

# 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\\_rr9DwdHfRkOTtU\\_UymIxpW](https://us06web.zoom.us/webinar/register/WN_rr9DwdHfRkOTtU_UymIxpW)

**Monday, October 21, 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](mailto: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](http://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.

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**1. Call to Order and Council Roll Call****2. Pledge of Allegiance to the Flag****3. Approval of Agenda****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

**Department:** City Clerk

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

**5. Public Comment (7:10 p.m. – 7:20 p.m.) Complete Speaker Card, Limit 2 minutes per speaker****6. City Administrator Update (7:20 p.m - 7:40 p.m.)**

**7. ARPA Update (7:40 p.m. - 7:50 p.m.)****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**Department:** Public Works**9. Proclamations****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**Department:** City Clerk**Attachments:** [CM 1021 Economic Development Week.pdf](#)**10. Appointments****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**Department:** City Clerk**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.

**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

**Department:** Public Works

**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

**Department:** City Clerk

**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

**Department:** City Clerk

**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

**Department:** Finance

**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

**Department:** Police Department

**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

**Department:** 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

**Department:** Legislative

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

**13. Discussion Items (8:40 p.m. - 9:10 p.m.)**

**13.a. City of Hyattsville Property Tax Relief Programs: Administrative Recommendations**

[HCC-118-FY25](#)

Presentation and Council discussion

**Sponsors:** City Administrator

**Department:** Finance

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

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

**15. Motion to Adjourn**



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## Agenda Item Report

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**File #:** HCC-108-FY25

10/21/2024

4.a.

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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 minutes of the October 7, 2024, Public Hearing and October 7, 2024, Council Meeting.

**Summary Background:**  
Action summaries for Council Meetings are posted to the City website within 48 hours of the meeting. Please see attached minutes. Staff is in the process of reviewing outstanding minutes to bring forward for Council approval.

**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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## Meeting Minutes

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**6:00 PM**

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**Virtual**

## City Council Public Hearing

**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**  
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**Laura Reams, City Clerk, 301-985-5009, [cityclerk@hyattsville.org](mailto:cityclerk@hyattsville.org)**

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**1. Call to Order and Council Roll Call**

Call to order at 6:02 PM

**Also Present:**

City Administrator Tracey Douglas  
Deputy City Administrator Laura Reams  
Director of Public Works Lesley Riddle  
Deputy Director of Public Works Hal Metzler  
Traffic Manager Taylor Robey  
Chief Jarod Towers  
City Clerk Nate Groenendyk  
Deputy City Clerk Quianna Taylor

**2. Presentations (6:00 p.m. - 6:30 p.m.)**

**Traffic Calming: 31st Avenue, 43rd Street, and Nicholson Street**[HCC-100-FY25](#)

Presentation to Council on proposed traffic calming for the 5600 block of 31st Avenue, the 6000 block of 43rd Street, and the 4000 block of Nicholson Street.

Sponsors: City Administrator

Attachments: [Traffic Calming Flowchart\\_073119](#)  
[Traffic Calming Petition PPT 20241007 FINAL.pdf](#)

Traffic Manager Taylor Robey gave an overview of three petitions for traffic calming measures. The overview included an explanation of the petition process, evaluation guidelines, and installation recommendations.

-6000 Block of 43rd Street requested a speed hump. Traffic Manager Robey indicated that the staff would not be recommending installation of a speed hump and will work with the petitioner to find alternative solutions.

-5600 Block of 31st Avenue requested a speed hump. Traffic Manager Robey indicated that the staff would be recommending installation of a speed hump at this location.

-4000 Block of Nicholson Street requested a speed hump. Traffic Manager Robey indicated that the staff would not be recommending installation of a speed hump and will work with the petitioner to find alternative solutions.

A final determination will be made by the Council at the October 21, 2024 meeting at which time residents will be notified by the City Clerk's office.

**3. Public Comment (6:30 p.m. – 6:45 p.m.) Complete Speaker Card, Limit 2 minutes per speaker**

Christopher Gerakoulis (31st Avenue) thanked the Council for their support and stated that the petitioners on 43rd Street and Nicholson Street could request speed cameras for their streets.

Matt Crooks (Nicholson Street) hopes that the City can implement other traffic calming measures on his street as there are lots of children and they run the risk of being hit. He also raised concerns about the increase in driver's speeding on his street.

Sarah Bendoritis (Nicholson Street) is disappointed that the staff did not recommend the speed hump installation. She also cited streets in the immediate vicinity that have speed humps and urged the Council to consider installing the speed humps on Nicholson Street.

Melissa Schweisguth (Ward 5) asks that the staff propose alternative options for traffic controls and take on a strategic approach that does not shift the traffic overflow onto other streets.

Mr. Marshall (Ward 4) is against the installation of speed humps anywhere in the City as they can cause public safety hazards by negatively impacting ambulances and public safety vehicles.

Rachel Cain (Nicholson Street) stated that this street has lots of children and parking on both sides impairs the line of sight for people trying to cross the street. She also noted that there is an increase in cars speeding.

Sam Steinberg (Ward 2) stated that speed bumps are a great idea for Nicholson Street as there are small children that live in on the street. (This comment was submitted to the Clerk's office via phone call September 16, 2024 at 9:30 AM.)

City Administrator Tracey Douglas stated that the petitions for the speed humps were evaluated as provided. If a speed hump petition is denied, the staff will evaluate the site for additional traffic control measures.

Director of Public Works Lesley Riddle stated that the City is looking at broader approaches to traffic calming.

CM Denes stated that the final decision for implementing calming measures rests with the City Council. He also expressed concerns about the increase in speeding on those streets and requested to know what the maximum speeds that were detected.

CM Schaible stated that Nicholson Street is in his ward and he acknowledged the benefits of the traffic signal at Queens Chapel Road and Nicholson Street but there have been some consequences to that action. Some of the increased traffic is likely from non-residents using the street as a cut through. There are additional concerns beyond the singular metric of speed. He also inquired about crash data.

CM Strab stated that the speed hump request on Nicholson Street is near Hyattsville Elementary School and lots of children use that street walking to and from school. She also urged the staff to have alternate solutions for residents at the time of the presentation to the Council.

Council Vice President Waszczak asked if Traffic Manager Robey could provide more information about the maximum vehicular speeds on those streets as well as provide the meanings of the terms speed humps, speed tables, and speed cushions. She also asked the City Administrator to detail the process to evaluate streets surrounding the petitioned street. The City Administrator stated that it will require a change to the ordinance. The current process begins with the presentation. If the Council chooses to not proceed with the speed humps, then a study would be the next step, which may require the use of a traffic engineer. There have also been internal conversations about lowering the speed limit throughout the City. Traffic Manager Robey was not able to present the maximum speeds and went on to state that speed humps are the most aggressive of the traffic calming measures and present challenges to emergency vehicles. Speed cushions are less challenging and are often used in groups. Council Vice President Waszczak reiterated to residents that the City Staff would be reaching out to them with alternative solutions.

CM Haba asked where is it written that the speed hump cannot be placed within 200 feet of a stop sign. Traffic Manager Robey stated that it comes from our City Code and that Prince George's County has a similar recommendations. Chief Towers stated that the state has a similar policy.

#### **4. Motion to Adjourn**

The meeting adjourned at 6:54 PM.

A motion was made by Councilmember Haba, seconded by Councilmember Denes, that this agenda item was Approved. The motion passed unanimously.

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**1. Call to Order and Council Roll Call**

The call to order was at 7:04 PM.

**Also present:**

City Administrator Tracey Douglas  
 Deputy City Administrator Laura Reams  
 Interim Director of Community & Business Development Jeff Ulysse  
 City Treasurer Ron Brooks  
 Chief of Police Jarod Towers  
 Director of Public Works Lesley Riddle  
 Emergency Operations Manager Reggie Bagley  
 City Clerk Nate Groenendyk  
 Deputy City Clerk Quianna Taylor

<b>Present:</b>	Mayor Robert Croslin 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
<b>Absent:</b>	Council President Joseph Solomon

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

Mayor Croslin asked for a moment of silence for Doug Holland's mother who recently passed.

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

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

**Absent:** Solomon

**4. Approval of the Minutes****4.a. Approval of the Minutes**

[HCC-097-FY25](#)

I move that the Mayor and Council approve the minutes of the July 15, 2024 and September 16, 2024 City Council Meetings.

Sponsors: City Administrator

Attachments: [Minutes July 15 2024.pdf](#)  
[Minutes Sept 16 2024.pdf](#)

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

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

**Absent:** Solomon

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

Rebecca Lee (Ward 2) was co-director of the 2024 Zombie Run. She gave an overview of the event and thanked everyone for their hard work and support.

Mr. Marshall (Ward 4) expressed concerns about the City entering into an MOU with the City of Edmonston to use the street sweeper, as many streets in Hyattsville have not been swept in some time.

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

City Administrator Douglas provided an update on upcoming events and City projects. Director of Public Works Riddle responded to an earlier public comment that one of the street sweepers has been down for repairs. City Administrator Douglas advised that she would review the street sweeper schedule for gaps in service.

Treasurer Brooks provided an update on outstanding audits, tax credit programs, and the FY2024 close out report. ARP Program Manager Patrick Paschall provided an overview of the remaining APRA balances that need to be obligated.

**7. Presentations (7:40 p.m. - 8:10 p.m.)****7.a. Flag Redesign Committee Finalist Presentation**[HCC-094-FY25](#)

For presentation.

Sponsors: City Administrator

Attachments: [Flag Committee Presentation.pptx](#)

Michael Fisher, Chair of the Flag Redesign Committee, gave an overview of the final design recommendations for the City of Hyattsville flag.

Councilmembers thanked the committee and community for their hard work and asked that the Flag Redesign Committee find a way to formally acknowledge those who participated and display the submissions that were not selected.

CM McClellan stated that Council could recommend tweaks to the design before voting on a final flag.

**8. Proclamations**

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

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

**Absent:** Solomon

**8.a. Proclamation Recognizing Domestic Violence Awareness Month**[HCC-088-FY25](#)

I move that the Mayor and Council adopt a proclamation recognizing October 2024 as Domestic Violence Awareness Month in the City of Hyattsville.

Sponsors: City Administrator

Attachments: [CM 1007 Domestic Violence Awareness Month 2024](#)

**8.b. Proclamation in Recognition of National Code Compliance Month**[HCC-089-FY25](#)

I move the Mayor and Council adopt a proclamation to recognizing October 2024 as National Code Compliance Month.

Sponsors: City Administrator

Attachments: [CM1007 National Code Compliance Month Proclamation](#)

**8.c. Proclamation Recognizing October 14, 2024, as Indigenous People’s Day** [HCC-091-FY25](#)

I move that the Mayor and Council adopt a proclamation recognizing October 14, 2024, as Indigenous People’s Day in the City of Hyattsville.

Sponsors: City Administrator

Attachments: [CM1007 Indigenous Peoples Day Proclamation](#)

**8.d. Proclamation Recognizing Breast Cancer Awareness Month** [HCC-092-FY25](#)

I move that the Mayor and Council adopt a proclamation recognizing October 2024 as Breast Cancer Awareness Month in the City of Hyattsville.

Sponsors: City Administrator

Attachments: [CM 1007 Breast Cancer Awareness Month 2024](#)

**8.e. Proclamation Celebrating October as National Disability Employment Awareness Month** [HCC-093-FY25](#)

I move that the Mayor and Council adopt a proclamation celebrating October 2024 as National Disability Employment Awareness Month in the City of Hyattsville.

Sponsors: City Administrator

Attachments: [CM 1007 National Disability Employment Awareness Month 2024](#)

**9. Appointments**

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

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

**Absent:** Solomon

**9.a. Appointment to the Police and Public Safety Citizens’ Advisory Committee** [HCC-095-FY25](#)

I move that the Mayor and Council approve the reappointments of Jerome Brown (Ward 5) and Patricia Page (Ward 5) 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: [Patriciaq Pagie W-5 Oct 2024 re-appoint redac](#)  
[Jerome Brown W-5 re-appoint Oct 2024 redac](#)

**9.b. Appointment to the Health, Wellness, and Recreation Advisory Committee** [HCC-096-FY25](#)

I move that the Mayor and Council approve the reappointments of Dyann Waugh (Ward 2) and Carol Plato (Ward 2) to the Health, Wellness, and Recreation Advisory Committee for a term of two (2) years to expire on October 31, 2026.

Sponsors: Lee and Denes

Attachments: [Carole Plato W2 Sept 4 2024 redac](#)  
[Dyann Waugh W2 re-appoint Oct 2024 redact](#)

**9.c. Appointment to the Code Compliance Advisory Committee** [HCC-099-FY25](#)

I move that the Mayor and Council approve the reappointment of Arinee Flurry (Ward 1) to the Code Compliance Advisory Committee for a term of two (2) years to expire on October 31, 2026.

Sponsors: McClellan and Redmond

Attachments: [Arinee Flurry redac reappoint Oct 2024](#)

**10. 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 Vice-President Waszczak, seconded by Councilmember Strab, to approve the Consent Agenda. The motion carried by the following vote:

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

**Absent:** Solomon

**10.a. Purchase of Two Chevrolet Blazer Electric Vehicles** [HCC-083-FY25](#)

I move that Mayor and Council authorize the City Administrator to purchase two Chevrolet Blazer Electric Vehicles from Criswell Auto in an amount not to exceed \$117,362.00.

Sponsors: City Administrator

Attachments: [sales\\_proposal - 2024-09-13T154145.329](#)  
[EV Police SUV PPV AWD QUOTE](#)  
[aa94cc38-502f-4a7c-ba12-c76a90a00406](#)

**10.b. Street Sweeper Memorandum of Understanding - Town of Edmonston**[HCC-090-FY25](#)

I move that the Mayor and Council authorize the City Administrator to execute a Memorandum of Understanding with the Town of Edmonston for the City of Hyattsville to offer street sweeping services on a requested basis. Daily services will be charged to the Town of Edmonston at \$800 per day, pending legal review.

Sponsors: City Administrator

Attachments: [MOU STREET SWEEPING-04062024183834.pdf](#)

**10.c. FY25 Budget Appropriation - Acceptance of Donation from County Council  
Member Wanika Fisher**[HCC-101-FY25](#)

I move that the Mayor and Council accept and appropriate \$5,000 from Prince George's County Council Member Wanika Fisher in support of the City's Back to School event to provide backpacks and school supplies to youth in the City.

Sponsors: City Administrator

**11. Action Items (8:15 p.m. - 8:45 p.m.)**

**11.a. Health Care, Prescription Drug, and Dental Care Rates for CY25**[HCC-102-FY25](#)

I move that the Mayor and Council approve the 2025 calendar year health insurance premium rates, as presented at the October 7, 2024, City Council Meeting.

Sponsors: City Administrator

Director of Human Resources Jay Joyner gave a presentation detailing the additional costs for City employee healthcare, drug and dental coverage.

The Council expressed concerns about the lack of clarity in the motion and presentation, as well as the timing of when the presentation was made. A motion was made by Council Vice President Waszczak to table the motion until after Discussion Item 12.a. to allow City staff time to clarify the motion language. The motion to table was seconded by CM Schaible and approved unanimously. CM Denes requested adding a meeting into next year's meeting schedule a week in advance of open enrollment to allow the Council and community time review the new rates and have an informed discussion.

A motion to remove the motion from the table was made by CM Schaible and seconded by Council Vice President Waszczak. It was approved unanimously.

City staff presented new motion language with additional input from the Council. The following motion was made by Council Vice President Waszczak:

I move that the Mayor and Council increase the flat rate contribution within each plan and contribute up to 3% of the 5% average increase to the State of Maryland Benefit Rates for CY2025 health and dental, and contribute 8% of the 10% average prescription premium increase and employees insured through the City will pick up the remainder of the average increase.

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

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

**Absent:** Solomon

**12. Discussion Items (8:45 p.m. - 9:15 p.m.)**

**12.a. Revisions to City Code Chapter 8, Elections**[HCC-098-FY25](#)

For discussion.

Sponsors: City Administrator

Attachments: [Proposed Election Code Changes](#)  
[Election Code Revisions by Section 100124](#)

Zach Peters, Chair of the Board of the Supervisors of Elections, provided an overview of the proposed changes to the City's Elections Code. The next steps include drafting an ordinance which will have its first reading on November 18, 2024. Second reading could take place on December 2, 2024 allowing for adoption on December 22, 2024.

CM Schaible asked for clarification of the definition of the term "canvass". Clerk Groenendyk explained that canvassing includes all activities conducted by the board to process, count, and certify votes for individual candidates, and for or against ballot measures to determine who or which position won. CM Schaible asked that the Clerk verify language in the Elections Code that states when votes are counted.

Council Vice President Waszczak asked when the Board of the Supervisors of Elections planned to discuss ranked choice voting with the Council. Mr. Peters advised that last year the Board sat through a presentation on ranked choice voting and there were concerns about implementing it. The board is currently meeting with individual members of the Council to discuss it and is looking to present on this issue to the full Council soon.

CM Denes asked for clarification on voting by mail as it relates to canvassing. Clerk Groenendyk advised that the canvassing processes begins when ballots are received and is not complete until votes are tabulated after the polls close.

**13. Council Dialogue (9:15 p.m. - 9:25 p.m.)****14. Motion to Adjourn**

The meeting adjourned at 10:23 PM.

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

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

**Absent:** Solomon





# City of Hyattsville

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

## Agenda Item Report

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**File #:** HCC-085-FY25

10/21/2024

8.a.

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Submitted by: Dealon Lacroix  
Submitting Department: Public Works  
Agenda Section: Presentation

**Item Title:**

**West Hyattsville Green Alley Improvement Project Concept Design Presentation**

**Suggested Action:**

For Presentation.

