provisions by placing the requirements for Council oversight in the City's Code and by placing aspects of the procurement process in the City's Code and inserting language requiring the City Administrator to sign all contracts in accordance with the City Code (INTRODUCTION & ADOPTION).

Sponsors: City Administrator

Attachments: [2024-01 Charter Resolution Procurement 2.14.24 Procurement_FINAL Hyattsville PPT Procurement Charter and Code April 2024](#)

Interim Deputy City Administrator Suzanne Ludlow gave an overview of the Charter Amendment.

Council President Solomon stated that his concerns from the previous meeting have been resolved.

A motion was made by Council President Solomon, seconded by Councilmember Strab, that this agenda item be Approved. The motion carried by the following vote:

Aye: Croslin, Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, and Sandino

Absent: Haba

9.b. Hyattsville Ordinance 2024-01: Procurement & Contracting Procedures: First Reading

[HCC-288-FY24](#)

I move the Mayor and Council introduce Hyattsville Ordinance 2024-01, an ordinance whereby the City Council amends the City Code in order to modernize and codify the City's contacting and procurement policies (FIRST READING).

Sponsors: City Administrator

Attachments: [Hyattsville Ordinance 2024-01 Chapter 6 Procurement FINAL](#)
[Hyattsville PPT Procurement Charter and Code April 2024](#)

Interim Deputy City Administrator Suzanne Ludlow gave an overview of the proposed revisions to the City Code.

A motion was made by Council President Solomon, seconded by Councilmember Denes, that this agenda item be Approved. The motion carried by the following vote:

Aye: Croslin, Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, and Sandino

Absent: Haba

10. Discussion Items (8:05 p.m. - 10:00 p.m.)

10.a. FY25 Budget Discussion: Overview

[HCC-283-FY24](#)

City Administrator Tracey Douglas and City Treasurer Ron Brooks will open the FY25 Budget discussions with an overview of the budget and information from departmental office hours.

Sponsors: City Administrator

Council President Solomon asked the Council to consider moving appropriate motions to Action Items from Discussion Agenda due to the tight timeline to approve the budget. The Council agreed to table the Homeless Action Plan (Discussion Item 10.I.).

The Council and staff discussed the timeline to approve the budget, the impact of potential grant funding, staffing consolidation, and the financial implications of putting the Rent Stabilization Ordinance on hold versus immediate implementation. Council and staff also conferred about streamlining services and programming to avoid redundancies and uses for surplus funds.

Treasurer Brooks advised the Council that the year end analysis will be done within 90 days of the end of the fiscal year.

10.b. FY25 Council Budget Amendment: FY25 Budget Reductions[HCC-270-FY24](#)

For discussion: I move the Mayor and Council cut from the FY25 budget or delay to FY26 the following items/programs:

- Multi-Family Green grant program
- Language program
- Hiring of housing support staff and consultant
- Rent stabilization software
- Resident satisfaction survey (\$35,000)
- Police cadet program
- Compensation study
- Business and economic development strategic plan
- Hiring of a lobbyist

Sponsors: Strab

Councilmember Strab presented items to cut from the FY25 budget. CA Douglas responded that the Multi Family Green grant, language program, hiring housing support staff and consultant, rent stabilization software, police cadet, compensation study, lobbyist and are supported cuts.

The following motion was made by Councilmember Strab:

I move the Mayor and Council cut from the FY25 budget the following items and programs: The Multi-Family Green grant program, the language program, the police cadet program, the compensation study, and the hiring of the lobbyist.

A motion was made by Councilmember Strab, seconded by Council President Solomon, that this agenda item be Approved. The motion carried by the following vote:

Aye: Croslin, Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, and Sandino

Absent: Haba

10.c. FY25 Council Budget Amendment: Pet Waste Stations[HCC-266-FY24](#)

For discussion: I move the Mayor and Council include \$3,000 in the FY25 budget for the purchase of 10 additional pet waste stations to be installed in the City of Hyattsville.

Sponsors: Lee

Attachments: [Pet Waste Stations](#)

CM Lee gave an overview of the motion. CM McClellan asked about the maintenance costs. Public Works Director Riddle stated that this would not be a heavy lift for the Public Works staff. CM Lee stated that the waste stations are needed in Ward 4 but can be placed around the City as needed. Council Vice President Waszczak asked if ten stations is enough and Director Riddle stated that ten is a good start.

A motion was made by Council President Solomon, seconded by Council Vice-President Waszczak, that this agenda item be Approved. The motion carried by the following vote:

Aye: Croslin, Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, and Sandino

Absent: Haba

10.d. FY25 Council Budget Amendment: Develop a Hyattsville Climate Action Plan[HCC-267-FY24](#)

For discussion: I move that the Mayor and Council authorize the procurement of a Climate Action Plan (CAP), to establish a comprehensive decarbonization strategy for the City of Hyattsville.

Sponsors: Schaible

Attachments: [Draft Climate Action Plan 01-15-2022](#)
[Maryland's Climate Pollution Reduction Plan - Final - Dec 28 2023](#)

CM Schaible provided an overview of the initiative.

The Council and staff discussed potential partnerships and the impact implementing this initiative would have on the staff. A recommendation was made by City Administrator Douglas to follow the Prince George's County Climate Plan.

10.e. FY25 Council Budget Amendment: EAC Funding to Host a Principals' Luncheon [HCC-268-FY24](#)

For discussion: I move the Mayor and Council include \$1,000 in the FY25 Budget for the Education Advisory Committee to host a Principals' Luncheon.

Sponsors: Strab

CM Strab provided an overview of this initiative.

The following motion was made by CM Strab:

I move the Mayor and Council include \$2,000 in the FY25 Budget for the Education Advisory Committee to host a Principals' Luncheon.

A motion was made by Councilmember Strab, seconded by Council President Solomon, that this agenda item be Approved. The motion carried by the following vote:

Aye: Croslin, Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, and Sandino

Absent: Haba

10.f. FY25 Council Budget Amendment: Mayor & Ward Discretionary Funds [HCC-281-FY24](#)

For discussion: I move the Mayor and Council increase the funding in the FY25 budget for the Mayor and Ward Discretionary Funds from \$1,700 per Ward to \$2,700 per Ward.

Sponsors: Solomon

CM Denes stated that increasing the discretionary funds for the Mayor and Council seems unnecessary and supports the staff guideline recommendations for spending discretionary funds. CM McClellan is in agreement with CM Denes.

CM Redmond and CM Lee stated their support for the increase. Council President Solomon stated that public engagement has increased since the COVID-19 has ended and these funds will help bring residents together.

The following motion was made by Council President Solomon:

I move the Mayor and Council increase the funding in the FY25 budget for the Mayor and Ward Discretionary Funds from \$1,700 per Ward to \$2,700 per Ward.

A motion was made by Council President Solomon, seconded by Councilmember McClellan, that this agenda item be Approved. The motion carried by the following vote:

Aye: Croslin, Solomon, Waszczak, Schaible, Strab, McClellan, Redmond, Lee, and Sandino

Nay: Denes

Absent: Haba

10.g. FY25 Council Budget Amendment: Laptops for New Councilmembers[HCC-282-FY24](#)

For discussion: I move the Mayor and Council include funding in the FY25 budget for the purchase of laptops for newly elected Councilmembers to allow non-returning Councilmembers to retain their City issued laptops.

Sponsors: Solomon

Council President Solomon provided an overview of the motion.

CM Denes inquired if City staff keep their laptops when they leave. Treasurer responded that the staff does not keep their laptops when leaving the City. The City assesses the value of old devices and if the laptops are valued at less than \$500 they are deemed obsolete and wiped clean to be sold via public auction. Older devices are usually sold in lots for about \$50 each. CM Denes suggested creation of a policy that would allow these devices to go to members of the community who are in need.

Council President Solomon stated that the devices would be considered a parting gift for those who have served on the Council.

The following motion was made by Council President Solomon:

I move the Mayor and Council include funding in the FY25 budget for the purchase of laptops for newly elected Councilmembers to allow non-returning Councilmembers to retain their City issued laptops.

A motion was made by Council President Solomon, seconded by Councilmember Denes, that this agenda item be Approved. The motion carried by the following vote:

Aye: Solomon, Schaible, McClellan, Redmond, Lee, and Sandino

Nay: Waszczak, Denes, and Strab

Absent: Haba

Abstain: Croslin

10.h. FY25 Council Budget Amendment: Healthcare for Councilmembers[HCC-286-FY24](#)

For discussion: I move the Mayor and Council include funding in the FY25 budget to allow Councilmembers to receive healthcare benefits through the City.

Sponsors: Solomon

President Solomon provided an overview of the budget amendment that would allow Councilmembers to participate in the City's existing health care coverage. The Council and staff discussed feedback from the Compensation Committee, potentially extending insurance coverage to the families of council members, potential stipend increases to cover the costs of insurance, and best practices for implementation. CM Schaible stated concerns over the financial implications this decision would have. The Council agreed to bring this back at a later date.

10.i. ARPA Project Status Update[HCC-274-FY24](#)

Staff will present updates on the status of ARPA projects.

Sponsors: City Administrator

Attachments: [ARPA Exp-Obl Thru 03.31.24 with Status v04.05.2024](#)

American Rescue Plan Program Manager Patrick Paschall gave an overview of ARPA project spending. The Council and staff discussed the timeline to obligate all remaining funds and potential programming that could be expensed to these funds. Additionally, City Administrator Douglas stated that she would review the items to determine the number of Council items and staff items that have been suggested for reprogramming.

10.j. FY25 Council ARPA Amendment: Adjustments to ARPA spending for FY25[HCC-269-FY24](#)

For discussion: I move the Mayor and Council discontinue the Mental Health Youth Program and the Vandalism Recovery and Prevention Program at the conclusion of ARPA funding, and discontinue or reallocate the ARPA funding of the following initiatives:

- Rent stabilization implementation (\$250,000)
- Hyattsville Crossing BID (\$150,000)
- Hiring of a grant writer (\$120,000)
- Beautification of Alternate Route One (\$120,000)
- Environmental Depot (\$100,000)
- Small business online directory (\$60,000)
- Public wi-fi study (\$60,000)
- SMART waste management study (\$60,000)
- Circulator study (\$30,000)
- SMBE certification support (\$15,000)
- Mental health youth program (\$100,000)

Sponsors: Strab

The Council and staff discussed restricted funds within the ARPA spending plan, measures to track project spending, and legacy funding for initiatives. The Council agreed to bring this back at a later date.

10.k. FY25 Council ARPA/Budget Amendment: Alternate Route 1 Holiday Lights[HCC-275-FY24](#)

For discussion: I move the Mayor and Council include funding in the FY25 Budget for the purchase and installation of holiday lights along Alternate Route 1.

Sponsors: Waszczak

CM Waszczak gave an overview of the motion for holiday lights. The staff and Council discussed expanding light displays to other regions of the City and the Route 1 Beautification initiative from 2022.

The following motion was made by Council Vice President Waszczak:

I move the Mayor and Council include funding not to exceed \$25,000 in the FY25 Budget in ARPA funding for the purchase and installation of holiday lights along Alternate Route 1.

A motion was made by Council Vice-President Waszczak, seconded by Councilmember Denes, that this agenda item be Approved. The motion carried by the following vote:

Aye: Croslin, Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, and Sandino

Absent: Haba

10.l. FY25 Council ARPA/Budget Amendment: Homeless Action Plan[HCC-276-FY24](#)

For discussion: I move the Mayor and Council dedicate \$15,000 (of remaining ARPA funding if possible) to contract with a consulting firm that has proven expertise in both systems mapping and homelessness.

Sponsors: Waszczak

The Council agreed to discuss this item at a later date.

11. Council Dialogue (10:00 p.m. - 10:10 p.m.)**12. Motion to Adjourn**

The meeting adjourned at 11:15 PM.

A motion was made by Councilmember Denes, seconded by Councilmember Strab, that this item was Approved. The motion carried by the following vote:

Aye: Croslin, Solomon, Waszczak, Denes, Schaible, Strab, McClellan, Redmond, Lee, and Sandino

Absent: Haba



City of Hyattsville

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Agenda Item Report

File #: HCC-124-FY25

11/18/2024

8.a.

Submitted by: Quianna Taylor
Submitting Department: City Clerk
Agenda Section: Proclamation

Item Title:

Proclamation Recognizing November 18-22, 2024, as American Education Week

Suggested Action:

I move that the Mayor and Council adopt a proclamation recognizing November 18-22, 2024 as American Education Week.

Summary Background:

American Education Week is an annual opportunity to honor the educational community and the importance of public education.

Next Steps:

Adoption of proclamation.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend adoption.

Community Engagement:

The City will recognize November 18-22, 2024, as American Education Week.

Strategic Goals:

Goal 5 - Strengthen the City's Identity as a Diverse, Creative, and Welcoming Community

Legal Review Required?

N/A

CITY OF HYATTSVILLE

PROCLAMATION

RECOGNIZING THE WEEK OF NOVEMBER 18 – 22, 2024, TO BE AMERICAN EDUCATION WEEK IN THE CITY OF HYATTSVILLE

American Education Week is celebrated each year the week prior to Thanksgiving in honor of the team of people who work in our nation’s public schools.

WHEREAS, The National Education Association sponsored the first observance of American Education Week in 1921; and

WHEREAS, progressive education is a pillar on which the United States was founded, American Education Week is an annual opportunity to celebrate public education and honor all who enlighten our City’s youth; and

WHEREAS, we acknowledge education’s power to transform lives, uplift communities, and fortify a just and diverse democratic society; and

WHEREAS, selfless educators, be they teachers, guidance counselors, librarians, instructional coaches, curriculum specialists, paraprofessionals, nurses, maintenance and grounds personnel, bus drivers, food service workers, school administrators, and teachers, work tirelessly to serve our communities with care and professionalism; and work together to provide a safe and healthy learning environment for students.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Hyattsville recognize the impact all educators have on our City, and that our community celebrates them through this year’s American Education Week.

Robert Croslin
Mayor, City of Hyattsville

November 18, 2024





City of Hyattsville

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Agenda Item Report

File #: HCC-133-FY25

11/18/2024

8.b.

Submitted by: Quianna Taylor
Submitting Department: City Clerk
Agenda Section: Proclamation

Item Title:

Proclamation Recognizing December 1, 2024, as World AIDS Day in the City of Hyattsville

Suggested Action:

I move that the Mayor and Council recognize December 1, 2024, as World AIDS Day in the City of Hyattsville.

Summary Background:

World AIDS Day is globally recognized as a day to unite people in the fight against HIV and AIDS. Since 1988, communities have come together on World AIDS Day to show strength and solidarity against HIV stigma and to remember the lives that have been lost.

Next Steps:

Adopt the proclamation recognizing World AIDS Day.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Support

Community Engagement:

Click or tap here to enter text.

Strategic Goals:

Goal 5 - Strengthen the City's Identity as a Diverse, Creative, and Welcoming Community

Legal Review Required?

N/A

CITY OF HYATTSVILLE

PROCLAMATION

RECOGNIZING DECEMBER 1, 2024, AS WORLD AIDS DAY IN THE CITY OF HYATTSVILLE

This proclamation declares December 1, 2024, to be World AIDS Day in the City of Hyattsville. This annual celebration serves as a reminder of the global struggle to end HIV-related stigma, an opportunity to honor those we have lost, and a rallying cry to continue working toward a day when HIV is no longer a public health threat.

WHEREAS, the first World AIDS Day took place in 1988, providing a platform to raise awareness about HIV/AIDS and honor the lives of those affected by the epidemic; and

WHEREAS, the theme of this year's celebrations is "Collective Action: Sustain and Accelerate HIV Progress", acknowledging the U.S. government's dedication to harnessing the significant progress that has been made through global and domestic HIV programs over the last four-plus decades, working to ensure that no communities are left behind; and

WHEREAS, there has been significant progress in addressing HIV/AIDS thanks to advancements in medical research, increased access to treatment and prevention, and a broader understanding of the virus; and

WHEREAS, the impact of barriers to research and treatment for this public health crisis is still significant for those who are affected and prevention and early diagnosis are key in the fight against the progression of the virus; and

WHEREAS, we acknowledge the impact of this epidemic has been profound; affecting individuals, families, and entire communities across the globe—it is important to also remember the lives lost, which not only honors their memory but emphasizes the urgency of our commitment to end the HIV epidemic.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council declare December 1, 2024, as World AIDS Day, a day which reminds us to demonstrate compassion for those infected with HIV and AIDS, get tested for HIV, use protection, and encourage friends and loved ones to do the same.

Robert Croslin

Mayor, City of Hyattsville

November 18, 2024





City of Hyattsville

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Agenda Item Report

File #: HCC-149-FY25

11/18/2024

8.c.

Submitted by: Quianna Taylor
Submitting Department: City Clerk
Agenda Section: Proclamation

Item Title:

Proclamation Recognizing November 30, 2024, as Small Business Saturday in the City of Hyattsville

Suggested Action:

I move that the Mayor and Council adopt a proclamation recognizing November 30, 2024, as Small Business Saturday in the City of Hyattsville.

Summary Background:

Saturday, November 30, 2024, is Small Business Saturday - a day to celebrate and support the nearly 32 million small businesses in the United States, and all they do for their communities.

Next Steps:

Observe Saturday, November 30, 2024, as Small business Saturday in the City of Hyattsville.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend adoption.

Community Engagement:

Click or tap here to enter text.

Strategic Goals:

Goal 5 - Strengthen the City's Identity as a Diverse, Creative, and Welcoming Community

Legal Review Required?

N/A

CITY OF HYATTSVILLE

PROCLAMATION

RECOGNIZING NOVEMBER 30, 2024, AS SMALL BUSINESS SATURDAY IN THE CITY OF HYATTSVILLE

This proclamation declares November 30, 2024, to be Small Business Saturday in the City of Hyattsville, celebrating small businesses and the contributions they make to our local economy and community.

WHEREAS, Small Business Saturday which occurs annually between Black Friday and Cyber Monday, is a day dedicated to supporting the diverse range of local businesses that help create jobs, boost the economy, and keep communities thriving across the United States; and

WHEREAS, this is the 15th year celebrating Small Business Saturday and the effort has grown to be a year-round movement that supports small businesses across the globe. According to the Small Business Administration (SBA), small businesses create two-thirds of new jobs, increased competition among businesses, and are often the forces behind innovation and positive adjustments in efficiency; and

WHEREAS, small business entrepreneurship is one of the vehicles through which economic mobility and self-determination is achieved for the advancement of historically marginalized groups such as women, Black, Indigenous, People of Color (BIPOC) and immigrant communities; and

WHEREAS, participation in Small Business Saturday demonstrates a conscious commitment to the community in which we live, creates goodwill, and helps to preserve the unique character and culture that makes Hyattsville A World Within Walking Distance.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council declare November 30, 2024, as Small Business Saturday and urge the residents of our community, and communities across the country, to support small businesses on this day and throughout the year.

Robert Croslin

Mayor, City of Hyattsville

November 18, 2024





City of Hyattsville

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Agenda Item Report

File #: HCC-155-FY25

11/18/2024

9.a.

Submitted by: Councilmember Redmond
Submitting Department: Legislative
Agenda Section: Consent

Item Title:

Disbursement of Ward 3 Discretionary Funds

Suggested Action:

I move that the Mayor and Council authorize the disbursement of \$268.04 of Ward 3 FY25 discretionary funds to Councilmember Redmond as reimbursement for the Ward 3 Check-In.

Summary Background:

Councilmember Redmond purchased food for the Ward 3 Check-In held on Saturday, November 2, 2024.

Next Steps:

Approval of Disbursement

Fiscal Impact:

\$268.04 to be allocated from Ward 3 FY25 Discretionary Funds

City Administrator Comments:

Recommend Support

Community Engagement:

N/A

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

N/A

Ward 3 meeting reimbursement

From: Cocineros <noreply@wixrestaurants.com>
Date: November 1, 2024 at 11:43:40 AM EDT
Subject: Cocineros - Order Confirmation

Cocineros

Order No. 195738298610

Nov 1, 2024 11:43 AM | At approx. 11/02/2024 11:45 AM



Order Details

(4 items)

2 x Empanadas Box	\$112
Choices: Chicken	
1 x Empanadas Box	\$56
Choices: Beef	
1 x Empanadas Box	\$56
Choices: Spinach	
Subtotal	\$224
Service Fee	\$8.20

Tax	\$13.44
Tip (thank you!)	\$22.40
Total	\$268.04

Customer Details



Kareem Redmond

[Pickup](#)

At approx. 11/02/2024 11:45 AM

Paying with:

Credit/Debit Cards \$268.04

224 points earned on this order | 587 total

[View order status](#)

See something wrong? Please contact us immediately at [\(240\)-828-5976](tel:(240)828-5976)

This email was sent to kareemr@gmail.com on behalf of Cocineros, using a notification-only email address that does not accept incoming email. Please do not reply to this email.



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Agenda Item Report

File #: HCC-160-FY25

11/18/2024

9.b.

Submitted by: Allison Weikel
Submitting Department: Police Department
Agenda Section: Consent

Item Title:

Federal Bureau of Investigation Cross Border (Cross Jurisdictional) Task Force Memorandum of Understanding

Suggested Action:

I move that Mayor and Counsel authorize the City Administrator to enter into an Memorandum of Understanding with the Federal Bureau of Investigation (FB) Cross Border Task Force pending legal sufficiency.

Summary Background:

The mission of the Cross Border Task Force is to identify and target for prosecution criminal enterprise groups responsible for drug trafficking, money laundering, human trafficking, crimes of violence such as murder and aggravated assault, robbery, and violent street gangs, as well as to intensely focus on the apprehension of dangerous fugitives where there is or may be a multi-jurisdictional investigative interest. The CBTF will enhance the effectiveness of federal/state/local law enforcement resources through a well-coordinated initiative seeking the most effective investigative/prosecutive avenues by which to convict and incarcerate dangerous criminal offenders.

Entering this agreement will provide the Hyattsville Police Department with access to resources such as investigative databases, criminal intelligence, and additional personnel if needed to supplement and expedite criminal investigations, resulting in increased public safety while potentially reducing the time necessary to close cases and justice for victims.

Next Steps:

Execute MOU

Fiscal Impact:

N/A

City Administrator Comments:

Recommend support. This allows more regional coordination and access to information and resources across the tri-state DMV area.

Community Engagement:

N/A

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

Pending

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FEDERAL BUREAU OF INVESTIGATION
CROSS BORDER TASK FORCE
MEMORANDUM OF UNDERSTANDING

PARTIES

1. This Memorandum of Understanding (MOU) is entered into by and between the **Federal Bureau of Investigation (FBI)** and the **HYATTSVILLE POLICE DEPARTMENT** (participating agency) (collectively: the Parties). Nothing in this MOU should be construed as limiting or impeding the basic spirit of cooperation which exists between these agencies.

AUTHORITIES

2. Authority for the FBI to enter into this agreement can be found at Title 28, United States Code (U.S.C.), Section (§) 533; 34 U.S.C. § 10211; Title 28, Code of Federal Regulations (C.F.R.), § 0.85; and applicable United States Attorney General's Guidelines.

PURPOSE

3. The purpose of this MOU is to delineate the responsibilities of the Cross Border Task Force (CBTF) personnel; formalize relationships between participating agencies for policy guidance, planning, training, public and media relations; and maximize inter-agency cooperation. This MOU is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law or otherwise by any third party against the parties, the United States, or the officers, employees, agents, or other associated personnel thereof.

MISSION

4. The mission of the CBTF is to identify and target for prosecution criminal enterprise groups responsible for drug trafficking, money laundering, alien smuggling, crimes of violence such as murder and aggravated assault, robbery, and violent street gangs, as well as to intensely focus on the apprehension of dangerous fugitives where there is or may be a federal investigative interest. The CBTF will enhance the effectiveness of federal/state/local law enforcement resources through a well-coordinated initiative seeking the most effective investigative/prosecutive avenues by which to convict and incarcerate dangerous offenders.

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SUPERVISION AND CONTROL

A. Supervision

5. Overall management of the CBTF shall be the shared responsibility of the FBI and participating agency heads and/or their designees.
6. The Special Agent in Charge (SAC) of the FBI Baltimore Division shall designate one Supervisory Special Agent (CBTF Supervisor) to supervise the CBTF. The CBTF Supervisor may designate a Special Agent to serve as the CBTF Coordinator. Either the CBTF Supervisor or the CBTF Coordinator shall oversee day-to-day operational and investigative matters pertaining to the CBTF.
7. Conduct undertaken outside the scope of an individual's CBTF duties and assignments under this MOU shall not fall within the oversight responsibility of the CBTF Supervisor or CBTF Coordinator. As stated in paragraph 76, below, neither the United States nor the FBI shall be responsible for such conduct.
8. CBTF personnel will report to his or her respective agency for personnel and administrative matters. Each participating agency shall be responsible for the pay, overtime, leave, performance appraisals, and other personnel matters relating to its employees detailed to the CBTF. The FBI and the participating agency may provide for overtime reimbursement by the FBI by separate written agreement.
9. All FBI personnel will adhere to the FBI's ethical standards, including Department of Justice (DOJ)/FBI regulations relating to outside employment and prepublication review matters, and will remain subject to the Supplemental Standards of Ethical conduct for employees of the DOJ.
10. All CBTF personnel, which includes Task Force Officers, Task Force Members, and Task Force Participants, must adhere to the applicable U.S. Attorney General's Guidelines and Domestic Operations Investigative Guidelines (DIOG).
11. CBTF personnel will continue to report to their respective agency heads for non-investigative administrative matters not detailed in this MOU.
12. Continued assignment of personnel to the CBTF will be based on performance and at the discretion of appropriate management. The FBI SAC and CBTF Supervisor will also retain discretion to remove any individual from the CBTF.

B. Case Assignments

13. The FBI CBTF Supervisor will be responsible for opening, monitoring, directing, and closing CBTF investigations in accordance with existing FBI policy and the applicable U.S. Attorney General's Guidelines.

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14. Assignments of cases to personnel will be based on, but not limited to, experience, training, and performance, in addition to the discretion of the CBTF Supervisor.
15. For FBI administrative purposes, CBTF cases will be entered into the relevant FBI computer system.
16. CBTF personnel will have equal responsibility for each case assigned. CBTF personnel will be responsible for complete investigation from predication to resolution.

C. Resource Control

17. The head of each participating agency shall determine the resources to be dedicated by that agency to the CBTF, including personnel, as well as the continued dedication of those resources. The participating agency head or designee shall be kept fully apprised of all investigative developments by his or her subordinates.

OPERATIONS

A. Investigative Exclusivity

18. It is agreed that matters designated to be handled by the CBTF will not knowingly be subject to non-CBTF law enforcement efforts by any of the participating agencies. It is incumbent on each agency to make proper internal notification regarding the CBTF's existence and areas of concern.
19. It is agreed that there is to be no unilateral action taken on the part of the FBI or any participating agency relating to CBTF investigations or areas of concern as described in paragraph 4. All law enforcement actions will be coordinated and cooperatively carried out.
20. CBTF investigative leads outside of the geographic areas of responsibility for the FBI Baltimore Division will be communicated to other FBI offices for appropriate investigation.

