

City of Hyattsville

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



Summary Regular Meeting

Register in advance for this webinar:

https://us06web.zoom.us/webinar/register/WN_bDd44Ty1RsOV_MECe5dGOg

Monday, December 4, 2023

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
Laura Reams, City Clerk, 301-985-5009, 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, December 4, 2023 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_bDd44Ty1RsOV_MECE5dGOg

1. **Call to Order and Council Roll Call** **The meeting was called to order at 7:03 p.m.**
2. **Pledge of Allegiance to the Flag**
3. **Approval of Agenda** **Approved as Amended, Unanimous**

Amendments:

- Change in motion language to item 6.e (See item for amended language)
- Move item 6.c from the Consent Agenda to the Action Agenda

4. **Public Comment (7:10 p.m. – 7:20 p.m.) Complete Speaker Card, Limit 2 minutes per speaker**
5. **City Administrator Update (7:20 p.m - 7:45 p.m.)**
6. **Consent Items (7:45 p.m. - 7:50 p.m.)**
Approved, Unanimous

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.

6.a. Leaf Collection Services [HCC-142-FY24](#)

I move that the Mayor and Council authorize an expenditure not to exceed \$35,000 to Professional Lawn Maintenance Service (PLMS) to provide up to 25 days of on-call leaf collection services under their existing contract with the City.

Sponsors: City Administrator

Department: Public Works

Attachments: [Estimate 1463 from Professional Lawn Maintenance Services](#)

6.b. Design of Oliver Alley Project - ARPA Funded [HCC-145-FY24](#)

I move that the Mayor and Council authorize an expenditure not to exceed \$108,000 to the Low Impact Development Center for the design, engineering, and permitting of the Oliver Green Alley Project under their existing contract with the City. This expenditure is funded using American Rescue Plan Act funds as authorized by Council on November 20, 2023 and the Treasurer is authorized to make the budget modifications necessary to facilitate this expenditure.

Sponsors: City Administrator

Department: Public Works

Attachments: [Oliver Alley Design-Permit Cost Est 20231016](#)
[Plan Final Concept Oliver Alley](#)

6.c. Purchase of Playground Equipment for King Park - ARPA [HCC-147-FY24](#)

This item was moved to the Action Agenda.

Approved, Unanimous

I move that the Mayor and Council authorize the City Administrator to enter into an agreement with Playground Specialists, Inc. for the purchase and installation of playground equipment for King Park in an amount not to exceed \$480,000. This encumbrance is funded utilizing American Rescue Plan Act funds as approved by Council on November 20, 2023 and the Treasurer is authorized to make the necessary budget amendments to facilitate the encumbering of these funds.

Sponsors: City Administrator

Department: Public Works

Attachments: [PROPOSAL #29357E](#)

6.d. 2024 Council Regular and Budget Meeting Calendar [HCC-150-FY24](#)

I move that the Mayor and Council adopt the 2024 Council Meeting Schedule and the FY-2025 Budget Meeting Schedule.

Sponsors: City Administrator

Department: City Clerk

Attachments: [2024 Council Meeting Calendar](#)

6.e. Purchase of Police Vehicle for Plainclothes Officers [HCC-151-FY24](#)

I move that Mayor and Council authorize the purchase of a police vehicle from Ourisman Cars for plain clothes officers use not to exceed \$40,000.

Amended Motion: I move that the Mayor and Council authorize the purchase of a police vehicle from Ourisman Cars for plain clothes officers use not to exceed \$40,000 the vehicle purchase will require additional cost for upfitting which is anticipated not to exceed an additional \$10,000. The total cost for this vehicle will not exceed \$50,000.