**Summary Background:**

The West Hyattsville Green Alley Improvement Project is intended to enhance the alley parallel to Hamilton Street from Queen's Chapel Road to Ager Road. This project is expected to create a pedestrian-friendly environment while addressing stormwater management and safety concerns. The Neighborhood Design Team and GARE Team conducted public outreach and gathered input on the challenges and potential remedies or design features. The conceptual design incorporates feedback from residents and stakeholders to foster a sense of place that attracts both businesses, residents, and visitors. This presentation will showcase the proposed design elements, community engagement results, and future phases of the project.

**Next Steps:**

NDC will refine the design based on Council feedback. The final design will aim for implementation in the upcoming fiscal year, pending budget approvals.

**Fiscal Impact:**

N/A

**City Administrator Comments:**

For presentation.

**Community Engagement:**

Engagement has included public outreach facilitated by the NDC and the GARE team, with various methods of collecting feedback, including in-person meetings and community surveys. These efforts aim to ensure that the design reflects the needs and desires of the community.

**Strategic Goals:**

Goal 3 - Promote a Safe and Vibrant Community

**Legal Review Required?**

N/A



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## Agenda Item Report

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**File #:** HCC-114-FY25

10/21/2024

9.a.

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Submitted by: Nate Groenendyk  
Submitting Department: Community & Economic Development  
Agenda Section: Proclamation

**Item Title:**  
**Proclamation Recognizing Economic Development Week in the City of Hyattsville**

**Suggested Action:**  
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.

**Summary Background:**  
Economic Development Week emphasizes the importance of economic development for the State of Maryland. The week is designed to increase an understanding of economic development's contribution to the State's business climate, job retention and growth, the tax base and the overall quality of life in Maryland.

Economic Development Week is an exciting time for the City of Hyattsville! During this week, the City will recognize, engage, and promote economic development happening throughout the City. The Department of Community and Economic Development has put together a week of engaging action items that will promote sustainable business development and aim to engage potential business owners by promoting the many grant programs in place to sustain and develop existing and new businesses.

**Next Steps:**  
No additional action is required.

**Fiscal Impact:**  
N/A

**City Administrator Comments:**  
Recommend approval.

**Community Engagement:**  
Click or tap here to enter text.

**Strategic Goals:**  
Goal 2 - Ensure the Long-Term Economic Viability of the City

**Legal Review Required?**  
N/A

# CITY OF HYATTSVILLE

## PROCLAMATION

### RECOGNIZING THE WEEK OF OCTOBER 21-25, 2024 AS ECONOMIC DEVELOPMENT WEEK IN THE CITY OF HYATTSVILLE

This proclamation recognizes Economic Development Week as a time to promote programs, policies, and activities that seek to improve the economic well-being of City of Hyattsville residents, businesses, and all Marylanders.

**WHEREAS**, economic growth and development here defined is not merely tax incentives or real estate transactions; it is about transforming lives through the promotion of economic opportunities for community members; and

**WHEREAS**, the City of Hyattsville Office of Community and Economic Development is an active member of the Maryland Economic Development Association (MEDA), a nonprofit organization established in 1961 whose mission is to enhance the knowledge and skills of its members, encourages partnerships and networking among people committed to bringing jobs and capital to Maryland, and promotes economic development as an investment in Maryland; and

**WHEREAS**, MEDA members promote the economic well-being of Maryland by working to improve the State's business climate and the professionalism of those in the field of economic development, including other professionals with an interest in the economy of Maryland, and through its regular meetings, special programs, and projects, members address diverse issues; and

**WHEREAS**, the economic growth and stability of the State affects all regions and jurisdictions of Maryland, and the City of Hyattsville is an important component of the State's economic success; and

**NOW, THEREFORE BE IT RESOLVED**, that our City Council hereby proclaims the week of October 21 -25, 2024, to be Economic Development Week in the City of Hyattsville.

Economic Development Week in Maryland highlights the investment in partnerships that strengthen our competitiveness in Hyattsville and asks all to join us to recognize and reaffirm the importance of business development locally and statewide.

---

**Robert S. Croslin**  
*Mayor, City of Hyattsville*

October 21, 2024





# City of Hyattsville

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www.hyattsville.org

## Agenda Item Report

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**File #:** HCC-115-FY25

10/21/2024

10.a.

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

**Item Title:**

**Appointment to the Police and Public Safety Citizens' Advisory Committee**

**Suggested Action:**

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.

**Summary Background:**

See attached applications.

**Next Steps:**

Upon approval, the staff liaison will reach out to the appointee about the next scheduled meeting.

**Fiscal Impact:**

N/A

**City Administrator Comments:**

Recommend support.

**Community Engagement:**

Agendas for the Police and Public Safety Citizens' Advisory Committee meetings will be posted on the City's website. Meetings are open to the public and all are encouraged to attend.

**Strategic Goals:**

Goal 1 - Ensure Transparent and Accessible Governance

**Legal Review Required?**

N/A

# Board, Committee, and Commission Application

## Profile

Adriane

First Name

Powell

Last Name

## Preferred Pronouns

She, her, hers

Email Address

## Committee Stipend Program - *Members Receive a Stipend of \$40 per Meeting Attended*

Upon appointment to a committee, you are automatically enrolled into the stipend program but in order to receive your payment you must complete and submit a W-9 form. The W-9 form will be emailed to committee members upon confirmation of your appointment.

Please enter your address below.

Many, but not all, of our committees require residency within the incorporated City limits of Hyattsville. To check your residency status, please visit the map: [City Residency Map](#)

Committees that accept applications from individuals residing outside of the incorporated City limits are listed below:

- Education Advisory Committee (at least 50% + 1 of sitting committee members must be residents of the City)
- Educational Facilities Task Force (up to one non-City resident appointment)
- Race and Equity Task Force (up to one non-City resident appointment)

Street Address

Suite or Apt

City

State

Postal Code

## Which Boards would you like to apply for?

Police & Public Safety Citizens' Advisory Committee: Eligible

## Do you currently serve on this committee and are applying for re-appointment?

Yes  No

If you selected more than one Board/Committee of interest, please indicate your first choice below.

To find your City Ward, click on this link! [City Residency Map](#)

**Please select your ward from the drop down list below. \***

---

Ward 4

Primary Phone

**Referred By:**

---

**Please provide a brief background statement including why you want to serve on the committee/s for which you are applying. This statement may be posted on the City's website.**

---

As a dedicated resident of Hyattsville, Maryland, I am eager to join the Police and Public Safety Citizen's Advisory Committee to support public safety and foster stronger relationships between Ward 4 citizens and public safety officials. Since 2021, I have been an active member of Residents United for Furry Friends (RUFF), a local group advocating for both animal and citizen safety. My diligent work with RUFF, alongside Council Member Danny Schiabe and Hyattsville City officials, culminated in the successful passage of the Animal Control Ordinance in December 2022. This experience has honed my skills in building relationships and connecting with community members to drive impactful actions. I am passionate about further engaging our community and believe my background and commitment make me a valuable addition to the committee.

# Board, Committee, and Commission Application

## Profile

Michelle

First Name

Brown

Last Name

## Preferred Pronouns

She, her, hers

Email Address

## Committee Stipend Program - *Members Receive a Stipend of \$40 per Meeting Attended*

Upon appointment to a committee, you are automatically enrolled into the stipend program but in order to receive your payment you must complete and submit a W-9 form. The W-9 form will be emailed to committee members upon confirmation of your appointment.

Please enter your address below.

Many, but not all, of our committees require residency within the incorporated City limits of Hyattsville. To check your residency status, please visit the map: [City Residency Map](#)

Committees that accept applications from individuals residing outside of the incorporated City limits are listed below:

- Education Advisory Committee (at least 50% + 1 of sitting committee members must be residents of the City)
- Educational Facilities Task Force (up to one non-City resident appointment)
- Race and Equity Task Force (up to one non-City resident appointment)

Street Address

Suite or Apt

City

State

Postal Code

## Which Boards would you like to apply for?

Police & Public Safety Citizens' Advisory Committee: Eligible

## Do you currently serve on this committee and are applying for re-appointment?

Yes  No

**If you selected more than one Board/Committee of interest, please indicate your first choice below.**

Police & Public Safety Citizens' Advisory Committee

To find your City Ward, click on this link! [City Residency Map](#)

**Please select your ward from the drop down list below. \***

---

Ward 3

Primary Phone

**Referred By:**

---

**Please provide a brief background statement including why you want to serve on the committee/s for which you are applying. This statement may be posted on the City's website.**

---

**\*\*Statement for Hyattsville Police and Public Safety Board and Hyattsville Code Compliance Board\*\*** I, Michelle Brown, am seeking to join the Hyattsville Police and Public Safety Board as well as the Hyattsville Code Compliance Board because I am passionate about contributing to the safety, well-being, and growth of my community. As a Product Manager with a strong background in managing cross-functional teams, implementing strategic plans, and solving complex problems, I am equipped with the skills necessary to contribute meaningfully to both boards. My experience at Microsoft has provided me with the ability to analyze data, create effective strategies, and work collaboratively with diverse stakeholders to achieve long-term goals. This, combined with my dedication to public safety, motivates me to help ensure that our community remains a secure and vibrant place for all. Moreover, my background in developing and launching initiatives focused on regulatory landscapes makes me confident in my ability to contribute to the Code Compliance Board. I want to help ensure that Hyattsville remains compliant with the necessary regulations while fostering a safe and welcoming environment for residents and businesses alike. Through these boards, I hope to bring a fresh perspective and apply my skills in analysis, communication, and collaboration to ensure the continuous improvement and safety of Hyattsville.





# City of Hyattsville

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## Agenda Item Report

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**File #:** HCC-084-FY25

10/21/2024

11.a.

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Submitted by: Dealon Lacroix  
Submitting Department: Public Works  
Agenda Section: Consent

**Item Title:**

**Hyattsville Resolution 2024-02: Hyattsville Climate Action Plan Development and Grant Application**

**Suggested Action:**

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).

**Summary Background:**

This grant requires a resolution by the Council. The City of Hyattsville recognizes the urgent need to address climate change and its impacts on urban environments. In alignment with the 2022 Prince George's County Draft Climate Action Plan, the City aims to develop a comprehensive Climate Action Plan (CAP) tailored to its unique context. This plan will incorporate the goals of Prince George's County's Climate Action Plan and seek funding through the Planning Assistance to Municipalities and Communities (PAMC) Program. As part of the PAMC application process, the City is required to adopt a resolution in support of its grant application.

The CAP will serve as a strategic framework outlining specific sustainability and resilience goals for Hyattsville. It will identify actionable steps to mitigate climate-related challenges such as extreme heat, flooding, and severe weather, while integrating relevant federal, state, and county climate legislation.

Through this CAP, the City seeks to reduce greenhouse gas emissions, enhance energy efficiency, promote clean energy, and increase climate resilience, positioning Hyattsville as a leader in urban sustainability. The Plan will be developed collaboratively with community stakeholders, ensuring a participatory approach that reflects local priorities.

**Application Request:**

- Program: Planning Assistance to Municipalities and Communities (PAMC)
- Project Funding (if consultant services required): Not to exceed \$80,000
- Local Match: None required
- Eligible Project: Development of a comprehensive Climate Action Plan

**Next Steps:**

Adopt resolution and submit application to the PAMC program. If awarded, the City will receive planning services to develop the Climate Action Plan, following established guidelines and procedures. The program's resources will facilitate the achievement of the City's climate action and sustainability goals.

**Fiscal Impact:**

The City will not incur direct expenses for this project as PAMC services are provided at no cost.

**City Administrator Comments:**

Recommend support.

**Community Engagement:**

Staff will conduct outreach as described in the grant documentation.

**Strategic Goals:**

Goal 4 - Foster Excellence in all City Operations

**Legal Review Required?**

Pending

**CITY OF HYATTSVILLE  
RESOLUTION No. 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.**

**WHEREAS**, the City of Hyattsville recognizes the urgent need to address climate change and the critical impacts it has on urban environments, including increased risks of extreme weather events, flooding, and heatwaves; and

**WHEREAS**, the City of Hyattsville intends to align its climate strategies with the 2022 Prince George’s County Draft Climate Action Plan by developing a tailored Climate Action Plan (CAP) that reflects the City’s unique urban context, while integrating county, state, and federal climate policies; and

**WHEREAS**, the City of Hyattsville aims to adopt a comprehensive, community-driven Climate Action Plan that will outline specific strategies to reduce greenhouse gas emissions, enhance energy efficiency, promote clean energy use, and improve resilience to climate change impacts; and

**WHEREAS**, the Climate Action Plan will be developed through a participatory process, ensuring that residents, businesses, and local organizations have a role in shaping Hyattsville’s future sustainability efforts; and

**WHEREAS**, the Planning Assistance to Municipalities and Communities (PAMC) Program is offering grant opportunities to support municipalities in planning and developing sustainability-focused initiatives, including Climate Action Plans, with an estimated project funding of up to \$80,000; and

**WHEREAS**, the City of Hyattsville intends to apply for a PAMC grant to secure resources that will aid in the development of its Climate Action Plan, without incurring a local financial match or burden on City funds; and

**WHEREAS**, the Climate Action Plan will enhance the City’s ability to address climate-related challenges, ensuring a sustainable and resilient future for Hyattsville while positioning the City as a leader in urban climate action; and

**WHEREAS**, upon approval, the City of Hyattsville will submit the grant application for an amount not to exceed \$80,000 to the PAMC program, with no required local match, to support the planning and development of the Climate Action Plan; and

**WHEREAS**, the City of Hyattsville acknowledges that the acceptance of this grant and the subsequent development of the Climate Action Plan will be contingent upon review and compliance with all applicable federal, state, and local regulations.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Administrator is authorized to submit and file a grant application for Planning Assistance to Municipalities and Communities (PAMC) Program assistance on behalf of the City of Hyattsville, Maryland.

**INTRODUCED** by the Mayor and City Council of Hyattsville, Maryland, at a Regular Meeting

on October 21, 2024, at which meeting copies were available to the public for inspection, and at which time a public hearing took place.

**ADOPTED** by the Mayor and City Council of Hyattsville, Maryland, at a Regular Meeting on October 21, 2024, at which meeting copies were available to the public for inspection.

Read and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Attest/Witness:

City of Hyattsville, Maryland

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Nate Groenendyk  
City Clerk, City of Hyattsville

Approved:

City of Hyattsville, Maryland

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Robert Croslin  
Mayor, City of Hyattsville

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# Planning Assistance to Municipalities and Communities

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## Program Guidelines and Procedures

*Approved by the Prince George's County Planning Board December 7, 2017*

*Revised January 31, 2019; March 4, 2021; October 27, 2022; March 30, 2023*

### Overview

The Planning Assistance to Municipalities and Communities (PAMC) program is offered by The Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Planning Department, Community Planning Division, Neighborhood Revitalization Section. Its purpose is to assist in protecting and implementing the County's approved plans, recommendations made in Planning Department studies, and strategies and action items in approved Maryland Sustainable Communities action plans by providing technical planning services at no cost to municipalities or community organizations using Prince George's County Planning Department expertise, and/or to fund consultant services approved by the Planning Board. PAMC projects benefit municipalities and communities that may have limited planning resources but are committed to revitalization and enhancement of the appearance and function of their communities. The number of projects approved each year varies based on staff availability and the PAMC budget.

### Goal

The goal of the PAMC program is to further implement the planning policies, strategies and recommendations contained in the County's approved plans, recommendations made in Planning Department studies, and strategies and action items in approved Maryland Sustainable Communities action plans.

### Funding

Program funds are made available in the Prince George's County Planning Department's annual budget. The funding cycle corresponds to the Prince George's County fiscal year (July 1 to June 30). The maximum amount of funding per project is \$80,000. If a project exceeds this amount, it could be phased or if additional PAMC funding has not been expended, then funds may be re-allocated and approved based on need, tasks, or timeframe at the discretion of the Planning Board.

### Eligible Applicants

Municipalities and community organizations, such as 501(c)(3) nonprofits in Prince George's County, Maryland are eligible to apply. Community organizations without 501(c)(3) status must describe their organizational structure, including officers' titles and terms, and provide a letter from an authorized representative indicating support of the proposed application. The applicant must submit the minutes where the organization voted and approved to send in the application. Applicants may apply for one PAMC project per funding cycle. Active PAMC projects must be completed before a subsequent PAMC application may be approved for the same applicant, unless the original application was intended to be phased over multiple funding cycles.

## Ineligible Applicants

M-NCPPC, County, state or federal government agencies or organizations; for-profit organizations or corporations, the City of Laurel.

## Eligible Projects

A successful application demonstrates that the project will make a significant contribution to meeting the stated goals of the PAMC program, the applicable approved plans, recommendations made in Planning Department studies, and strategies and action items in approved Maryland Sustainable Communities action plans and have a broad impact on the community. Prospective applicants are encouraged to discuss the viability of their PAMC application and how the project meets the goals and guidelines of the PAMC program with planners in the Neighborhood Revitalization Section prior to applying.

### Examples of eligible projects include:

- Architectural Pattern Books for rehabilitation and new construction
- Illustrative concept plans for the revitalization of commercial areas
- Brochures to highlight or market community assets
- Landscape design plans
- Business Improvement District (BID) preparation
- Mapping or geographic information systems (GIS) services and data analyses
- Community outreach and capacity building
- Market studies
- Connectivity and walkability assessments
- Multimodal transportation studies
- Crime Prevention Through Environmental Design (CPTED) training workshops
- National Register of Historic Places nominations
- Design and engineering of sidewalk improvements
- Preparation of surveys or questionnaires and analysis and presentation of results
- Design of brochures or logos for municipalities
- Publications or multimedia presentations related to design or planning
- Economic feasibility studies for the reuse of underutilized or vacant properties
- Streetscape improvement plans
- Adaptive use feasibility studies for historic structures
- Tactical urbanism strategies
- Environmental sustainability programs
- Technical writing assistance for the preparation of grants and/or contracts
- Façade improvement programs
- Visioning or consensus-building workshops
- Design concepts for commercial business districts
- Wayfinding signage plans
- Facilitation of community-planning related workshops
- Web applications related to planning or communities
- Gateway or entrance feature concepts
- Planning or design for placemaking initiatives
- Heritage trail design plans
- Housing research (e.g., housing inventory, affordability analysis)
- Historic properties inventories/surveys

## **Ineligible Projects**

Capital projects (physical development, “bricks and mortar” projects).