B. Confidential Human Sources

21. The disclosure of FBI informants, or Confidential Human Sources (CHSs), to non-CBTF personnel will be limited to those situations where it is essential to the effective performance of the CBTF. These disclosures will be consistent with applicable FBI guidelines.
22. Non-FBI CBTF personnel may not make any further disclosure of the identity of an FBI CHS, including to other individuals assigned to the CBTF. No documents which identify, tend to identify, or may indirectly identify an FBI CHS may be released without prior FBI approval.

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23. In those instances where a participating agency provides a CHS, the FBI may become solely responsible for the CHS's continued development, operation, and compliance with necessary administrative procedures regarding operation and payment as set forth by the FBI.
24. The U.S. Attorney General's Guidelines and FBI policy and procedure for operating FBI CHSs shall apply to all FBI CHSs opened and operated in furtherance of CBTF investigations. Documentation of, and any payments made to, FBI CHSs shall be in accordance with FBI policy and procedure.
25. Operation, documentation, and payment of any CHS opened and operated in furtherance of an CBTF investigation must be in accordance with the U.S. Attorney General's Guidelines, regardless of whether the handling agency is an FBI CBTF participating agency. Documentation of state, county, or local CHSs opened and operated in furtherance of CBTF investigations shall be maintained at an agreed upon location.

C. Reports and Records

26. All investigative reporting will be prepared in compliance with existing FBI policy. Subject to pertinent legal and/or policy restrictions, copies of pertinent documents created by CBTF personnel will be made available for inclusion in the respective investigative agencies' files as appropriate.
27. CBTF reports prepared in cases assigned to CBTF personnel will be maintained at an FBI approved location; original documents will be maintained by the FBI.
28. Records and reports generated in CBTF cases which are opened and assigned by the CBTF Supervisor with designated oversight for investigative and personnel matters will be maintained in the FBI investigative file for CBTF.
29. CBTF investigative records maintained at the Baltimore Field Office of the FBI will be available to all CBTF personnel, as well as their supervisory and command staff subject to pertinent legal, administrative and/or policy restrictions.
30. All evidence and original tape recordings (audio and video) acquired by the FBI during the course of the CBTF investigations will be maintained by the FBI. The FBI's rules and policies governing the submission, retrieval, and chain of custody will be adhered to by CBTF personnel.
31. All CBTF investigative records will be maintained at an approved FBI location. Placement of all or part of said information into participating agency files rests with the discretion of supervisory personnel of the concerned agencies, subject to CBTF Supervisor approval.

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32. Classified information and/or documents containing information that identifies or tends to identify an FBI CHS shall not be placed in the files of participating agencies unless appropriate FBI policy has been satisfied.
33. The Parties acknowledge that this MOU may provide CBTF personnel with access to information about U.S. persons which is protected by the Privacy Act of 1974 and/or Executive Order 12333. The Parties expressly agree that all such information will be handled lawfully pursuant to the provisions thereof. The Parties further agree that if this access to information by CBTF personnel requires a change in privacy compliance documents, those changes will be accomplished prior to access being granted.

INFORMATION SHARING

34. No information possessed by the FBI, to include information derived from informal communications between CBTF personnel and FBI employees not assigned to the CBTF, may be disseminated by CBTF personnel to non-CBTF personnel without the approval of the CBTF Supervisor and in accordance with the applicable laws and internal regulations, procedures or agreements between the FBI and the participating agencies that would permit the participating agencies to receive that information directly. Likewise, CBTF personnel will not provide any participating agency information to the FBI that is not otherwise available to it unless authorized by appropriate participating agency officials.
35. Each Party that discloses PII is responsible for making reasonable efforts to ensure that the information disclosed is accurate, complete, timely, and relevant.
36. The FBI is providing access to information from its records with the understanding that in the event the recipient becomes aware of any inaccuracies in the data, the recipient will promptly notify the FBI so that corrective action can be taken. Similarly, if the FBI becomes aware that information it has received pursuant to this MOU is inaccurate, it will notify the contributing Party so that corrective action can be taken.
37. Each Party is responsible for ensuring that information it discloses was not knowingly obtained or maintained in violation of any law or policy applicable to the disclosing Party, and that information is only made available to the receiving Party as may be permitted by laws, regulations, policies, or procedures applicable to the disclosing Party.
38. Each Party will immediately report to the other Party each instance in which data received from the other Party is used, disclosed, or accessed in an unauthorized manner (including any data losses or breaches).
39. The Parties agree that either or both may audit the handling and maintenance of data in electronic and paper recordkeeping systems to ensure that appropriate security and privacy protections are in place.

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PROSECUTIONS

40. CBTF investigative procedures, whenever practicable, are to conform to the requirements which would allow for either federal or state prosecution.
41. A determination will be made on a case-by-case basis whether the prosecution of CBTF cases will be at the state or federal level. This determination will be based on the evidence obtained and a consideration of which level of prosecution would be of the greatest benefit to the overall objectives of the CBTF.
42. In the event that a state or local matter is developed that is outside the jurisdiction of the FBI or it is decided to prosecute a CBTF case at the state or local level, the FBI agrees to provide all relevant information to state and local authorities in accordance with all applicable legal limitations.

A. Investigative Methods/Evidence

43. For cases assigned to an FBI Special Agent or in which FBI CHSs are utilized, the Parties agree to conform to federal standards concerning evidence collection, processing, storage, and electronic surveillance. However, in situations where the investigation will be prosecuted in the State Court where statutory or common law of the state is more restrictive than the comparable federal law, the investigative methods employed by FBI case agents shall conform to the requirements of such statutory or common law pending a decision as to venue for prosecution.
44. In all cases assigned to state, county, or local law enforcement participants, the Parties agree to utilize federal standards pertaining to evidence handling and electronic surveillance activities as outlined in the DIOG to the greatest extent possible. However, in situations where the statutory or common law of the state is more restrictive than the comparable federal law, the investigative methods employed by state and local law enforcement agencies shall conform to the requirements of such statutory or common law pending a decision as to venue for prosecution.
45. The use of other investigative methods (search warrants, interceptions of oral communications, etc.) and reporting procedures in connection therewith will be consistent with the policies and procedures of the FBI.

B. Undercover Operations

46. All CBTF undercover operations will be conducted and reviewed in accordance with FBI guidelines and the U.S. Attorney General's Guidelines on FBI Undercover Operations. All participating agencies may be requested to enter into an additional agreement if an employee of the participating agency is assigned duties which require the officer to act in an undercover capacity.

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USE OF LESS-THAN-LETHAL-DEVICES¹

47. The parent agency of each individual assigned to the CBTF will ensure that while the individual is participating in FBI-led task force operations in the capacity of a task force officer, task force member, or task force participant, the individual will carry only less-lethal devices that the parent agency has issued to the individual, and that the individual has been trained in accordance with the agency's policies and procedures.
48. The parent agency of each individual assigned to the CBTF will ensure that the agency's policies and procedures for use of any less-lethal device that will be carried by the task force officer, task force member, or task force participant are consistent with the DOJ policy statement on the Use of Less-Than-Lethal Devices.²

DEADLY FORCE AND SHOOTING INCIDENT POLICIES

49. CBTF personnel will follow their own agencies' policies concerning firearms discharge and use of deadly force.

DEPUTATIONS

50. Local and state law enforcement personnel designated to the CBTF, subject to a limited background inquiry, shall be sworn as federal task force officers either by acquiring Title 21 or Title 18 authority (via the United States Marshals), with the FBI securing the required deputation authorization. These deputations should remain in effect throughout the tenure of each investigator's assignment to the CBTF or until the termination of the CBTF, whichever comes first.
51. Deputized CBTF personnel will be subject to the rules and regulations pertaining to such deputation. Administrative and personnel policies imposed by the participating agencies will not be voided by deputation of their respective personnel.

¹ Pursuant to Section VIII of the DOJ Less-Than-Lethal Devices Policy dated May 16, 2011, all state/local officers participating in joint task force operations must be made aware of and adhere to the policy and its limits on DOJ officers.

² Less-lethal – When use of force is required, but deadly force may not be appropriate, law enforcement officers may employ less-lethal weapons to gain control of a subject. Less-lethal weapons are designed to induce a subject to submit or comply with directions. These weapons give law enforcement officers the ability to protect the safety of officers, subjects, and the public by temporarily incapacitating subjects. While less-lethal weapons are intended to avoid causing any serious harm or injury to a subject, significant injuries and death can occur from their use.

The term "less-than-lethal" is synonymous with "less-lethal", "non-lethal", "non-deadly", and other terms referring to devices used in situations covered by the DOJ Policy on the Use of Less-Than-Lethal Devices. "Less-lethal" is the industry standard and the terminology the FBI has elected to utilize in reference to this policy.

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VEHICLES

52. In furtherance of this MOU, employees of participating agencies may be permitted to drive FBI owned or leased vehicles for official CBTF business and only in accordance with applicable FBI rules and regulations, including those outlined in the FBI Government Vehicle Policy Directive (0430D) and the Government Vehicle Policy Implementation Guide (0430PG). The assignment of an FBI owned or leased vehicle to participating agency CBTF personnel will require the execution of a separate Vehicle Use Agreement.
53. The participating agencies agree that FBI vehicles will not be used to transport passengers unrelated to CBTF business.
54. The FBI and the United States will not be responsible for any tortious act or omission on the part of each participating agency and/or its employees or for any liability resulting from the use of an FBI owned or leased vehicle utilized by participating agency CBTF personnel, except where liability may fall under the provisions of the Federal Tort Claims Act (FTCA), as discussed in the Liability Section herein below.
55. The FBI and the United States shall not be responsible for any civil liability arising from the use of an FBI owned or leased vehicle by participating agency CBTF personnel while engaged in any conduct other than their official duties and assignments under this MOU.
56. To the extent permitted by applicable law, the participating agencies agree to hold harmless the FBI and the United States, for any claim for property damage or personal injury arising from any use of an FBI owned or leased vehicle by participating agency CBTF personnel which is outside the scope of their official duties and assignments under this MOU.

SALARY/OVERTIME COMPENSATION

57. The FBI and each participating agency remain responsible for all personnel costs for their CBTF representatives, including salaries, overtime payments, and fringe benefits consistent with their respective agency, except as described in paragraph 58 below.
58. Subject to funding availability and legislative authorization, the FBI will reimburse to participating agencies the cost of overtime worked by non-federal CBTF personnel assigned full-time to CBTF, provided overtime expenses were incurred as a result of CBTF-related duties, and subject to the provisions and limitations set forth in a separate Cost Reimbursement Agreement to be executed in conjunction with this MOU. A separate Cost Reimbursement Agreement must be executed between the FBI and participating agencies for full-time employee(s) assigned to CBTF, consistent with regulations and policy, prior to any reimbursement by the FBI. Otherwise, overtime shall be compensated in accordance with applicable participating agency overtime provisions and shall be subject to the prior approval of appropriate personnel.

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PROPERTY AND EQUIPMENT

59. Property utilized by the CBTF in connection with authorized investigations and/or operations and in the custody and control and used at the direction of the CBTF, will be maintained in accordance with the policies and procedures of the agency supplying the equipment. Property damaged or destroyed which was utilized by CBTF in connection with authorized investigations and/or operations and is in the custody and control and used at the direction of CBTF, will be the financial responsibility of the agency supplying said property.

FUNDING

60. This MOU is not an obligation or commitment of funds, nor a basis for transfer of funds, but rather is a basic statement of the understanding between the Parties hereto of the tasks and methods for performing the tasks described herein. Unless otherwise agreed in writing, each Party shall bear its own costs in relation to this MOU. Expenditures by each Party will be subject to its budgetary processes and to the availability of funds and resources pursuant to applicable laws, regulations, and policies. The Parties expressly acknowledge that the above language in no way implies that Congress will appropriate funds for such expenditures.

FORFEITURES

61. The FBI shall be responsible for processing assets seized for federal forfeiture in conjunction with CBTF operations.
62. Asset forfeitures will be conducted in accordance with federal law and the rules and regulations set forth by the FBI and DOJ. Forfeitures attributable to CBTF investigations may be equitably shared with the agencies participating in the CBTF.

DISPUTE RESOLUTION

63. In cases of overlapping jurisdiction, the participating agencies agree to work in concert to achieve the CBTF's objectives.
64. The participating agencies agree to attempt to resolve any disputes regarding jurisdiction, case assignments, workload, etc., at the field level first before referring the matter to supervisory personnel for resolution.

MEDIA RELEASES

65. All media releases and statements will be mutually agreed upon and jointly handled according to FBI and participating agency guidelines.

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66. Press releases will conform to DOJ Guidelines regarding press releases. No release will be issued without FBI final approval.

SELECTION TO CBTF AND SECURITY CLEARANCES

67. If a participating agency candidate for the CBTF will require a security clearance, he or she will be contacted by FBI security personnel to begin the background investigation process prior to the assigned start date.
68. If, for any reason, the FBI determines that a participating agency candidate is not qualified or eligible to serve on the CBTF, the participating agency will be so advised and a request will be made for another candidate.
69. Upon being selected, each candidate will receive a comprehensive briefing on FBI field office security policies and procedures. During the briefing, each candidate will execute non-disclosure agreements (SF-312 and FD-868), as may be necessary or required by the FBI.
70. Before receiving unescorted access to FBI space identified as an open storage facility, CBTF personnel will be required to obtain and maintain a "Top Secret" security clearance. CBTF personnel will not be allowed unescorted access to FBI space unless they have received a Top Secret security clearance.
71. Upon departure from the CBTF, each individual whose assignment to the CBTF is completed will be given a security debriefing and reminded of the provisions contained in the non-disclosure agreement to which he or she previously agreed.

LIABILITY

72. The Parties acknowledge that this MOU does not alter the applicable law governing civil liability, if any, arising from the conduct of personnel assigned to the CBTF.
73. Each participating agency shall immediately notify the FBI of any civil, administrative, or criminal claim, complaint, discovery request, or other request for information of which the agency receives notice, concerning or arising from the conduct of personnel assigned to the CBTF or otherwise relating to the CBTF. Each participating agency acknowledges that financial and civil liability, if any and in accordance with applicable law, for the acts and omissions of each employee detailed to the CBTF remains vested with his or her employing agency. In the event that a civil claim or complaint is brought against a state or local officer assigned to the CBTF, the officer may request legal representation and/or defense by DOJ, under the circumstances and pursuant to the statutes and regulations identified below.

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74. For the limited purpose of defending against a civil claim arising from alleged negligent or wrongful conduct under common law under the FTCA, 28 U.S.C. § 1346(b) and §§ 2671-2680: an individual assigned to the CBTF who is named as a defendant in a civil action as a result of or in connection with the performance of his or her official duties and assignments pursuant to this MOU may request to be certified by the U.S. Attorney General or his designee as having acted within the scope of federal employment at the time of the incident giving rise to the suit. 28 U.S.C. § 2679(d)(2). Upon such certification, the individual will be considered an "employee" of the United States government for the limited purpose of defending the civil claim under the FTCA, and the claim will proceed against the United States as sole defendant. 28 U.S.C. § 2679(d)(2). Once an individual is certified as an employee of the United States for purposes of the FTCA, the United States is substituted for the employee as the sole defendant with respect to any tort claims. Decisions regarding certification of employment under the FTCA are made on a case-by-case basis, and the FBI cannot guarantee such certification to any CBTF personnel.
75. For the limited purpose of defending against a civil claim arising from an alleged violation of the U.S. Constitution pursuant to 42 U.S.C. § 1983 or Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971): an individual assigned to the CBTF who is named as a defendant in a civil action as a result of or in connection with the performance of his or her official duties and assignments pursuant to this MOU may request individual-capacity representation by DOJ to defend against the claims. 28 C.F.R. §§ 50.15, 50.16. Any such request for individual-capacity representation must be made in the form of a letter from the individual defendant to the U.S. Attorney General. The letter should be provided to Chief Division Counsel (CDC) for the FBI Baltimore Division, who will then coordinate the request with the FBI Office of the General Counsel. In the event of an adverse judgment against the individual, he or she may request indemnification from DOJ. 28 C.F.R. § 50.15(c)(4). Requests for DOJ representation and indemnification are determined by DOJ on a case-by-case basis. The FBI cannot guarantee the United States will provide legal representation or indemnification to any CBTF personnel.
76. Liability for any conduct by CBTF personnel undertaken outside of the scope of their assigned duties and responsibilities under this MOU shall not be the responsibility of the FBI or the United States and shall be the sole responsibility of the respective employee and/or agency involved.

DURATION

77. The term of this MOU is for the duration of the CBTF's operations, contingent upon approval of necessary funding, but may be terminated at any time upon written mutual consent of the agency involved.

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- 78. Any participating agency may withdraw from the CBTF at any time by written notification to the CBTF Supervisor with designated oversight for investigative and personnel matters or program manager of the CBTF at least 30 days prior to withdrawal.
- 79. Upon termination of this MOU, all equipment provided to the CBTF will be returned to the supplying agency/agencies. In addition, when an entity withdraws from the MOU, the entity will return equipment to the supplying agency/agencies. Similarly, remaining agencies will return to a withdrawing agency any unexpended equipment supplied by the withdrawing agency during any CBTF participation.

MODIFICATIONS

- 80. This agreement may be modified at any time by written consent of all involved agencies.

Modifications to this MOU shall have no force and effect unless such modifications are reduced to writing and signed by an authorized representative of each participating agency.

SIGNATORIES

Thomas J. Sobocinski
Special Agent in Charge
Federal Bureau of Investigation

Date

Chief Jarod J. Towers
Hyattsville Police Department

Date

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City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-161-FY25

11/18/2024

9.c.

Submitted by: Councilmembers Lee and Haba
Submitting Department: Legislative
Agenda Section: Consent

Item Title:

Disbursement of Ward 4 Discretionary Funds

Suggested Action:

I move that the Mayor and Council authorize the disbursement of Ward 4 Discretionary Funds in the amount of \$324.97 to Councilmember Lee as reimbursement for refreshment and supplies for the Ward 4 Check-in on October 12, 2024.

Summary Background:

Councilmembers Lee and Haba held a Ward 4 Check-in for residents on October 12, 2024. Council approved a previous reimbursement of \$333.74 at the November 4, 2024 Council Meeting. This reimbursement covers the outstanding expenditures that have yet to be reimbursed to Councilmember Lee.

Next Steps:

Approval of Disbursement

Fiscal Impact:

Disbursement of \$324.97 of Ward 4 Discretionary Funds

City Administrator Comments:

Recommend support.

Community Engagement:

N/A

Strategic Goals:

Goal 5 - Strengthen the City's Identity as a Diverse, Creative, and Welcoming Community

Legal Review Required?

N/A

#1



 sam's club

 (301) 604 - 2060

 LAUREL, MD

 10/06/24 19:45 7080 06434 002 7346

 Michelle

 980309795 CHINET CUP 13.98 T

 980241544 FRVWNCOFFEEF 6.68 N

 980171239 NG TRAIL MIF 9.98 T

 98011646 HAZELNCOFFEEF 6.68 N

 9801420 MINUITBAR F 12.96 N

 98002676 SIMPLY JOY ZPF 8.97 N

 98002676 SIMPLY JOY ZPF 8.97 N

 TAX 1 6.00c

 TOTAL 63.66

 DEBIT 63.66

 CHIP 0.00

 EFT DEBIT PAY FROM PPTH

 63.66 TOTAL P 936.00

 US DEBIT *** 936.00

 NETWORK ID. 0064 AP 000511

 US DEBIT

 AID A00000009808

 AAC 6C4D7713EBAAS

 *Pin Verified

 TERMINAL 8 52241680

ITEMS SOLD 7

Coffee Cups
 Creamer
 Breakfast Bars
 Orange Juice

#2

Home Fast Forward Inc

 Store 528

 670 S Kensington Avenue

 Riverdale MD 20737-1225

 (301) 683-6387

DESCRIPTION	QTY	PRICE	TOTAL
KLEENEX ISSUES 30X 10LT	1	1.25	1.25
PLATE 7IN BOWL YELLOW 30X1	1	1.25	1.25
PLAT 7IN BOWL MICHAM 30X1	1	1.25	1.25
SEW BNS RESTORER CUP 242 24CT	1	1.25	1.25
SEW BNS RESTORER CUP 242 24CT	1	1.25	1.25
BALLOON MICHAM 11.1VTC 12IN	1	1.25	1.25
BALLOON MICHAM 11.1VTC 12IN	1	1.25	1.25
FALL PUMPKIN WALL DECOR	1	1.25	1.25
FASHION JOURNALS 5.5X8-2	1	1.25	1.25
POSTBOAR HOT ORANGE 22X28 75X1	1	0.50	0.50
POSTBOAR HOT ORANGE 22X28 75X1	1	0.50	0.50
POSTBOAR WHITE 14P1	1	0.50	0.50
POSTBOAR WHITE 14P1	1	0.50	0.50
POSTBOAR WHITE 14P1	1	0.50	0.50
POSTBOAR WHITE 14P1	1	0.50	0.50
OVAL TUB W/ HANDLES HARVEST	1	1.25	1.25
OVAL TUB W/ HANDLES HARVEST	1	1.25	1.25
OVAL TUB W/ HANDLES HARVEST	1	1.25	1.25
FASHION JOURNALS 5.5X8-2	1	1.25	1.25
FASHION JOURNALS 5.5X8-2	1	1.25	1.25
12 FLAVOR GUMMY WORKS 3.5 Z	1	1.25	1.25
SHARPIE BLK FINE MARKER 201	1	1.25	1.25
12 FLAVOR GUMMY WORKS 3.5 Z	1	1.25	1.25
12 FLAVOR GUMMY WORKS 3.5 Z	1	1.25	1.25
DOVE BEAUTY CREAM 2.53Z	1	1.25	1.25
DOVE BEAUTY CREAM 2.53Z	1	1.25	1.25
DOVE BEAUTY CREAM 2.53Z	1	1.25	1.25
GIFTBAG LARGE AD GEN	1	1.25	1.25
GIFTBAG LARGE AD GEN	1	1.25	1.25
GIFTBAG LARGE AD GEN	1	1.25	1.25
Bag Fee	1	0.10	0.10

Sub Total \$34.10
 SALES TAX \$2.04
 Total \$36.14
 US DEBIT \$36.14
 *****5730 Approved
 Chip
 Purchase
 Auth/Trace Number: 9228001029620
 Chip Card AID: A000000098080

Serving utensils
 Posterboard
 Containers / Bivalve
 cream

Welcome to Dunkin'
Store #: 346502
3030 Queens Chapel Rd
Hyattsville, MD 20782
(260) 736-9291

301134 morning

CHK 324

10/10/2024 4:39 PM

Eat In

3 12 Donuts Glazed	47.67
2 12 Donuts *Assorted Apple Cider Pumpkin	31.73
3 Box Hot Orig Cof	69.27
1 Box Hot Decaf Cof	23.09
Visa	\$182.12

*****5738
Tran Type : Purchase
Entry Mode : INSERTED
Auth Code : 386560
VISA DEBIT
AID: A0000000031010
No Signature Required
I agree to pay the above total
amount according to the card
issuer
(merchant agreement if credit
voucher)

Subtotal	\$171.81
State Tax	\$10.31
Payment	\$182.12

Change Due \$0.00

----- Check Closed -----
10/10/2024 4:44 PM

Donut forget to tell us about
today's visit! Talk to us at
www.DunkinRunsOnYou.com
within 3 days and receive a
FREE CLASSIC DONUT
on your next visit when you
purchase a Medium or Larger Beverage
See restrictions on dunkindonuts.com

Survey Code: 52401-46502-1010-1048

Additional Discounts Will Not Be
Applied to Promotional Offers

Thank You. Come Back Again
Additional Discounts Will Not Be
Applied to Promotional Offer

Check # 324
Total Items: 9

COSTCO
WHOLESALE

Washington DC #1120
2441 Market St. NE
Washington DC, DC 20018

WU Member 111999192915

*****Bottom of Basket*****

*****BOB Count 0*****

E 1498057 PARTY CAKES	10.49
E 0000338923 /1498057	2.10-
E 67072 ORANGES	11.99
E 1136340 3LB ORG GALA	5.99
E 194097 LITTLE BITES	10.49
E 0000338693 /194097	2.10-
E 499459 **48/8 OZ**	8.29
SUBTOTAL	43.05
TAX	0.00
**** TOTAL	43.05

XXXXXXXXXXXX5738 CHIP Read
AID: A0000000980840 VERIFIED BY PIN
Seq# 9220 App# 974105
EFT/Debit Resp: APPROVED
Tran ID#: 428400009220....

APPROVED - Purchase
AMOUNT: \$43.05
10/10/2024 18:28 1120 9 484 78

EFT/Debit 43.05
CHANGE 0.00

TOTAL NUMBER OF ITEMS SOLD = 5
INSTANT SAVINGS \$ 4.20

10/10/2024 18:28 1120 9 484 78



21112000904842410101828

OP#: 78 Name: Patricia C
Thank You!
Please Come Again
Whse:1120 Trn:9 Trn:484 OP:78

Items Sold: 5
WU 10/10/2024 18:28

Donuts
Coffee

Breakfast Muff
Oranges / Apples W



City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-164-FY25

11/18/2024

10.a.

Submitted by: Jeff Ulysse

Submitting Department: Community & Economic Development

Agenda Section: Action

Item Title:

Variance Request V-70-24, 5408 40th Ave

Suggested Action:

I move the City Council authorize the Mayor to send a letter to the Board of Zoning Appeals requesting the denial of zoning variance application V-70-24, for the subject property located at 5408 40th Avenue; specifically for the request for additional net lot coverage.

Summary Background:

The applicant, Kelly Geishouser, has applied to the Prince George's County Board of Zoning Appeals for a zoning variance to validate existing conditions for net lot area, lot width at the building line and net lot coverage to obtain a building permit to construct an 18'x22' one car garage and the extension of an existing driveway.

The dwelling was built in 1924, prior to modern zoning standards and has a total lot area of 5,780 sf with a lot width of 56.3' at the building line. Pursuant to PGC zoning code §27-4202 (e) & (e)(1) minimum net lot area for the RSF-65 is 6,500sf and minimum lot width at the building line is 65'.

Support for the requested zoning relief related to net lot area and front yard width are typically granted due to non-conforming conditions created because of pre-existing zoning regulations. However, Staff recommends the City Council oppose V-70-24 for the subject property at 5408 40th ave, Hyattsville due to the request for additional lot coverage. Increase in impervious surfaces within the city exacerbates challenges with stormwater management and potential flood risks thus increasing the need for additional mitigation.

Next Steps:

The BZA is awaiting a recommendation from the City Council, prior to issuing a decision.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Support.