Sponsors: City Administrator

Department: Police Department

6.f. Repair and Restoration of the Drainage Swale on Oliver Alley - ARPA Funded [HCC-152-FY24](#)

I move that the Mayor and Council authorize an expenditure not to exceed \$23,000 to SMC for the repair and restoration of the drainage swale in the 4300 block of Oliver Alley under their existing contract with the City. This work is part of the Oliver Green Alley project approved for ARPA funding at the November 20th, 2023 Council meeting. The Treasurer is authorized to make the necessary budget amendments required to facilitate this encumbrance.

Sponsors: City Administrator

Department: Public Works

Attachments: [2023 08 15 SMC TO 28 Drainage Swale Cleanout \(1\)](#)

6.g. FY24 Budget Appropriation: Accept and Appropriate Maryland Department of Aging (MDoA) FY 2024 Healthy Aging Grant [HCC-153-FY24](#)

I move that the Mayor and Council accept and appropriate into the FY24 Budget, the Maryland Department of Aging (MDoA) FY24 Healthy Aging Grant in the amount of \$30,000 to expand City programs for older adults.

Sponsors: City Administrator

Department: Community Services

Attachments: [City of Hyattsville FY24 GRANT ACCEPTANCE LETTER 1.20.2023 un-signed City of Hyattsville - Healthy Aging Service Provision Grant Agmt 2023.1 \(1\)](#)

7. Action Items (7:50 p.m. - 8:40 p.m.)

7.a. City Code Chapter 113 Revisions
Approved, (Yes:10/Abstain:1)

[HCC-156-FY24](#)

I move the Mayor and Council direct the City Attorney to draft an ordinance amending Chapter 113 of the City Code as recommended by the Code Compliance Advisory Committee.

Sponsors: McClellan and Sandino

Department: Legislative

Attachments: [Equity Considerations in Proposed Changes to Chapter 113 of City Code](#)
[City Code Chapter 113 - Junked Vehicles](#)
[RECChap52and 113](#)

7.b. Hyattsville Rent Stabilization Ordinance **The motion was amended at the reading. See Appendix for Amended Motion** [HCC-159-FY24](#)
Approved, (Yes:10/Abstain:1)

I move that the Mayor and Council authorize the City Attorney to prepare an ordinance on regulating the annual rate of increase in rental prices in the City Hyattsville. The ordinance shall meet the following rent stabilization goals:

Rental Increase Allowance:

This ordinance shall:

- Authorize and require the City Administrator to set and publish a maximum allowable annual rent increase (MAARI). The MAARI shall be the maximum annual allowable percentage increase in price per unit for non-exempt rental properties within the City of Hyattsville.
- The MAARI shall be equal to the annual percentage increase in the Washington-Arlington-Alexandria, DC-VA-MD-WV Consumer Price Index for All Urban Consumers (CPI-U), from November to November of the two most recent calendar years, rounded to the nearest whole number, and shall be effective for a twelve-month period beginning January 1.
- In addition to rent increases, the MAARI shall include and regulate all increases to fees associated with rental properties, including but not limited to fees associated with utilities, parking, amenities, and pets.

Exemptions:

The following classes of rental properties and rental agreements shall be exempt from the limit imposed through the MAARI.

- Rental properties less than 15 years old.
- Buildings with 4 or fewer units.
- Owner-occupied where the tenants share a kitchen or bathroom with the owner.
- Short-term leasing agreements. (Defined as leases for 30 days or less, published via short-term leasing platforms such as Airbnb) Extensions of leases beyond 120 days will make the unit subject to the Rent Allowance clauses prescribed.
- Accessory apartments and dwelling units.
- Units that are subsidized or regulated by federal, state, county, or local guidelines. This exemption does not apply to non-subsidized or non-regulated units that are rented using a housing voucher.

Rental Registry:

- The City shall create and maintain a publicly accessible rental registry containing all legal rental units within the City of Hyattsville and indicate which units are subject to rent stabilization. The rental registry shall be public and posted on the City's website.
- All rental properties must be on the rental registry. Unregistered properties cannot legally raise the rent and are subject to municipal citations.
- Providing false information to the registration is illegal under this ordinance and subject to municipal citation.
- Yearly notice will be sent to the landlords of all rental properties reminding them to register their rental units and pay the occupancy permit fee, and informing them of the allowable MAARI rate increase for rent stabilization eligible properties.