## **Application Procedures, Submittal Deadlines, Project Management**

The PAMC program has a rolling application process. Applications may be submitted and approved throughout the fiscal year until the PAMC budget has been fully committed.

Prior to submitting a PAMC application, prospective applicants should contact the PAMC Program Manager to express their interest and briefly describe the project. The PAMC Program Manager will obtain initial approval of project eligibility from the division chief, Community Planning Division after assessing whether the prospective project is within the PAMC guidelines and how the project may be structured, i.e., whether it could be undertaken in-house or with consultant services. The PAMC program manager will notify the prospective applicant of this decision and the rationale upon which it is based.

Completed PAMC application packets must be sent to the M-NCPPC, Prince George’s County Planning Department, Community Planning Division, Neighborhood Revitalization Section, PAMC Program Manager, via email attachment to: [PAMC@ppd.mncppc.org](mailto:PAMC@ppd.mncppc.org). To facilitate a thorough review of each project, supporting materials (map, resolution from elected municipal officials or letters of support, if applicable) must be included. Applications lacking the required materials will not be considered.

## **Application Evaluation Criteria and Review Process**

Once submitted, applications will be reviewed for completeness by the program manager. A PAMC Applications Review Committee will review applications against the program goals and the projects’ own goals and anticipated products. The program manager, and members of the PAMC Applications Review Committee may make site visits or interview the applicant during the application review period.

Highest priority in the evaluation of applications will be given to projects that generally incorporate and embrace the following:

- Implementation of planning goals, objectives, policies, and recommendations in approved County plans
- Implementation of recommendations made in Planning Department studies, and strategies and action items in approved Maryland Sustainable Communities action plans
- Innovative or transformative solutions to critical community planning issues
- Collaboration across organizations and/or stakeholders to increase impact and effectiveness
- Projects that plan for long-term sustainability (when applicable)

The PAMC Application Review Committee may consider the following specific criteria in evaluating applications:

- The clarity of the project description, including realistic project goals and projected work products
- The degree to which the project contributes to planning objectives
- The degree to which the project will result in the enhancement of community resources
- The degree to which the project demonstrates County-community cooperation in planning initiatives
- The degree to which the project could stimulate or prompt other planning or educational projects or programs throughout the county and/or community
- Community support for the project

Priority may be given to projects located in an approved Maryland Sustainable Community, Priority Funding Area (PFA), Plan 2035 Neighborhood Reinvestment Area, Plan 2035 Employment Area, Business Improvement District (BID), and to projects in locations that increase the program's geographic diversity

Based on the satisfaction of the above criteria, the PAMC Application Review Committee will send a recommendation to the Community Planning Division Chief that addresses the criteria for project approval, timing, and funding availability. If the division chief concurs that a project should proceed in the budget cycle, then, for consultant projects a scope of work will be prepared, bids obtained, and a consultant will be selected. The PAMC Program Manager will present the PAMC application, along with the bid amount, to the Planning Board to request the release of funds within the PAMC budget to conduct the project.

Projects may also be undertaken in-house or in combination with consultants. The staff time to conduct PAMC projects within the Planning Department is assigned at the discretion of the Planning Director and is based on the project timeframe and staff availability.

Applicants are notified of the decision to approve the PAMC project within two weeks of the Planning Board or the planning director's decision. Upon approval of the requested funding, a notice to proceed is sent to the consultant and a planner in the Community Planning Division is assigned to manage the project.

Staff may continue to work with applicants whose projects are not recommended for funding, refining their projects and applications, the goal being a successful application submitted in a future funding cycle.

Successful applicants do not directly receive or manage PAMC funds for consultant services. Approved projects are administered and managed by planners in the Community Planning Division.



## **Planning Assistance to Municipalities & Communities - Application Form**

### **1. Contact Information**

- **Name:** *Priyanka Joshi*
- **Title/Position:** *Deputy Director, DPW*
- **Phone:** *240-309-8182*
- **Email:** *pjoshi@hyattsville.org*

### **2. Organization**

- **Name:** *City of Hyattsville*
- **Address:**
  - **Address Line 1:** *4637 Arundel Pl*
  - **City:** *Hyattsville*
  - **State:** *MD*
  - **Postal/Zip Code:** *20781*
- **Tax ID Number:** *526000797*
- **Website:** *https://www.hyattsville.org/*

### **3. Project Information**

#### **A. Project Title:**

*City of Hyattsville Climate Action Plan: Pathway to a Sustainable Future*

#### **B. Describe the issue that this project will address:**

*The City of Hyattsville faces several pressing environmental challenges related to climate change. These include increasing temperatures, frequent and severe weather events such as storms and flooding, and rising sea levels that threaten local infrastructure and community well-being. Additionally, the impacts of climate change disproportionately affect vulnerable populations within the city, exacerbating existing inequalities.*

*Without a comprehensive, Hyattsville risks falling behind in implementing necessary sustainability measures and preparing for future climate-related impacts. This gap in planning could lead to higher costs associated with disaster response and recovery, increased strain on public resources, and a greater risk to the health and safety of residents.*

*The proposed Climate Action Plan aims to address these challenges by setting clear sustainability goals, identifying specific actions to enhance climate resilience, and engaging the community in creating and implementing solutions. By tailoring strategies to Hyattsville's unique needs and leveraging existing legislative measures, the plan will help mitigate the adverse effects of climate change for all residents.*

#### **C. What past efforts have been made to address this issue?**

*In the past, several initiatives have been undertaken to address climate and environmental challenges in Hyattsville. However, these efforts would benefit from being more integrated into a cohesive strategy to enhance their overall impact.*

- *Environmental Awareness Campaigns: The city has conducted various awareness campaigns to educate residents about environmental issues and promote sustainable practices, such as recycling programs and Tree Care Initiatives.*
- *Flooding and Stormwater Management Studies: Preliminary studies and analyses have been carried out to assess flooding risks and stormwater management needs, providing valuable data for understanding local vulnerabilities.*
- *Participation in County and State Initiatives: Hyattsville has engaged with broader Prince George’s County and Maryland state climate initiatives, including participation in county-wide environmental planning efforts and adherence to state regulations and guidelines on sustainability.*
- *Local Green Projects: The city has implemented green projects, such as tree planting programs and green space enhancements, to improve environmental quality and community well-being.*
- *Adoption of Building Codes and Sustainability Standards: Hyattsville has adopted certain building codes and standards aimed at improving energy efficiency and reducing the environmental impact of new developments.*

*Despite these efforts, there has been no comprehensive climate action plan specifically tailored to Hyattsville. The proposed Climate Action Plan will build on these past efforts by integrating them into a coordinated framework and expanding on them to achieve greater impact.*

#### **D. What are the goals for the project?**

1. *Develop a Comprehensive Climate Action Plan: Create a detailed and actionable Climate Action Plan tailored to Hyattsville’s specific needs, building on the recommendations of the 2022 Prince George’s County Draft Climate Action Plan.*
2. *Enhance Climate Resilience: Identify and implement strategies to increase Hyattsville’s resilience to climate-related impacts, such as extreme weather events, flooding, and rising temperatures, thereby reducing the city’s vulnerability to these challenges.*
3. *Set Clear Sustainability Goals: Establish specific, measurable, and achievable sustainability goals for the city, including targets for reducing greenhouse gas emissions, improving energy efficiency, and increasing green infrastructure.*
4. *Engage and Empower the Community: Foster community involvement by engaging residents, businesses, and local organizations in the planning process, incorporating their feedback into the plan, and encouraging their active participation in implementing climate solutions.*
5. *Integrate Legislative Measures: Apply recent federal, state, and county-level sustainability and climate change legislation to the local context, ensuring that Hyattsville’s climate strategies are aligned with broader policy frameworks.*
6. *Promote Long-Term Sustainability: Develop strategies that not only address immediate climate challenges but also ensure long-term sustainability and adaptability, setting the stage for ongoing improvements and resilience-building.*
7. *Leverage Existing Studies and Data: Utilize findings from previous studies, such as flood risk assessments, to inform and enhance the Climate Action Plan, ensuring that it is based on up-to-date and relevant data.*

8. *Create a Pathway for Implementation: Outline clear next steps for implementing the plan, including identifying potential partners and resources, and establishing mechanisms for monitoring progress and evaluating outcomes.*

*By achieving these goals, the City of Hyattsville aims to build a robust and forward-thinking approach to climate action that benefits the entire community and aligns with regional and national sustainability objectives.*

**E. Provide a detailed description of the requested project:**

*The City of Hyattsville Climate Action Plan (CAP) aims to strategically align with and adapt the principles outlined in the 2022 Prince George’s County Draft Climate Action Plan to address the unique challenges and opportunities facing Hyattsville. This comprehensive initiative will establish specific sustainability and climate resilience objectives for the city, systematically prioritize actionable steps to achieve these objectives, and foster collaboration among key stakeholders, including residents, local businesses, and community organizations.*

*The CAP will be developed through a participatory process, engaging the community to ensure that their perspectives and needs shape the plan’s framework and recommendations. This approach will facilitate the identification of critical actions required to enhance Hyattsville’s resilience to climate-related impacts such as extreme heat, flooding, and severe weather events. The plan will integrate recent federal, state, and county-level legislative measures designed to promote sustainability and climate adaptation, contextualizing these strategies within the local environment of Hyattsville.*

*By developing and implementing the CAP, Hyattsville seeks to position itself at the forefront of urban climate resilience and sustainability, ultimately contributing to the broader goals of the Prince George’s County Climate Action Plan and fostering a more sustainable and equitable urban environment.*

**F. What are the desired work products?**

1. *Comprehensive Climate Action Plan Document: A detailed and actionable Climate Action Plan that outlines specific sustainability and climate resilience goals for the City of Hyattsville, along with strategies, timelines, and responsibilities for achieving these goals.*
2. *Stakeholder Engagement Summary: Documentation of stakeholder engagement activities, including workshop summaries, survey results, and feedback received from community members, local businesses, and organizations.*
3. *Baseline Climate Impact Assessment: A report analyzing current climate impacts, vulnerabilities, and sustainability efforts within Hyattsville. This includes data on local environmental conditions, risks, and existing infrastructure.*
4. *Goal Setting and Strategy Recommendations: A section of the plan that clearly defines specific, measurable goals for climate action and outlines recommended strategies and actions to achieve these goals.*
5. *Legislative Integration Report: A document that details how federal, state, and county climate policies and incentives have been incorporated into the plan, ensuring alignment with broader regulatory frameworks.*
6. *Draft and Final Climate Action Plan: A series of drafts leading to the final version of the Climate Action Plan, including a version for public review and the final approved document ready for implementation.*

7. *Implementation Plan: A detailed plan outlining the steps required to put the Climate Action Plan into action, including identification of key partners, resources, and funding sources.*
8. *Monitoring and Evaluation Framework: A framework for tracking progress and evaluating the effectiveness of the Climate Action Plan. This includes performance indicators, methods for data collection, and procedures for making adjustments as needed.*
9. *Public Presentation Materials: Presentation slides, brochures, and other materials used to communicate the plan and its benefits to the community, stakeholders, and decision-makers.*
10. *Final Report and Recommendations: A comprehensive final report that summarizes the project process, key findings, and recommendations for ongoing climate action and sustainability efforts in Hyattsville.*

**G. Who are the potential project partners and contacts?**

1. *Prince George’s County Planning Department: Provide technical assistance and alignment with county climate goals.*
2. *Maryland-National Capital Park and Planning Commission (M-NCPPC): Offer expertise in planning and sustainability.*
3. *Hyattsville City Council: Approve the Climate Action Plan and support community engagement.*
4. *Local Environmental Organizations: Contribute expertise and help with outreach.*
5. *State and Federal Agencies: Provide guidance on regulations and funding opportunities.*
6. *Local Businesses: Offer resources and insights on climate solutions.*
7. *Academic Institutions: Provide research support and expertise.*
8. *Community Groups: Engage residents and gather input.*
9. *Consulting Firms: Provide specialized expertise for the project.*
10. *Local Government Departments: Coordinate on infrastructure and environmental measures.*

**H. Other relevant stakeholders?**

1. *Residents of Hyattsville: They will be directly affected by the climate action plan and can provide valuable feedback and support.*
2. *Local Schools and Educational Institutions: They can participate in educational programs and activities related to climate action.*
3. *Local Health Organizations: They can provide insights on the health impacts of climate change and help address related issues.*
4. *Utility Providers: They can offer data and support for energy efficiency and sustainability measures.*
5. *Real Estate Developers: They can influence and implement sustainable building practices and developments.*
6. *Regional Planning Authorities: They can ensure coordination with broader regional climate strategies.*
7. *Nonprofit Organizations: They can provide support for equitable climate solutions.*

**I. Are you aware of any policies or recommendations in the County’s approved plans that this potential project would further?**

Yes, the City of Hyattsville’s Climate Action Plan aligns with several policies and recommendations outlined in the County’s approved plans:

- *Prince George’s County Climate Action Plan (2022): This plan sets forth goals and strategies for reducing greenhouse gas emissions and increasing climate resilience. The Hyattsville Climate Action Plan will build upon these goals by implementing local actions that contribute to county-wide climate objectives.*
- *Environmental Justice Policies: County policies focus on ensuring that climate action and sustainability efforts are equitable and address the needs of disadvantaged communities. The Hyattsville plan will prioritize inclusivity and equitable outcomes to align with these policies.*

**J. Upon completion, what next steps will be taken to implement the project?**

*Develop an Implementation Plan: Create a detailed plan outlining specific actions, timelines, and responsible parties for executing the Climate Action Plan’s strategies.*

- *Secure Funding and Resources: Identify and apply for additional funding sources, grants, and resources necessary for implementing the plan’s initiatives.*
- *Engage Stakeholders: Collaborate with key stakeholders, including local businesses, community groups, and government agencies, to ensure broad support and involvement in the implementation process.*
- *Initiate Pilot Projects: Launch pilot projects or phased implementations to test strategies and gather feedback for refinement.*
- *Monitor and Evaluate Progress: Establish metrics and indicators to track progress, assess the effectiveness of implemented actions, and make adjustments as needed.*
- *Communicate and Report: Regularly update the community and stakeholders on progress, challenges, and successes through reports, meetings, and public communications.*
- *Review and Update the Plan: Periodically review and update the Climate Action Plan based on new data, feedback, and changing conditions to ensure ongoing relevance and effectiveness.*
- *Foster Continuous Improvement: Encourage a culture of continuous improvement by integrating lessons learned and best practices into future planning and implementation efforts.*

**K. Provide a map of the project boundaries:**

*Attach a map of the City of Hyattsville indicating municipal boundaries.*

**4. Additional Information**

- **A. Is the proposed project location in a Priority Funding Area (PFA), Plan 2035 Neighborhood Reinvestment Area, or Plan 2035 Employment Area?**
  - Priority Funding Area (PFA)?
    - ✓ Yes
    - No
  - Plan 2035 Neighborhood Reinvestment Area?

- Yes
  - No
- Plan 2035 Employment Area?
  - Yes
  - No
- **B. Organization Type:**
  - Municipality
  - Community

**Select Municipality**

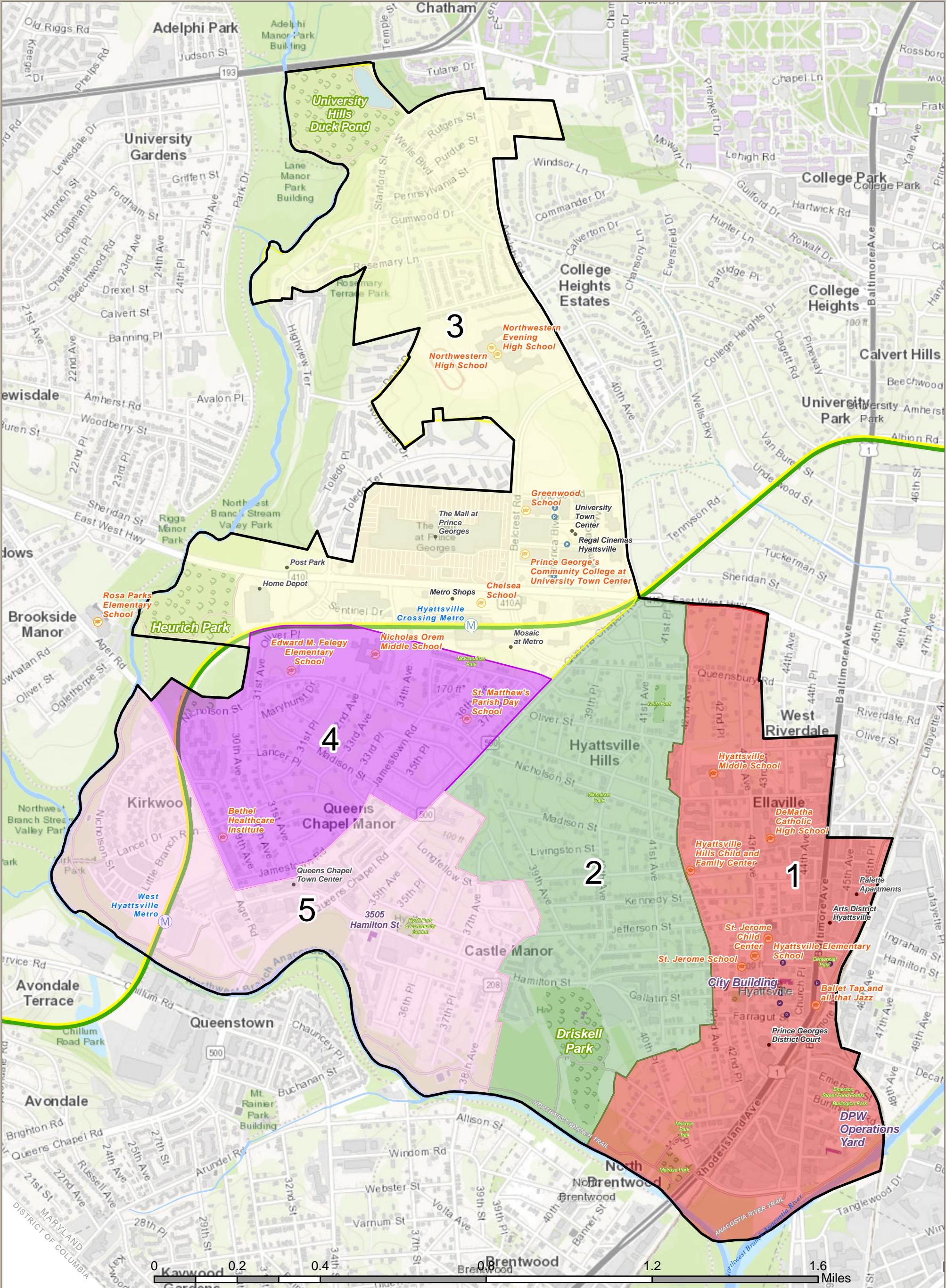
Hyattsville

**If applicant is a municipality, provide a resolution of support approved by the City Council.**

**This field is required.**

**Submit**

# Map of CITY OF HYATTSVILLE



- |                    |           |                           |        |               |
|--------------------|-----------|---------------------------|--------|---------------|
| Metro Stations     | Schools   | City Facilities           | Ward 1 | Ward 4        |
| Public Parking     | Metrorail | Streams, Rivers, Ponds    | Ward 2 | Ward 5        |
| Places of Interest | Trails    | City, County, State Parks | Ward 3 | City Boundary |

Map Produced by Sekour Mason  
January 16, 2024  
Department of Community & Economic Development  
www.hyattsville.org  
(301) 985-5000

City Ward BaseMap Ledger Portrait\_11142014.mxd



# City of Hyattsville

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

## Agenda Item Report

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**File #:** HCC-105-FY25

10/21/2024

11.b.