Community Engagement:

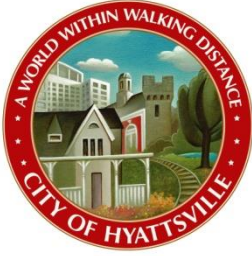
Staff have conversed with the petitioner and discussed potential modifications.

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

N/A



Memo

To: Tracey Douglas, City Administrator
From: Jeff Ulysse, Director, Com. & Econ. Development & City Planner
Date: November 7, 2024
Re: Zoning Variance Request V-70-24 – 5408 40th Ave, Hyattsville
Attachments: Application for Variance (Appeal No. V-70-24)
City of Hyattsville Variance Policy

The purpose of this memorandum is to provide the City Administrator with a briefing on the Zoning Variance request V-70-24, for the subject property located at 5408 40th Ave, Hyattsville.

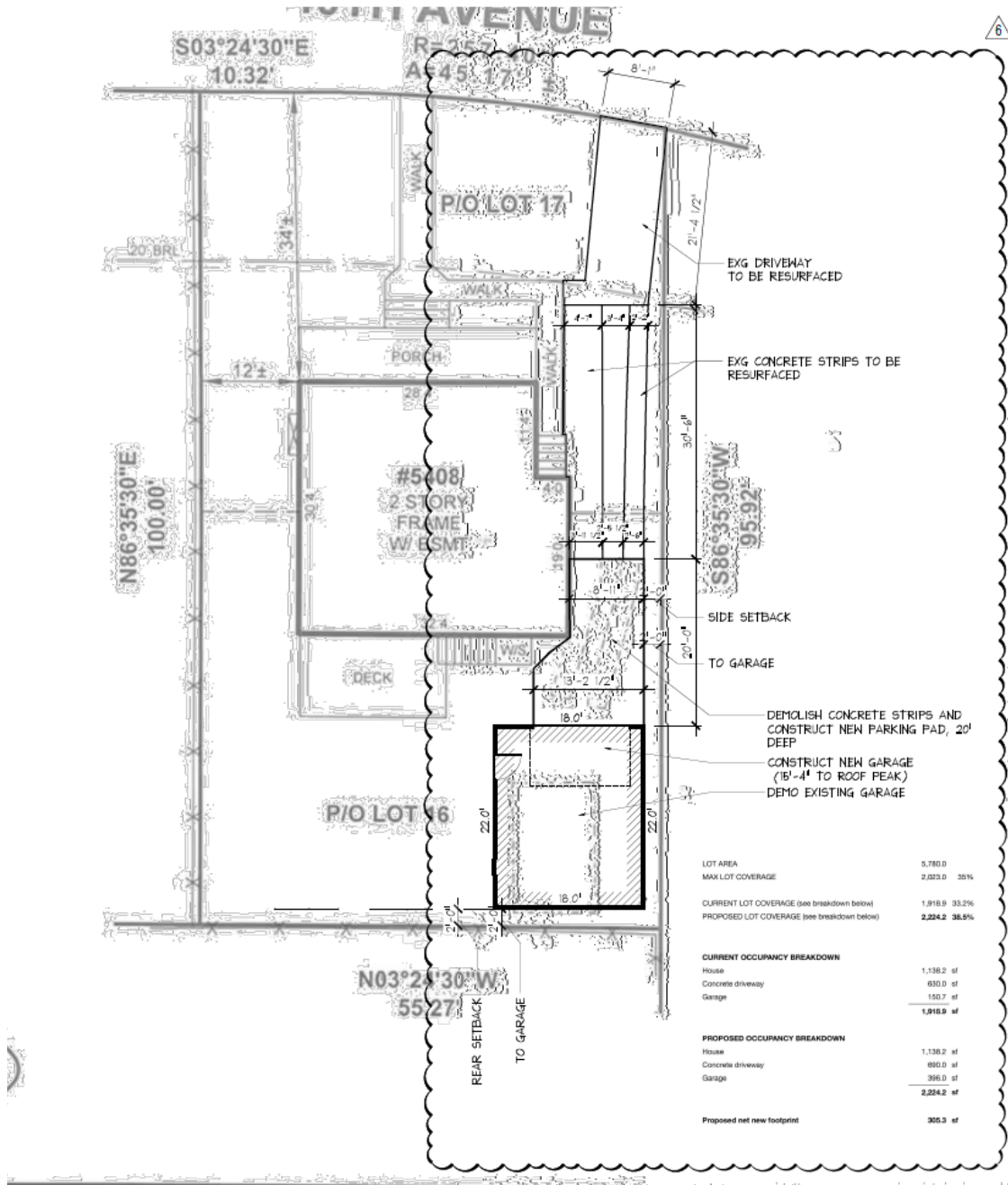
Summary of Variance Conditions:

The petitioner, Kelly Geishauser, has made an appeal to the Prince George’s County Board of Zoning Appeals (BZA) for a zoning variance to validate existing conditions (net lot area and lot width at the building line). The petitioner also requests a variance for net lot coverage to obtain a building permit to construct a 18’x22’ garage and extending a concrete driveway.

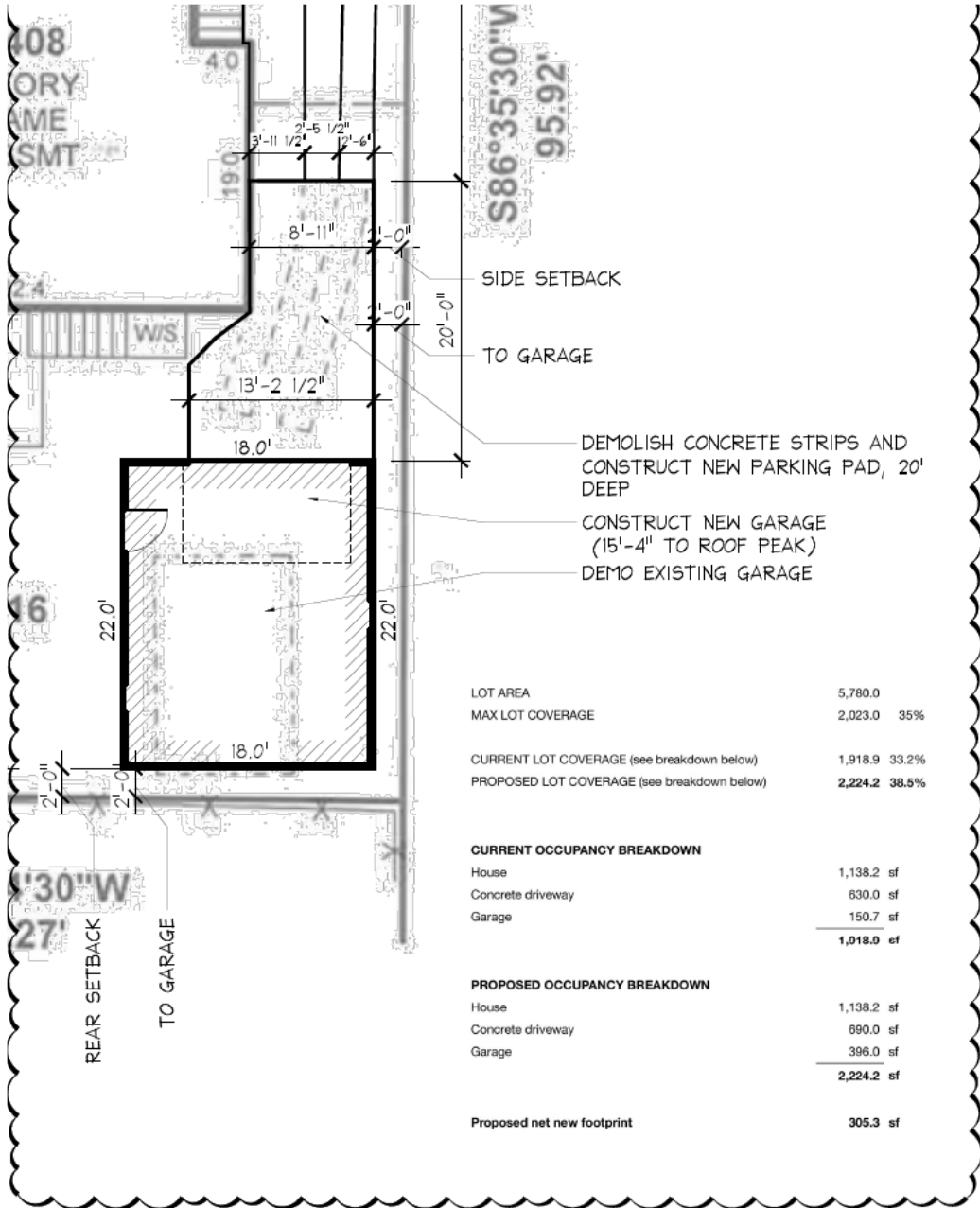
The requested variances are outlined in the table below:

Residential Zone Use Table	Description	Variance Requested
Section 27-4202 (e)	Requires that each lot in the RSF-65 zoning district have a net lot area of 6,500 square feet	Variance of 720 sf of net lot area
Section 27-4202 (e)(1)	Requires that a lot shall have a minimum width of 65 feet at the building line; requires that	Variance of 8.7 feet lot width at the building line
Section 27-4202 (e)(2)(1)	Requires each lot shall have not more than 35% of the net lot area shall be covered by buildings and off-street parking.	Variance of 3.5% net lot coverage.

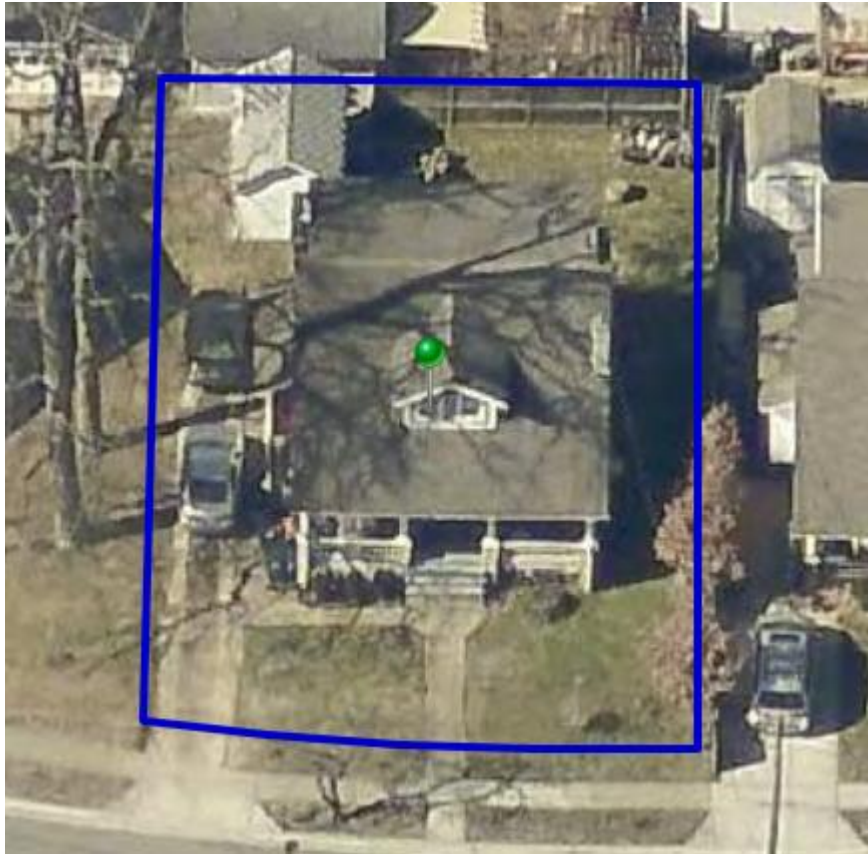
Illustrated in the figure below, the subject property includes an existing single-family detached residential dwelling, covered front porch, rear wood deck, residential storage shed and asphalt driveway. The subject property is located in City Council Ward 2 and is not located within a residential parking zone.



Furthermore, the subject property is in the RSF-65 zoning district and is required to comply with the prescribed dimensional regulations. Built in 1924, the subject property maintains a pre-existing width of 56.3ft, where 65ft is required and net lot area of 5,780 sf where a minimum of 6500sf is required under the provisions of the zoning code. These existing conditions create a degree of non-conformity impacting the petitioner's ability to comply.



The principal structure, storage shed, concrete driveway and decking all contribute to the overall lot coverage calculation. The petitioner provided lot coverage calculations, indicating that the existing improvements on the subject property result in a net lot coverage of 33.2%. The petitioner proposes the demolition of the existing storage shed with the construction of an 18'x22' one car garage. Lot coverage permitted under RSF-65 zoning district is 35% (2023 sf), however the proposal would increase the permitted allowable net lot coverage by an additional 3.5% or 201 sf.



Recommendation

The City’s Variance Policy states that “the City shall as a matter of policy provide letters of support for residents to document a ‘non-conforming lot’ as part of the normal permitting process for projects complying with all other aspects of zoning regulations, unless the matter at hand is the certification of a non-conforming use on a non-conforming lot.”

Support for the requested zoning relief related to net lot area and front yard width are typically granted due to non-conforming conditions created because of pre-existing zoning regulations. However, Staff recommends the City Council oppose V-70-24 for the subject property at 5408 40th ave, Hyattsville due to the request for additional lot coverage. Increase in impervious surfaces within the city exacerbates challenges with stormwater management and potential flood risks thus increasing the need for additional mitigation.

BOARD OF APPEALS
EXHIBIT SHEET
VARIANCES

APPLICATION NO. V-70-24

PETITIONER: Kelly Geishawser

No. Description

1. Application
2. Statement of Justification
3. Site Plan
4. Elevation Plans
5. Subdivision Plat
6. Color Photos, A thru G
7. SDAT Property Printout
8. PGAtlas Printout
9. Aerial Photos, A thru F
10. Neighboring Properties, A thru D
11. Lot Coverage Worksheet
12. Notice of Virtual Hearing, 10/8/2024
13. Persons of Record List, 10/8/2024
14. Certified Mail Receipts
15. Certification of Posting Signs, w/Photos, 10/10/2024
- 16.
- 17.
- 18.
- 19.
- 20.



BOARD of APPEALS

Zoning and Administrative

Wayne K. Curry Administration Building
1301 McCormick Drive, 3rd Floor
Largo Maryland 20774
(301) 952-3220
boardofappeals@co.pg.md.us

Rec: 9/4/2024

Received Stamp

APPLICATION FOR A VIRTUAL VARIANCE

(USE BLACK INK ONLY)

PLEASE READ ALL INSTRUCTIONS BEFORE FILLING OUT APPLICATION

Owner(s) of Property KELLY GEISHAUSER
(AS SHOWN ON DEED)
Address of Owner(s) 5408 40TH AVE
City HYATTSVILLE State MD Zip Code 20781
Telephone Number (home) _____ (cell) 301 356 2679 (work) _____
E-mail address: GEISHAUSER@CHA.EDU

Location and Legal Description of the Property involved:

Street Address 5408 40TH AVE
City HYATTSVILLE
Lot(s) 16 & 17 Block 7 Parcel -
Subdivision Name HYATTSVILLE HILLS

Professional Service:

► Engineer ► Contractor ► **Architect** ► Permit Service: (circle one) **If none, use N/A:**
Business Name: ROMERO ARCHITECTS Phone Number: 202 436 2200
Representative Name: MICHAEL ROMERO Email Address: MICHAEL@ROMEROARCHITECTS.COM
Address: 1106 GALLATIN ST HYATTSVILLE MD 20781

Attorney representing applicant: If none, use N/A

Name: N/A Law Office of _____
Address: _____
Email Address: _____ Phone Number: _____

All Legal Representatives must submit a letter of representation.

Homeowners/Citizens/Civic and/or Community. If none, use N/A:

Name: N/A

Address: _____

Municipality (Incorporated City/Town) If none, use N/A

Name HATTYSVILLE

PROPOSED WORK:

What will be or has been constructed on the property which has required a variance? _____

PROPOSED GARAGE ACCESSORY TO SINGLE FAMILY DWELLING

27-1202 (e) TABLE 2

SEE JUSTIFICATION LETTER

For increase in fence height or wall height, please see below.

Security Exemption Plan Approval (Section 27-6610)

For increase in fences height or wall height over the allowable height indicated in Section 27-6603.

If none, use N/A:

Please indicate the requested increase in fence/wall height: N/A

Reason for increase: _____

Has a Correction Order / Stop Work Order / Violation Notice been issued to the Property Owner regarding the subject property? If none, use N/A:

Correction Order: No Yes _____ Stop Work Order: No Yes _____

Violation Notice: No Yes _____ No. # _____ Date Issued: _____

Inspector's Name: _____

A copy of any issued Order (all pages, front and back) must be provided to the Board. Do not submit Citations.

Do you need the services of a foreign language interpreter or sign language interpreter at your hearing? (\$30.00 fee required) If none, use N/A:

Foreign Language Yes _____ No Sign Language Yes _____ No

Foreign Language: _____

SIGNATURE PAGE

No Electronic Signatures are permitted. Wet Signatures only.



Signature of Property Owner by deed

Legal Representative (Attorney)

KELLY GEISHAUSER

Printed Name

9 | 5 | 2024

Date:

IMPORTANT:

Failure to provide complete and accurate information on this application may delay or jeopardize consideration of the request. Applications on which all required information is not furnished will be returned for completion before processing. When complete, please forward completed application and documents to boardofappeals@co.pg.md.us

Approval of a variance is not a guarantee that further review will not be necessary by other governmental authorities. For further information regarding Board of Zoning Appeals policies and procedures, see Sections 27-3303, 27-3613 and 27-3616 of the County Zoning Ordinance and/or the Board's website at <http://pgccouncil.us/BOA>

JUSTIFICATION STATEMENT

Property: 5408 40th Avenue, Hyattsville, MD 20781. S HLF LTS 16.17 EQ 17B, Part of Hyattsville Hills

Land Area: 5,780 square feet

Petitioner: Kelly Geishauser, Owner

Request: Accessory, detached garage that is greater than allowable Lot Coverage. Section 27-4202 (e), Table (2), Lot Coverage

Zone: RSF-65

Factual Background

The existing lot is a middle of the block lot with a 25' front yard setback on the east property line, a 7' side yard setback on the north and south property line, and a 20' rear yard setback on the west property line (See Drawings). Section 27-442(c) Table II, Lot coverage of the Prince George's County Zoning Ordinance states that the maximum Lot Coverage in the RSF-65 zone is 35%. Petitioner purchased the existing property with the existing structures (house and garage) and concrete driveway. The existing garage is not suited for contemporary automobile sizes and sits at the rear of the lot. The Petitioner wishes to build a new, larger garage of 18' wide x 22' deep for his truck and a workshop area. Associated with this proposed garage, he is required by Code to account for a drive from the proposed garage to the street at the front of the lot.

Reason for Appeal

The proposed construction of the garage and the required drive would result in a Lot Coverage of 38.5%, or 3.5% above what is currently allowed.

Applicable Portion of Zoning Code

Petitioner is seeking a variance for the garage under Prince George County Zoning Ordinance Section 27-3613 and 27-3303 due to the lot-specific conditions that a strict interpretation of the Zoning Ordinance would cause Petitioner hardship, through no fault of his own. The lot is in Hyattsville, zoned RSF-65. Petitioner's proposed project exceeds 27-4202 (e), Table (2), Lot coverage.

EXH. # <u>2</u> V-70-24
--

Evidence Supporting Variance

Section 27-3613 (d) of the Zoning Ordinance states that a variance may once be granted when the Board of Zoning Appeals finds that:

(1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);

The lot size is 5,780 sf. The existing garage is currently located in the rear of the property. The garage was constructed long before Petitioner purchased the house. Due to the garage's location, the driveway connecting the street to the garage is exceptionally long. The driveway accounts for 690 sf (or 11.9%) of the 5,780 sf lot. Also, the house itself sits further back than houses on typical RSF-65 lots. RSF-65 Front Setback is 25 feet, but Petitioner's house is set back 34 feet. This precludes any proposed garage pushed away from the rear property line, which would reduce the required drive length.

(2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property;

The original house was built in 1924, the garage at the rear and the long driveway sometime later. The sum of these interventions created the existing non-conforming nature of the property, through no fault of the Petitioner's own. The proposed garage only adds a net 305 sf (5.3%) toward the Lot Coverage as the proposed garage sits in the same area as the existing.

The Petitioner explored other locations for the garage on the southern part of the lot, as this is where the existing drive and curb-cut is located. The house sites only 10.87' from the south property line so a garage adjacent to the house would be too thin to be functional. It also would abut the existing house, eliminating desirable windows into first floor living spaces. A garage could be located in the northern area of the lot, but would require an introduction of a new curb-cut and drive, at great expense.

As such, a strict application would be greatly detrimental to the house and the Petitioner.

(3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions;

The Petitioner is required to connect any proposed garage to the street with a drive. Granting a variance would allow the Petitioner to reasonably enjoy his property as his neighbors and other RSF-65 zoned lots are able.

(4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property;

This is not applicable.

(5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and

The proposed garage will not substantially impair the use and enjoyment of adjacent properties. The garage, being at the rear of the lot, will have minimal visual impact from the street. The scale, massing, and the architecture of the garage is in keeping with the surrounding character of the neighboring properties.

(6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

The existing situation is not self-inflicted.

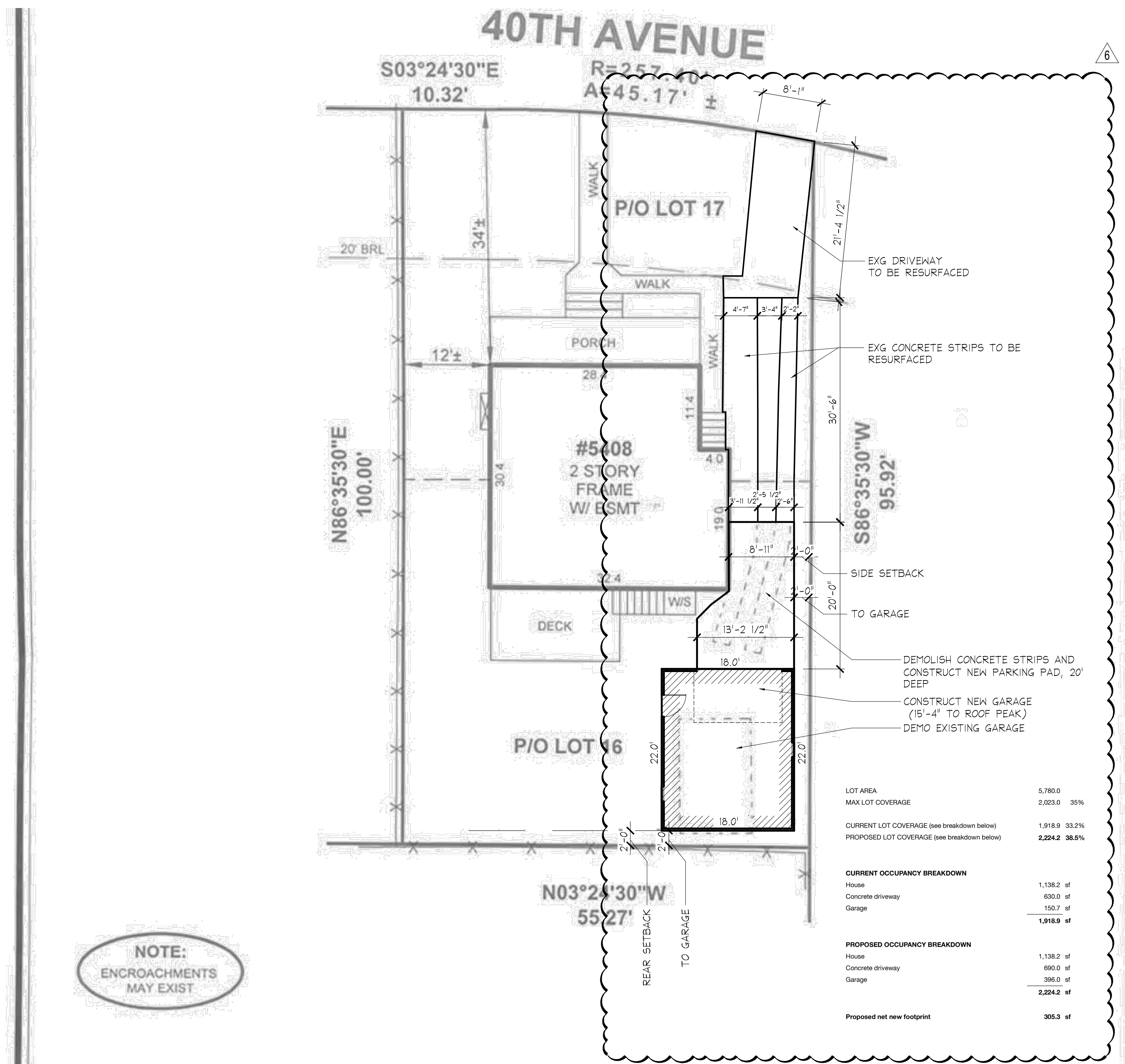
Conclusion

Petitioner submits that the subject application meets the evidentiary requirement of demonstrating the subject property's unique and unusual situation when compared to adjoining properties and the current neighborhood; and that this uniqueness causes the zoning requirements to disproportionately impact the reasonable use and enjoyment of this property, thus creating a practical difficulty.