Civil Recourse:

- Any landlord found in violation of the ordinance shall be required to pay any tenant harmed by any such violation no less than the equivalent of three (3) months of rent,

plus any attorney fees paid by the City to enforce the ordinance.

- The City may deny a rental license to, and may impose financial penalties on, any landlord who fails to comply with this ordinance.
- Property owners may be sanctioned under this statute if City code finds them in violation: [<https://law.justia.com/codes/maryland/2021/real-property/title-8/subtitle-2/section-8-211/>](https://law.justia.com/codes/maryland/2021/real-property/title-8/subtitle-2/section-8-211/)

Staffing and Management:

- Publish the MAARI and distribute it to all property owners.
- Provide an annual report to Hyattsville City Council on the status of the Rent Stabilization Program.

Communications and Outreach

City staff shall:

- Develop and distribute annual rent stabilization notifications in English and Spanish. Notifications must be kept posted in the lobby, mailroom, or other public gathering space of every rent stabilization eligible property.

Voluntary Rent Increase Agreements Related to Capital Improvements

Landlords may propose and be approved for rent increases that exceed the MAARI if the capital improvements/repairs that they will make, and the subsequent rent increases, have the supermajority support (greater than or equal to 60%) of the affected tenants. In such circumstances, the vote will be administered by the City and the votes cast by tenants will be anonymous. Trivial and routine repairs and renovations shall be ineligible for these agreements. Regulations related to voluntary rent increase agreements shall be prepared by the City.

Right to a Fair Return:

- Fair Return Rent Increase. Landlords have a right to petition for a rent increase in order to obtain a fair return. A fair return rent increase is intended to protect tenants from unwarranted rent increases while allowing rent levels that provide landlords with a fair return. Regulations related to the right to a fair return shall be prepared by the City and approved by Council.

Preferential Rent Banking:

- Preferential rent is rent a landlord charges that is lower than the legal regulated rent they could lawfully charge. If a landlord uses preferential rent, once the tenancy ends the landlord may increase rent for the new tenant up to the full amount permitted by the MAARI over the full duration of the previous tenancy. This option is available only when there is a change of tenants (as opposed to a lease renewal with the same tenant), and can only span the time between two different tenants (i.e. once a new lease agreement is reached with a new tenant, any past preferential rent usage will become fixed).

Legislative Mandate Surcharge:

- If new legislation at the Federal, State, County, or Municipal level mandates the rehabilitation of a rent-stabilized multi-family property to meet new legislative requirements, then the landlord may elect to recoup these expenses by increasing rent payments above the MAARI. The increase in rent shall be distributed equitably among

households and be equal to the actual cost of the rehabilitation expenses, amortized over the expected life of the improvement. Legislative Mandate Surcharge rent increases must be presented to and approved by the City of Hyattsville prior to implementation. A minimum ninety-day advance notice must be provided to tenants prior to increasing rent via a Legislative Mandate Surcharge increase.

CITY POLICY (not codified)

In support of the ordinance the City shall implement the following policies and procedures:

Rental Registry

- At a minimum, the rental registry must include for each unit 1) the year built, 2) the number of bedrooms, 3) the address of the property, 4) the unit number, 5) the date the current lease began, 6) the rent as of January 1 for each year, 7) any associated rental fees (utilities, parking, pet etc.) as of January 1 for each year, 8) the name of the multifamily property; 9) the name, mailing address, phone number, and email address of each owner and manager of a registered property; 10) if the property is rent stabilized.