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Submitted by: Nate Groenendyk  
Submitting Department: City Clerk  
Agenda Section: Consent

**Item Title:**

**Traffic Calming Time Extension**

**Suggested Action:**

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

**Summary Background:**

A public hearing was held at 6pm on October 7, 2024, regarding traffic calming petitions submitted by residents of 43<sup>rd</sup> St. and Nicholson St. At the hearing, City staff presented the results of their study of the petitioned areas and recommended against installing speed humps as requested by the petitioners. City staff request additional time to develop alternative recommendations to mitigate the traffic concerns of residents. City staff will install temporary traffic calming measures such as plastic bollards that will provide curb bump outs on both streets to mitigate traffic while additional analysis is conducted.

City Code requires the Council to vote on the petitioner's request within 15 days of the public hearing or vote to extend the time limit for which the Council is bound to make its decision. This extension will allow City staff the opportunity to develop further recommendations to be brought before Council at the December 2, 2024 Council Meeting.

**Next Steps:**

Authorize extension.

**Fiscal Impact:**

TBD

**City Administrator Comments:**

Recommend support.

**Community Engagement:**

City staff will engage the residents of the petitioned areas to discuss traffic calming strategies.

**Strategic Goals:**

Goal 3 - Promote a Safe and Vibrant Community

**Legal Review Required?**

N/A

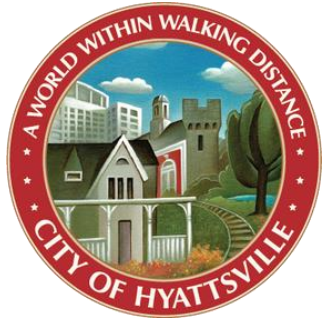




# Traffic Petition Public Hearing

October 7, 2024





# Agenda

**Part 1:** Introduction and Overview

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**Part 2:** Petition 1: 43<sup>rd</sup> Street

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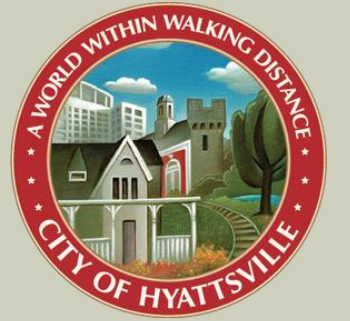
**Part 3:** Petition 2: 31<sup>st</sup> Avenue

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**Part 4:** Petition 3: Nicholson Street

# Evaluation Guidelines

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## Per Hyattsville Charter and Code (§ 114-8):

Goal of evaluation is to “determine if a traffic calming device is in the interests of both best traffic engineering practice and public safety”

## Factors Considered Include:

- Whether street has a speeding problem (further defined in next slide);
- Whether street carries a sufficient volume of non-residential traffic;
- Impact on public transportation, police, and fire apparatus, and adjacent neighborhoods; and
- Roadway characteristics and traffic calming best practices (Hyattsville Toolkit and DPW&T Neighborhood Traffic Program)



# Determining a Speeding Problem

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**Data are analyzed to identify a speeding problem such as:**

- Resident complaints;
- Hyattsville Police accident and traffic violation statistics;
- Electronic traffic counts; and
- History of previous efforts to control speeding



**LOCATION:**

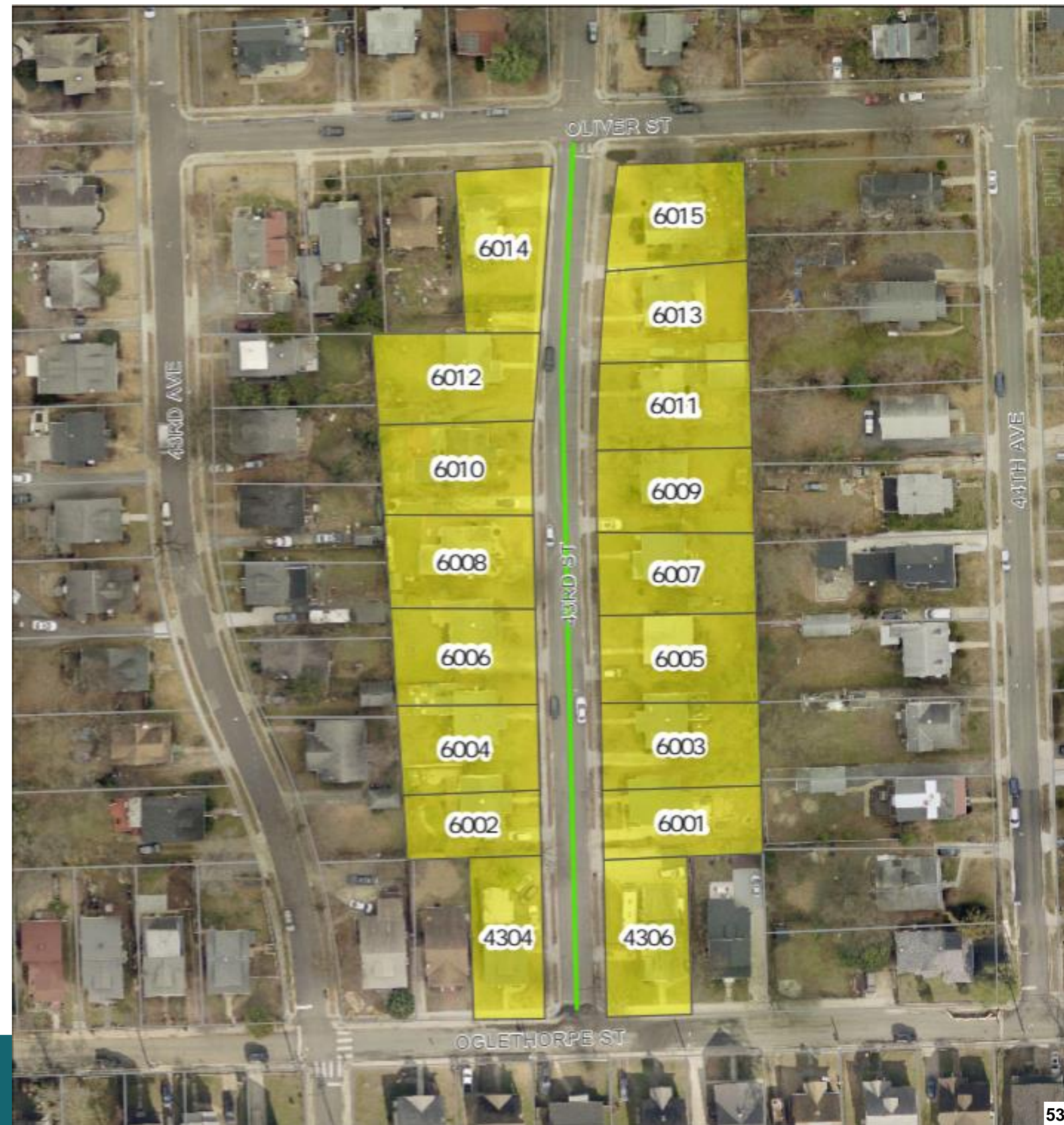
**6000 block of 43<sup>rd</sup> Street between Oliver Street and Ogelthorpe Street, Ward 1**

**REASON FOR PETITION:**

**Speeding concern due to young children in the area, hill identified as contributing factor**

**REQUESTED ACTION:**

**Speed hump**

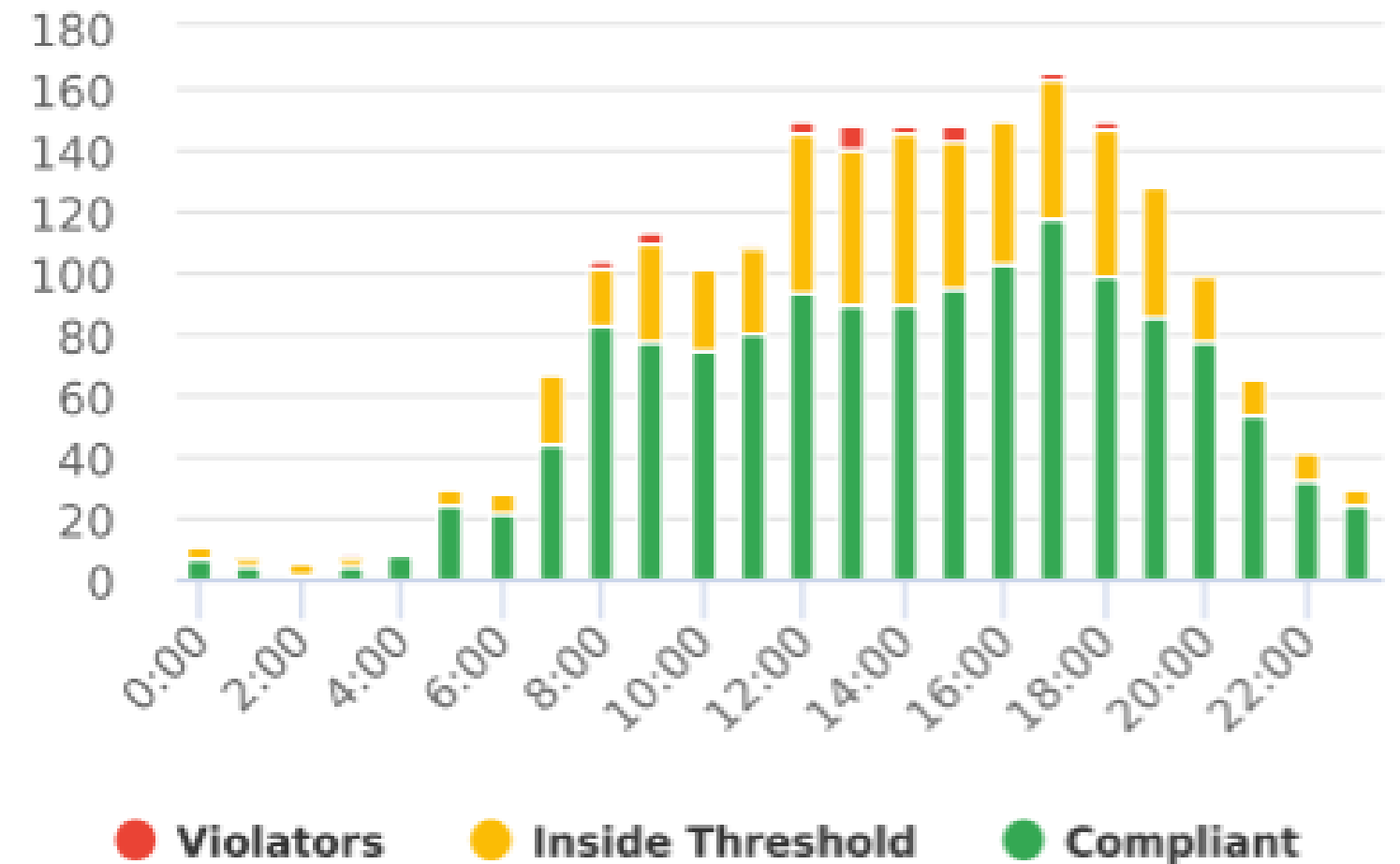


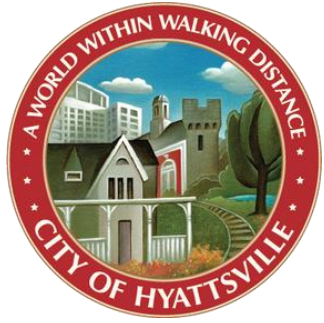


**AVERAGE SPEED:**  
**18.96 MPH**

**85<sup>TH</sup> PERCENTILE SPEED:**  
**21.18 MPH**

**AVERAGE VOLUME:**  
**134.8 VEHICLES PER DAY**






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## Speed Hump Installation Criteria

Criteria Met (Y/N)

### Hyattsville Public Works:

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#### Placement:

Not within 200 feet of a stop sign

N

If used in a series, spaced every 200 to 500 feet

N/A

### Prince Georges County DPW&T:

---

#### Placement:

Not adjacent to driveways, severe grade/curves, intersection

N

#### Street Length and Width:

Street is greater than 1000 feet in length

N

Street is less than 40 feet in width

Y

#### Volumes:

Less than 5,000 daily volume

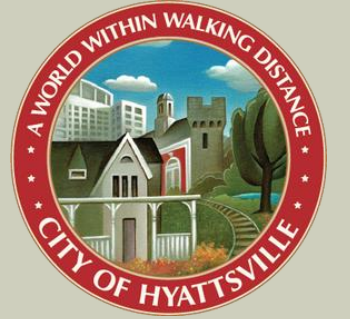
Y

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Source: Hyattsville Code and Charter; DPW&T Neighborhood Traffic Management Program

# Staff Recommendation

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## **Do not recommend installation of speed hump**

- Sufficient speeding and volume issue was not documented
- Roadway characteristics does not allow for proper installation based on best practices

**Staff are willing to work with residents at this location to find alternative solutions**





**LOCATION:**

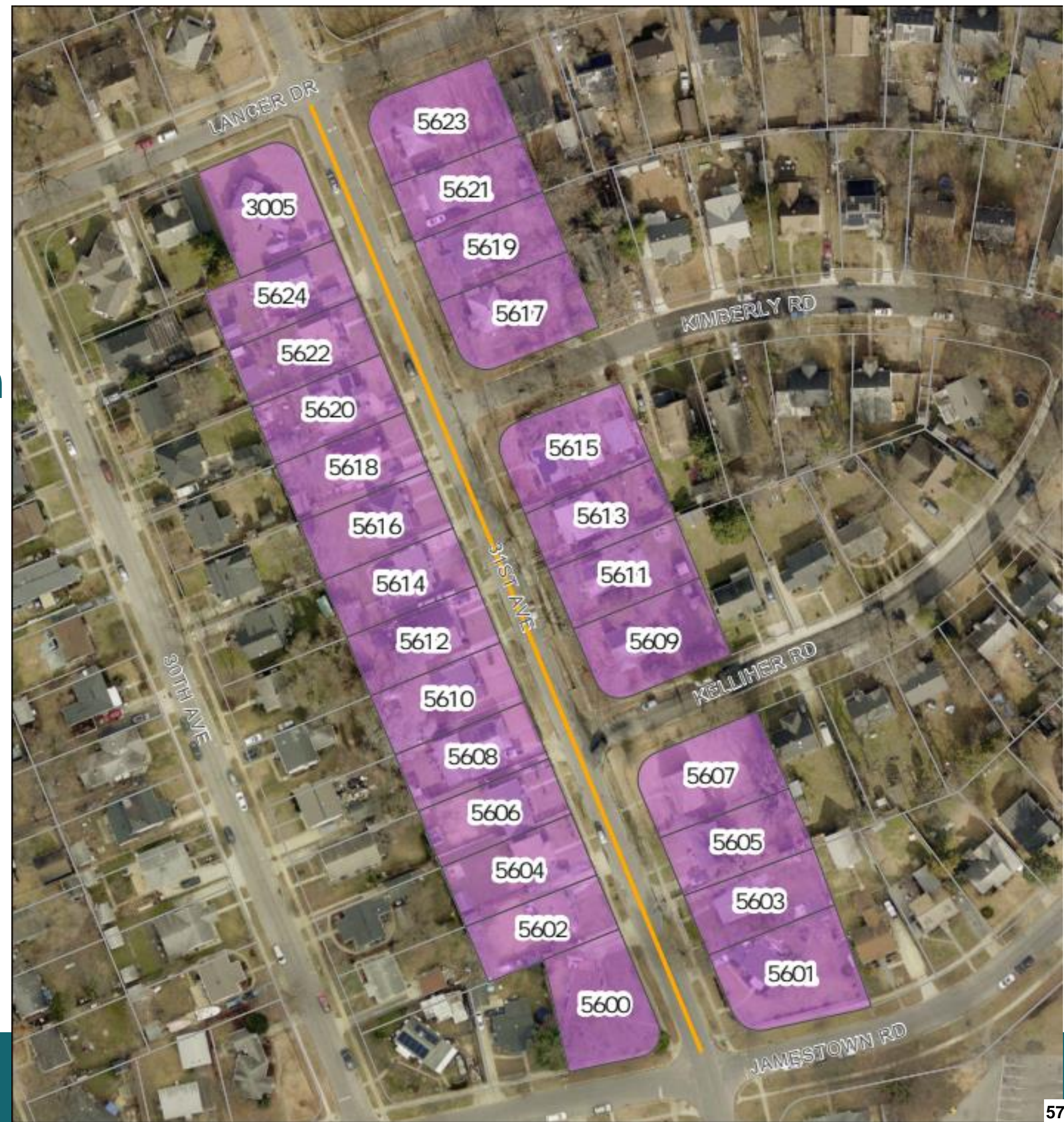
**5600 block of 31<sup>st</sup> Avenue between Lancer Drive and Jamestown Road, Ward 4**