Respectfully submitted,



Michael Romero, Licensed Architect
Romero Architects
4106 Gallatin Street
Hyattsville, MD 20781
Phone: 202.436.2200
michael@romeroarchitects.com
Agent for Petitioner



NOTE:
ENCROACHMENTS
MAY EXIST

LOT AREA	5,780.0
MAX LOT COVERAGE	2,023.0 35%
CURRENT LOT COVERAGE (see breakdown below)	1,918.9 33.2%
PROPOSED LOT COVERAGE (see breakdown below)	2,224.2 38.5%
CURRENT OCCUPANCY BREAKDOWN	
House	1,138.2 sf
Concrete driveway	630.0 sf
Garage	150.7 sf
	1,918.9 sf
PROPOSED OCCUPANCY BREAKDOWN	
House	1,138.2 sf
Concrete driveway	890.0 sf
Garage	396.0 sf
	2,224.2 sf
Proposed net new footprint	305.3 sf

LOCATION DRAWING OF:
#5408 40TH AVENUE
P/O LOTS 16 & 17
BLOCK 7
HYATTSTVILLE HILLS
PLAT BOOK 2, PLAT 64
PRINCE GEORGE'S COUNTY, MARYLAND
SCALE: 1"=20' DATE: 10-9-15
DRAWN BY: CP/AP FILE #: 156767-200

LEGEND:
 X - FENCE
 B/E - BASEMENT ENTRANCE
 B/W - BAY WINDOW
 BR - BRICK
 BRL - BLDG. RESTRICTION LINE
 BSMT - BASEMENT
 C/S - CONCRETE STOOP
 CONC - CONCRETE
 D/W - DRIVEWAY
 FR - FRAME
 MAC - MACADAM
 OH - OVERHANG
 PUE - PUBLIC UTILITY ESMT
COLOR KEY:
 (RED) - RECORD INFORMATION
 (BLUE) - IMPROVEMENTS
 (GREEN) - ESMTS & RESTRICTION LINES

A Land Surveying Company
DULEY and Associates, Inc.
Serving D.C. and MD.
14604 Elm Street, Upper Marlboro, MD 20772
Phone: 301-888-1111 Fax: 301-888-1114
Email: orders@duley.biz On the web: www.duley.biz



SURVEYOR'S CERTIFICATE
EXH. # 3 V-70-24
I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 09 13 08 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar as IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1". NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISREPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

DULEY & ASSOC.
WILL GIVE YOU A 100% FULL CREDIT TOWARDS UPGRADING THIS SURVEY TO A "BOUNDARY/STAKE" SURVEY FOR ONE YEAR FROM THE DATE OF THIS SURVEY.
(EXCLUDING D.C. & BALT CITY)

1 SITE PLAN
SPI SCALE = 1"=10'-0"

ROMERO ARCHITECTS, LLC
4106 GALLATIN STREET
HYATTSTVILLE MD 20781
202.436.2200
info@romeroarchitects.com



REVISIONS:

1	03.13.24	FOR PERMIT COMMENTS
2	04.08.24	FOR PERMIT COMMENTS
3	05.12.24	FOR PERMIT COMMENTS
4	05.22.24	FOR PERMIT COMMENTS
5	08.29.24	FOR VARIANCE SUBMISSION
6	09.03.24	FOR VARIANCE SUBMISSION

GEISHAUSER RESIDENCE
DETACHED GARAGE
5408 40TH AVENUE | HYATTSTVILLE MD | 20781

PROFESSIONAL CERTIFICATION:
I, MICHAEL ROMERO, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 15546, EXPIRATION DATE JULY 11, 2024.

PRINTING LOG

DATE	PURPOSE
11.20.23	SCHEMATIC DESIGN
12.07.23	SCHEMATIC DESIGN 1
01.09.24	SCHEMATIC DESIGN 1.1
01.12.24	SCHEMATIC DESIGN 1.2
02.14.24	PERMIT SET

DRAWN BY:
MJR
PROJECT NUMBER:
23105

SITE PLAN

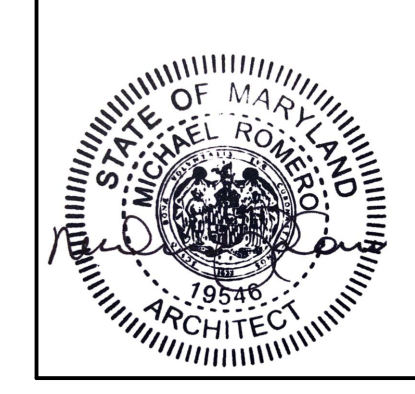
SP1

EXH. # 3 V-70-24

ELEVATION KEYNOTES:

- 1 30 YR. ASPHALT SHINGLE ROOFING
- 2 DUTCH LAP VINYL SIDING - MATCH EXISTING
- 3 NEW 5/8x4 PVC WINDOW TRIM ON TOP/SIDES WITH 2" HISTORIC SILL
- 4 5/8x4 PVC CORNER BOARD
- 5 ATTIC WINDOW - CONSULT OWNER

ROMERO ARCHITECTS, LLC
 4106 GALLATIN STREET
 HYATTSVILLE MD 20781
 202.436.2200
 info@romeroarchitects.com



REVISIONS:

- 1 03.13.24 FOR PERMIT COMMENTS
- 2 04.08.24 FOR PERMIT COMMENTS
- 3 05.12.24 FOR PERMIT COMMENTS
- 4 05.22.24 FOR PERMIT COMMENTS
- 5 08.29.24 FOR VARIANCE SUBMISSION
- 6 09.03.24 FOR VARIANCE SUBMISSION

GEISHAUSER RESIDENCE
 DETACHED GARAGE
 5408 40TH AVENUE | HYATTSVILLE MD | 20781

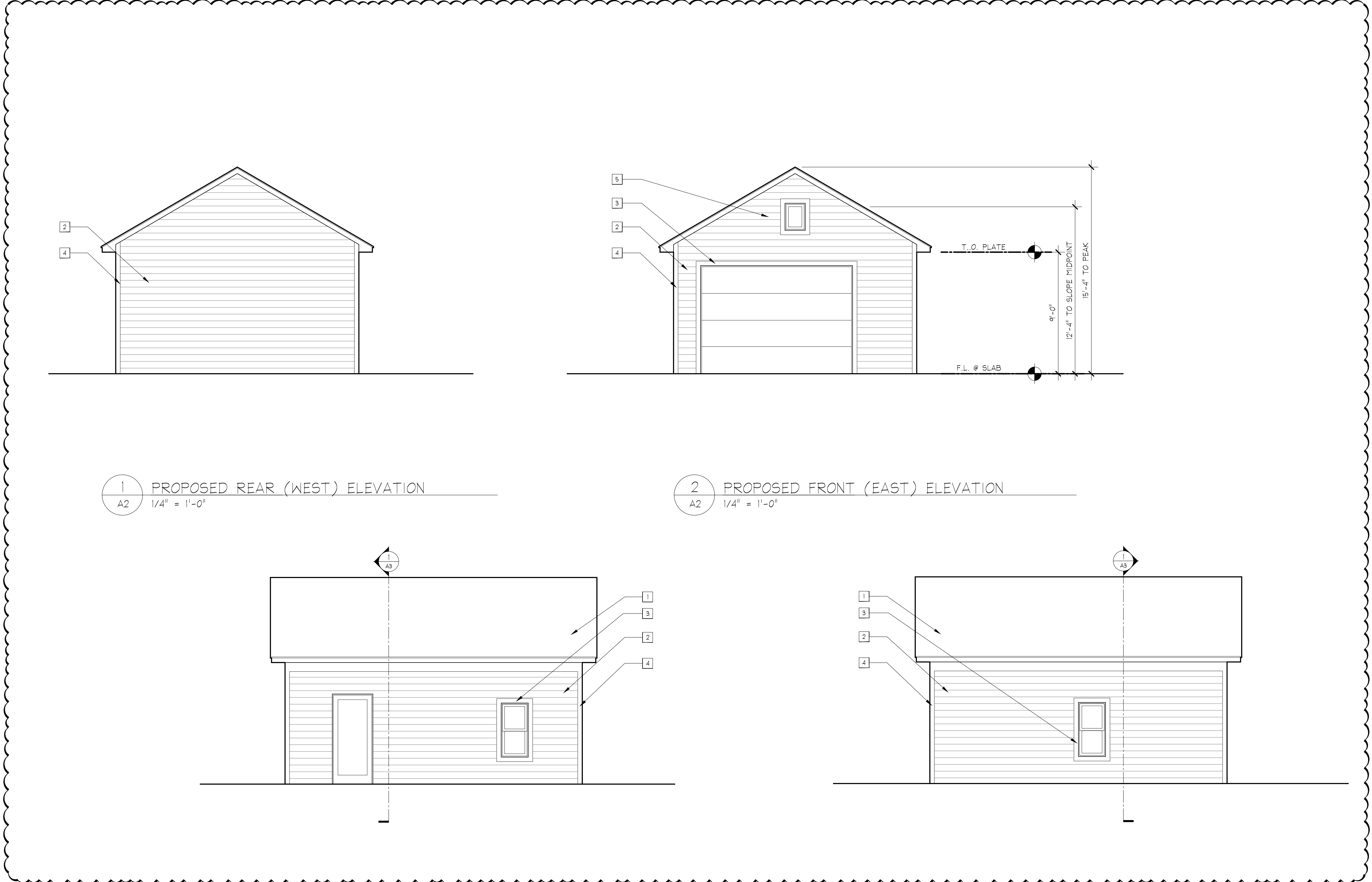
PROFESSIONAL CERTIFICATION:
 I, MICHAEL ROMERO, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 19546, EXPIRATION DATE JULY 11, 2024.

DATE	PURPOSE
11.20.23	SCHEMATIC DESIGN
12.07.23	SCHEMATIC DESIGN 1
01.09.24	SCHEMATIC DESIGN 1.1
01.12.24	SCHEMATIC DESIGN 1.2
02.14.24	PERMIT SET

DRAWN BY:
 MJR
 PROJECT NUMBER:
 23105

EXTERIOR ELEVATIONS

A2



1 PROPOSED REAR (WEST) ELEVATION
 A2 1/4" = 1'-0"

2 PROPOSED FRONT (EAST) ELEVATION
 A2 1/4" = 1'-0"

3 PROPOSED SIDE (NORTH) ELEVATION
 A2 1/4" = 1'-0"

4 PROPOSED SIDE (SOUTH) ELEVATION
 A2 1/4" = 1'-0"

EXH. # 4
 V-70-24

APPROVED DEC 29, 1922.

RECORD MAP

HYATTSVILLE HILLS, MD.

Being a resubdivision of Blocks 3-8, 12-15, 17-18 & 22-27 of JOHNSON & WINES 3rd Addition to HYATTSVILLE.

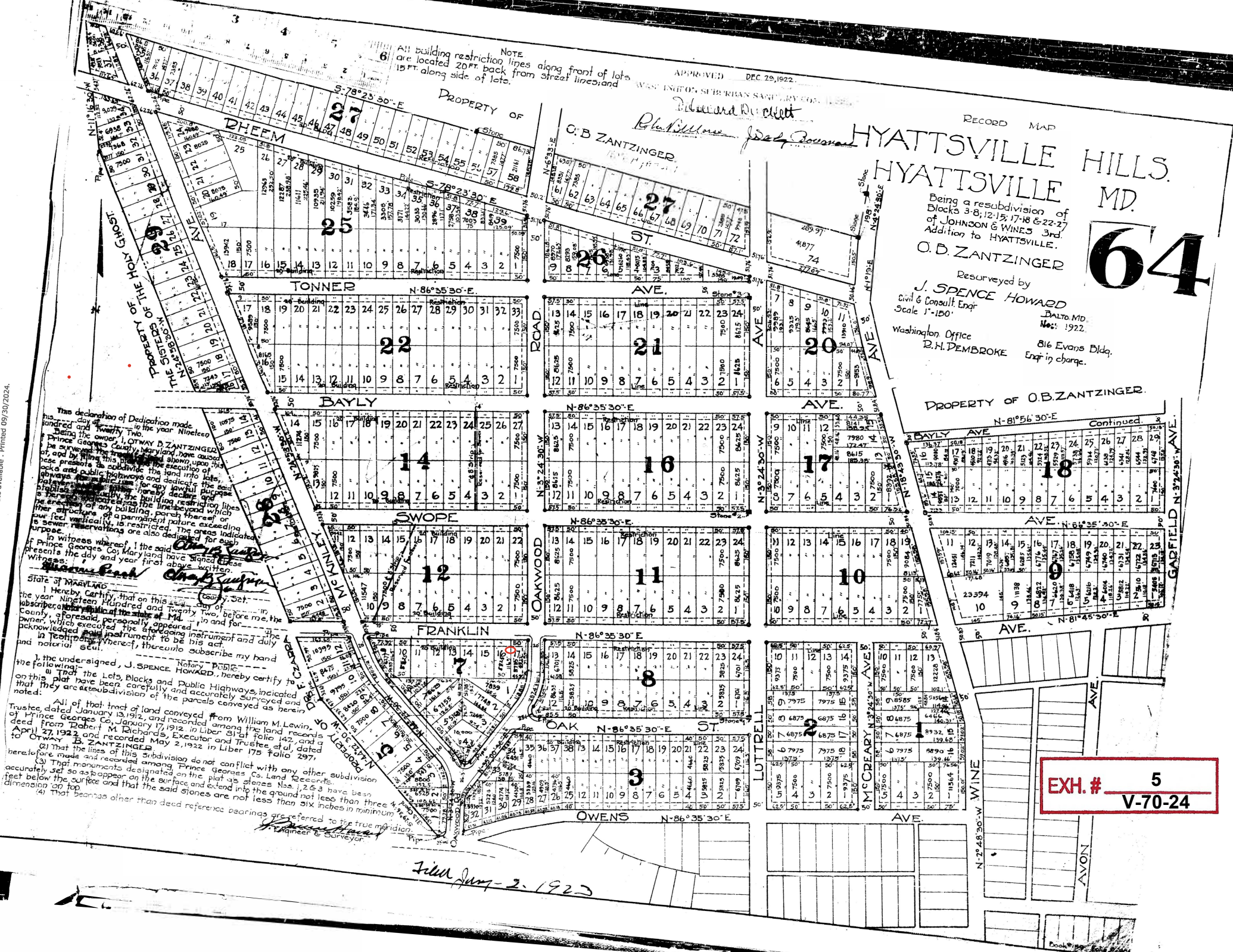
64

O. B. ZANTZINGER

Resurveyed by
J. SPENCE HOWARD
Civil & Consult. Engr
Scale 1"-150'
Washington Office
R. H. DEMBROKE Engr in charge.
BALTO MD.
Nov. 1922.
816 Evans Bldg.

Richard Duckett
John Willows
Walter Bowman

C. B. ZANTZINGER



The declaration of Dedication made on this day of January in the year Nineteen Twenty Two, being the day of the year Nineteen Twenty Two, by Prince Georges County, Maryland, have been approved by the Board of Public Works and Public Highways and dedicated to the use of the public for any lawful purpose, and the building restriction lines beyond which the erection of any building, porch, terrace or awning, or any other structure, shall be prohibited, and the area reserved for any other purpose, shall be restricted. The areas indicated on this plat are also dedicated for such purpose.

In witness whereof, I the said J. Spence Howard, Civil and Consulting Engineer, presents the day and year first above written.

J. Spence Howard
Civil & Consulting Engineer

State of Maryland
I, the undersigned, J. Spence Howard, Civil and Consulting Engineer, do hereby certify, that on this day of January in the year Nineteen Twenty Two, before me, the undersigned, a Notary Public for Prince Georges County, aforesaid, personally appeared the owner, O. B. Zantzing, who acknowledged and duly subscribed to the foregoing instrument and duly acknowledged the same to be his act and deed.

Notary Public
I, the undersigned, J. Spence Howard, Civil and Consulting Engineer, do hereby certify, that on this day of January in the year Nineteen Twenty Two, before me, the undersigned, a Notary Public for Prince Georges County, aforesaid, personally appeared the owner, O. B. Zantzing, who acknowledged and duly subscribed to the foregoing instrument and duly acknowledged the same to be his act and deed.

Notary Public

Filed July - 2 - 1922

EXH. # 5
V-70-24



6(A)

EXH. # 6(A-H)
V-70-24



6(B)



6(C)



6(D)







6(G)

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 16 Account Number - 1816644

Owner Information

Owner Name: GEISHAUSER KELLY **Use:** RESIDENTIAL
Mailing Address: 5408 40TH AVE **Principal Residence:** YES
 HYATTSVILLE MD 20781-1821 **Deed Reference:** /30749/ 00117

Location & Structure Information

Premises Address: 5408 40TH AVE **Legal Description:** S HLF LTS 16.17 EQ
 HYATTSVILLE 20781-0000 17B

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: E-0943
 0042 00B4 0000 16024700.17 4700 7 2025 **Plat Ref:**

Town: HYATTSVILLE

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1924 1,269 SF 5,780 SF 001

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
 1 1/2 YES STANDARD UNITFRAME/3 3 full

Value Information

	Base Value	Value		
		As of 01/01/2022	As of 07/01/2024	As of 07/01/2025
Land:	140,300	140,300		
Improvements	264,400	264,400		
Total:	404,700	404,700	404,700	
Preferential Land:	0			

Transfer Information

Seller: JP MORGAN CHASE BANK N A **Date:** 06/26/2009 **Price:** \$157,500
Type: NON-ARMS LENGTH OTHER **Deed1:** /30749/ 00117 **Deed2:**

Seller: CASTRO-CAMPOS, CARLOS **Date:** 06/26/2009 **Price:** \$255,850
Type: NON-ARMS LENGTH OTHER **Deed1:** /30749/ 00112 **Deed2:**

Seller: U S BANK NATIONAL ASSOCIATION **Date:** 03/27/2007 **Price:** \$319,900
Type: NON-ARMS LENGTH OTHER **Deed1:** /27473/ 00107 **Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2024	07/01/2025
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 08/18/2020

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

EXH. # 7
V-70-24

Property

Tax Account: 1816644

Owner Name: GEISHAUSER KELLY

Premise Address: 5408 40th Ave, Hyattsville, MD 20781

Parcel Details

Tax Account #: 1816644
Assessment District: 16
Lot: Block: 7 Parcel:
Description: S HLF LTS 16.17
EQ 17B
Plat: E16-0943
Subdivision: HYATTSVILLE
HILLS
Acreage: 0.1330

Ownership Information

Owner Name: GEISHAUSER KELLY
Owner Address: 5408 40th Ave,
Hyattsville, MD 20781
Liber: 30749 **Folio:** 117
Transfer Date: 6/26/2009
Current Assessment: \$404,700.00
Land Valuation: \$140,300.00
**Improvement
Valuation:** \$264,400.00
Sale Price: \$157,500.00
Structure Area (Sq Ft): 1269

Administrative Details

Tax Map Grid: 042B4
WSSC Grid: 206NE03
Councilmanic District:

Historic District National Register (HAWP Not Required)

Name: Hyattsville Historic District
ID: 68-010-00

Legislative District (2014)

Legislative District: 22
Member 1: Paul G. Pinsky
Party 1: Democrat
Member 2: Anne Healey
Party 2: Democrat
Member 3: Alonzo T. Washington
Party 3: Democrat
Member 4: Nicole A. Williams
Party 4: Democrat

Prior Development District Overlay (Prior)

Overlay Zone: D-D-O
Plan Name: GATEWAY ARTS DISTRICT SECTOR PLAN AND SMA
Resolution: CR-78-2004
Adoption Date: 11/30/2004
Acreage: 1907.699336

Councilmanic District (2014)

District: 2
Councilmember: Deni Taveras
Political Party: Democrat
Telephone: 301-952-4436
Email: dltaveras@co.pg.md.us

EXH. # 8
V-70-24

District: Null
Councilmember: Mel Franklin (At Large)
Political Party: Democrat
Telephone: 301-952-2638
Email: mfranklin1@co.pg.md.us
District: Null
Councilmember: Calvin S. Hawkins, II (At Large)
Political Party: Democrat
Telephone: 301-952-2195
Email: at-largememberhawkins@co.pg.md.us

Tax Grid

Map Grid: 42-B4

Watershed (DOE)

Name: NORTHWEST BRANCH (ANA)

Watershed - 12 digit (DNR)

MDE 6 Digit Code: 021402
MDE 6 Digit Name: WASHINGTON METROPOLITAN
MDE 8 Digit Code: 02140205
MDE 8 Digit Name: Anacostia River
Watershed Code: 0818
DNR 12 Digit Designator: 021402050818
Tributary Strategy Watershed: MIDDLE POTOMAC
NRCS HUA14 Digit Code: 02070010030130
NRCS HUA11 Digit Code: 02070010030
NRCS HUA8 Digit Code: 02070010
Acreage: 4987.130371

WSSC Grid

Grid: 206NE03

Zip Code

Zip Code: 20781
City: Hyattsville
Alternate Names: N/A

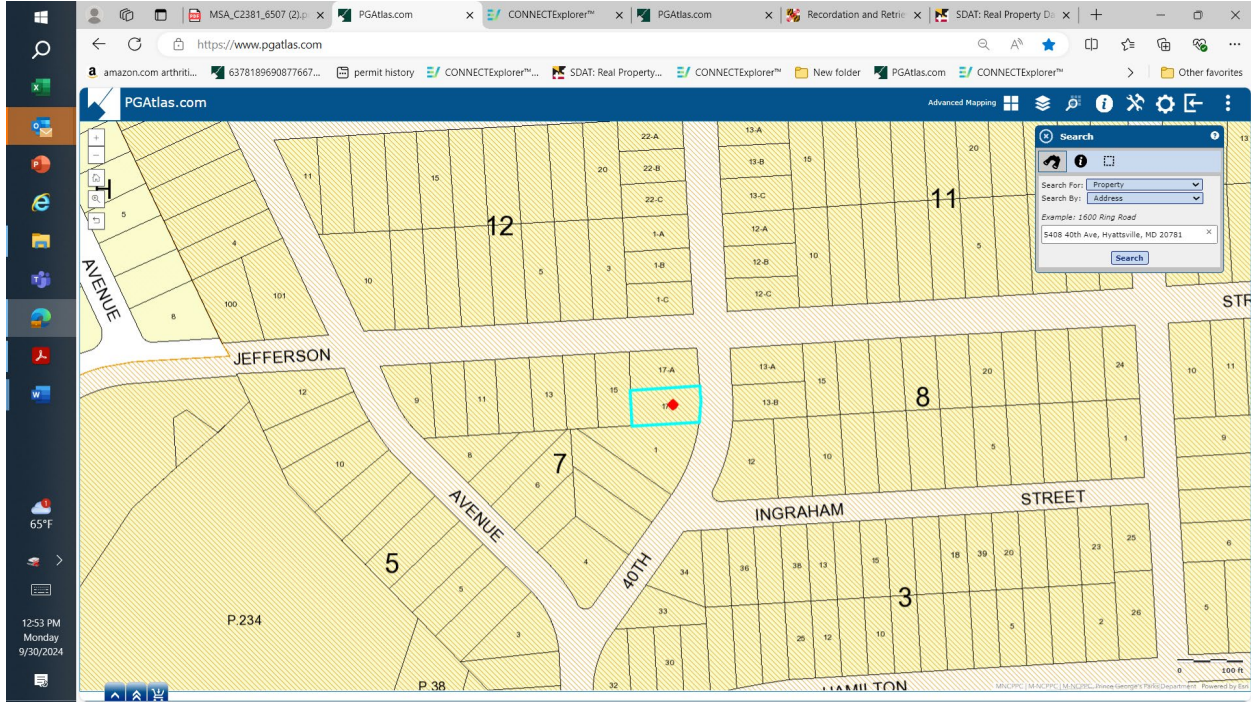
Zoning (Current)

Class: RSF-65 (Residential, Single-Family - 65)
Zone Type: Residential

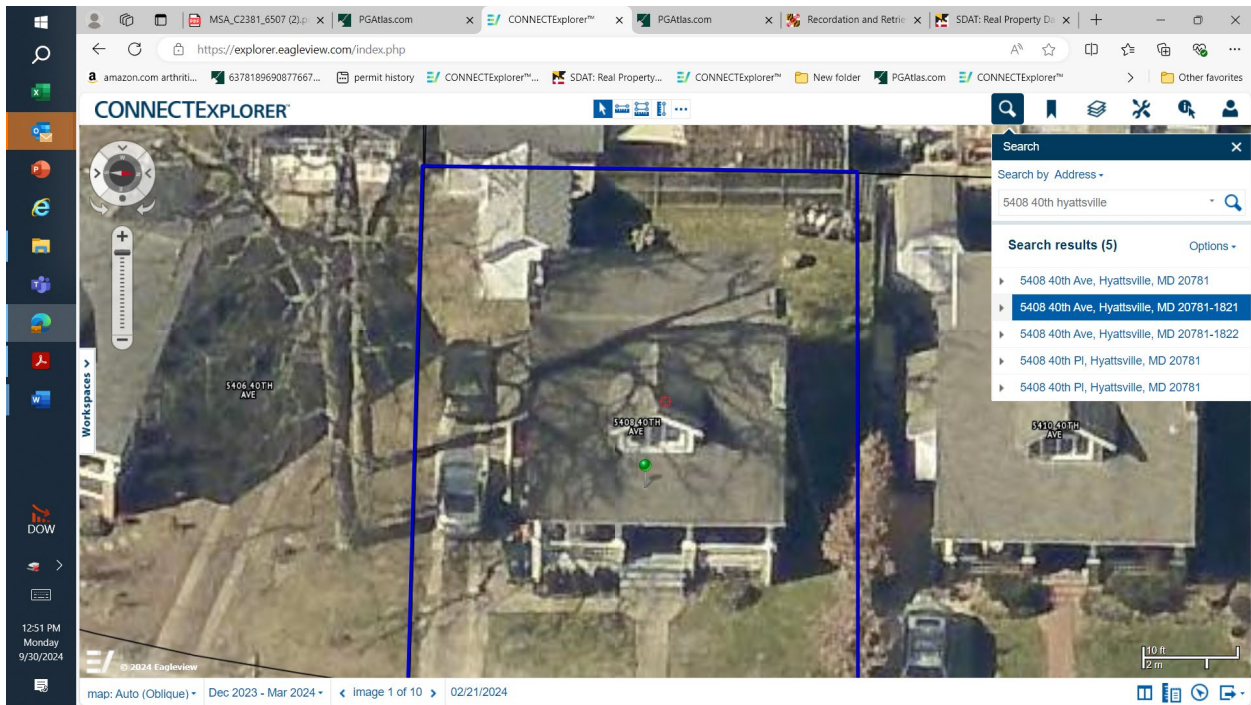
Zoning (Prior)

Class: R-55 (One-Family Detached Residential)
Zone Type: Residential

V-70-24
Aerial Photos



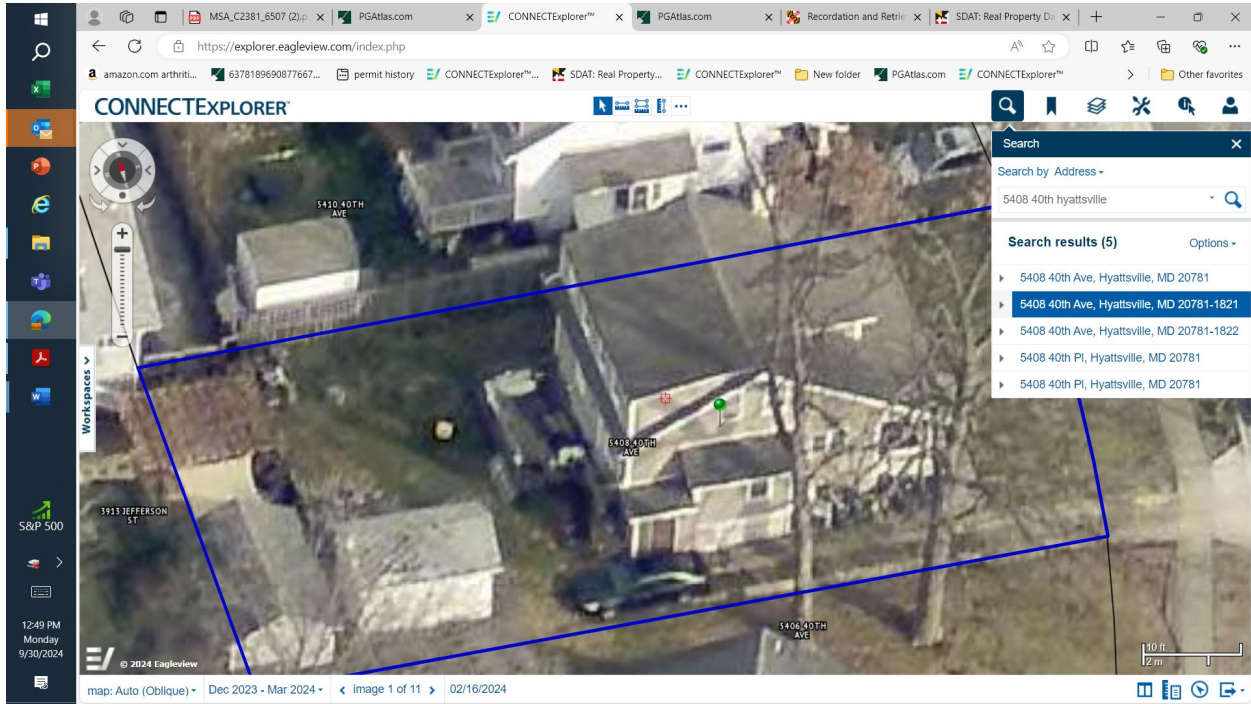
9(A)