Administrative Support:

- The cost of implementing this ordinance shall be paid for with revenue generated from the rental registry fee. It is estimated that two full-time employees will be required to implement and administer this program, including maintaining the required registry of rental units, publishing and disseminating the MAARI, answering questions from landlords and tenants, hosting workshops for tenants and landlords, publishing annual reports on program outcomes, and enforcing the requirements imposed on landlords by the ordinance. Fluency in English and Spanish will be essential for this program.
- Increase occupancy permit fee to \$300 per year for single-family rental units and \$250 per unit biannually for multi-family units to assist in covering City administrative expenses associated with the rental registry and rent stabilization.

Staffing and Management:

- Authorize the creation of a staff level Housing Affordability role responsible for implementing this ordinance and other housing affordability initiatives.
- Adjudicate landlord/tenant rental disputes.
- Advise Hyattsville City Council on modifications required to the rent stabilization ordinance and additional solutions/recommendations to address affordability.
- Maintain rental unit registry.
- Additional responsibilities as enumerated in the 2023 Hyattsville Rent Stabilization Study.

Communications and Outreach

The dedicated staff persons hired to administer the ordinance shall:

- Conduct public outreach such as development of brochures, ad campaigns, webpage, host public workshops etc.
- Develop an online calculator to compute allowable rent increases.

Sponsors: Schaible, Croslin, Solomon, Denes, Waszczak, McClellan, Redmond, Haba and Sandino

Department: City Clerk

- Attachments:** [Takoma Park, Rent Stabilization Ordinance](#)
- [Final Hyattsville Rent Stabilization Study \(004\) \(2\)](#)
- [Nov6 2023 Council Meeting Cover Sheet](#)
- [Estimated Cost Analysis Rent Stabilization](#)

8. Discussion Items (8:40 p.m. - 9:15 p.m.)

8.a. ARPA Spending Plan Discussion

[HCC-158-FY24](#)

For discussion.

Sponsors: City Administrator

Department: Finance

- Attachments:** [ARPA Ranking #3 Results](#)
- [ARPA Proposals December 2023](#)

Item 8.a Record of Motions

I move that the Mayor and Council allocate and authorize the expenditure of \$250,000 for rent stabilization ordinance implementation to be funded using American Rescue Plan Act funds. (Solomon/Schaible: Approved, Yes:10/No:1)

I move that the Mayor and Council allocate and authorize the expenditure of \$250,000 for playground equipment for Burlington Park to be funded using American Rescue Plan Act funds. (Solomon/Waszczak: Approved, Unanimous)

I move that the Mayor and Council allocate and authorize the expenditure of \$300,000 for fiber optic cable extension to the police headquarters and teen center to be funded using the American Rescue Plan Act funds. (Solomon/Schaible: Approved, Unanimous)

I move that that we use the remainder of the American Rescue Act Plan funds in the amount of \$327,752.40 for the police dispatch IT upgrades. (Strab/Redmond: Motion Fails, Yes:4/No:6)

9. Council Dialogue (9:15 p.m. - 9:25 p.m.)

- 10. Motion to Adjourn** **The meeting adjourned at 10:56 p.m. Approved, Unanimous**

APPENDIX

HCC-159-FY24 Amended Motion:

I move that the Mayor and Council authorize the City Attorney to prepare an ordinance that regulates the annual rate of increase in rental prices in the City Hyattsville. The ordinance shall meet the following rent stabilization goals:

Rental Increase Allowance:

This ordinance shall:

- Authorize and require the City Administrator to set and publish a maximum allowable annual rent increase (MAARI). The MAARI shall be the maximum annual allowable percentage increase in price per unit for non-exempt rental properties within the City of Hyattsville.
- The MAARI shall be equal to the annual percentage increase in the Washington-Arlington-Alexandria, DC-VA-MD-WV Consumer Price Index for All Urban Consumers (CPI-U), from September to September of the two most recent calendar years, rounded to the nearest whole number, and shall be effective for a twelve-month period beginning January 1.
- In addition to rent increases, the MAARI shall include and regulate all increases to fees associated with rental properties, including but not limited to fees associated with utilities, parking, amenities, and pets.