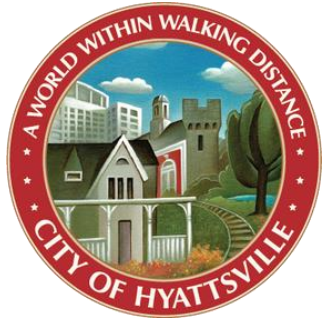
**REASON FOR PETITION:**

**Speeding is of concern due to children, families, and pets walking in the area**

**REQUESTED ACTION:**

**Speed hump**

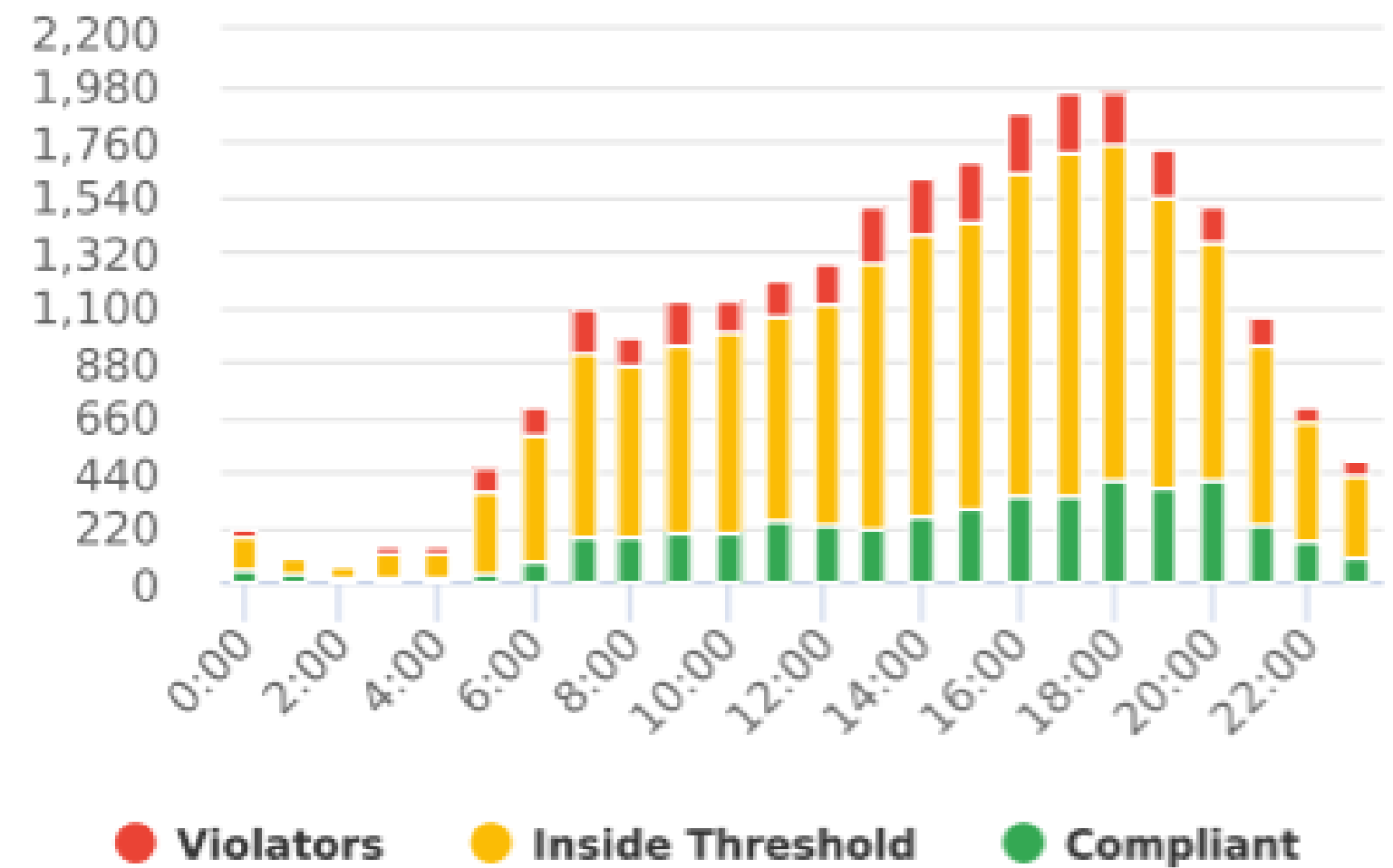




**AVERAGE SPEED:**  
**24.93 MPH**

**85<sup>TH</sup> PERCENTILE SPEED:**  
**29.75 MPH**

**AVERAGE VOLUME:**  
**1,760.6 VEHICLES PER DAY**






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## Speed Hump Installation Criteria

Criteria Met (Y/N)

### Hyattsville Public Works:

---

#### Placement:

Not within 200 feet of a stop sign

Y

If used in a series, spaced every 200 to 500 feet

N/A

### Prince Georges County DPW&T:

---

#### Placement:

Not adjacent to driveways, severe grade/curves, intersection

Y

#### Street Length and Width:

Street is greater than 1000 feet in length

N

Street is less than 40 feet in width

Y

#### Volumes:

Less than 5,000 daily volume

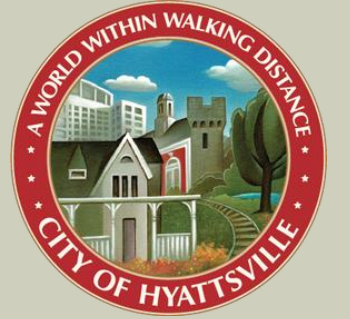
Y

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Source: Hyattsville Code and Charter; DPW&T Neighborhood Traffic Management Program

# Staff Recommendation

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## Recommend installation of speed hump

- Sufficient speeding and volumes issue was documented
- Roadway characteristics allow for proper installation based on best practices
- Additional consideration needed for driveway entrances



**LOCATION:**

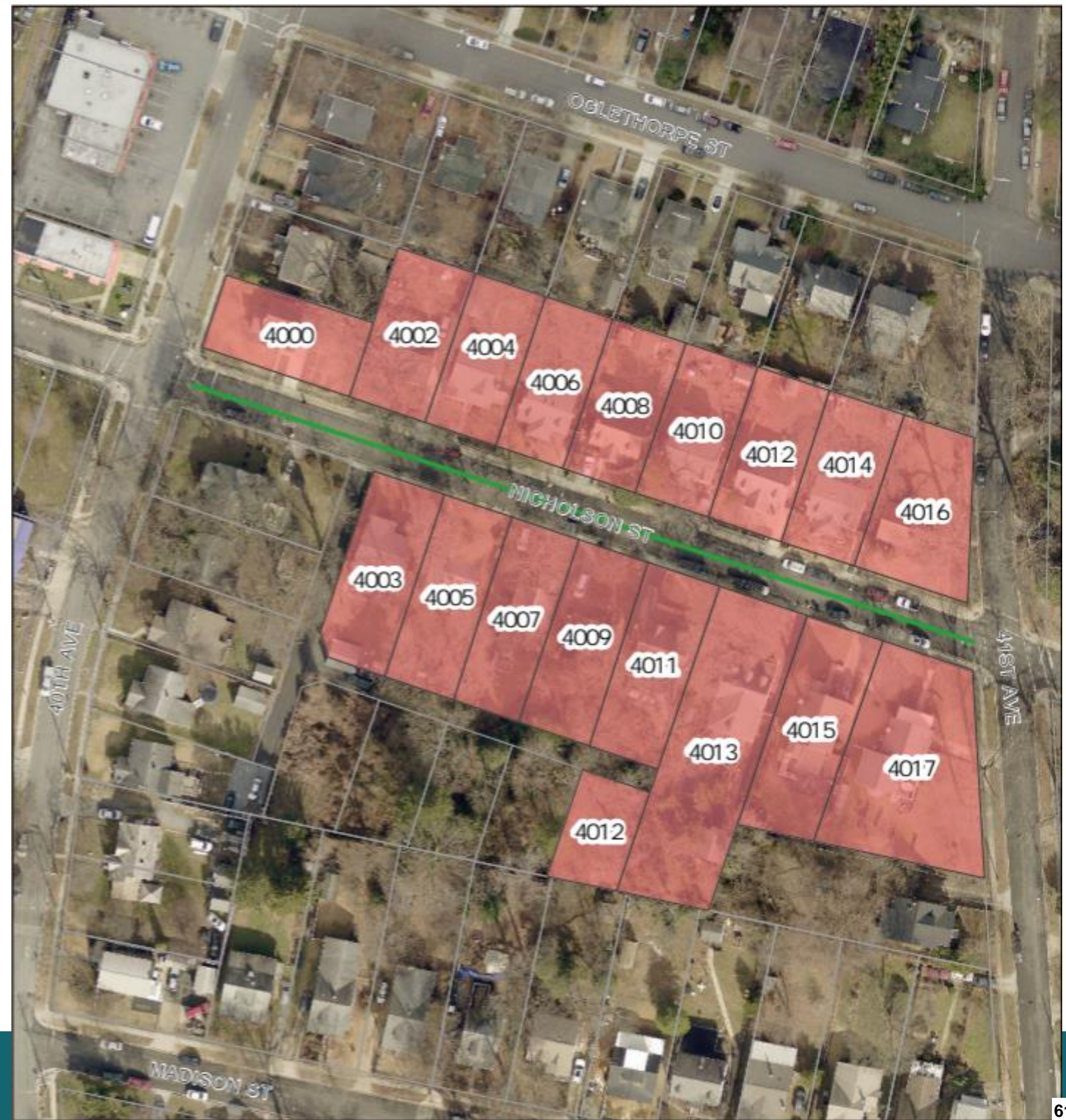
**4000 block of Nicholson Street  
between 40<sup>th</sup> and 41<sup>st</sup> Avenues,  
Ward 2**

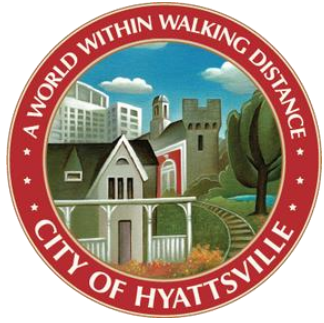
**REASON FOR PETITION:**

**Traffic calming**

**REQUESTED ACTION:**

**Speed hump**

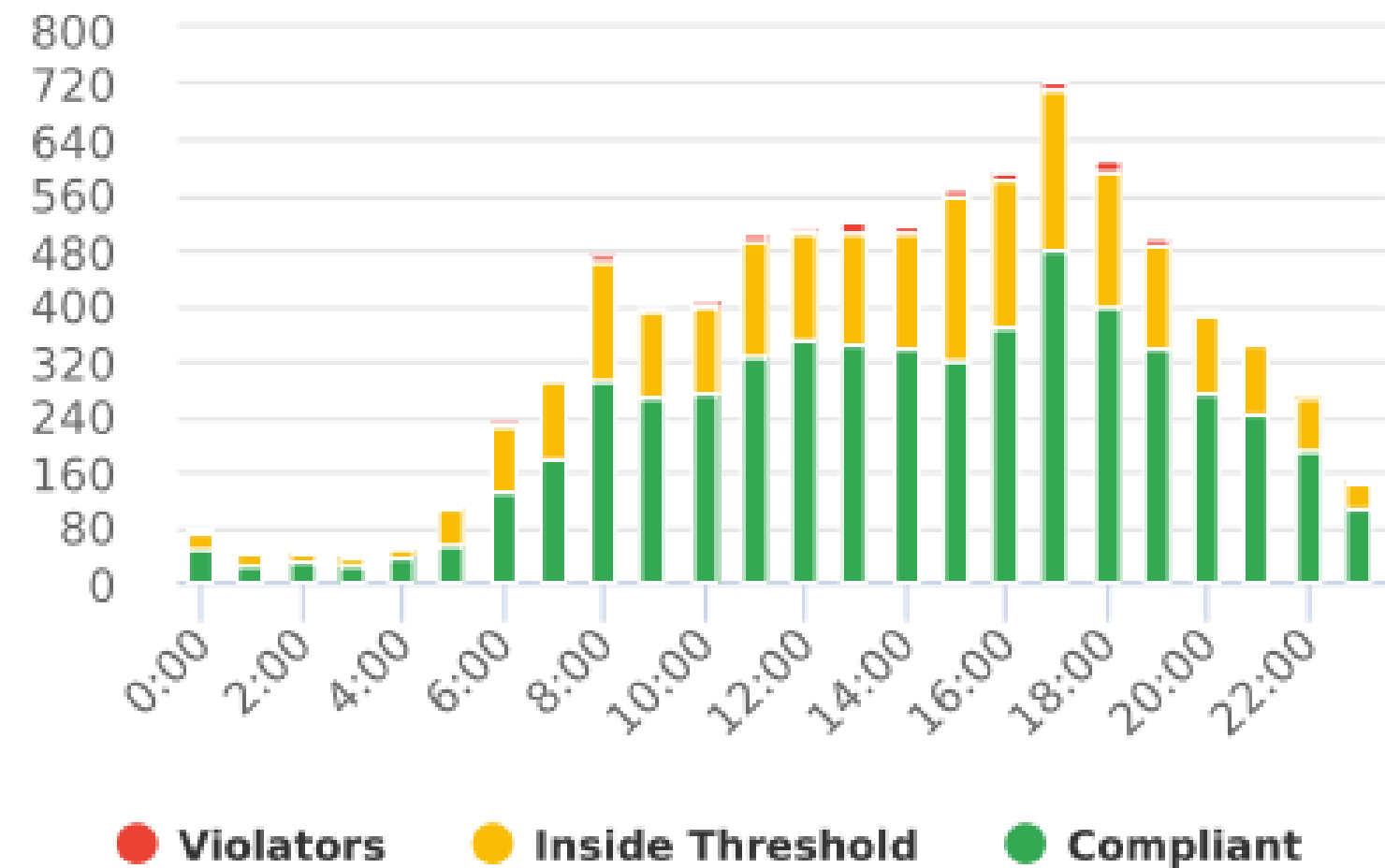


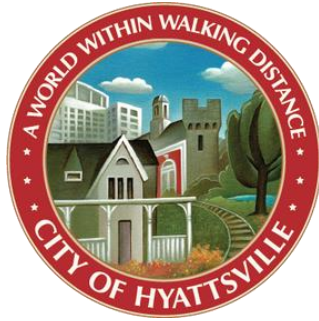


**AVERAGE SPEED:**  
**23.47 MPH**

**85<sup>TH</sup> PERCENTILE SPEED:**  
**27.85 MPH**

**AVERAGE VOLUME:**  
**555.9 VEHICLES PER DAY**






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## Speed Hump Installation Criteria

Criteria Met (Y/N)

### Hyattsville Public Works:

---

#### Placement:

Not within 200 feet of a stop sign

N

If used in a series, spaced every 200 to 500 feet

N/A

### Prince Georges County DPW&T:

---

#### Placement:

Not adjacent to driveways, severe grade/curves,  
intersection

N

#### Street Length and Width:

Street is greater than 1000 feet in length

N

Street is less than 40 feet in width

Y

#### Volumes:

Less than 5,000 daily volume

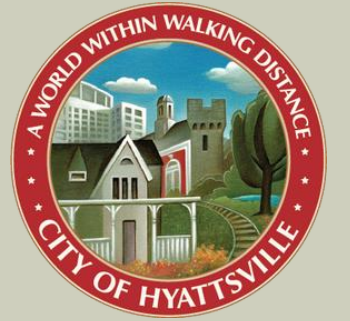
Y

---

Source: Hyattsville Code and Charter; DPW&T Neighborhood Traffic Management Program

# Staff Recommendation

---



## Do not recommend installation of speed hump

- Sufficient speed and volume issue was not documented
- Roadway characteristics does not allow for proper installation based on best practices

**Staff are willing to work with residents at this location to find alternative solutions**





# Next Steps

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## **Decision will be announced at the October 21<sup>st</sup> City Council Meeting**

- Mayor and City Council will announce decision to approve, approve with modifications, or deny the requested traffic calming device

## **Petitioner will be notified of the decision by the City Clerk**

- The decision will be published in the Hyattsville City Council Meeting Minutes

**§ 114-8. Traffic calming devices. [Added 8-1-1994 by HB No. 8-94, amended 2-21-1995 by HB No. 8-94, 2-21-1995 by HB No. 01-95, on 3-27-2011 by HO-2011-01, 12-5-2016 by HO-2016-02]**

A. Definitions. As used in this Ordinance, all terms shall have the definitions and meanings provided in the Maryland Code Annotated, Transportation Article, unless otherwise indicated. The following terms shall have the meanings indicated:

**DWELLING UNIT** — One or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities as defined by the Prince George's County Housing Code.

**ELIGIBLE SIGNATURE** — The signature of an individual, over the age of 18, residing in a dwelling unit located on a street:

- (1) Upon which the installation of a traffic calming device is being considered, or
- (2) Within one unit block of such streets upon where the installation of a traffic calming device is being considered for only a portion of such street, or
- (3) That is only accessible over a street for which the installation of the traffic calming device is being considered and provides the only means of ingress and egress, or
- (4) Or in an area which the City Clerk pursuant to the discretion granted in subsection B(2)(b) determines should be surveyed.