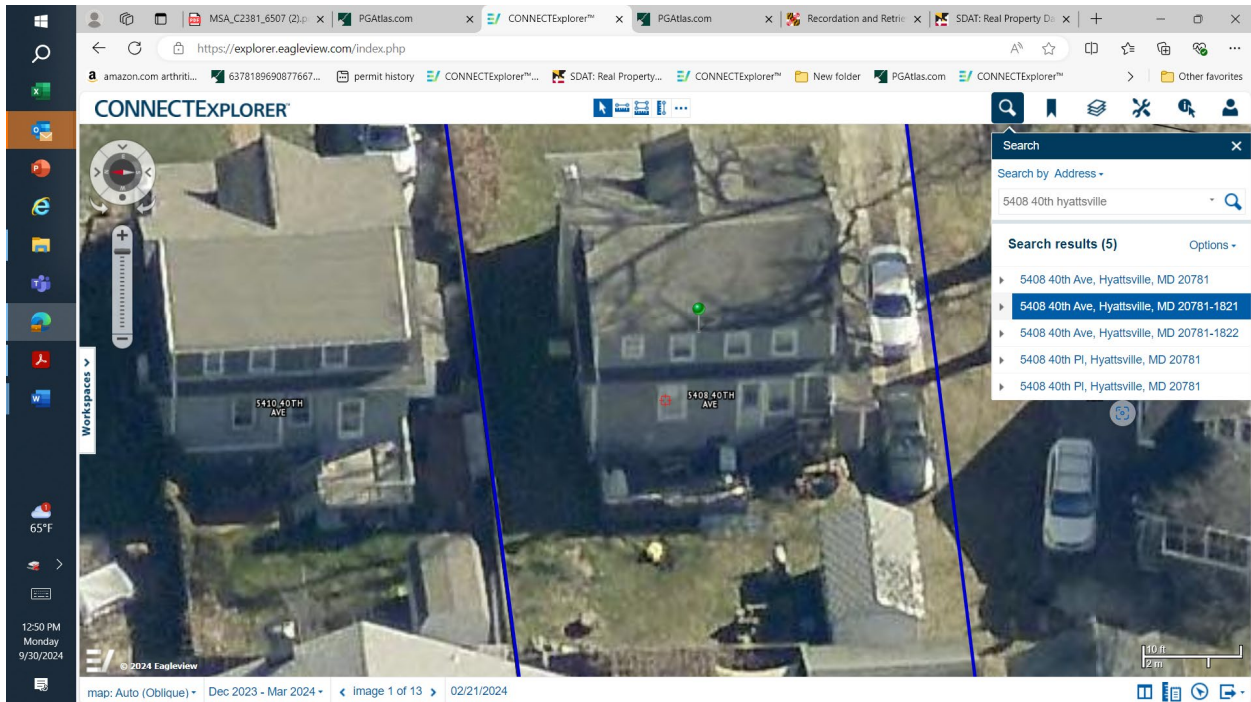
9(B)

EXH. # 9(A-F)
V-70-24

V-70-24
Aerial Photos

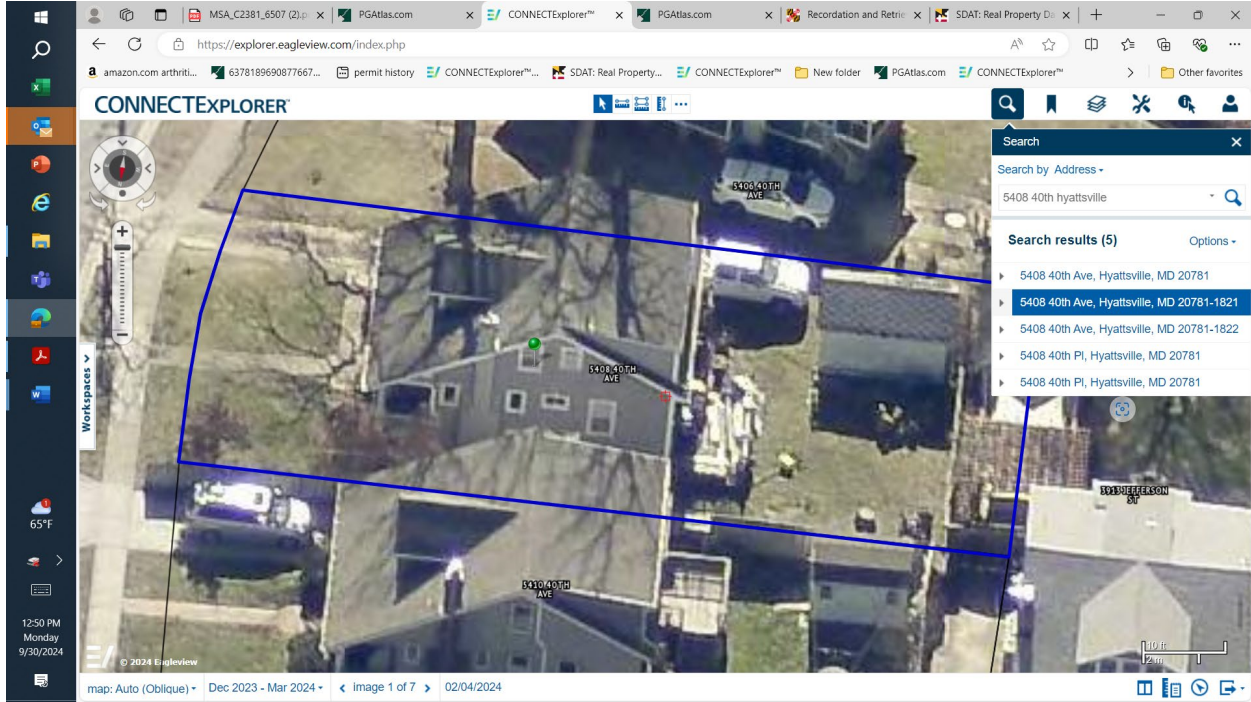


9(C)

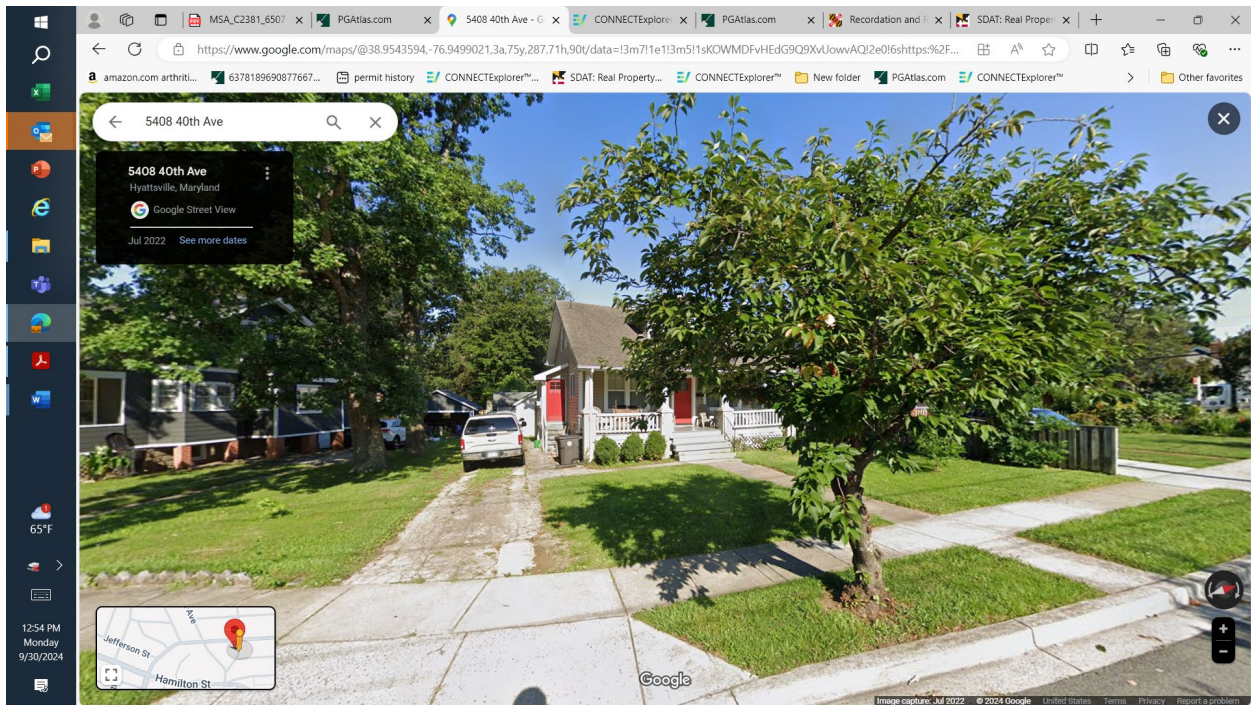


9(D)

V-70-24
Aerial Photos

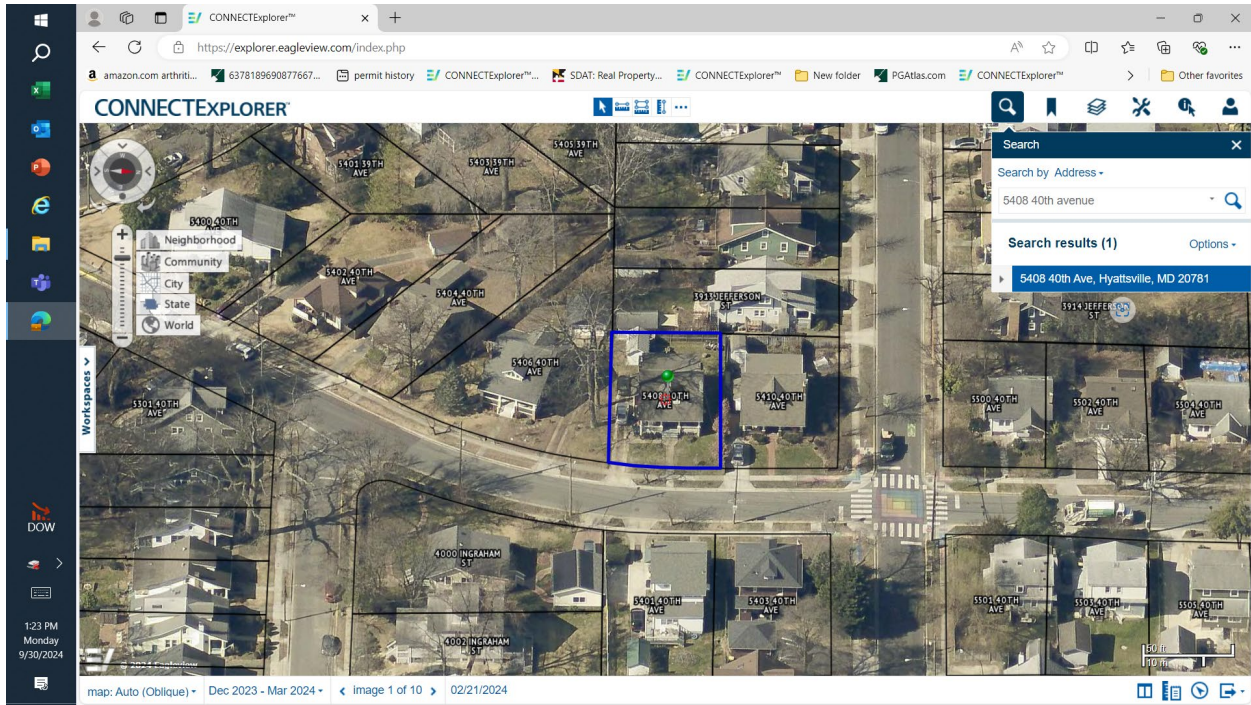


9(E)

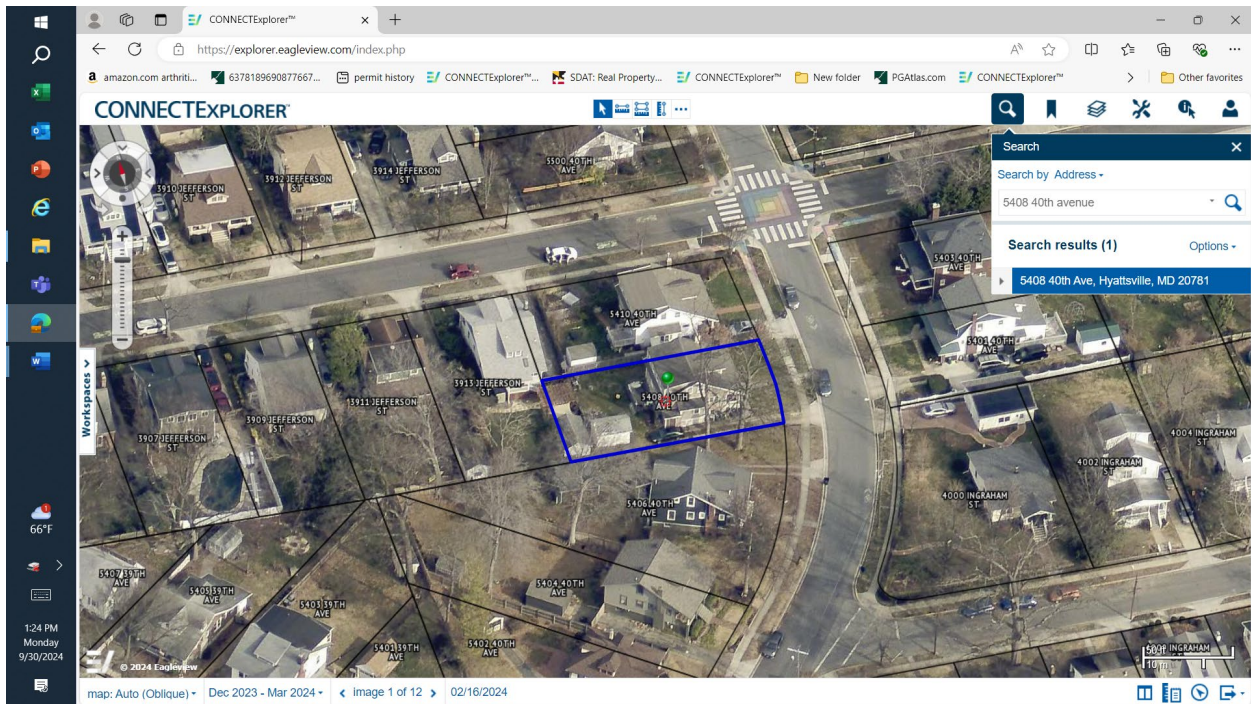


9(F)

V-70-24
Neighboring Properties



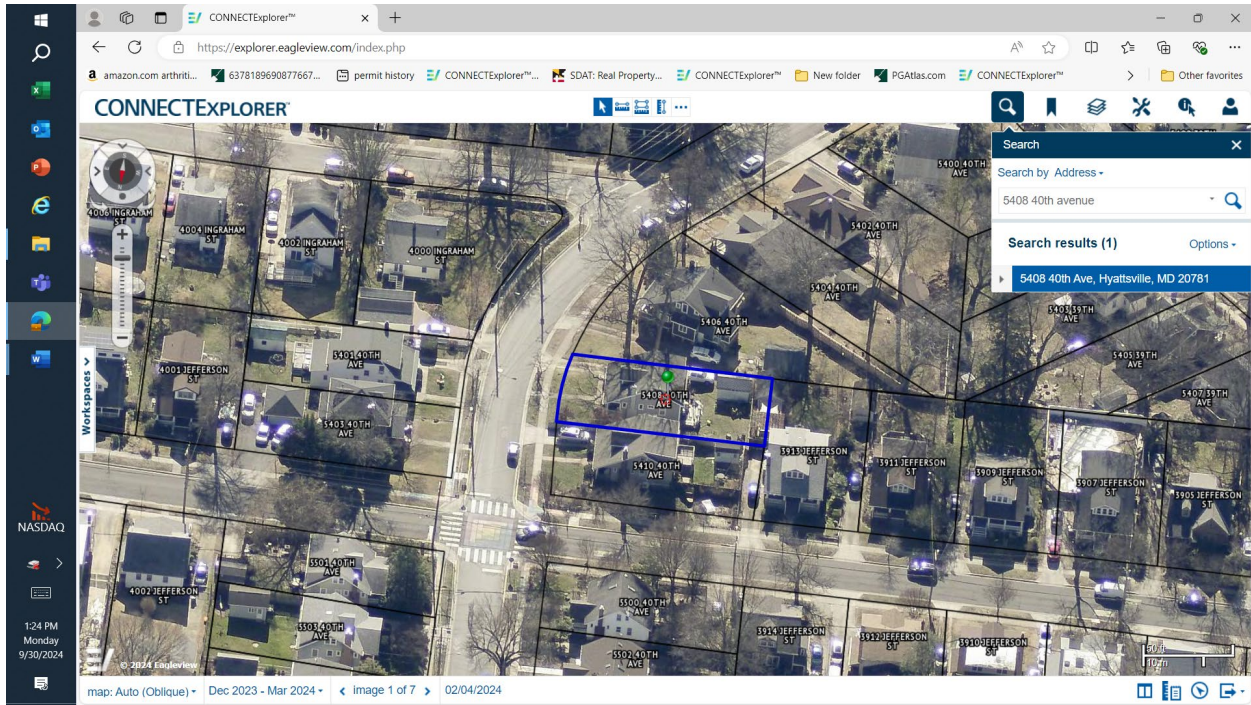
10(A)



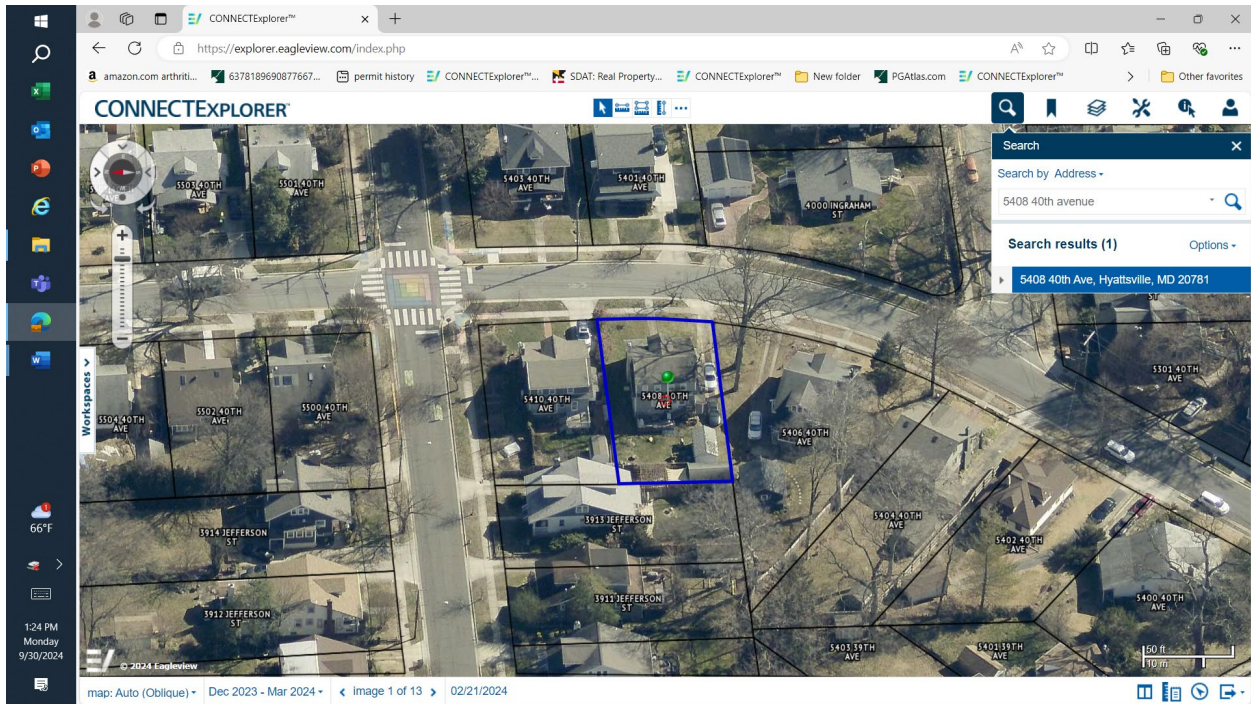
10(B)

EXH. # 10(A-D)
V-70-24

V-70-24
Neighboring Properties



10(C)



10(D)

LOT COVERAGE WORKSHEET

NET LOT SIZE 5,780 SQUARE FEET

35% LOT COVERAGE ALLOWED 2,033.0 SQUARE FEET

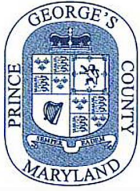
<u>STRUCTURE/PARKING</u>	<u>MEASUREMENTS</u>	<u>SQUARE FOOTAGE</u>
HOUSE	19 x 32.4 _____ 11.4 x 28.4 _____ 2.1 x 2.1 _____	615.6 323.76 4.2
GARAGE/CARPORT Proposed garage	_____ 18 x 22 _____ _____ _____	_____ 396 _____ _____ _____
DRIVEWAY	690 _____ _____ _____ _____ _____ _____	690 _____ _____ _____ _____ _____ _____
PORCH/SUNROOM	28 x 6 _____ _____	168 _____ _____
SHED(S)	_____ _____	_____ _____
ADDITION(S)	_____ _____ _____	_____ _____ _____
OTHER: _____	_____ _____ _____	_____ _____ _____

TOTAL LOT COVERAGE 2,224.6

TOTAL % NET LOT COVERAGE 38.5

TOTAL % OVER NET LOT COVERAGE 3%(305.3 sf)

EXH. # 11
V-70-24



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF VIRTUAL HEARING

Date: October 8, 2024

Petitioner: Kelly Geishauser

Appeal No.: V-70-24

Hearing Date: WEDNESDAY, OCTOBER 23, 2024, AT 6:00 P.M. **EVENING**

Place: Virtual Hearing

Case Reviewer: Olga Antelo Vasquez

Reviewer E-mail: OAVasquez@co.pg.md.us

Appeal has been made to this Board for permission to validate existing conditions (net lot area and lot width) and obtain a building permit for the extension driveway toward the proposed garage on RSF-65 (Residential, Single-Family-65) Zoned, property known as P/O Lots 16 and 17, Block 7, Hyattsville Hills Subdivision, being 5408 40th Avenue, Hyattsville, Prince George's County, Maryland, contrary to the requirements of the Zoning Ordinance.

The specific violation resides in the fact that Zoning Ordinance Section 27-4202(e) prescribes that each lot shall have a minimum net lot area of 6,500 square feet. Section 27-4202(e)(1) prescribes that a lot shall have a minimum width of 65 feet at the building line, and no more than 35% of the net lot area shall be covered by buildings and off-street parking. Variances of 720 (SF) net lot area, 8.7 (ft), and 3% net lot coverage are requested.

Virtual hearing on this Appeal is set for the time and place stated above. **Petitioner, or counsel representing Petitioner, should be present at the hearing. A Petitioner which is a corporation, limited liability company, or other business entity MUST be represented by counsel, licensed to practice in the State of Maryland, at any hearing before the Board. Any non-attorney representative present at the hearing on behalf of the Petitioner (or any other person or entity) shall not be permitted to advocate.**

Adjoining property owners, who are owners of premises either contiguous to or opposite the property involved, are notified of this hearing in order that they may express their views if they so desire. However, their presence is not required unless they have testimony to offer the Board. In order to give verbal testimony during the virtual hearing, you must register with the Board of Appeals at least 5 days prior to the virtual hearing. Please call 301-952-3220 to register. No additional speakers will be allowed to give testimony unless registered with the Board. Please also visit the Board of Appeals website for Virtual Hearing Instructions and procedures at <http://pgccouncil.us/BOA>.

BOARD OF ZONING APPEALS

By: Ellis Watson
Ellis Watson
Administrator

cc: Petitioner
Adjoining Property Owners
Park and Planning Commission
Michael Romero, Architect
City of Hyattsville

EXH. # 12
V-70-24

V-70-24
KELLY GEISHAUSER
5408 40TH AVENUE
HYATTSVILLE MD 20781

V-70-24
RICHARD C & PHYLLIS M COLBY
5406 40TH AVENUE
HYATTSVILLE MD 20781

V-70-24
MOLLY ANN MCKEE &
FRANCIS ATKINSON SEABROOK
5401 40TH AVENUE
HYATTSVILLE MD

V-70-24
LUCAS WYANT & LAURA PILLSBURY
5410 40TH AVENUE
HYATTSVILLE MD 20781

V-70-24
JANET NACKONEY & DEMIAN RYBOCK
3913 JEFFERSON STREET
HYATTSVILLE MD 20781

MICHAEL ROMERO
4106 GALLATIN STREET
HYATTSVILLE MD 20781

EXH. # 13
V-70-24

9589 0710 5270 0146 8548 16

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT

For more information, visit our website at www.usps.com®.

OFFICIAL USE

V-70-24
 KELLY GEISHAUSER
 5408 40TH AVENUE
 HYATTSTVILLE MD 20781

Postmark Here

Box No.

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 0146 8548 61

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT

For more information, visit our website at www.usps.com®.

OFFICIAL USE

V-70-24
 JANET NACKONEY & DEMIAN
 RYBOCK
 3913 JEFFERSON STREET
 HYATTSTVILLE MD 20781

Postmark Here

Box No.

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 0146 8548 54

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OFFICIAL USE

V-70-24
 RICHARD C & PHYLLIS M COLBY
 5406 40TH AVENUE
 HYATTSTVILLE MD 20781

Postmark Here

Box No.

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

EXH. # 14
 V-70-24

To be emailed or hand carried to the Board of Appeals with photo of posted sign.