Exemptions:

The following classes of rental properties and rental agreements shall be exempt from the limit imposed through the MAARI.

- Rental properties less than 15 years old.
- Buildings with 4 or fewer units.
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- Accessory apartments and dwelling units with 4 or fewer units
- Units that are subsidized or regulated by federal, state, county, or local guidelines. This exemption does not apply to non-subsidized or non-regulated units that are rented using a housing voucher.

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- All rental properties must be on the rental registry. Unregistered properties cannot legally raise the rent and are subject to municipal citations.
- Providing false information to the registration is illegal under this ordinance and subject to municipal citation.
- Yearly notice will be sent to the landlords of all rental properties reminding them to register their rental units and pay the occupancy permit fee, and informing them of the allowable MAARI rate increase for rent stabilization eligible properties.

Civil Recourse:

- Any landlord found in violation of the ordinance shall be required to pay any tenant harmed by any such violation no less than the equivalent of three (3) months of rent, plus any attorney fees paid by the City to enforce the ordinance.
- The City may deny a rental license to, and may impose financial penalties on, any landlord who fails to comply with this ordinance.
- Property owners may be sanctioned under this statute if City code finds them in violation: <https://law.justia.com/codes/maryland/2021/real-property/title-8/subtitle-2/section-8-211>

Staffing and Management:

- Publish the MAARI and distribute it to all property owners.
- Provide an annual report to Hyattsville City Council on the status of the Rent Stabilization Program.

Communications and Outreach

City staff shall:

- Develop and distribute annual rent stabilization notifications in English and Spanish. Notifications must be kept posted in the lobby, mailroom, or other public gathering space of every rent stabilization eligible property.

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- Fair Return Rent Increase. Landlords have a right to petition for a rent increase in order to obtain a fair return. A fair return rent increase is intended to protect tenants from unwarranted rent increases while allowing rent levels that provide landlords with a fair return. Regulations related to the right to a fair return shall be prepared by the City and approved by Council.

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CITY POLICY (not codified)

In support of the ordinance the City shall implement the following policies and procedures:

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- At a minimum, the rental registry must include for each unit 1) the year built, 2) the number of bedrooms, 3) the address of the property, 4) the unit number, 5) the date the current lease began, 6) the rent as of January 1 for each year, 7) any associated rental fees (utilities, parking, pet etc.) as of January 1 for each year, 8) the name of the multifamily property; 9) the name, mailing address, phone number, and email address of each owner and manager of a registered property; 10) if the property is rent stabilized.

Administrative Support:

- The cost of implementing this ordinance shall be paid for with revenue generated from the rental registry fee. It is estimated that 2-3 full-time employees will be required to implement and administer this program, including maintaining the required registry of rental units, publishing and disseminating the MAARI, answering questions from landlords and tenants, hosting workshops for tenants and landlords, publishing annual reports on program outcomes, and enforcing the requirements of the ordinance. In addition, this staff will work on other measures to promote housing affordability in Hyattsville, including the administration of a housing affordability fund. Fluency in English and Spanish will be essential for this program.
- Increase the biennial occupancy permit fee for multi-family housing to \$250 per unit and the annual occupancy permit fee for single-family housing to \$300 per unit to pay for City administrative expenses associated with the rental registry and rent stabilization.

Staffing and Management:

- Authorize the creation of a staff level Housing Affordability role responsible for implementing this ordinance and other housing affordability initiatives.
- Adjudicate landlord/tenant rental disputes.
- Advise Hyattsville City Council on modifications required to the rent stabilization ordinance and additional solutions/recommendations to address affordability.
- Maintain rental unit registry.
- Additional responsibilities as enumerated in the 2023 Hyattsville Rent Stabilization Study.

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The dedicated staff persons hired to administer the ordinance shall:

- Conduct public outreach such as development of brochures, ad campaigns, webpage, host public workshops etc.
- Develop an online calculator to compute allowable rent increases.