Only one eligible signature per dwelling unit will be considered for any of the purposes set forth in this Ordinance.

**TRAFFIC CALMING DEVICE** — Is a physical device used to regulate, guide, slow, and/or control traffic, for the purpose of pedestrian and traffic safety. The term traffic calming device includes but is not limited to the following devices:

- (1) **SPEED ZONES** — An identifiable area of reduced speed, indicated by signage or otherwise.
- (2) **SPEED HUMPS** — A raised or manually installed section of asphalt or other construction material constructed on a roadway, with a dip and crown shaped as viewed in cross section, on a base ordinarily 22 feet, measured parallel to the curb of the roadway and with a height not less than three inches nor more than four inches.
- (3) **RAISED INTERSECTIONS** — Contrasting surfaces such as brick, cobblestones, concrete, or other construction material in place of street surfaces at the intersection of two streets.
- (4) **TRAFFIC ISLANDS, CIRCLES AND LATERAL SHIFTS** — Physical barriers placed in the street to direct traffic in a specific direction including both temporary and permanent structures which do or do not contain landscaping.
- (5) **RUMBLE STRIPS** — Physical devices attached to or constructed in the road

surface to provide contrast to the road surface in order to slow traffic.

- (6) CHOKERS — A portion of the sidewalk extending out approximately six to eight feet into the street.

UNIT BLOCK — Unit block shall mean a subsection of, or a separate and distinct, but attached portion of a street, of no specific length or width, but which has been numerically designated and identified a part of that street. Each street may consist of numerous unit blocks.

- B. Request for traffic calming device installation: Requests for the installation of a traffic calming device may be made by petition subject to the following conditions:

- (1) Residents of a street may request the installation of a traffic calming device by submitting a petition to the City Administrator containing eligible signatures from at least 60% of dwelling units located on the street, stating that such individuals want a traffic calming device. Such petition need not conform to the requirements in the Charter for petitions.
- (2) If the traffic calming device is being requested for only a portion of a street, the petition containing at least 60% of eligible signatures must be circulated to individuals residing in dwelling units located on the unit block on which the traffic calming device will be installed and to individuals residing in dwelling units located within one unit block of the block containing the requested installation site.
  - (a) If the street upon which the traffic calming device is to be installed provides the only means of ingress and/or egress for other streets, the petition containing at least 60% of eligible signatures must be circulated to the residents of such other streets.
  - (b) The City Clerk retains sole discretion to determine if residents of additional streets will be surveyed, based upon circumstances that could impact such residents.
- (3) The City Clerk will validate petitions submitted to the City Administrator to determine that said petitions are in compliance with applicable provision of this article. The City Clerk shall inform the City Council, petitioners, the City Administrator, Director of Public Works and the Police Chief, as to whether the petition complies with this article. If the petition is in compliance, the City will jointly undertake an assessment of the location of the request and determine if a traffic calming device is in the interests of both best traffic engineering practice and public safety; and the Mayor who will schedule a public hearing in accordance with subsection C, below.
- (4) The City Clerk shall develop and distribute a standardized "request for traffic calming device" petition form sufficient for use in accordance with this subsection.

- C. Procedures for public hearings on traffic calming device installations:

- (1) Conduct of Public Hearing: the Mayor shall schedule a public hearing after being notified by the City Clerk in accordance with subsection B.(3) that the petition is valid.
  - (a) Notice of the hearing will be given to all residents of the street upon which the proposed traffic calming device is to be installed; and

- (b) If the traffic calming device is being requested for only a portion of the street, notice will be given to residents of dwelling units located on the unit block on which the traffic calming device will be installed and also to individuals residing in dwelling units located within one unit block of the block containing the requested installation site; and
- (c) If the traffic calming device is to be installed on a street which provides the only means of ingress and/or egress for other streets, the notice will be given to residents of such other streets, by the following means:
  - [1] Publication in the Hyattsville Reporter or in a paper having circulation in the City.
  - [2] Advertisement on the City of Hyattsville's cable television channel.
- (2) Factors considered. The following factors shall be taken into consideration as guidance in determining whether to install a traffic calming device. The factors listed below shall not be considered exclusive.
  - (a) Whether the street where installation of a traffic calming device is proposed has a speeding problem, which has been identified through a combination of residents' complaints, police radar surveillance and ticketing practices, accident statistics, electronic traffic counts and/or a history of previous efforts to control speeding which cannot be alleviated in any way other than a traffic calming device. The Department of Public Works shall provide a report of the electronic traffic count data of the proposed street to determine the traffic and speed issues.
  - (b) Whether the street carries a sufficient volume of nonresidential traffic in addition to the general residential traffic, so that the requested traffic calming device is appropriate.
  - (c) The impact of a traffic calming device on public transportation, police and fire apparatus.
  - (d) The impact of a traffic calming device on adjacent neighborhoods.
- (3) Decision. The Mayor and City Council will announce their decision to approve, approve with modifications, or deny the requested traffic calming device within 15 days of the close of the hearing unless, due to extraordinary circumstances, the time limit is extended by majority vote of the City Council.
- (4) Notification of decision. The petitioners will be notified of the decision of the Mayor and City Council by the City Clerk and the decision will be published in the Hyattsville City Council Meeting Minutes.

D. Procedures for removing a traffic calming device installation:

- (1) A request for removal of a traffic calming device, installed pursuant to subsection C above, may be by petition containing eligible signatures from 60% of the dwelling units located on the street upon which the traffic calming device has been installed; or

- (2) If the traffic calming device has been installed for only a portion of the street, the petition requesting removal may be signed by eligible signatures from 60% of the dwelling units located on the unit block on which the traffic calming device was installed and dwelling units located within one unit block of the requested removal site; or
- (3) If the traffic calming device has been installed on a street that provides the only means of ingress and/or egress for other streets, the petition requesting removal may be signed by eligible signatures from 60% of the dwelling units located on the street and such other streets.
- (4) No petition will be considered until six months have elapsed since the initial installation of the traffic calming device.

E. Miscellaneous:

- (1) Placement of traffic calming device near schools, parks and playgrounds: the Mayor and Council may initiate the installation of traffic calming device on streets adjacent to neighborhood parks, playgrounds and schools or on commercial areas.
- (2) Authority of City over traffic calming devices.
  - (a) Nothing in these guidelines shall be construed as preempting the City, at its initiative, from installing, altering, maintaining or removing a traffic calming device installation. The City Administrator will notify, pursuant to the notice provisions stated in Subsection C above, the appropriate affected residents of the proposed changes regarding a traffic calming device.

F. Installation and maintenance:

- (1) In the regulation and supervision of traffic, the Public Works Director is authorized to construct, install, place, erect, and maintain upon the public highways of the City those traffic calming device installations and proper signage as the Mayor and Council have or may direct at the locations designated by the Mayor and Council.
- (2) All speed humps installed pursuant with this Ordinance shall ordinarily:
  - (a) Consist of one or more speed humps spaced every 200 feet to 500 feet along public street or alley;
  - (b) Not be placed within 200 feet of a stop sign unless required by special circumstances as determined by the Director of Public Works; and
  - (c) Be painted with distinctive markings which should include reflective paint or tape.
- (3) Warning signs marked "speed humps" shall be placed on the right hand side of the street at the approach to each speed hump.



# City of Hyattsville

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

## Agenda Item Report

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**File #:** HCC-106-FY25

10/21/2024

11.c.

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Submitted by: Councilmembers Redmond and McClellan

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 \$530.90 of Ward 3 FY25 discretionary funds to Councilmember Redmond as reimbursement for the purchase of neighborhood watch signs.

**Summary Background:**

Councilmember Redmond purchased nine neighborhood watch signs for the Gateway West Community located in Ward 3. The signs were requested by residents in response to public safety issues in the area.

**Next Steps:**

Approval of Disbursement

**Fiscal Impact:**

\$530.90 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

Thank you for your order.

Order Receipt:

Order ID: 347104508

Date: Sun Oct 06 18:13:02 -0400 2024

Payment Type:

Order Status: Accepted

BPSL - Reflective Boris the Burglar, Police, Large Aluminum Sign  
\$42.40 X 9 = \$381.60

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Product Total \$381.60

Shipping (USPS Priority Mail) \$149.30

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Grand Total \$530.90

Name: Kareem Redmond

Company:

Email: kredmond@hyattsville.org

Address 1:

City: HYATTSVILLE

State/Province: Maryland

Zip/Postalcode: 20782

Country: United States

Fax:

Phone:

Secondary Phone:

Thank you again for your order. If you have any questions, please do not hesitate to contact us using the information below. If you contact us regarding this order, please quote your Order ID # 347104508

National Neighborhood Watch Institute

888-669-4872

customer\_service@nnwi.org

www.nnwi.org



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## Agenda Item Report

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**File #:** HCC-107-FY25

10/21/2024

11.d.

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Submitted by: Dealon Lacroix  
Submitting Department: Public Works  
Agenda Section: Consent

**Item Title:**  
**Installation of Speed Hump on 31<sup>st</sup> Avenue**

**Suggested Action:**  
I move that the Mayor and Council authorize the installation of a speed hump on the 5600 block of 31<sup>st</sup> Avenue.

**Summary Background:**  
On February 21, 2024 the City received a petition for traffic calming devices from the residents of the 5600 block of 31<sup>st</sup> Ave. A public hearing was held October 7, 2024 where the Hyattsville Police and Public Works departments presented their findings, and residents were able to provide comments. Upon further review of the options, it was determined that installation of a speed hump would be an effective measure to reduce speed and calm traffic. Pricing is to be determined, but installation of a single speed hump is typically in the \$4,500-\$5,500 range.

**Next Steps:**  
Solicit pricing and install speed hump

**Fiscal Impact:**  
Not to exceed \$6,000

**City Administrator Comments:**  
Recommend Support

**Community Engagement:**  
Public hearing was held in October 2024

**Strategic Goals:**  
Goal 3 - Promote a Safe and Vibrant Community

**Legal Review Required?**  
N/A





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## Agenda Item Report

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**File #:** HCC-109-FY25

10/21/2024

11.e.

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Submitted by: Patrick Paschall  
Submitting Department: Finance  
Agenda Section: Consent

**Item Title:**  
**ARPA Compliance Consultant Contract Extension and Increase**

**Suggested Action:**

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.

**Summary Background:**

In October 2021, the City contracted with Thomas Michael LLC after an RFP and review process, to advise the City on matters related to the City's \$17.9m award under the American Rescue Plan Act (ARPA). The original contract terms extended through October 2023, with a total contract not to exceed \$172,800.

Since the original contract, we have a better understanding of our long-term consulting needs on this project, as well as further clarity from the U.S. Treasury Department about eligible uses of funds beyond the end of 2024. This extension will change no other terms than the contract termination date and total amount, allowing us to continue using the consultant's services until the conclusion of our ARPA award.

**Next Steps:**

Attorney review and sign the contract extension

**Fiscal Impact:**

Obligating an additional \$77,200 per the Council-Approved ARPA Spending Plan

**City Administrator Comments:**

Recommend support.

**Community Engagement:**

N/A

**Strategic Goals:**

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

**Legal Review Required?**

Pending



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## Agenda Item Report

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**File #:** HCC-110-FY25

10/21/2024

11.f.

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

**Item Title:**  
**Renewal Contract with the United States Department of Treasury**

**Suggested Action:**

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.

**Summary Background:**

The Department of Treasury has an office located at 6505 Belcrest Road, Hyattsville, Maryland and employs approximately 200 plus employees. The Department has contracted guards for each of their floor entrances, but due to the recent and past crimes in the area, HPD officers have been providing extra security for employees for the past year. The Department of Treasury and HPD wish to continue the additional security measures. HPD officers will work these assignments on an overtime basis of \$105.00 per hour and will be reimbursed by the Department of Treasury. This contract is for a one-year term.

**Next Steps:**

Execute contract

**Fiscal Impact:**

\$105 an hour per officer

**City Administrator Comments:**

Recommend Approval

**Community Engagement:**

Click or tap here to enter text.

**Strategic Goals:**

Goal 3 - Promote a Safe and Vibrant Community

**Legal Review Required?**

Pending

The Bureau of the Fiscal Service, Division of Procurement Services, on behalf of the Office of Information and Security Services (ISS) has a requirement for Hyattsville Police Patrols as described herein. The Government anticipates that a single firm-fixed-priced purchase order will be issued as a result of this solicitation.

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PROPOSAL INSTRUCTIONS.....Pages 25 - 42

Please submit your proposal via email to: [purchasing@fiscal.treasury.gov](mailto:purchasing@fiscal.treasury.gov) with the following subject line: **“2033H625R00002 Hyattsville Police Patrols Attn: CC/DV”** by **12:00 p.m. Eastern Time, Tuesday October 8, 2024.**

**52.252-2 CLAUSES INCORPORATED BY REFERENCE (FEB 1998)**

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this address: <https://www.acquisition.gov/>

**52.252-6 AUTHORIZED DEVIATIONS IN CLAUSES (NOV 2020)**

(a) The use in this solicitation or contract of any Federal Acquisition Regulation (48 CFR Chapter 1) clause with an authorized deviation is indicated by the addition of "(DEVIATION)" after the date of the clause.

(b) The use in this solicitation or contract of any Department of Treasury Acquisition Regulations 48 CFR Chapter 10 clause with an authorized deviation is indicated by the addition of "(DEVIATION)" after the name of the regulation.

**52.212-4 CONTRACT TERMS AND CONDITIONS -- COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES (NOV 2023)**

**1052.212-4 CONTRACT TERMS AND CONDITIONS-COMMERCIAL ITEMS. (ALTERNATE II) (APR 2018) (DEVIATION 2016-00001)**

\*\*\*\*\*

(e) Definitions.

\*\*\*\*\*

(2) As used in this clause, "Commercial supplier agreements" means terms and conditions customarily offered to the public by vendors of supplies or services that meet the definition of commercial item set forth in FAR 2.101 and intended to create a binding legal obligation on the end user. Commercial supplier agreements (CSA) are particularly common in information technology acquisitions, including acquisitions of commercial computer software and commercial technical data, but they may apply to any supply or service. The term applies—

- (i) Regardless of the format or style of the document. For example, a CSA may be styled as standard terms of sale or lease, Terms of Service (TOS), End User License Agreement (EULA), or another similar legal instrument or agreement, and may be presented as part of an offer or quotation responding to a solicitation.
- (ii) Regardless of the media or delivery mechanism used. For example, a CSA may be presented as one or more paper documents or may appear on a computer or other electronic device screen during a purchase, software installation, other product delivery, registration for a service, or another transaction.

\*\*\*\*\*

(s) *Order of precedence.* Any inconsistencies in this solicitation or contract shall be resolved by giving precedence in the following order:

- (1) The schedule of supplies/services.
- (2) The Assignments, Disputes, Payments, Invoice, Other Compliances, Compliance with Laws Unique to Government Contracts, Unauthorized Obligations, and Commercial Supplier Agreements – Unenforceable Clauses paragraphs of this clause,
- (3) The clause at 52.212-5.

- (4) Addenda to this solicitation or contract, including any license agreements for computer software.
- (5) Solicitation provisions if this is a solicitation.
- (6) Other paragraphs of this clause.
- (7) The Standard Form 1449.
- (8) Other documents, exhibits, and attachments.
- (9) The specification.

\*\*\*\*\*

(u) *Unauthorized Obligations*

- (1) Except as stated in paragraph (u)(2) of this clause, when any supply or service acquired under this contract is subject to any CSA, that includes any language, provision, or clause requiring the Government to indemnify the Contractor or any person or entity for damages, costs, fees, or any other loss or liability that would create an Anti-Deficiency Act violation (31 U.S.C. 1341), the following shall govern:
  - (i) Any such language, provision, or clause is unenforceable against the Government.
  - (ii) Neither the Government nor any Government authorized end user shall be deemed to have agreed to such clause by virtue of it appearing in the CSA. If the CSA is invoked through an "I agree" click box or other comparable mechanism (e.g., "click-wrap" or "browse-wrap" agreements), execution does not bind the Government or any Government authorized end user to such clause.
  - (iii) Any such language, provision, or clause is deemed to be stricken from the CSA.
- (2) Paragraph (u)(1) of this clause does not apply to indemnification by the Government that is expressly authorized by statute and specifically authorized under applicable agency regulations and procedures.

\*\*\*\*\*

(w) *Commercial supplier agreements –unenforceable clauses.* When any supply or service acquired under this contract is subject to a CSA, the following language shall be deemed incorporated into the CSA. As used herein, "this agreement" means the CSA:

- (1) Notwithstanding any other provision of this agreement, when the end user is an agency or instrumentality of the Government, the following shall apply:
  - (i) *Applicability.* This agreement is a part of a contract between the commercial supplier and the Government for the acquisition of the supply or service that necessitates a license (including all contracts, task orders, and delivery orders under FAR part 12).
  - (ii) *End user.* This agreement shall bind the Government as end user but shall not operate to bind a Government employee or person acting on behalf of the Government in his or her personal capacity.
  - (iii) *Law and disputes.* This agreement is governed by Federal law.
    - (A) Any language purporting to subject the Government to the laws of a U.S. state, U.S. territory, district, or municipality, or a foreign nation, except where Federal law expressly provides for the application of such laws, is hereby deleted.
    - (B) Any language requiring dispute resolution in a specific forum or venue that is different from that prescribed by applicable Federal law is hereby deleted.