BOARD OF APPEALS –POSTING OF SIGNS

Petitioner(s): Kelly Geishauser

Appeal No.: V-70-24

The sign(s) must be posted on the property for a period of at least 15 days prior to the public hearing before the board of appeals. Person who posts sign(s) must complete certification of posting. Person who inspects sign(s) must complete certification of sign inspection. Certification of posting form must be filed, together with photograph(s) of sign(s), with the board of appeals **no later than five (5) business days after the first day of the required 15-day posting period, noted below.**

SIGN ARE NOT TO BE FASTENED TO ANY TREE or FENCE

POSTING PERIOD: 10/8/24 thru 10/23/24

**RETURN CERTIFICATION OF POSTING, WITH PHOTOGRAPH(S),
BY NO LATER THAN:** 10/15/24

CERTIFICATION OF POSTING

PETITIONER'S REQUEST IN THIS APPEAL WAS POSTED ON THE SUBJECT PROPERTY IN ACCORDANCE WITH SECTION 27-3407 (B)(6)(B)(V) OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE ON (Date) 10/8/24, BY (Name) KELLY GEISHAUSER, (Address) 5408 40TH AVE, HYATTSVILLE, MD 20781.

PHOTOGRAPH(S) OF THE SIGN(S) AS POSTED IS/ARE ATTACHED.

Kelly Geishauser
Signature of Person Who Posted Sign(s)

KELLY GEISHAUSER
Printed Name

PLEASE ATTACH PHOTOGRAPH(S) OF SIGN(S)

Affidavit and photos can be emailed to: boardofappeals@co.pg.md.us The Affidavit and photos may be mailed to the address below:

Wayne K. Curry Administration Building,
Board of Appeals, 3rd Floor
1301 McCormick Drive
Largo, Maryland 20774
(301) 952-3220

EXH. # 15
V-70-24



HEARING
Board of Appeals

Date: October 23, 2019

Time: 6:00 P.M.

Place of Hearing: Virtual

Case Type: Special Use

Instance: 17-7124 17-7124 17-7124 17-7124

Docketing Request: Special Use

Description of Request: Proved to my neighbor as zoning

THIS IS AN OPEN HEARING TO THE PUBLIC. ANY INTERESTED PARTY IS WELCOME TO ATTEND.

If you wish to attend to support or oppose any pending case, you must engage to speak in order to receive the hearing link. Please visit our website home page to register: <http://ppcouncil.org/BOA>

CONTACT INFORMATION
301-952-3220
boardappealspg.md.us



HEARING
Board of Appeals

Date: *October 23, 2024*

Time: *6:00 p.m.*

Place of Hearing: *Virtual*

Case Type	Case ID #	Address	Legal Description	Zone
Variance	<i>V-70-24</i>	<i>5105 40th Avenue</i>	<i>P20 Lot 14, 17, 20 & 2</i>	<i>RSF-65</i>
Zoning Appeal				

Description of Request:
Proposed driveway extension and garage

**THIS IS AN OPEN HEARING TO THE PUBLIC.
ANY INTERESTED PARTY IS WELCOME TO ATTEND.**

If you wish to attend to support or oppose any pending case, you must register to speak in order to receive the hearing link. Please visit our website's main page to register:
<http://pgccouncil.us/BOA>

CONTACT INFORMATION
301-952-3220
boardofappeals@co.pg.md.us

Prince George's County
Wayne E. Cary Administration Building
1301 McCormick Drive, Largo, Maryland 20774



City of Hyattsville

Zoning Variance Policy Statement and Variance Process

The Mayor and Council adopted the following City of Hyattsville Policy and Process for Zoning Variance Requests: City of Hyattsville Zoning Variance Policy Statement:

The City of Hyattsville affirms the role of the Prince George's County Planning Board zoning authority and "the purposes, intent, standards and design criteria set forth in the Zoning Ordinance and appropriate County policies."

The City of Hyattsville affirms the current zoning policy within the City limits and as a matter of policy does not support zoning variances as a normal business practice.

The City's support of a zoning variance ordinarily be granted only after the Mayor and City Council acknowledge that the granting of a variance:

1. remedies a unique situation that zoning did not anticipate;
2. remedies that which creates a significant hardship on the property-owner that can be documented and clearly demonstrated;
3. will result in benefits to the residents and improve the quality of the environment of the City.

Citizens requesting such support shall submit:

1. current plat of site with all existing conditions;
2. photos of all existing site conditions;
3. scale plans and elevations of existing conditions and proposed changes;
4. narrative description of the proposed changes, specifics of the zoning variance requirements and an explanation of how the zoning variance request responds to:
 - a. a unique situation that zoning did not anticipate;
 - b. a significant hardship on the property owner;
 - c. benefits to the residents and improve the environment of the City

The City shall as a matter of policy provide letters of support for residents to document a "non-conforming lot" as part of the normal permitting process for projects complying with all other aspects of zoning regulations, unless the matter at hand is the certification of a non-conforming use on a non-conforming lot. The standard for the support of the certification of a non-conforming use on a non-conforming lot would revert to the instant aforementioned requirements for City support of a zoning variance.

The City will not support variance requests for additional lot coverage when the intention of the request is to add off-street parking on the lot, except in extraordinary circumstances.

City of Hyattsville Zoning Variance Process

Requests for zoning variances shall be processed by the Office of Code Enforcement and reviewed by the staff for technical issues. The Office of Code Enforcement shall determine if the request complies with all of the requirements of City of Hyattsville Zoning Variance Policy or to document a "non-conforming lot". The Supervisor shall then issue a report for the City Administrator citing one of the following "Actions":

- A. The request for the City's support of the zoning variance does not comply with City's policy, Do Not Recommend Approval
- B. The request for the City's support of the zoning variance does comply with City's policy, Recommend Approval - Zoning Variance
- C. The request for the City's support of the zoning variance does comply with City's policy for "non-conforming lots", Recommend Approval - Non Conforming Lot

The City Administrator shall review the Office of Code Enforcement Supervisor's Report and determine which of the following actions is applicable and execute accordingly:

- A. Do Not Recommend Approval - The City Administrator shall draft a letter detailing the City's opposition for the proposed request for a zoning variance for the Mayor's consideration and signature. The City letter opposing the proposed request for a zoning variance shall be placed on the Consent Items Agenda for approval by the City Council.
- B. Recommend Approval - Zoning Variance - The City Administrator shall forward the Office of Code Enforcement Supervisor's Report for the proposed request for a zoning variance to the (Planning Committee for review and comment along with any other City staff comments) the Mayor and City Council for action.
- C. Recommend Approval - Non Conforming Lot - The City Administrator shall draft a letter detailing the City's support for the proposed request for a zoning variance for a "non-conforming lot" to the Mayor for his review and signature. The City letter supporting the proposed request for a zoning variance shall be placed on the Consent Items Agenda for approval by the City Council.

Adopted by the Mayor and Council on February 13, 2006

Amended by the Mayor and Council on October 3, 2011



City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-163-FY25

11/18/2024

10.b.

Submitted by: Laura Reams
Submitting Department: Administration
Agenda Section: Action

Item Title:
Adoption of FY25 Legislative Agenda

Suggested Action:

I move that the Mayor and Council adopt the following legislative and bond bill priorities to be presented at a Joint District 22 Legislative Dinner on December 3, 2024.

Legislative Priorities:

- Affordable Housing
- Environmental Sustainability & Justice
- Grants/Programs for Recruitment & Retention of Police Officers
- Infrastructure & State Rd Improvements
- Juvenile Justice Reform
- Land Use Authority
- Mental Health & Addiction Support
- Regional Economic Development & Growth

Bond Bill Priorities:

Municipal Building Renovation - 2nd floor renovation after Police relocation - \$650K
West Hyattsville Green Alley Public Safety : Alley Lighting and Streetscape - \$350K
Public Infrastructure Public Safety Green Street Project (Jamestown Road Greenstreet and Stormwater project - \$1M.

Summary Background:

The District 22 municipalities will host its second joint legislative dinner on December 3rd.

Below is the list of legislative priorities and bond bill priorities that Mayor Croslin will brief. This list is based on the recent work of the City Council.

Proposed Legislative Priorities: These items will be presented as joint priorities for all District 22 municipalities. They are listed in alphabetical order.

- Affordable Housing (includes consideration of bills for stabilizing rent, live where work and tax incentives, and development standards)
- Environmental Sustainability (Clean water, stormwater, climate change, CPTED)
- Infrastructure & state roadway improvements (East West Hwy/MD 410; MD 208/Hamilton St)
- Land Use Authority for Prince George's County Municipalities
- Mental Health & Addiction Support (stabilization center, education funding set asides)

Proposed Bond Bill Priorities:

- Municipal Building Renovation - 2nd floor renovation after Police Relocation
 - Funding Request: \$650K
- West Hyattsville Green Alley Public Safety (Behind Queens Chapel Town Center): Continue area activation initiatives. Additional Alley Lighting and streetscape.
 - Funding Request: \$350K
- Public Infrastructure & Safety Green Street Project (Jamestown Road Greenstreet and Stormwater Project)
 - Funding Request: \$1M

Bond Bill Background: Funds can be used for capital projects (land/structures). The amount and type of projects funded by the General Assembly is limited - In some years, the amount requested exceeded 10 times the available resources. Thus, eligibility is heavily scrutinized to ensure that funds will be expended for projects that have a useful life of 15 years.

Next Steps:

Adoption of legislative agenda and presentation of the agenda at the joint legislative dinner meeting.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend support. The City Administrators and elected officials in District 22 identified the joint legislative priorities as issues that impact the District 22 Municipalities (Greenbelt, New Carrollton, Berwyn Heights, Edmonston, Riverdale Park and Hyattsville). We continue to work through the details of the requests. The Bond Bill priorities are priorities identified in the CIP or previous budget or ARPA discussions and that qualify for Bond Bill funding.

Community Engagement:

N/A

Strategic Goals:

Goal 2 - Ensure the Long-Term Economic Viability of the City

Legal Review Required?

N/A



City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-132-FY25

11/18/2024

11.a.

Submitted by: David Cristeal
Submitting Department: Community & Economic Development
Agenda Section: Discussion

Item Title:
Rent Stabilization Ordinance

Suggested Action:
Discussion

Summary Background:

The City drafted a Rent Stabilization Ordinance to help tenants remain in their homes by reducing monthly rent increases calibrated to be lower than market-rate (increases). The draft Ordinance was then discussed at the September 16, 2024, meeting.

Feedback from CASA of Maryland was supportive of the draft Ordinance while feedback from the Apartment and Office Building Association (AOBA) was not supportive (see attachments). Additional feedback from developers after the September 16 meeting was also not supportive of the draft Ordinance.

Since the September 16, 2024, Council meeting, Prince George's County's adopted rent stabilization Bill, CB-055-2024, became effective on October 17, 2024, by setting rent increases from that date until June 30, 2025. Rent increases throughout the County, including the City of Hyattsville, will be limited to 6%.

The City's draft Ordinance and the County's adopted legislation are similar in most ways but differ in 2 key areas that impact how many rental units are covered and the level of rents charged. In summary, the City's draft Ordinance, if adopted in its current form, covers more rental units (2,749 compared to 2,245) and would result in lower rents (3.4% vs 6%).

As rent stabilization would be a new program for the City, it will take time to set it up and educate affected stakeholders - tenants and property owners/landlords. This process would also be comparable to what Prince George's County is currently undertaking (adopting rent stabilization legislation and then taking approximately 18 months to fully implement it).

Next Steps:
For discussion on 11/18. Staff anticipate bringing this item back for further consideration at a future meeting.

Fiscal Impact:
Not to exceed \$238,000 in FY25

City Administrator Comments:
For discussion. The staff continues to coordinate and collaborate with the County and other communities who have implemented affordability programs. We will continue these efforts while the Council deliberates on the way-ahead.

The City's Planning Committee has also provided input on the draft ordinance.

Community Engagement:

Staff have met with the main landlord and tenant education and advocacy groups and will continue these efforts. Development, landlord, and tenant groups provided feedback at the September 16 City Council meeting. A follow up meeting with other development representatives was held with several City Council members and City staff on October 16.

Strategic Goals:

Goal 5 - Strengthen the City's Identity as a Diverse, Creative, and Welcoming Community

Legal Review Required?

Yes

WORKING DRAFT

Version 2
City Attorney to Staff
September 4, 2024

**CITY OF HYATTSVILLE
ORDINANCE 2024-**

**An Ordinance whereby the City Council Adopts Rent
Stabilization Legislation.**

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WHEREAS, the Maryland Code, Local Government Article, Section 5–202, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary to assure the good government of the municipality, to protect and preserve the municipality’s rights, property and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort, and convenience of the citizens of the municipality;

WHEREAS, Section C3-1 of the City Charter states that the Council has the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland as it may deem necessary for the good government of the City, for the protection and preservation of the City’s property, rights, and privileges, for the preservation of peace and good order, for securing persons and property from violence, danger or destruction, and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the City;

WHEREAS, the Mayor and Council, have determined that [insert policy statement]

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hyattsville in regular session assembled that Chapter 97 of the City Code be enacted as follows:

1
2

Chapter 97

RENT STABILIZATION

3 Sections:

4 § 97-X Definitions.

5

6 § 97-X Rental Property Registry.

7 § 97-X Application of rent stabilization—Scope, rent increases, notification requirements,
8 annual reporting.

9 § 97-X Buildings exempt from rent stabilization.

10 § 97-X Rental facilities and rental units eligible for exemption from rent stabilization
11 pursuant to an application for exemption.

12 § 97-X Establishment of base rent for certain units.

13 § 97-X Annual rent increases, frequency of rent increases and notification.

14 § 97-X Banking of authorized annual rent stabilization increases.

15 § 97-X Annual reporting requirements.

16 § 97-X Rent increases pursuant to a fair return petition.

17 § 97-X Fees - Permitted fees, optional fees and prohibited fees.

18 § 97-X Utilities – Charges to tenant and transfer of utility payments.

19 § 97-X

20 § 97-X

21 § 97-X Violations and enforcement.

22

23

ARTICLE I – RENT STABILIZATION

24

25 **§ 97-X Definitions.**

26 For the purposes of this title, the following words and phrases shall have the following meanings:

27 “Accessory apartment” means a completely independent living unit with separate cooking, eating,
28 sanitation and sleeping facilities that is either within an owner-occupied single-family detached
29 dwelling or located in a separate accessory structure on the same lot as the main dwelling.

30 “Affected tenant” means any tenant whose health, safety and welfare is or reasonably may be
31 impaired by a violation of this title. For purposes of filing a Commission complaint, an “affected
32 tenant” includes a bona fide prospective tenant and a former tenant.

33 “Apartment” means any room or group of rooms located within a dwelling forming a single
34 habitable unit and including cooking facilities.

35 “Building” means any structure used or intended to be used for supporting or sheltering any use
36 or occupancy. Building may include any premises and grounds appurtenant to the structure.

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1 “City” means the City of Hyattsville, Maryland.

2 “City Administrator” means the City Administrator of the City of Hyattsville, Maryland, or their
3 designee.

4 “City’s Arbitrator” means the City’s Arbitrator, whose duties include reviewing fair return
5 petitions and issuing preliminary administrative decisions.

6 “Code Official” or “Code Enforcement Officer” includes Code Enforcement Officers, inspectors,
7 employees, and City contractors or agents charged with the responsibility of inspecting buildings
8 and property in the City for purposes of determining compliance with the property maintenance
9 code and other applicable codes, issuing rental housing licenses, determining whether any
10 condition exists that renders a building an unsafe building, and investigating complaints filed by
11 any person to the effect that a building or property is or may be in violation of the terms of this
12 title.

13 “Consumer Price Index” or “CPI-U” means the Consumer Price Index, All Urban Consumers, DC-
14 MD-VA-WV, All Items, December 2023 = 100 (“CPI-U”) or any replacement or successor index.

15 “Department” means the City of Hyattsville, Maryland’s Department of Community and
16 Economic Development.

17 “Housing Staff Liaison” means the City of Hyattsville staff member assigned by the City
18 Administrator to be the City’s administrative support and is authorized pursuant to Code or
19 regulation to act on its behalf in certain circumstances.

20 Family Member of an Owner. A family member of an owner includes any of the following:

- 21 1. An owner’s spouse or domestic partner;
- 22 2. An owner’s former spouse or former domestic partner;
- 23 3. An owner’s parents, grandparents, children, grandchildren, siblings, aunts, uncles, nieces
24 and nephews;
- 25 4. An owner’s spouse or domestic partner’s parents, grandparents, children, grandchildren,
26 siblings, aunts, uncles, nieces and nephews.

27 “Judgment rate of interest” means the interest rate set forth in accordance with Section 11-107(a)
28 and (b) of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland, as
29 amended.

30 “Landlord” means any person who is the owner, the owner’s agent, or a lessor or a sub lessor of
31 the rental unit or rental facility and, in addition, shall mean any person authorized to exercise any
32 aspect of the management of the rental facility, except those persons engaged solely in custodial
33 and maintenance functions.

Commented [DC1]: Or should this be “December 2025” given that we want to start on Feb 1, 2026 (?).

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1 “Lease” means any agreement, whether written or oral, that establishes or modifies the terms,
2 conditions, rules, regulations or any other provisions concerning the use and occupancy of a rental
3 unit or a rental facility.

4 “Limited equity housing cooperative” means a cooperative housing corporation, either domestic
5 or foreign, qualified in the State of Maryland, either stock or nonstock, in which each shareholder
6 or member has a cooperative interest in the corporation and in which the appreciation of share
7 values or membership interests is limited to the annual rate of inflation or other comparable index.

8 “Maximum allowable annual rent increase” or “MAARI” means the maximum annual allowable
9 percentage increase in price per unit for non-exempt rental properties within the City of
10 Hyattsville, which shall be equal to the average annual percentage increase in the Consumer Price
11 Index for all Urban Consumers from March to March of the two most recent calendar years, which
12 becomes effective on July 1st of the upcoming year for twelve months.

13 “Nonresidential structure” means any structure or portion of a building, structure, or premises not
14 intended for use for residential purposes such as a commercial business, garage or shed.

15 “Occupant” means any person who, lawfully or unlawfully, is living, sleeping, cooking, eating in
16 or in actual possession of a building. An occupant shall include a tenant, an owner and a family
17 member of an owner.

18 “Owner” means any person, agent, operator, firm or corporation having a legal or equitable interest
19 in a property; or recorded in the official records of the State or County as holding title to a property;
20 or otherwise having charge, care or control of the property, including the guardian, executor or
21 administrator of the estate of any such person.

22 “Owner-occupied group house” means a single-family dwelling occupied by the owner as their
23 principal residence or a family member of the owner and by one or more other nonrelated
24 individuals who have an obligation to pay rent, utilities or provide other consideration to the owner
25 for such accommodations. Occupants share cooking and sanitation facilities and common living
26 areas. Occupants of owner-occupied group houses are not considered tenants for purposes of this
27 chapter.

28 “Party” means the landlord, tenant or tenant association in a Commission complaint or the landlord
29 filing a petition, and any tenant whose rent is proposed to be increased in a rent increase petition.

30 “Person” means an individual, corporation, limited liability company, partnership, limited
31 partnership, limited liability partnership, trust, association, organization, or any other legal entity
32 acting as a unit.

33 “Petition” means a request by a landlord for a fair return rent increase above the rent stabilization
34 allowance.

35 “Premises” means a lot, plot or parcel of land, easement or public right-of-way, including any
36 buildings and structures thereon.

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1 “Rent” means the consideration, including any bonus, benefit, or gratuity, demanded or received
2 per day, week, month, year, or other period of time as the case may be, for the use or occupancy
3 of housing accommodations or the transfer of a lease for such accommodations. Rent includes any
4 charge to a tenant under a rent-to-own agreement if the tenant’s acceptance of the agreement is
5 mandatory or if the tenant is not entitled to a refund of the charge if the tenant does not purchase
6 the unit.

7 “Rental facility” or “residential rental structure” means any building or group of buildings operated
8 as one entity in which the landlord provides one or more rental units to a tenant for rent or other
9 compensation. A rental facility does not include the following:

- 10 1. Hospitals, nursing homes, convalescent homes, hospices, and other health care facilities;
- 11 2. Religious facilities such as churches, synagogues, parsonages, rectories, convents and
12 parish homes;
- 13 3. Transient facilities such as hotels, motels, tourist homes, bed and breakfast facilities;
- 14 4. School dormitories; and
- 15 5. Owner-occupied group houses.

16 “Rental unit” means an apartment, single-family house, accessory apartment or condominium unit
17 that is occupied or is intended to be occupied by one or more tenants.

18 “Rent stabilization allowance” means the percentage by which the rent for a rental unit may be
19 increased on or after 12 full months from the effective date of the last rent increase for that rental
20 unit.

21 “Tenant” means any person who occupies a rental unit or rental facility as a residence with the
22 consent of the landlord and has an obligation to pay rent or provide other consideration to the
23 landlord for such accommodations. A tenant does not include an occupant of an owner-occupied
24 group house, or an employee of the landlord (such as a resident or property manager, nanny,
25 babysitter, au pair or maid).

26 **§ 97-X. Rental Property Registry.**

27 A. The City shall utilize the rental licensing information gathered pursuant to Chapter 96 of
28 the City of Hyattsville Code to create and maintain a rental property registry. The rental property
29 registry shall be publicly accessible and shall:

- 30 1. Identify all licensed rental properties in the City of Hyattsville; and
- 31 2. Identify rental units that are subject to rent stabilization.

32 B. In order for a rental property in the City of Hyattsville to operate lawfully and to increase
33 rent, it must be licensed and on the City’s rental registry.

1 C. Although it is the absolute responsibility of the property owner to ensure a rental property
2 is licensed with the City pursuant to Chapter 96 of this Code and on the rental registry as
3 required by this section, the City will cause annual notices to be sent to owners informing them:

- 4 1. To register rental units;
- 5 2. To pay the occupancy permit fee; and
- 6 3. Of the allowable rate increase for properties subject to the City's rent
7 stabilization.

8 **§ 97-X Application of rent stabilization—Scope, rent increases, notification requirements,**
9 **annual reporting.**

10 A. Application of Rent Stabilization. The provisions of this chapter shall apply to all residential
11 rental units except as provided in Sections 97-X and 97-X.

12 C. Rents—Rent Increases, Frequency and Notification Requirements.

- 13 1. Rent Increases. Rent increases shall be limited to the rent increase amounts authorized by
14 this chapter for regulated rental units.
- 15 2. Frequency of Rent Increases. Rents for any individual rental unit may not be increased
16 more often than permitted by this chapter.
- 17 3. Notice of Rent Increases. Notification of any rent increase authorized by this chapter shall
18 be provided in writing to the tenant at least two months prior to the date the rent increase is to
19 take effect.

20 D. Reporting of Rents. Landlords must file an annual rent report with the Department on a form
21 prescribed by the Department in accordance with Section 97-X.

22 E. The City Administrator shall adopt regulations to support the implementation of the City's Rent
23 Stabilization program.

24 **§ 97-X Buildings exempt from rent stabilization.**

25 A. Scope of Exemptions. The provisions of this chapter shall not be applicable to the following:

- 26 1. Any unit in a licensed facility, the primary purpose of which is the diagnosis, cure,
27 mitigation and treatment of illnesses;
- 28 2. Any rental property that is less than 15 years old;
- 29 3. Any unit in a facility owned or leased by an organization exempt from Federal income
30 taxes pursuant to Section 501(c)(3) of the Internal Revenue Code, the primary purpose of
31 which is to provide temporary sanctuary or shelter for qualified clients; provided, that the
32 organization has notified the clients residing in the facility of the temporary nature of their
33 housing at the inception of their residence;

- 1 4. Short term leasing agreements for thirty days or less published via short-term leasing
2 platforms;
- 3 5. Religious facilities such as churches, synagogues, parsonages, rectories, convents and
4 parish homes;
- 5 6. Transient facilities such as motels, tourist homes, and bed and breakfast facilities;
- 6 7. School dormitories;
- 7 8. Licensed assisted living facilities and nursing homes;
- 8 9. Rental properties with four or fewer units; and
- 9 10. Any accessory apartment with less than four units.
- 10 11. Individual condominium units up to 4 that may be owned and rented by any one individual
11 owner.

12 **§ 97-X Rental facilities and rental units eligible for exemption from rent stabilization**
13 **pursuant to an application for exemption.**

14 A. Grant of Exemption. The Department shall, upon application of the owner, grant an exemption
15 from the provisions of this chapter to the following rental units and rental facilities:

- 16 2. Rental facilities subject to a regulatory agreement with a governmental agency that
17 controls the rent levels of not less than one-half of the rental units in the rental facility and
18 restricts the occupancy of those rental units to low- and moderate-income tenants.
- 19 3. Renovated or reconfigured rental facilities or combined rental units are not eligible for
20 an exemption from rent stabilization.

21 B. Termination of Exemption.

- 22 1. Exemptions granted pursuant to subsection (A)(1) of this section shall expire after one
23 year or when the conditions entitling the rental unit to an exemption cease to exist, whichever
24 shall first occur. The exemptions are renewable annually upon reapplication.
- 25 2. Exemptions granted pursuant to subsection (A)(2) of this section shall expire upon the
26 termination of the agreement with the governmental agency entitling the rental facility to the
27 exemption or when the conditions entitling the rental facility to an exemption cease to exist,
28 whichever shall first occur.
- 29 3. Exemptions granted pursuant to subsection (A)(3) of this section shall expire on the
30 fifteenth anniversary date of the issuance of the rental facilities initial rental housing license,
31 regardless of when the application for an exemption was made by the owner.

32 C. Rents upon Termination of Exemption.

1 1. For rental facilities and rental units receiving an exemption pursuant to subsections (A)(1)
2 and (A)(2) of this section, upon the termination of the exemption, the base rent for the units
3 and the reference point from which the rent shall be increased in accordance with this chapter
4 shall be the allowable rent as reported in the annual rent report for each unit at the time the
5 exemption commenced plus the annual rent stabilization allowance for each year that the unit
6 was exempt.

7 2. For rental facilities receiving an exemption pursuant to subsection (A)(3) of this section,
8 upon the termination of the exemption, the base rent for the units and the reference point from
9 which the rent shall be increased in accordance with this chapter shall be the rent charged for
10 each unit at the time of the expiration of the exemption. For any units not rented when the
11 exemption period terminates, the base rent shall be the rent charged when the unit is first rented
12 to a tenant. If the actual rent paid by a tenant differs from the rent stated in the report or the
13 lease, then the actual rent shall be the base rent.

14 **§ 97-X Establishment of base rent for certain units.**

15 A. Definitions.

16 “Discontinued rental unit” means a rental unit in a rental facility or previously licensed rental
17 facility that is not occupied by tenants and for which the Department has approved an application
18 for discontinuation.

19 “Existing rental unit” means a rental unit or a discontinued rental unit.

20 B. Rents for Discontinued Rental Units.

21 1. Except as provided in subsection (B)(2) of this section, the base rent for discontinued
22 rental units, and the reference point from which the rent shall be increased in accordance with
23 this chapter, shall be the banked rent reported in the annual rent report at the time the rental
24 unit was discontinued plus the annual rent stabilization allowance for each year that the rental
25 unit was discontinued.

26 2. If a rental unit remains discontinued for an uninterrupted period of five years, the owner
27 may charge market rent for the unit when it is first newly rented to a tenant. The rent the owner
28 charges the tenant shall establish the base rent for the unit and the reference point from which
29 the rent shall be increased in accordance with this chapter.

30 C. Rents Following Renovation, Reconfiguration or Consolidation of Existing Rental Units.

31 1. This subsection applies to renovation, reconfiguration, and consolidation projects
32 performed in vacant existing rental units.

33 2. If the renovation or reconfiguration of an existing rental unit does not result in a 10% or
34 greater change in the floor area of the unit, then the banked rent reported for the unit in the
35 annual rent report at the time the rental unit became vacant plus the annual rent stabilization
36 allowance for each year that the rental unit remained vacant shall be the maximum rent that
37 the owner may charge for the unit when it is first rented to a tenant.

1 3. If the floor area of a renovated or reconfigured unit is more than 10% smaller or larger
2 than the unit it replaces, then the banked rent reported for the unit in the annual rent report at
3 the time the rental unit became vacant plus the annual rent stabilization allowance for each
4 year that the rental unit remained vacant, reduced or increased by a percentage equal to the
5 reduction or increase in the floor area of the unit prior to its renovation or reconfiguration,
6 shall be the maximum rent that the owner may charge for the unit when it is first rented to a
7 tenant.

8 4. When two or more rental units are consolidated to create a single rental unit, the base rent
9 for the new unit, and the maximum rent that the owner may charge when the unit is first rented
10 to a tenant, shall be the base rent of the largest unit increased by the percentage increase in the
11 floor area from the largest unit to the resulting unit.

12 5. Application for Rent Adjustments. Before an owner may increase the rent for a unit in
13 accordance with subsection (C)(3) or (4) of this section, the owner must first obtain approval
14 from the Department. The owner must submit a completed application form and
15 documentation demonstrating the appropriate adjustment to the base rents (which may include,
16 but shall not be limited to, construction plans, photographs and video recordings of the original
17 and reconfigured units) and may be required to undergo an inspection of the property.

18 D. Rents Following Purchase of an Owner-Occupied Condominium Unit. The new owner of a
19 previously owner-occupied condominium unit, purchased in a bona fide arm's length transaction,
20 may charge market rent for the unit. The rent the owner charges his or her initial tenant shall
21 establish the base rent for the unit and the reference point from which the rent shall be increased
22 in accordance with this chapter.

23 **§ 97-X Annual rent increases, frequency of rent increases and notification.**

24 A. Annual Rent Stabilization Allowance.

25 1. The City Administrator shall calculate an annual rent stabilization allowance equal to the
26 MAARI and publish notice of the allowance on the City website no later than October 15th of
27 each year.

28 2. The annual rent stabilization allowance shall remain in effect for a 12-month period
29 beginning July 1st of each year and ending on June 30th of the following calendar year.

30 3. Rent increases for rent-stabilized rental units may be increased by an amount not to exceed
31 the annual rent stabilization allowance in effect at the time of the rent increase.

32 4. Rent increases less than permitted in subsection (A)(3) of this section may be banked in
33 accordance with Section 97-6.

34 B. Frequency of Rent Increases.

35 1. Occupied Rental Units. Only one rent stabilization increase pursuant to subsection (A)(3)
36 of this section shall be permitted within a 12-month period.

1 2. Fair Return Rent Increases. An additional rent increase pursuant to a fair return rent
2 increase petition subsequently approved by the City's Arbitrator in accordance with Section
3 97-8 may be taken pursuant to the terms and the conditions of the City's Arbitrator's
4 administrative decision and final order.

5 3. Vacant Rental Units. The rent for vacant rental units may be increased up to the banked
6 rent and the annual rent stabilization allowance may be applied prior to the leasing of the rental
7 unit in accordance with Section 97-6.

8 C. Notice of Annual Rent Increases.

9 1. A landlord shall not increase or attempt to increase the rent for any occupied rental unit
10 without having first given the tenant living therein at least two months' written notice of the
11 increase.

12 2. Notice of a rent increase shall be in the form and manner prescribed by Department
13 regulations.

14 **§ 97-X Banking of authorized annual rent stabilization increases.**

15 A landlord may increase the rent for a vacant rental unit by the actual dollar amount of any annual
16 rent stabilization allowances that were not charged to the tenant vacating the rental unit. This rent
17 increase may be in addition to any rent stabilization allowance increase that the landlord may
18 impose on or after 12 months from the date of the last rent stabilization allowance increase for that
19 rental unit.

20 **§ 97-X Annual reporting requirements.**

21 A. Reporting Requirements. On or before _____ of each year, each landlord shall complete and
22 submit to the Department a rent report for the 12-month period beginning January 1st and ending
23 on December 31st of the preceding year, on a form provided by and in the manner prescribed by
24 Department regulations.

25 B. Penalty for Failure to Comply with Reporting Requirements. Failure to file a complete or
26 accurate rent report by (same date as above) of each year shall constitute a Class A violation of
27 this chapter unless an extension of time for good cause is granted by the Department prior to the
28 due date.

29 **§ 97-X Rent increases pursuant to a fair return petition.**

30 A. Fair Return Rent Increase. Landlords have a right to petition for a rent increase in order to
31 obtain a fair return. A fair return rent increase is intended to protect tenants from unwarranted rent
32 increases, while allowing rent levels that provide landlords with a fair return.

33 B. Standards for Rent Increases Pursuant to a Fair Return Petition.

34 1. Fair Return. Fair return is defined as base year net operating income adjusted by 100%
35 of the percentage increase in the CPI since the base year.

- 1 2. Base Year, means the year the unit becomes a regulated unit per requirements of this
2 Ordinance.
- 3 a.
- 4 3. Current Year. The current year shall be the calendar year (January 1st to December
5 31st).
- 6 4. Current Year CPI. The current year CPI shall also be a calendar year (12-month period
7 from March to March of the previous year).
- 8 5. Net Operating Income. Net operating income equals gross income minus operating
9 expenses.
- 10 6. In estimating the base year operating expenses, it shall be presumed that each operating
11 expense increased by the same percentage as the CPI since the base year. However, if data,
12 rate information, or other sources of cost information indicate that particular operating
13 expenses increased at a different rate than the percentage increase in the CPI, the estimate
14 of the percentage increase in that expense shall be based on the best available data on
15 increases in that type of expense. Information on the rate of increases and/or other relevant
16 data on trends in increases in particular types of expenses between the base year and the
17 current year may be introduced by the landlord, affected tenants, the Department, and the
18 City's Arbitrator.
- 19 7. Gross Income. Gross income is the annual scheduled rental income for the property
20 based on the rents and fees (other than fees that are reimbursed to the tenants) the
21 landlord was permitted to charge at the time of the application.
- 22 8. Operating Expenses. Operating expenses means all reasonable operating and
23 maintenance expenses.
- 24 a. Operating expenses shall include, but not be limited to, the following:
- 25 i. Utilities paid by the landlord, unless these costs are passed through to
26 the tenants;
- 27 ii. Administrative expenses, such as advertising, legal fees, accounting
28 fees, etc;
- 29 iii. Management fees, whether performed by the landlord or a property
30 management firm; it shall be presumed that management fees increased by
31 the percentage increase in the CPI between the base year and the current
32 year, unless the level of management services either increased or decreased
33 during this period. Management fees shall not exceed 6% of gross income
34 unless the landlord demonstrates by a preponderance of the evidence that a
35 higher percentage is reasonable;

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- 1 iv. Payroll;
- 2 v. Amortized cost of capital improvements. An interest allowance shall be
- 3 allowed on the cost of amortized capital expenses; the allowance shall be
- 4 equal to the interest the landlord would have incurred had the landlord
- 5 financed the capital improvement with a loan for the amortization period of
- 6 the improvement, making uniform monthly payments, at an interest rate
- 7 equal to the Federal Reserve Board bank prime loan rate as of the date of
- 8 the initial submission of the petition plus 2% per annum;
- 9 vi. Maintenance related material and labor costs, including self-labor costs
- 10 computed in accordance with the regulations adopted pursuant to this
- 11 section;
- 12 vii. Property taxes;
- 13 viii. Licenses, government fees and other assessments; and
- 14 ix. Insurance costs.
- 15 b. Reasonable operating and maintenance expenses do not include the
- 16 following:
 - 17 i. Expenses for which the landlord has been or will be reimbursed by any
 - 18 security deposit, insurance settlement, judgment for damages, agreed-upon
 - 19 payments or any other method;
 - 20 ii. Payments made for mortgage expenses, either principal or interest;
 - 21 iii. Judicial and administrative fines and penalties;
 - 22 iv. Damages paid to tenants as ordered by City's Arbitrator or the courts;
 - 23 v. Depreciation;
 - 24 vi. Late fees or service penalties imposed by utility companies, lenders or
 - 25 other entities providing goods or services to the landlord or the rental
 - 26 facility;
 - 27 vii. Membership fees in organizations established to influence legislation
 - 28 and regulations;
 - 29 viii. Contributions to lobbying efforts;
 - 30 ix. Contributions for legal fees in the prosecution of class-action cases;
 - 31 x. Political contributions for candidates for office;

- 1 xi. Any expense for which the tenant has lawfully paid directly or
2 indirectly;
- 3 xii. Attorney’s fees charged for services connected with counseling or
4 litigation related to actions brought by the City under City regulations or
5 this title, as amended. This provision shall apply unless the landlord has
6 prevailed in such an action brought by the City;
- 7 xiii. Additional expenses incurred as a result of unreasonably deferred
8 maintenance; and
- 9 xiv. Any expense incurred in conjunction with the purchase, sale, or
10 financing of the rental facility, including, but not limited to, loan fees,
11 payments to real estate agents or brokers, appraisals, legal fees, accounting
12 fees, etc.

13 c. When an expense amount for an item during a particular year is determined not
14 to be a reasonable projection of ongoing or future expenditures for that item, said
15 expense shall be averaged with other expense levels for other years or amortized or
16 adjusted by the CPI or may otherwise be adjusted, in order to establish an expense
17 amount for that item that most reasonably serves the objectives of obtaining a
18 reasonable comparison of base year and current year expenses.

19 C. Rent Increase Petition Based on Fair Return Standard.

- 20 1. Form of Petition. Whenever a landlord proposes a rent increase of more than the
21 amount permitted by Section 97-X, the landlord shall file a petition with the City’s
22 Arbitrator on a form provided by the Department. A fee for submitting a Rent Increase
23 Petition Based on Fair Return Standard will be established and updated annually.
- 24 2. Required Submission of Income and Expense Information. The landlord shall be
25 required to submit income and expense information for the two years prior to the current
26 year with the petition.
- 27 3. Petition Restrictions. Petitions filed pursuant to this section must address an entire
28 rental facility. The landlord filing a petition must own the rental facility for the entire
29 current year.
- 30 4. Adjustments to Petition—Base Year Net Operating Income.
 - 31 a. Adjustment of Base Year Net Operating Income by the City’s Arbitrator. It
32 may be determined that the base year net operating income yielded other than a fair
33 return, in which case the base year net operating income may be adjusted. In order
34 to adjust the base year net operating income, the City’s Arbitrator must make at
35 least one of the following findings:

1 i. Base year net operating income was abnormally low due to one of the
2 following factors:

3 (A) The landlord made substantial capital improvements that were
4 not reflected in the base year rents and the landlord did not obtain a
5 rent adjustment for these capital improvements;

6 (B) Substantial repairs were made due to exceptional
7 circumstances; or

8 (C) Other expenses were unreasonably high, notwithstanding
9 prudent business practice.

10 ii. Base year rents did not reflect market transaction(s), due to one or
11 more of the following types of circumstances:

12 (A) There was a special relationship between the landlord and
13 tenant resulting in abnormally low rent charges (such as a family
14 relationship);

15 (B) The rents had not been increased for the five years preceding
16 the base year;

17 (C) The tenant lawfully assumed maintenance responsibilities in
18 exchange for low rent increases or no rent increases; or

19 (D) Other special circumstances that establish that the rent was
20 not set as the result of an arms-length transaction.

21 b. Establishment of a New Base Year Net Operating Income—Prior Year
22 Petitions. The net operating income, income, and expenses, determined to be fair
23 and reasonable pursuant to a prior petition for a fair return rent increase, shall
24 constitute the base year income, expenses, and net operating income in the new
25 petition.

26 5. Consideration of Fair Return Petition by the City’s Arbitrator.

27 a. Issuance of a Decision by the City’s Arbitrator. The City’s Arbitrator
28 shall, in good faith, endeavor to issue its preliminary administrative decision ruling on the
29 request within 90 days of the review or hearing on the petition. Upon its determination of
30 the rent increase to be granted to the landlord, the City’s Arbitrator shall issue a decision
31 in accordance with Section 97-X and furnish a copy of the decision to the landlord.

32 b. Rejection of Petition.

33 i. The City’s Arbitrator shall not consider the landlord’s fair return petition:

1 (A) Until the properly completed petition form, including
2 required supporting documentation, has been submitted to the
3 City's Arbitrator;

4 (B) When the landlord has not properly registered the rental
5 property with the City and/or when the landlord has outstanding
6 fees or fines with the Department;

7 (C) When the landlord has not filed required rent reports for each
8 of the three years prior to the filing date of the petition; provided,
9 that the City's Arbitrator may, at its discretion, waive the above
10 requirement for good cause shown; or

11 (D) When the landlord has failed to comply with a final order of the City's
12 Arbitrator concerning any rental unit owned by the landlord in the City. However,
13 the failure to comply with an order of the City's Arbitrator shall not constitute a
14 basis to decline to consider the landlord's request if the order has been appealed to
15 the Circuit Court and no decision has been rendered on appeal.

16 ii. If the City's Arbitrator declines to consider the landlord's request, it shall
17 provide a written explanation for its action.

18 6. Ceiling on Fair Return Adjustments.

19 a. Fair Return Rent Increases on Occupied Rental Units. Fair return rent increases
20 shall not exceed 15% in any 12-month period. If the City's Arbitrator awards a fair
21 return rent increase greater than 15%, then the landlord may impose the remainder
22 of the increase in subsequent years in increments not to exceed 15%.

23 7. Notification Requirements.

24 a. Notice of Petition for a Rent Increase. The Department shall provide written
25 notification to each tenant affected by a proposed rent increase within one week
26 after the filing date of the petition. Such notification shall include a copy of the
27 petition form and a listing of all requested rent increases.

28 b. Notice of a Rent Increase Granted Pursuant to a Rent Increase Petition. The
29 landlord shall provide written notice to each affected tenant of the rent increase that
30 has been authorized by the City's Arbitrator, no less than two months prior to the
31 date the proposed increase is to take effect. Said increase shall be contingent on the
32 decision of the City's Arbitrator becoming final.

33 8. Rollbacks—Bad Faith Fair Return Petitions.

34 a. Authority to Require Rollback. If, upon consideration of a fair return petition,
35 the City's Arbitrator finds that the adjusted base year net operating income included
36 in the petition is less than the landlord's actual petition year net operating income

1 and the fair return petition was filed in bad faith, the City's Arbitrator may require
2 the landlord to roll back the rents charged on the rental units covered by the petition
3 to result in a net operating income equal to the adjusted base year net operating
4 income.

5 b. Purpose of Rollbacks. The purpose of the rollback provision in this
6 subsection is to ensure that fair return petitions are filed in good faith, that the
7 landlord reviews the records of the rental property for which rent increases are
8 sought to ensure that a rent increase is justified under this section and to balance
9 both the tenant and the landlord interests in each petition to increase rents above
10 the rent stabilization allowance.

11 c. Definition of Bad Faith.

12 i. Bad faith can be found, but is not limited to, instances in which the
13 landlord:

14 (A) Listed expenses for repairs or services never performed;

15 (B) Materially misrepresented expenses claimed;

16 (C) Knowingly filed a false rent report, in whole or in part; or

17 (D) Acted in some manner which is a clear abuse of the petition
18 process.

19 ii. The following shall not constitute bad faith under this provision:

20 (A) Miscalculations and simple mathematical errors; or

21 (B) Claims for expenses or other items that are not specifically
22 addressed in this section and that the City's Arbitrator disallowed, but that
23 could plausibly have fallen within this section.

24 d. Determination of Bad Faith by City's Arbitrator. The City's Arbitrator shall
25 verify the information upon which it makes its findings of bad faith and shall issue
26 a decision clearly stating the basis for its finding. The landlord shall be required to
27 notify all tenants affected by the rent rollback, and, if the landlord was permitted to
28 increase rents by the rent stabilization allowance pending a decision on the fair
29 return petition, all rent increases so collected shall be refunded to the affected
30 tenants within 30 days. If the landlord fails to roll back the rents or fails to refund
31 the rent increases collected, the affected tenants may begin paying the rolled-back
32 rent or may deduct any rent refunds or rollbacks owed the tenants in accordance
33 with subsection (C)(8)(a) of this section.

34 9. Scope of Authority.

1 City’s Arbitrator Authority in Setting Rents. Notwithstanding any other provision of
2 this chapter or regulations instituted pursuant to this chapter, the Arbitrator shall be
3 authorized to take into account any factors that it is required to consider by law and grant
4 whatever rent increase is constitutionally required to yield a fair return.

5 10. Burden of Proof. The landlord shall have the burden of proof in demonstrating that
6 a rent increase should be authorized pursuant to this section.

7 11. Appeals. Any person aggrieved by a final opinion and order of the Commission on
8 a complaint or on objections to a decision regarding a fair rent return rent increase petition may
9 file a petition for judicial review with the Circuit Court for Prince George’s County, Maryland.
10 The procedures for an appeal from the opinion and order of the Commission shall be governed by
11 Title 7, Chapter 200 of the Maryland Rules (as amended).

12 a. A petition for judicial review shall be filed within 30 calendar days from the date
13 of the opinion and order.

14 b. A copy of the petition for judicial review shall be served on the City Clerk for the
15 City of Hyattsville.

16 **ARTICLE II – FEES AND UTILITY CHARGES.**

17 **§ 97-XX Fees—General provision, permitted fees, optional fees, prohibited fees.**

18 A. General Provisions—Restrictions and Disclosure Requirements.

- 19 1. The provisions of this section apply to all fees assessed to a tenant.
- 20 2. Lawful fees shall not be considered a part of the monthly rental charge for the rental unit.
- 21 3. Fees shall not be charged for services and amenities previously included in the rent for
22 the rental unit or provided to current or prior tenants at no cost.
- 23 4. Fees shall not be charged for improvements to the rental unit or rental facility or for
24 additional operating expenses incurred by the landlord.
- 25 5. Extermination Fees.
- 26 a. Multifamily Facilities. Fees for routine and emergency extermination services are
27 prohibited at all units in multifamily buildings.
- 28 b. Single-Family Facilities. Landlords may only charge tenants of single-family rental
29 facilities for extermination services for infestations caused by the tenant. The charge must
30 not exceed the actual cost of the extermination services incurred by the landlord.
- 31 6. Fees may be assessed to the tenant for optional services and amenities such as furnishings,
32 garage parking, off-street parking, internet access, storage, and pets. Tenants shall have the
33 right to refuse optional services and amenities.

1 a. Prior to the provision of any optional service or amenity by the landlord and the
2 assessment of any fee to the tenant, the tenant must provide written confirmation that they
3 understand that they have the right to decline the optional service or amenity and that they
4 voluntarily accept the optional service or amenity.

5 b. Fees for optional services and amenities shall not be assessed to tenants who have
6 refused said services and amenities or provided the landlord with written notice of their
7 intent to discontinue such service or amenity.

8 c. Tenants may terminate access to accepted services or amenities by giving a one-month
9 written notice to the landlord.

10 d. Landlords may terminate a tenant's access to optional services or amenities by giving
11 a one-month written notice to the tenant prior to the termination date.

12 **7. Fees shall be assessed on a uniform basis throughout a rental facility and shall not**
13 **exceed maximum fees established by administrative regulations.**

14 8. Fees shall be disclosed by the landlord prior to the commencement of the tenant's tenancy.
15 Landlords may increase fees by giving two months' written notice to the tenant prior to the
16 expiration of the tenant's lease term, or, for month-to-month tenants, by giving two months'
17 written notice.

18 B. Permitted Fees.

19 1. No fees may be charged unless authorized by this section or administrative regulation.

20 2. Leasing Fees. Leasing fees shall include, but not be limited to application fees, key fees,
21 document preparation fees, brokerage fees, and credit check fees.

22 3. Late Fees. Late fees shall not be charged if the rent is received within 10 calendar days of
23 the rent due date. A late fee shall not exceed 5% of the amount of rent due for the rental period.

24 4. If new legislation at the Federal, State, County, or Municipal level mandates the
25 rehabilitation of a rent-stabilized multi-family property to meet new legislative
26 requirements, then the landlord may elect to recoup these expenses by increasing rent
27 payments above the MAARI. The increase in rent shall be distributed equitably among
28 households and be equal to the actual cost of the rehabilitation expenses, amortized over
29 the expected life of the improvement. Legislative Mandate Surcharge rent increases must
30 be presented to and approved by the City of Hyattsville prior to implementation. A
31 minimum ninety-day advance notice must be provided to tenants prior to increasing rent
32 via a Legislative Mandate Surcharge increase and can only go into effect once the
33 mandated improvement has been completed and only after a lease has expired.

34

1 5. Short-Term Lease Fees. A short-term lease fee may be assessed to a tenant who has
2 requested an initial lease of less than 12 months.

3 a. A short-term lease fee shall not be assessed to a tenant when the landlord has offered
4 the tenant an initial lease term of less than 12 months.

5 b. Short-term lease fees shall not be assessed beyond the initial term of the lease.

6 c. Landlords shall not charge a fee for month-to-month tenancies.

7 **§ 97-XX Utilities—Charges to tenant and transfer of utility payments.**

8 A. Charges to Tenants for Basic Utilities and Services. The cost of basic electricity, gas and
9 water utilities and trash collection services for a rental facility that is not separately metered or
10 sub-metered or billed by the utility or service provider may not be assessed to a tenant except as
11 provided herein.

12 1. The cost of a basic utility or service may be assessed to a tenant if the utility or service
13 was assessed to prior tenants and charged in addition to the monthly rent for the rental unit.

14 2. The cost assessed to a tenant shall be for the actual cost of the utility or service. At the
15 request of the tenant, the landlord shall provide the tenant with copies of the applicable bills,
16 invoices or other documentation from the utility or service provider and an explanation of how
17 the fee to the tenant was computed.

18 B. Transfer of Utility Payments to Tenant.

19 1. Definitions. “Utility transfer” means the reallocation of financial responsibility for the
20 payment of utility costs from a landlord to the current tenants and, for units subject to rent
21 stabilization, future tenants of a rental facility for which the landlord previously was
22 responsible for the payment of utilities.

23 2. Utility transfers are prohibited except as permitted by this section.

24 3. Utility transfers are permitted only for rental facilities in which all of the rental units are
25 separately metered or sub-metered to measure the actual utility consumption in each unit.

26 4. Landlords must reduce the rent for a rental unit to offset the cost of utilities allocated to
27 the current tenants and, for units subject to rent stabilization, future tenants, as a result of a
28 utility transfer for:

29 a. All rental units subject to rent stabilization, regardless of whether they are occupied
30 at the time of the utility transfer; and

31 b. All rental units that are occupied at the time of the utility transfer.

32 5. Rent Reductions to Offset the Cost of Utilities.

1 a. If prior to the utility transfer, the rental units in the rental facility were individually
2 metered, the monthly rent reduction in rent for each unit shall be calculated by multiplying
3 the actual average monthly utility consumption of the unit for the previous 24 months by
4 the actual utility rate at the time of conversion.

5 b. If, prior to the transfer, the rental units in the rental facility were not individually
6 metered, the reduction in monthly rent per unit shall equal the average utility consumption
7 of the rental facility for the previous 24 months, less common area utility expenses,
8 divided by the number of rental units.

9 c. If a landlord determines that the allocation of rent reductions between rental units in
10 accordance with subsection (B)(5)(b) of this section would be unreasonable, the rent
11 reductions may be allocated based upon the size of each unit, the number of bedrooms in
12 each unit, and other relevant characteristics of the unit; provided, however, that the total
13 rent reduction must equal the total rent reduction required under subsection (B)(5)(b) of
14 this section.

15 d. The landlord must submit the proposed rent reduction allocation, a written explanation
16 of the proposed allocation, and supporting documentation to the Department, and the
17 Department must approve the proposed rent reduction and allocation prior to the utility
18 transfer.

19 6. Notice Requirements.

20 a. Written notice of the landlord's intent to transfer responsibility for utility payments to
21 an existing tenant shall be provided to the tenant at least three months prior to the effective
22 date of the transfer. Written notice may be delivered to the tenant by any reasonable
23 means, including mailing by U.S. Postal Service, email, or personal delivery. The landlord
24 shall certify in writing to the City, the date and to whom the notice was mailed or
25 delivered, and the names and apartment numbers of each tenant who was given the notice.

26 b. The notice of the utility transfer must notify the tenant of the corresponding rent
27 reduction for their unit.

28 c. Leases negotiated during the three-month notice period in subsection (B)(6)(a) of this
29 section shall include a written disclosure of the landlord's intent to transfer responsibility
30 for utility payments to the tenant during the term of the lease, the earliest possible effective
31 date of the transfer, and the rent reduction to which the tenant will be entitled to offset the
32 cost of utilities. Failure to make this disclosure shall be grounds for termination of the
33 lease by the tenant without further liability for rent or utilities after providing written
34 notice to the landlord and vacating the property.

35 d. At least 14 calendar days prior to the effective date of the transfer, the landlord shall
36 notify the tenant of the effective date of the transfer and provide the tenant with necessary
37 information to establish an individual utility account.

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Version 2
City Attorney to Staff
September 4, 2024

- 1 7. The date of transfer of financial responsibility for utilities shall be at the beginning of a
2 rent payment period, unless otherwise agreed upon by the landlord and the tenant.
- 3 8. This section shall not be construed to provide a remedy for temporary interruption of
4 service or equipment otherwise maintained by the landlord.
- 5 9. The rent reduction resulting from a utility transfer shall be permanent and shall apply to
6 subsequent tenants and shall reduce the banked rent for rent-stabilized units.