- (C) Any language prescribing a different time period for bringing an action than that prescribed by applicable Federal law in relation to a dispute is hereby deleted.
- (iv) *Continued performance.* The supplier or licensor shall not unilaterally revoke, terminate or suspend any rights granted to the Government except as allowed by this contract. If the supplier or licensor believes the Government to be in breach of the agreement, it shall pursue its rights under the Contract Disputes Act or other applicable Federal statute while continuing performance as set forth in paragraph (d) of this clause.
- (v) *Arbitration; equitable or injunctive relief.* In the event of a claim or dispute arising under or relating to this agreement, a binding arbitration shall not be used unless specifically authorized by agency guidance, and equitable or injunctive relief, including the award of attorney fees, costs or interest, may be awarded against the Government only when explicitly provided by statute (e.g., Prompt Payment Act or Equal Access to Justice Act).
- (vi) *Updating terms.*
  - (A) After award, the contractor may unilaterally revise terms if they are not material. A material change is defined as:
    - (1) Terms that change Government rights or obligations;
    - (2) Terms that increase Government prices;
    - (3) Terms that decrease overall level of service; or
    - (4) Terms that limit any other Government right addressed elsewhere in this contract.
  - (B) For revisions that will materially change the terms of the contract, the revised commercial supplier agreement must be incorporated into the contract using a bilateral modification.
  - (C) Any agreement terms or conditions unilaterally revised subsequent to award that are inconsistent with any material term or provision of this contract shall not be enforceable against the Government, and the Government shall not be deemed to have consented to them.
- (vii) *No automatic renewals.* If any license or service tied to periodic payment is provided under this agreement (e.g., annual software maintenance or annual lease term), such license or service shall not renew automatically upon expiration of its current term without prior express consent by an authorized Government representative.
- (viii) *Indemnification.* Any clause of this agreement requiring the commercial supplier or licensor to defend or indemnify the end user is hereby amended to provide that the U.S. Department of Justice has the sole right to represent the United States in any such action, in accordance with 28 U.S.C.516.
- (ix) *Audits.* Any clause of this agreement permitting the commercial supplier or licensor to audit the end user's compliance with this agreement is hereby amended as follows:
  - (A) Discrepancies found in an audit may result in a charge by the commercial supplier or licensor to the Government. Any resulting invoice must comply with the proper invoicing requirements specified in the underlying Government contract or order.

(B) This charge, if disputed by the Government, will be resolved through paragraph (d) of this clause; no payment obligation shall arise on the part of the Government until the conclusion of the dispute process.

(C) Any audit requested by the commercial supplier or licensor will be performed at the commercial supplier's or licensor's expense, without reimbursement by the Government and must be performed within the parameters of the Government's security procedures.

(D) The Contractor must notify the Contracting Officer of any audit request.

(x) *Taxes or surcharges.* Any taxes or surcharges which the commercial supplier or licensor seeks to pass along to the Government as end user will be governed by the terms of the underlying Government contract and, in any event, must be submitted to the Contracting Officer for a determination of applicability prior to invoicing unless specifically agreed to otherwise in the underlying contract.

(xi) *Non-assignment.* This agreement may not be assigned, nor may any rights or obligations thereunder be delegated, without the Government's prior approval, except as expressly permitted under paragraph (b) of this clause.

(xii) *Confidential information.* If this agreement includes a confidentiality clause, such clause is hereby amended to state that neither the agreement nor the contract price, as applicable, shall be deemed "confidential information." Issues regarding release of "unit pricing" will be resolved consistent with the Freedom of Information Act. Notwithstanding anything in this agreement to the contrary, the Government may retain any confidential information as required by law, regulation or its internal document retention procedures for legal, regulatory or compliance purposes; provided, however, that all such retained confidential information will continue to be subject to the confidentiality obligations of this agreement.

(2) If any language, provision, or clause of this agreement conflicts or is inconsistent with the preceding paragraph (w)(1) of this clause, the language, provisions, or clause of paragraph (w)(1) of this clause shall prevail to the extent of such inconsistency.

**1052.201-70 CONTRACTING OFFICER'S REPRESENTATIVE (COR) APPOINTMENT AND AUTHORITY (APR 2015)**

- (a) The COR(s) will be named on the award form. Should a change to the COR(s) be necessary in the future, they will be named on the modification SF-30.
- (b) Performance of work under this contract is subject to the technical direction of the COR identified above, or a representative designated in writing. The term "technical direction" includes, without limitation, direction to the contractor that directs or redirects the labor effort, shifts the work between work areas or locations, and/or fills in details and otherwise serves to ensure that tasks outlined in the work statement are accomplished satisfactorily.
- (c) Technical direction must be within the scope of the contract specification(s)/work statement. The COR does not have authority to issue technical direction that:
  - (1) Constitutes a change of assignment or additional work outside the contract specification(s)/work statement;
  - (2) Constitutes a change as defined in the clause entitled "Changes";
  - (3) In any manner causes an increase or decrease in the contract price, or the time required for contract performance;

- (4) Changes any of the terms, conditions, or specification(s)/work statement of the contract;
  - (5) Interferes with the contractor's right to perform under the terms and conditions of the contract; or
  - (6) Directs, supervises or otherwise controls the actions of the contractor's employees.
- (d) Technical direction may be oral or in writing. The COR must confirm oral direction in writing within five workdays, with a copy to the Contracting Officer.
- (e) The Contractor shall proceed promptly with performance resulting from the technical direction issued by the COR. If, in the opinion of the contractor, any direction of the COR or the designated representative falls within the limitations of (c) above, the contractor shall immediately notify the Contracting Officer no later than the beginning of the next Government workday.
- (f) Failure of the Contractor and the Contracting Officer to agree that technical direction is within the scope of the contract shall be subject to the terms of the clause entitled "Disputes."

#### **52.204-9 PERSONAL IDENTITY VERIFICATION OF CONTRACTOR PERSONNEL (JAN 2011)**

#### **52.204-13 SYSTEM FOR AWARD MANAGEMENT MAINTENANCE. (OCT 2018)**

#### **1052.210-70 CONTRACTOR PUBLICITY (APR 2015)**

The Contractor, or any entity or representative acting on behalf of the Contractor, shall not refer to the supplies or services furnished pursuant to the provisions of this contract in any news release or commercial advertising, or in connection with any news release or commercial advertising, without first obtaining explicit written consent to do so from the Contracting Officer. Should any reference to such supplies or services appear in any news release or commercial advertising issued by or on behalf of the Contractor without the required consent, the Government shall consider institution of all remedies available under applicable law, including 31 U.S.C. 333, and this contract. Further, any violation of this clause may be considered during the evaluation of past performance.

#### **52.217-8 OPTION TO EXTEND SERVICES (NOV 1999)**

The Government may require continued performance of any services within the limits and at the rates specified in the contract. These rates may be adjusted only as a result of revisions to prevailing labor rates provided by the Secretary of Labor. The option provision may be exercised more than once, but the total extension of performance hereunder shall not exceed 6 months. The Contracting Officer may exercise the option by written notice to the Contractor within 30 days of contract expiration.

#### **52.232-18 AVAILABILITY OF FUNDS (APR 1984)**

#### **LAPSE FUNDING**

In the event of a lapse funding resulting in a government shutdown, the status of Fiscal Year funding and any necessary action required of the Contractor will be made available at the following website: <https://www.fiscal.treasury.gov/doing-business-with-fiscal-service/>. It is the Contractor's responsibility to monitor this website for information regarding Fiscal Year funding.

#### **1052.232-39 UNENFORCEABILITY OF UNAUTHORIZED OBLIGATIONS (JAN 2016)**

- (a) *Definition.* As used in this clause-

"Commercial supplier agreements" means terms and conditions customarily offered to the public by vendors of supplies or services that meet the definition of commercial item set forth in FAR 2.101 and intended to create a binding legal obligation on the end user. Commercial supplier agreements (CSA) are particularly common in information technology acquisitions, including acquisitions of commercial



computer software and commercial technical data, but they may apply to any supply or service. The term applies-

- (1) Regardless of the format or style of the document. For example, a CSA may be styled as standard terms of sale or lease, Terms of Service (TOS), End User License Agreement (EULA), or another similar legal instrument or agreement, and may be presented as part of an offer or quotation responding to a solicitation.
  - (2) Regardless of the media or delivery mechanism used. For example, a CSA may be presented as one or more paper documents or may appear on a computer or other electronic device screen during a purchase, software installation, other product delivery, registration for a service, or another transaction.
- (b) Except as stated in paragraph (c) of this clause, when any supply or service acquired under this contract is subject to any CSA, that includes any language, provision, or clause requiring the Government to pay any future fees, penalties, interest, legal costs or to indemnify the Contractor or any person or entity for damages, costs, fees, or any other loss or liability that would create an Anti-Deficiency Act violation (31 U.S.C. 1341), the following shall govern:
- (1) Any such language, provision, or clause is unenforceable against the Government.
  - (2) Neither the Government nor any Government authorized end user shall be deemed to have agreed to such clause by virtue of it appearing in the CSA. If the CSA is invoked through an "I agree" click box or other comparable mechanism (e.g., "click-wrap" or "browse-wrap" agreements), execution does not bind the Government or any Government authorized end user to such clause.
  - (3) Any such language, provision, or clause is deemed to be stricken from the CSA.
- (c) Paragraph (b) of this clause does not apply to indemnification or any other payment by the Government that is expressly authorized by statute and specifically authorized under applicable agency regulations and procedures.

#### **1052.232-7003 ELECTRONIC SUBMISSION OF PAYMENT REQUESTS (APR 2015)**

- (a) Definitions. As used in this clause—
- (1) "Payment request" means a bill, voucher, invoice, or request for contract financing payment with associated supporting documentation. The payment request must comply with the requirements identified in FAR 32.905(b), "Content of Invoices" and the applicable Payment clause included in this contract.
- (b) Except as provided in paragraph (c) of this clause, the Contractor shall submit payment requests electronically using the Invoice Processing Platform (IPP). Information regarding IPP, including IPP Customer Support is available at [www.ipp.gov](http://www.ipp.gov) or any successor site.
- (c) The Contractor may submit payment requests using other than IPP only when the Contracting Officer authorizes alternate procedures in writing in accordance with Treasury procedures.
- (d) If alternate payment procedures are authorized, the Contractor shall include a copy of the Contracting Officer's written authorization with each payment request.

#### **PAYMENT AND INVOICE QUESTIONS (IPP)**

For payment and invoice questions, go to <https://arc.fiscal.treasury.gov/vendors-and-contractors/> or contact Accounts Payable at (304) 480-8000 option 7 or via email at [AccountsPayable@fiscal.treasury.gov](mailto:AccountsPayable@fiscal.treasury.gov).

## OVERPAYMENTS

In accordance with 52.212-4 section (i) 5 Overpayments: Accounts Receivable Conversion of Check Payments to electronic funds transfer (EFT): If the Contractor sends the Government a check to remedy duplicate contract financing or an overpayment by the government, it will be converted into an EFT. This means the Government will copy the check and use the account information on it to electronically debit the Contractor's account for the amount of the check. The debit from the Contractor's account will usually occur within 24 hours and will be shown on the regular account statement.

The Contractor will not receive the original check back. The Government shall destroy the Contractor's original check, but will keep a copy of it. If the EFT cannot be processed for technical reasons, the Contractor authorizes the Government to process the copy in place of the original check.

## MARKING OF SHIPMENTS AND INVOICES

The Contractor shall ensure the contract number is clearly visible on all shipping/service documents, containers, and invoices.

### 52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS -- COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES (MAY 2024)

(a) The Contractor shall comply with the following Federal Acquisition Regulation (FAR) clauses, which are incorporated in this contract by reference, to implement provisions of law or Executive orders applicable to acquisitions of commercial products and commercial services:

- |     |           |   |
|-----|-----------|---|
| (1) | 52.203-19 | Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017) (section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions)). |
| (2) | 52.204-23 | Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab Covered Entities (DEC 2023) (Section 1634 of Pub. L. 115-91)   |
| (3) | 52.204-25 | Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (Nov 2021) (Section 889(a)(1)(A) of Pub. L. 115-232).   |
| (4) | 52.209-10 | Prohibition on Contracting with Inverted Domestic Corporations (Nov 2015).  |
| (5) | 52.232-40 | Providing Accelerated Payments to Small Business Subcontractors (MAR 2023) (31 U.S.C. 3903 and 10 U.S.C. 3801).   |
| (6) | 52.233-3  | Protest After Award (AUG 1996) ( <a href="#">31 U.S.C. 3553</a> ).  |
| (7) | 52.233-4  | Applicable Law for Breach of Contract Claim (OCT 2004) (Public Laws 108-77 and 108-78 ( <a href="#">19 U.S.C. 3805 note</a> )).   |

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial products and commercial services:

- |                                     |     |           |   |
|-------------------------------------|-----|-----------|---|
| <input type="checkbox"/>            | (1) | 52.203-6  | Restrictions on Subcontractor Sales to the Government (JUN 2020), with <i>Alternate I</i> (Nov 2021) ( <a href="#">41 U.S.C. 4704</a> and <a href="#">10 U.S.C. 4655</a> ).   |
| <input type="checkbox"/>            | (2) | 52.203-13 | Contractor Code of Business Ethics and Conduct (Nov 2021) ( <a href="#">41 U.S.C. 3509</a> )).  |
| <input type="checkbox"/>            | (3) | 52.203-15 | Whistleblower Protections under the American Recovery and Reinvestment Act of 2009 (Jun 2010) (Section 1553 of Pub. L. 111-5). (Applies to contracts funded by the American Recovery and Reinvestment Act of 2009.)             |
| <input checked="" type="checkbox"/> | (4) | 52.203-17 | 52.203-17, Contractor Employee Whistleblower Rights (NOV 2023) (41 U.S.C. 4712); this clause does not apply to contracts of DoD, NASA, the Coast Guard, or applicable elements of the intelligence community--see FAR 3.900(a). |

- (5) 52.204-10 Reporting Executive Compensation and First-Tier Subcontract Awards (JUN 2020) (Pub. L. 109-282) ( [31 U.S.C. 6101 note](#)).
- (6) [Reserved]
- (7) 52.204-14 Service Contract Reporting Requirements (OCT 2016) (Pub. L. 111-117, section 743 of Div. C).
- (8) 52.204-15 Service Contract Reporting Requirements for Indefinite-Delivery Contracts (OCT 2016) (Pub. L. 111-117, section 743 of Div. C).
- (9) 52.204-27 Prohibition on a ByteDance Covered Application (JUN 2023) (Section 102 of Division R of Pub. L. 117-328).
- (10) 52.204-28 Federal Acquisition Supply Chain Security Act Orders--Federal Supply Schedules, Governmentwide Acquisition Contracts, and Multi-Agency Contracts. (DEC 2023) (Pub. L. 115-390, title II).
- (11)(i) 52.204-30 Federal Acquisition Supply Chain Security Act Orders--Prohibition. (DEC 2023) (Pub. L. 115-390, title II).
- (ii) Alternate I (DEC 2023) of 52.204-30.
- (12) 52.209-6 Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment. (Nov 2021) ( [31 U.S.C. 6101 note](#)).
- (13) 52.209-9 Updates of Publicly Available Information Regarding Responsibility Matters (OCT 2018) ( [41 U.S.C. 2313](#)).
- (14) [Reserved]
- (15) 52.219-3 Notice of HUBZone Set-Aside or Sole-Source Award (OCT 2022) ( [15 U.S.C. 657a](#)).
- (16) 52.219-4 Notice of Price Evaluation Preference for HUBZone Small Business Concerns (OCT 2022) (if the offeror elects to waive the preference, it shall so indicate in its offer) ( [15 U.S.C. 657a](#))
- (17) [Reserved]
- (18)(i) 52.219-6 Notice of Total Small Business Set-Aside (Nov 2020) ( [15 U.S.C. 644](#)).
- (ii) Alternate I (MAR 2020) of [52.219-6](#).
- (19)(i) 52.219-7 Notice of Partial Small Business Set-Aside (Nov2020) ( [15 U.S.C. 644](#)).
- (ii) Alternate I (MAR 2020) of [52.219-7](#).
- (20) 52.219-8 Utilization of Small Business Concerns (FEB 2024) ( [15 U.S.C. 637\(d\)\(2\)](#) and (3)).
- (21)(i) 52.219-9 Small Business Subcontracting Plan (SEP 2023) ( [15 U.S.C. 637\(d\)\(4\)](#)).
- (ii) Alternate I (NOV 2016) of [52.219-9](#).
- (iii) Alternate II (NOV 2016) of [52.219-9](#).
- (iv) Alternate III (JUN 2020) of [52.219-9](#).
- (v) Alternate IV (SEP 2023) of [52.219-9](#).
- (22)(i) 52.219-13 Notice of Set-Aside of Orders (MAR 2020) ( [15 U.S.C. 644\(r\)](#)).
- (ii) Alternate I (MAR 2020) of [52.219-13](#).
- (23) 52.219-14 Limitations on Subcontracting (OCT 2022) ( [15 U.S.C. 637s](#)).
- (24) 52.219-16 Liquidated Damages—Subcontracting Plan (SEP 2021) ( [15 U.S.C. 637\(d\)\(4\)\(F\)\(i\)](#)).
- (25) 52.219-27 Notice of Set-Aside for, or Sole Source Award to, Service-Disabled Veteran-Owned Small Business (SDVOSB) Concerns Eligible Under the SDVOSB Program (FEB 2024) ( [15 U.S.C. 657f](#)).
- (26)(i) 52.219-28 Post Award Small Business Program Representation (FEB 2024) ( [15 U.S.C. 632\(a\)\(2\)](#)).
- (ii) Alternate I (MAR 2020) of [52.219-28](#).