7

8 **ARTICLE IV – VIOLATIONS, PENALTIES, AND ENFORCEMENT.**

9 **§ 97-X Violations and penalties.**

- 10 A. Any violation of this Chapter shall be a municipal infraction, subject to fine, except as
11 otherwise specifically provided.
- 12 B. Operating or permitting the operation or occupancy of a rental facility without having applied
13 for and obtained a rental housing license or after a license has expired or been suspended, revoked
14 or denied shall be a municipal infraction violation subject to a fine.
- 15 C. The following shall be municipal infraction violations subject to fines:
- 16 1. Failure to obey an order of the City’s Arbitrator;
- 17 2. Failure to file a rent report or submission of a false, incomplete or inaccurate rent
18 report;
- 19 3. **Charging or attempting to charge an illegal rent or fee;**
- 20 4. Submitting false information or making false statements to the City’s Arbitrator; and
- 21 D. The following shall municipal infraction violations subject to a fine of up to 3 month’s rent:
- 22 1. Any violation of Section 97-X, Utilities – Charges to tenant and transfer of utility payments;”
23
- 24 E. The failure of any occupant of an unsafe building to comply with any posted warning
25 placard or notice or order to vacate shall be a misdemeanor violation.
- 26 F. Except as provided in subsection (F) of this section, each day a violation continues shall be
27 considered a separate violation.
- 28 G. Each month that a landlord charges an illegal rent or fee for an individual rental unit shall
29 constitute a separate violation. For example, the charging of an illegal rent or fee for four rental
30 units for three months constitutes 12 violations.

1 **§ 97-X Enforcement.**

2 A. The City may take any appropriate action to enforce or correct violations of this title,
3 including, but not limited to, revocation of the landlord's rental license.

4 B. In addition to any other penalties and remedies provided for in this title or by applicable law,
5 the City may apply to a court of competent jurisdiction for abatement orders, restraining orders,
6 temporary or permanent injunctions, or any other appropriate form of remedy or relief to correct,
7 restrain, or enjoin violations of this title. The City may also seek to recover its attorney's fees.

8 C. The City may bring a suit to collect all costs, assessments, liens or charges imposed or incurred
9 by the City in taking any action authorized by this title.

10 D. In the event that a landlord brings an action against a tenant that is contrary to a City's
11 Arbitrator order, the court shall dismiss the action against the tenant and may award the tenant
12 attorney's fees and costs incurred in defending against the landlord's action.

13 **AND BE IT FURTHER ORDAINED** that by January 1, 2026, the City Administrator
14 shall adopt and publish rent stabilization regulations authorized and/or required by this Ordinance.
15 Such regulations shall implement and be consistent with the provisions of this Ordinance. Such
16 regulations shall be effective on February 1, 2026, and be published on the City's website. After
17 initial adoption, rent stabilization regulations may be amended from time to time by the City
18 Administrator upon 60 calendar days advance public notice published on the City's website. Such
19 public notice shall also be transmitted to the Mayor and City Council;

20
21 **AND BE IT FURTHER ORDAINED** that if any provision of this Ordinance or the
22 application thereof to any person or circumstance is held invalid for any reason, such invalidity
23 shall not affect the other provisions or any other applications of the Ordinance which can be given
24 effect without the invalid provision or applications, and to this end, all the provisions of this
25 Ordinance are hereby declared to be severable;

26
27 **AND BE IT FURTHER ORDAINED** that this Ordinance shall take effect on February
28 1, 2026;

29
30 **AND BE IT FURTHER ORDAINED** that a fair summary of this ordinance shall
31 forthwith be published twice in a newspaper having general circulation in the City and otherwise
32 be made available to the public.

33
34 **INTRODUCED** by the City Council of the City of Hyattsville, Maryland, at a regular
35 public meeting on _____, 2024.

36
37 **ADOPTED** by the City Council of the City of Hyattsville, Maryland, at a regular public
38 meeting on _____, 2024.

39
40
41 Adopted: _____.

WORKING DRAFT

Version 2
City Attorney to Staff
September 4, 2024

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Attest: _____
Nate Groenendyk, City Clerk Robert S. Croslin, Mayor

⏏ indicate deletions
Underline/CAPS/**BOLD** indicate additions
Asterisks * * * Indicate matter retained in existing law but omitted herein.

4878-9324-7713, v. 2



City of Hyattsville Rent Stabilization Comments

Monday, September 16, 2024

The Apartment and Office Building Association (AOBA) of Metropolitan Washington is the leading non-profit trade association representing the owners and managers of approximately 155 million square feet of commercial office space and 430,000 residential units across the Washington Metropolitan region. AOBA represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George's counties. On behalf of its member companies, AOBA submits the comments below on the proposed Rent Stabilization Ordinance for the City of Hyattsville.

AOBA understands the Council's desire to pass rent stabilization to keep tenants housed in the City of Hyattsville. **However, passing a more restrictive law than the county is premature given that the county law has not yet taken effect and its impacts to the county's housing market and economy have not been assessed.** Additional regulation on housing providers in Hyattsville will be a significant deterrent to economic development in the city, which will stifle housing supply, deter direct investment, and will lead to deferred maintenance of current properties.

Flat CPI is far too restrictive

AOBA worked closely with Prince George's County councilmembers and staff to bring a medium in rent cap increases. A stricter rent cap on units in Hyattsville will directly contradict the effort the county made in the writing of its policies. While AOBA believes there are concerns that remain in the final county bill, AOBA's primary concerns lie with a stricter rent cap. A flat rate set to the Consumer Price Index (CPI) does not allow housing providers to keep up with rising operating expenses such as utility regulations, insurance premiums, Building Energy Performance Standards (BEPS), and other legislative mandates.

Utility costs accumulate and according to the Decarbonizing Strategy [study](#) prepared for the State, decarbonizing Maryland would require approximately \$30 billion in Electric Transmission & Distribution (T&D) infrastructure upgrades in order to deliver the increased electricity supply to customers. This cost includes new feeders, upgrading existing feeders, and building new or upgrading existing substances. As for insurance premiums, the [Bipartisan Policy Center](#) notes, between 2020 and 2023, multifamily insurance rates increased by an average of 12.5% annually leading to financially unviable apartment projects and operations.

Also, as we discuss rent stabilization, it is critical to remember any new regulations on multi-family properties must be seen within the context of Building Energy Performance Standards (BEPS). This is one of the legislative mandates we are the most concerned about as our members and their tenants will be forced to comply at an estimated cost of \$20,000+ per unit. This estimate is based on case studies from members and Steven Winters



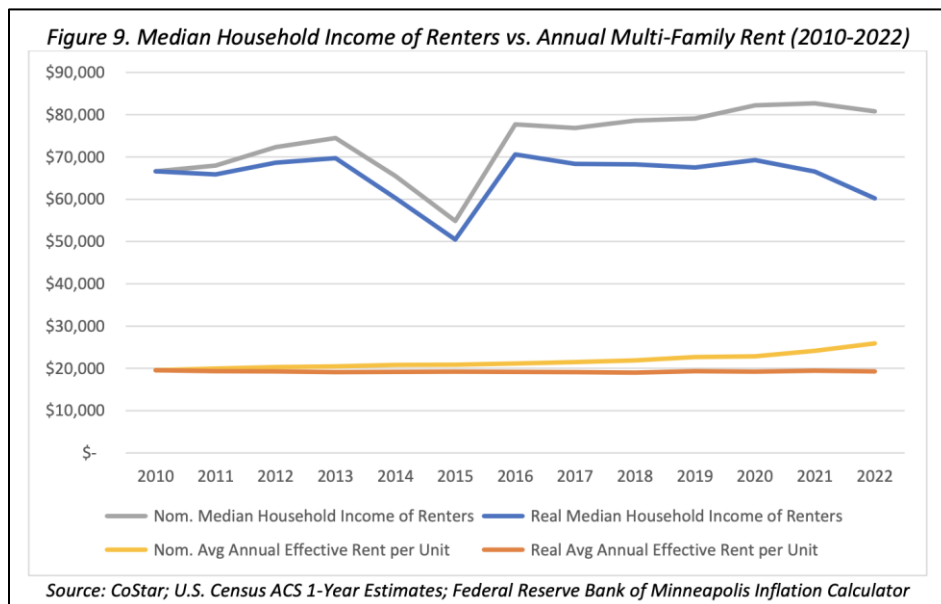
Associates (SWA). We note that SWA is the same consulting firm that Montgomery County used to produce their BEPS Technical Report, regarding the cost of complying with Montgomery and District of Columbia BEPS. Working with AOBA, SWA, examined the cost of BEPs in specified units. The costs do not include heavy-up costs required to increase electrical capacity at the property. In both case studies, the marginal costs of meeting BEPS is an increase of nearly \$44 per square foot or 400% above the cost of doing nothing. For a comparison, the Council is welcome to find more information about the cost in Montgomery County at [this link](#).

Directed to the County law, we are also concerned about the definition of capital improvements in the County’s rent stabilization law. The County law defines capital improvements as “permanent structural alterations.” This definition should be changed to “permanent physical alteration” to better align with the improvements necessary to comply with Maryland Building Energy Performance Standards (BEPS).

As for other legislative mandates, the County has required security cameras to be placed in most apartment buildings. The cost of providing security camera installation amounts to about \$1 million. Much of the cost comes from installation, hardware, and labor costs, in addition to creating infrastructure to support data storage and Wi-Fi capabilities for the cameras. This is just the upfront cost required for this endeavor for one property with no financing or payment plan to pay this cost over a 45-day-to-six-month period.

Not a rent problem but a wage problem

In neighboring Montgomery County, the City of Rockville commissioned a study to explore rent stabilization in their city. According to the staff report, real average rents in Rockville between 2010 and 2022 have been relatively flat, while real median household income declined over the same period.





The Enterprise report that the City of Hyattsville commissioned examined rent growth between 2016 – 2021 but did not compare the rent growth to inflation over the same period. Furthermore, that analysis is incomplete because it looks at a short time period that is partly distorted by the pandemic. AOBA encourages the Council to examine both nominal and real increases versus wage growth between 2010 – 2022 like Rockville did.

Administrative Costs

The City of Hyattsville does not have an appropriate number of staff to work with any new regulation in addition to county regulations. For reference, Montgomery County Government allocated nearly \$1million dollars for 10 new positions to help implement rent stabilization. Prince George’s County faces similar hurdles with their final law. As proposed, HCC-065 anticipates nearly a quarter of a million dollars in the FY25 budget to meet staff expectations. Respectfully, AOBA believes this cost will be at the low end as full-time staff and software development fees will increase year over year, especially as potential delays of implementation are inevitable as seen in Montgomery and Prince George’s County.

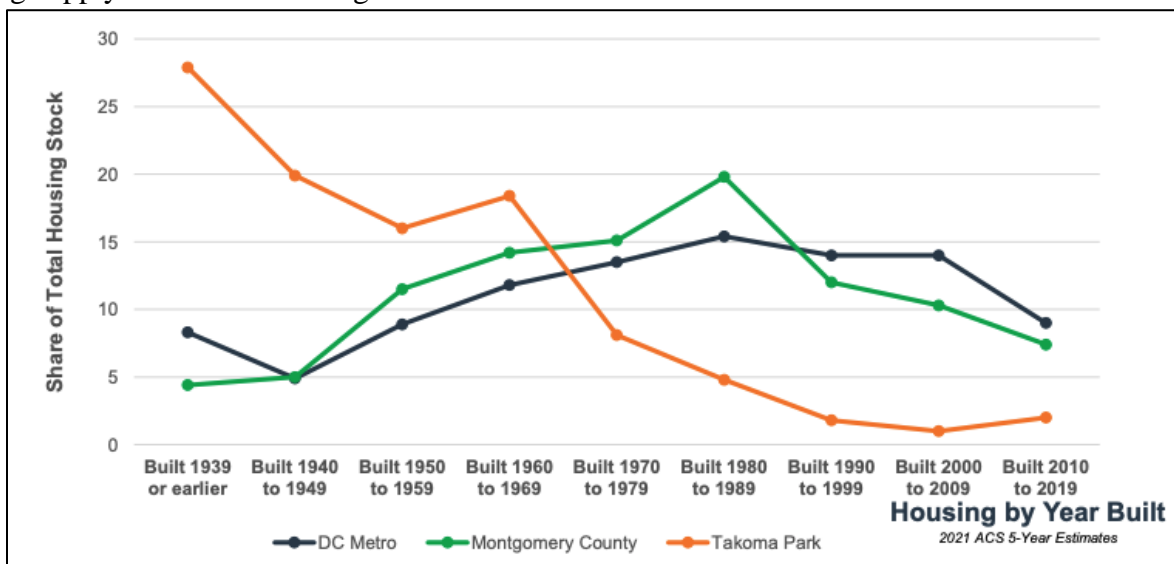
Hyattsville will see a continuation of decreasing property values for multifamily buildings and the County will see a drop off in recordation taxes in the County. In 2022, Prince George’s County saw 22 transactions totaling just over \$1.3 billion dollars in sales. As of 2023, post temporary rent stabilization in Prince George’s County, there were only two sales totaling \$34.6 million. The County effectively saw a 97 percent change in year over year total sales volume. Between FY2022 and FY2025, the County will see a rough loss of \$77 million in transfer and recordation taxes. This lost revenue will directly impact the County and the City’s ability to provide services, beautification, and housing opportunities to residents.

Reduction of Housing Supply

The City of Hyattsville has taken big steps to bring new investment and economic development to the city. Since 2004, the city has successfully begun to implement the Gateway Arts District Sector Plan, a second draft of the West Hyattsville-Queens Chapel Sector Plan (WHQC) and a West Hyattsville Transit District Development Plan in the West Hyattsville Transit District Overlay Zone (TDOZ). However, if rent stabilization is to move forward, there will be a negative impact on the current living conditions of residents in multifamily units. The city is proposing to exclude renovated rental properties from any exemption of the rent stabilization policy unless the renovation adds at least 10 percent to the floor area of the unit. That is an unfairly high bar for housing providers of some of the oldest buildings in the city to meet. Yet, at the same time, the second draft of the [WHQC](#) sector plan notes the city should “work closely with property owners, the Cities of Hyattsville and Mount Rainier, and Prince George’s County to retain key multifamily developments and to ensure continued maintenance, rehabilitation, and rent stabilization of strategically located multifamily housing throughout the sector plan area.” Rent regulations will directly contradict the housing goals set forth in the WHQC sector plan draft.



If the city aims to work with property owners and aims to ensure maintenance and the rehabilitation of properties throughout the city, the bar must be removed. Housing providers can only rehabilitate and provide tenants with the ability to live with dignity if they can recoup their expenses. Anything outside of this will only push housing providers away from reinvesting in their property and eventually lead to the displacement of hundreds of tenants. When neighboring jurisdictions like the City of Takoma Park is examined, the city has not seen new development since the 1970s. Moreover, a [2024](#) report from the National Multifamily Housing Council notes that rent regulations incentivize conversions of properties that effectively remove housing choices from renters leading to a dwindling supply of units in the long run.



Vacancy Control

Additionally, AOBA is concerned about the vacancy control provisions of any rent stabilization law, and particularly for tenants that are evicted for failure to pay rent or a breach of lease. We note that the cost of turnover for a two-bedroom unit in Prince George’s County can be up to two months’ rent, at a minimum. Housing providers have a built-in disincentive to avoid the eviction process, especially because the average length for an eviction is 146 days in Maryland and during the 2024 legislative session, the state of Maryland raised the fees to file for an eviction. If the housing provider is forced to evict, thousands of dollars can be added in legal costs and lost rent.

In Prince George’s County, evictions can take closer to 6 months or 180 days. There is a high bar for landlords to bring a breach of lease case to the courts. This can be illustrated by Maryland’s Department of Housing and Development [data](#) showcasing the difference in the amount of failure to pay rent (FTPR) cases versus the amount of breach of lease cases, 27,719 compared to 242 respectively. Nearly half (11,227) of FTPR cases are cancelled





or expired, with 51 breach of leases cases canceled. Most importantly, between 15 and 25% of both cases make their way to a final eviction court order. This is seen clearly with 4,180 failures to pay rent cases moving to an eviction court order and 58 breach of lease cases. Keep in mind that data is from courts, so there are almost certainly cases of folks moving out before sheriff-initiated evictions. One [study](#) found that vacancy controls led to a decline in the supply of rental units while similar jurisdictions with no vacancy control saw an increase in rental housing supply.

Conclusion

Rent regulations can almost certainly be a net negative for the residents of the city and its housing providers. Long-term rent regulation will not reduce the cost of renting and in the long run, this policy will further dwindle housing supply. Both the city of Hyattsville and Prince Georges County may see difficult budget years soon and the loss of further investment into the locality will only exacerbate the shortcomings of local government services. **The only way to truly examine the outcome of rent regulation in Prince George's County is to allow for the already passed county law to take effect, study and assess the market's reaction.** To be clear, rent regulation from the City of Hyattsville, without any other policy initiatives to combat low supply would be premature and negatively affect the city's residents.

For more information contact Hugo Cantu, Manager of Government Affairs, at hcantu@aoba-metro.org.



Memorandum

Subject: CASA's Comments on the City of Hyattsville's Rent Stabilization Ordinance

October 9, 2024

CASA members—thousands of whom live in the City of Hyattsville—experience severe housing instability and unpredictability. The high cost of housing burdens thousands of renters, including countless CASA members in Hyattsville, forcing them to work multiple jobs and excessively long hours to make ends meet. While we support multiple remedies to keep housing affordable and curb evictions, nothing offers rent stabilization's immediate, widespread, and sustainable impact.

Rent stabilization is crucial for stabilizing some of our most vulnerable populations, particularly children and seniors. For school-age children, frequent relocations due to unaffordable rent cause significant disruptions to their education and academic progress, leading to long-term negative effects on their development and future success. For seniors, rent stabilization enables them to age in place, providing consistent access to services and community support, all essential to maintaining their health and well-being.

CASA is proud to support the City of Hyattsville's rent stabilization ordinance, which is crucial in ensuring housing stability for our community. We want to thank the Hyattsville Mayor and City Council for introducing this important ordinance. CASA members fought tirelessly in Prince George's County to pass a permanent rent stabilization bill this past summer, and we are proud to support Hyattsville's ordinance that takes the county's legislation further by addressing weaknesses in the County law.

Several elements of the ordinance, as introduced, are commendable and align with our objectives. These include linking rent increases to the Consumer Price Index (CPI) and adopting a rolling exemption for new buildings, which protects more rental units and provides greater predictability for tenants. We would like to express our strong support

for the ordinance as currently written. However, we highlight several key areas that, if addressed, could further enhance the intention of stabilizing renters in the City of Hyattsville.

CASA's Comments on Amendments

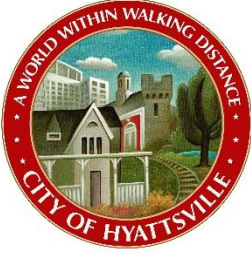
1. Amend: Set a Rental Cap

The City of Hyattsville's draft ordinance effectively ties rent increases to the Consumer Price Index (CPI), which is a commendable approach that promotes stability for tenants. However, there are risks associated with relying solely on the CPI, particularly during periods of rapid inflation that could lead to significant rent increases. To safeguard against this volatility, we recommend maintaining the rent adjustments to CPI while also implementing a rental cap. We recommend an amendment capping the allowable rent increase at 6% following Montgomery and Prince George's Counties. By doing so, we can ensure that rent remains affordable and predictable even in challenging economic conditions, protecting our most vulnerable residents from the impact of sudden spikes in living costs.

2. Clarify: Substantial Renovation Increases

The City's substantial renovation language is commendable in that it contemplates a possible reduction in rent increases where a unit size is reduced through renovation. However, in those cases where renovation increases square footage of the unit, substantially minor repairs that fail to impact the value of the property could result in substantial rent increases. Both Montgomery and Prince George's County, on the other hand, utilize a cliff model which takes a property out of the stabilization cap if its value is improved by 40%. It appears to us that the City's proposal may result in a less desirable structure allowing more frequent and high rent increases. In addition, the City's proposal lacks language we consider critical which would outlaw rent increases for improvements designed to address warranty of habitability issues or code violations.

We look forward to collaborating with the City of Hyattsville to ensure the best possible outcomes for our community. Thank you for considering our comments and recommendations.



Memo

To: Mayor and City Council

From: David Cristeal Housing Manager; Jeff Ulysse Director of Economic Development; Tracey Douglas, City Administrator

Date: October 16, 2024

Re: Summary of Main Points/Concerns on the City 's draft Rent Stabilization Ordinance from a meeting with multi-family property developers and owners

Brad Frome, RISE Investment Partners, along with property owners and developers Robert Gilbane (Gilbane Co.), Josh Wooldridge (NRP), Jair Lynch (Jair Lynch Real Estate Partners) and Chris Mrozinski (PREIT) requested a meeting with the Mayor, motion makers, and Ward 3 council members to express their concerns about the draft Hyattsville Rent Stabilization Ordinance. They indicated that developers would have significant reservations about future development in Hyattsville and cited case studies of communities across the country who have been negatively impacted due to the longer-term implications from similar policies. They stated that the Rent Stabilization Ordinance, in its current form, will be a disincentive to current and future developers of multifamily housing and that there will be limited private investment in Hyattsville (outside of government subsidized affordable housing projects) and therefore, a reduced amount of future market rate apartment developments. They also noted historical studies that point to a lack of maintenance and capital expenditure in existing properties due to the impacts of rent stabilization policies and locally like Takoma Park and Montgomery County which have resulted in a significant reduction or elimination of new housing construction. In addition, they noted that rent stabilization, with its associated negative impacts, isn't targeted to renters who have a demonstrated need and instead benefit every renter regardless of their income nor need for affordable housing. They also suggested that the BID would be impacted as developers would be less interested in adding a tax on top of the negative impacts of a new stabilization policy.

Specific concerns raised are cited below:

- The draft Ordinance would include, under most circumstances, market-rate rental properties of 5 or more units once they are 15 years or older. Developers assert that they

will struggle to attract needed private investment with that rolling 15-year provision as investment decisions are based on the long-term value of a project that expands well past the 15 year time frame and noted that competitive environment that exists nationwide to attract such investment (Prince George's County's adopted legislation exempts market-rate rental properties built after 2000).

- The draft Ordinance caps rent at the Consumer Price Index – Urban (CPI-U), with no adjustment percentage to allow higher increases. Developers assert that operating costs, to include utilities, insurance, labor and interest rates often exceed the CPI-U as they have most recently. They also noted that after a spike in rental rates, as with most prices that spiked during the pandemic, rental rates have subsequently leveled out and are driven far more by the availability of housing (which rent stabilization would negatively impact as it is often a deterrent to new investment). As this is the case, what would be the alternative source of funds necessary for upkeep and longer term, capital expenses? (Prince George's County's adopted legislation allows the lesser of the CPI-U +3% or 6% (would allow a higher rent as long as the CPI-U is less than 6%)).
- The draft Ordinance fair return, vacancy decontrol and rent banking provisions potentially incentivize landlords to not renew leases and inhibit reinvestment in current properties/investment in future properties. (Prince George's County's legislation outlines basic parameters of these provisions but leaves details, including process to future, to be developed regulations by the Department of Permits, Inspection & Enforcement's (DPIE's) Director but allows for rent banking at lease renewal and separates out the concept of substantial improvements as a separate vehicle to exceed rent caps).
- The draft Ordinance calls for giving authority to an "Arbitrator", hired by the City, who would consider fair return petitions as well as consider, after the fact, a request to be recouped for investments in the condition of a property. Developers questioned the transparency and subjective nature of an Arbitrator's decision-making process (Prince George's County's legislation lists a specific numerical formula to determine the adequacy of a right of fair return petition).

Recommendation: The group recommended that the City pause its efforts to let the County's legislation take affect and based on that performance, consider whether its own rent stabilization ordinance is worth considering. As a number of these developers currently own property in the City, to include two that are currently under construction, they stated they would not have been able to obtain financing for these projects if this ordinance was in effect and they would have had serious reservations in pursuing an investment in the City. They also cited the City's estimated annual cost of \$238,000 to set up the program was low considering the administrative lift/burden and suggested that the amount could be saved if the City paused to see how the County's legislation worked).

Attendees:

Developer/Owner Representatives:

Brad Frome (RISE Investment)

Chris Mrozinski (PREIT)

Bobby Gilbane (Gilbane)

Josh Wooldridge (NRP)

Jair Lynch

City of Hyattsville:

Mayor Croslin

Council President Solomon

Councilmember Redmond

Councilmember Schaible

Councilmember Straub

City Administrator Douglas

Acting CBED Director Ulysse

Housing Manager Cristeal



City of Hyattsville

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Agenda Item Report

File #: HCC-162-FY25

11/18/2024

11.b.

Submitted by: Councilmembers Schaible, Waszczak, Denes

Submitting Department: Legislative

Agenda Section: Discussion

Item Title:

Ranked Choice Voting Referendum for May 2025 City Election

Suggested Action:

For Discussion

Summary Background:

In most American elections, the winning candidate is the one who receives the most votes, even if most voters selected someone else. In a small but growing number of states and municipalities, another majoritarian system-ranked choice voting, or RCV-is used. RCV combines the general election and the runoff by letting voters select-or “rank”-the candidates in order of preference. If no candidate receives 50% of the first-choice votes, the lowest-ranking candidate is eliminated, and their second-place votes are reallocated among the remaining candidates. The process repeats itself until a winner is selected.¹

Advocates of RCV claim the system has many benefits over traditional American elections, including:

More positive campaigning because candidates have an incentive to be voters’ second-choice option.

Reduced political polarization, because only candidates with broad support can win.

Eliminating the “spoiler effect,” empowering voters to select their candidate of choice while eliminating the “lesser of two evils” dynamic. ²

Per the City Charter, a Council Directed Referendum must be approved by passage of a resolution with minimum of a 2/3 vote of Council members and must be passed at least 120 calendar days prior to the next municipal election May 13, 2025. As conceived, this would be a non-binding referendum to amend the City’s Charter and Code to implement Ranked Choice Voting for municipal elections in Hyattsville ARTICLE IV - Legislation, Nominations and Elections § C4-11. Vote count.

Next Steps:

For Council Discussion

Fiscal Impact:

TBD

City Administrator Comments:

Staff recommend that the scope of the November 4 discussion focus on determining if the Council wants to include a

referendum question on the May 2025 ballot. The City's Board of Supervisors of Elections has not had the opportunity to formally provide feedback on the possible adoption of rank choice voting for City elections, however a representative of the Board will be available for the discussion to provide initial feedback.

Should the Council wish to move forward with a non-binding referendum for the May 2025 election, the resolution, with the exact wording of the ballot question must be adopted by a 2/3rd majority of the Council at least 120 days prior to the election. 120 days prior to the May 13, 2025 election is January 13, 2025, therefore a resolution must be adopted no later than the January 6, 2025 Council Meeting. The referendum is non-binding and if the Council wishes to move forward with implementing Rank Choice Voting, it must follow the legislative process to amend the City Charter & Code.

Of note, any campaign material in support or opposition of a referendum question is subject to the requirements of City Code, Chapter 8, and will require the publication of an authority line on campaign materials to ensure transparency to voters.

Community Engagement:

Information regarding any referendum would need to be shared with the public via social media, mailings, and community meetings to raise awareness and understanding of the issue.

Strategic Goals:

Goal 4 - Foster Excellence in all City Operations

Legal Review Required?

Pending