- (27) 52.219-29 Notice of Set-Aside for, or Sole-Source Award to, Economically Disadvantaged Women-Owned Small Business Concerns (OCT 2022) ( [15 U.S.C. 637\(m\)](#)).
- (28) 52.219-30 Notice of Set-Aside for, or Sole-Source Award to, Women-Owned Small Business Concerns Eligible Under the Women-Owned Small Business Program (OCT 2022) ( [15 U.S.C. 637\(m\)](#)).
- (29) 52.219-32 Orders Issued Directly Under Small Business Reserves (MAR 2020) ( [15 U.S.C. 644\(r\)](#)).
- (30) 52.219-33 Nonmanufacturer Rule (SEP 2021) ( [15U.S.C. 637\(a\)\(17\)](#)).
- (31) 52.222-3 Convict Labor (June 2003) (E.O. 11755).
- (32) 52.222-19 Child Labor—Cooperation with Authorities and Remedies (FEB 2024) (E.O. 13126).
- (33) 52.222-21 Prohibition of Segregated Facilities (Apr 2015).
- (34)(i) 52.222-26 Equal Opportunity (Sept 2016) (E.O. 11246).
- (ii) Alternate I (FEB 1999) of [52.222-26](#).
- (35)(i) 52.222-35 Equal Opportunity for Veterans (JUN 2020) ( [38 U.S.C. 4212](#)).
- (ii) Alternate I (JUL 2014) of [52.222-35](#).
- (36)(i) 52.222-36 Equal Opportunity for Workers with Disabilities (JUN 2020) ( [29 U.S.C. 793](#)).
- (ii) Alternate I (JUL 2014) of [52.222-36](#).
- (37) 52.222-37 Employment Reports on Veterans (JUN 2020) ( [38 U.S.C. 4212](#)).
- (38) 52.222-40 Notification of Employee Rights Under the National Labor Relations Act (DEC 2010) (E.O. 13496).
- (39)(i) 52.222-50 Combating Trafficking in Persons (NOV 2021) ( [22 U.S.C. chapter 78](#) and E.O. 13627).
- (ii) Alternate I (MAR 2015) of [52.222-50](#) ( [22 U.S.C. chapter 78](#) and E.O. 13627).
- (40) 52.222-54 Employment Eligibility Verification (MAY 2022) (Executive Order 12989). (Not applicable to the acquisition of commercially available off-the-shelf items or certain other types of commercial products or commercial services as prescribed in FAR [22.1803](#).)
- (41)(i) 52.223-9 Estimate of Percentage of Recovered Material Content for EPA–Designated Items (May 2008) ( [42 U.S.C. 6962\(c\)\(3\)\(A\)\(ii\)](#)). (Not applicable to the acquisition of commercially available off-the-shelf items.)
- (ii) Alternate I Alternate I (MAY 2008) of [52.223-9](#) ( [42 U.S.C. 6962\(i\)\(2\)\(C\)](#)). (Not applicable to the acquisition of commercially available off-the-shelf items.)
- (42) 52.223-11 Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons (MAY 2024) (E.O. 13693).
- (43) 52.223-12 Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners (MAY 2024) (E.O. 13693).
- (44) 52.223-20 Aerosols (MAY 2024) (E.O. 13693).
- (45) 52.223-21 Foams (May 2024) (E.O. 13693).
- (46) 52.223-23 Sustainable Products and Services (MAY 2024) (E.O.14057, 7 U.S.C. 8102, 42 U.S.C. 6962, 42 U.S.C. 8259b, and 42 U.S.C. 76711).
- (47)(i) 52.224-3 Privacy Training (JAN 2017) (5 U.S.C. 552 a).
- (ii) Alternate I (JAN 2017) of [52.224-3](#).
- (48)(i) 52.225-1 Buy American–Supplies (OCT 2022) ( [41 U.S.C. chapter 83](#)).
- (ii) Alternate I (OCT 2022) of [52.225-1](#).
- (49)(i) 52.225-3 Buy American—Free Trade Agreements—Israeli Trade Act (NOV 2023) ([19 U.S.C. 3301](#), [19 U.S.C. 2112](#), [19 U.S.C. 3805](#), [19 U.S.C. 4001](#), 19 U.S.C. chapter 29 (sections 4501-4732), Pub. L. 103-182, 108-77, 108-78, 108-286, 108-302, 109-53, 109-169, 109-283, 110-138, 112-41, 112-42, and 112-43.
- (ii) Alternate I Reserved]
- (iii) Alternate II (DEC 2022) of 52.225-3.

- (iv) Alternate III (FEB 2024) of [52.225-3](#)
- (v) Alternate IV (Oct 2022) of [52.225-3](#).
- (50) 52.225-5 Trade Agreements (NOV 2023) ([19 U.S.C. 2501](#), et seq., [19 U.S.C. 3301](#) note).
- (51) 52.225-13 Restrictions on Certain Foreign Purchases (FEB 2021) (E.O.'s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).
- (52) 52.225-26 Contractors Performing Private Security Functions Outside the United States (Oct 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; [10 U.S.C. Subtitle A, Part V, Subpart G Note](#)).
- (53) 52.226-4 Notice of Disaster or Emergency Area Set-Aside (Nov 2007) ( [42 U.S.C. 5150](#)).
- (54) 52.226-5 Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov2007) ( [42 U.S.C. 5150](#)).
- (55) 52.226-8 Encouraging Contractor Policies to Ban Text Messaging While Driving (MAY 2024) (E.O. 13513).
- (56) 52.229-12 Tax on Certain Foreign Procurements (FEB 2021).
- (57) 52.232-29 Terms for Financing of Purchases of Commercial Products and Commercial Services (Nov 2021) ( [41 U.S.C. 4505](#), 10 U.S.C. 3805).
- (58) 52.232-30 Installment Payments for Commercial Products and Commercial Services (Nov 2021) (41 U.S.C. 4505, 10 U.S.C. 3805).
- (59) 52.232-33 Payment by Electronic Funds Transfer-System for Award Management (OCT 2018) ( [31 U.S.C. 3332](#)).
- (60) 52.232-34 Payment by Electronic Funds Transfer-Other than System for Award Management (Jul 2013) ( [31 U.S.C. 3332](#)).
- (61) 52.232-36 Payment by Third Party (May 2014) ([31 U.S.C. 3332](#)).
- (62) 52.239-1 Privacy or Security Safeguards (AUG 1996) ( [5 U.S.C. 552a](#)).
- (63) 52.242-5 Payments to Small Business Subcontractors (JAN 2017) ( [15 U.S.C. 637\(d\)\(13\)](#)).
- (64)(i) 52.247-64 Preference for Privately Owned U.S.-Flag Commercial Vessels (NOV 2021) ( [46 U.S.C. 55305](#) and [10 U.S.C. 2631](#)).
- (ii) Alternate I (APR 2003) of [52.247-64](#).
- (iii) Alternate II (Nov 2021) of [52.247-64](#).

(c)The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial products and commercial services:

- (1) 52.222-41 Service Contract Labor Standards (AUG 2018) ( [41 U.S.C. chapter67](#)).
- (2) 52.222-42 Statement of Equivalent Rates for Federal Hires (MAY 2014) ( [29 U.S.C. 206](#) and [41 U.S.C. chapter 67](#)).
- (3) 52.222-43 Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (Multiple Year and Option Contracts) (AUG 2018) ( [29 U.S.C. 206](#) and [41 U.S.C. chapter 67](#)).
- (4) 52.222-44 Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (May 2014) ( [29U.S.C.206](#) and [41 U.S.C. chapter 67](#)).
- (5) 52.222-51 E Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements (May 2014) ( [41 U.S.C. chapter 67](#)).
- (6) 52.222-53 Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Requirements (MAY 2014) ( [41 U.S.C. chapter 67](#)).

- (7) 52.222-55 Minimum Wages for Contractor Workers Under Executive Order 14026 (JAN 2022).
- (8) 52.222-62 Paid Sick Leave Under Executive Order 13706 (JAN 2022) (E.O. 13706).
- (9) 52.226-6 Promoting Excess Food Donation to Nonprofit Organizations (Jun 2020) ( [42 U.S.C. 179](#)).

(d) *Comptroller General Examination of Record.* The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, as defined in FAR [2.101](#), on the date of award of this contract, and does not contain the clause at [52.215-2](#), Audit and Records-Negotiation.

(1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.

(2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR subpart [4.7](#), Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.

(3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.

(e) (1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c), and (d) of this clause, the Contractor is not required to flow down any FAR clause, other than those in this paragraph (e)(1), in a subcontract for commercial products or commercial services. Unless otherwise indicated below, the extent of the flow down shall be as required by the clause-

- (i) [52.203-13](#), Contractor Code of Business Ethics and Conduct (Nov 2021) ( [41 U.S.C. 3509](#)).
- (ii) [52.203-17](#) Contractor Employee Whistleblower Rights (NOV 2023) (41 U.S.C. 4712)
- (iii) [52.203-19](#), Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017) (section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions)).
- (iv) [52.204-23](#), Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab Covered Entities (DEC 2023) (Section 1634 of Pub. L. 115-91).
- (v) [52.204-25](#), Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (Nov 2021) (Section 889(a)(1)(A) of Pub. L. 115-232).
- (vi) [52.204-27](#), Prohibition on a ByteDance Covered Application (Jun 2023) (Section 102 of Division R of Pub. L. 117-328).
- (vii) (A) 52.204-30, Federal Acquisition Supply Chain Security Act Orders--Prohibition. (DEC 2023) (Pub. L. 115-390, title II).  
(B) Alternate I (DEC 2023) of 52.204-30.
- (viii) [52.219-8](#), Utilization of Small Business Concerns (Feb 2024) ( [15 U.S.C. 637\(d\)\(2\)](#) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds the applicable threshold specified in

- FAR [19.702](#)(a) on the date of subcontract award, the subcontractor must include [52.219-8](#) in lower tier subcontracts that offer subcontracting opportunities.
- (ix) [52.222-21](#), Prohibition of Segregated Facilities (APR 2015).
  - (x) [52.222-26](#), Equal Opportunity (SEP 2015) (E.O.11246).
  - (xi) [52.222-35](#), Equal Opportunity for Veterans (JUN 2020) ( [38 U.S.C. 4212](#)).
  - (xii) [52.222-36](#), Equal Opportunity for Workers with Disabilities (JUN 2020) ( [29 U.S.C. 793](#)).
  - (xiii) [52.222-37](#), Employment Reports on Veterans (JUN 2020) ( [38 U.S.C. 4212](#)).
  - (xiv) [52.222-40](#), Notification of Employee Rights Under the National Labor Relations Act (DEC 2010) (E.O. 13496). Flow down required in accordance with paragraph (f) of FAR clause [52.222-40](#).
  - (xv) [52.222-41](#), Service Contract Labor Standards (AUG 2018) ( [41 U.S.C. chapter 67](#)).
  - (xvi) (A) [52.222-50](#), Combating Trafficking in Persons (Nov 2021) ( [22 U.S.C. chapter 78](#) and E.O. 13627).  
(B) Alternate I (MAR 2015) of [52.222-50](#) ( [22 U.S.C. chapter 78](#) and [E.O. 13627](#)).
  - (xvii) [52.222-51](#), Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements (May 2014) ( [41 U.S.C. chapter 67](#)).
  - (xviii) [52.222-53](#), Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Requirements (MAY 2014) ( [41 U.S.C. chapter 67](#)).
  - (xix) [52.222-54](#), Employment Eligibility Verification (MAY 2022) (E.O. 12989).
  - (xx) [52.222-55](#), Minimum Wages for Contractor Workers Under Executive Order 14026 (JAN 2022).
  - (xxi) [52.222-62](#), Paid Sick Leave Under Executive Order 13706 (JAN 2022) (E.O. 13706).
  - (xxii) (A) [52.224-3](#), Privacy Training (Jan 2017) ( [5 U.S.C. 552a](#) ).  
(B) Alternate I (JAN 2017) of [52.224-3](#).
  - (xxiii) [52.225-26](#), Contractors Performing Private Security Functions Outside the United States (OCT 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. Subtitle A, Part V, Subpart G Note).
  - (xxiv) [52.226-6](#), Promoting Excess Food Donation to Nonprofit Organizations (JUN 2020) ( [42 U.S.C. 1792](#) ). Flow down required in accordance with paragraph (e) of FAR clause [52.226-6](#).
  - (xxv) [52.232-40](#), Providing Accelerated Payments to Small Business Subcontractors (MAR 2023) (31 U.S.C. 3903 and 10 U.S.C. 3801). Flow down required in accordance with paragraph (c) of [52.232-40](#)
  - (xxvi) [52.247-64](#), Preference for Privately Owned U.S.-Flag Commercial Vessels (Nov 2021) ( [46 U.S.C. 55305](#) and [10 U.S.C. 2631](#) ). Flow down required in accordance with paragraph (d) of FAR clause [52.247-64](#).

(2) While not required, the Contractor may include in its subcontracts for commercial products and commercial services a minimal number of additional clauses necessary to satisfy its contractual obligations.

### **CONTRACT DOCUMENTS, EXHIBITS, AND ATTACHMENTS**

Attachment A - Security Requirements

Attachment B – Pricing Sheet

**PERFORMANCE WORK STATEMENT**

**HYATTSVILLE POLICE PATROLS  
UNITED STATES DEPARTMENT OF THE TREASURY, BUREAU OF THE FISCAL SERVICE**

**1.0 OVERVIEW & BACKGROUND**

The Bureau of the Fiscal Service facility located in Hyattsville, Maryland employs more than 200 personnel. The facility is located across from The Mall at Prince George's. This area has recently experienced an increase in criminal activity. The Bureau of the Fiscal Service would like to continue in the accomplishment of its overall mission while ensuring the safety and protection of all government employees, government assets, and the Fiscal Service Facility. The Bureau Chief Security Officer and Commissioner has completed an analysis, and it has been determined that the threat level around the Hyattsville Facility requires additional security precautions. The Hyattsville City Council has authorized the City Administrator to enter into a contract with the United States Government to enhance police presence at the Fiscal Service Facility.

**2.0 OBJECTIVE / SCOPE OF WORK**

A Hyattsville Police Patrol shall act as a visual deterrent by patrolling the area in vehicle and on foot and by conducting checks of the facility and surrounding areas for 20 hours a week, Monday through Friday.

Areas to be patrolled: In and around 6505 Belcrest Road, Hyattsville, MD; parking garage A and B.

**3.0 TASKS AND DELIVERABLES**

- 3.1 The Police Department shall provide uniformed police officers to provide additional security for the surrounding areas of the United States Department of Treasury building.
- a. Police officers shall work these assignments on an overtime basis at the agreed rate per hour.
  - b. If there are insufficient officers available, the Chief of Police shall make necessary duty assignments.
  - c. The minimum compensated time for this assignment is 20 hours per week.
  - d. The maximum pay shall be for a four (4) hour duty period, five days a week, unless exceptional circumstances occur; in which case the pay shall be for the total period.
  - e. All police officers assigned to work this assignment shall be protected by the City of Hyattsville's medical, retirement, liability, and related benefits.
- 3.2 It shall be the responsibility of the individual officers working these events to notify communications that they are working off-duty. This notification shall cover those officers whose names have been received prior to working the assignment, as well as any other officer working off-duty whose name was not included on the initial list.
- a. Prior to reporting to their assignments, officers should make an inquiry to their commander as to the status of the assignment.
  - b. The Department will be responsible for notifying the Chief of the City of Hyattsville Police Department or their designee of any changes or cancellations of the assignment.



#### 4.0 PLACE OF PERFORMANCE

Bureau of the Fiscal Service  
6505 Belcrest Road  
Hyattsville, Maryland 20782

#### 5.0 PERIOD OF PERFORMANCE

The Government anticipates one (1) 12-month period of performance.

#### 6.0 ACQUISITION TYPE

The Government anticipates a firm-fixed-priced contract, with an optional not-to-exceed (NTE) CLIN for additional patrols as needed and when requested by Fiscal Service.

#### 7.0 KEY PERSONNEL CONTACT(S) AND QUALIFICATIONS

The contractor shall provide Hyattsville City Police Officer/s.

#### 8.0 KEY PERSONNEL REPLACEMENT PROCESS

Key personnel may, with the consent of the contracting parties, be amended from time to time during the course of the contract to add or remove key personnel. A formal modification is only required when the key personnel are specifically named in the contract. This process only applies to the extent that the contract does not otherwise specify notice or personnel replacement obligations.

##### ***Government Request***

The Government may require replacement of key personnel in the instance of non-performance, misconduct, or alleged misconduct whose continued use under a contract is contrary to the best interests of the Government. Circumstances that support a request for replacement include but are not limited to performance that is inconsistent with the contract performance work statement (PWS), terms and conditions, or violations of Federal laws, regulations, or agency conduct standards. The Contracting Officer's Representative (COR) will give written notice to the Contractor of the need for substitution, including the circumstances surrounding the request for replacement. In accordance with FAR Part 1.602-2(b), the Contracting Officer (CO) will ensure the Contractor receives impartial, fair, and equitable treatment; however, the CO is not required to investigate or validate allegations or wait until a final resolution of the circumstances surrounding the request for replacement before requiring substitution of key personnel.

Within twenty-four (24) hours of receiving notice, the Contractor shall respond to the Government's request to replace key personnel and provide key personnel replacement resume(s) to the COR(s). The resume(s) shall demonstrate that the qualifications of proposed replacement key personnel meet the qualifications stated in the PWS. The COR will notify the Contractor, in writing, within forty-eight (48) hours of receiving key personnel replacement resume(s) if the Contractor provided replacement personnel is acceptable. The Government reserves the right to disapprove the proposed substitute(s) and negotiate with the Contractor for other key personnel replacement(s). Any Contractor replacement of key personnel must be done in consultation with the COR. The process for replacing key personnel as described above does not suspend the Contractor's obligation to continue performance under the contract.

##### ***Contractor Request***

If the Contractor must substitute key personnel, the Contractor shall provide written notice to the COR and the CO two (2) calendar weeks before the proposed replacement date, whenever possible. At a minimum, the Contractor shall provide the Government with notice forty-eight (48) hours before replacement. The only exception to the forty-eight (48) hour notice is death, incapacitation, abrupt termination, or resignation from employment of key personnel where the Contractor's notice was less than forty-eight (48) hours. If

the deadline for providing notice falls on Friday after 5:00 pm, a weekend, or on a Federal Holiday, the Contractor shall provide notice the next business day if more than forty-eight (48) hours. The notice shall state the circumstances necessitating the proposed substitution of the key personnel and shall provide resume(s) of proposed replacement key personnel for review and consultation. The Contractor shall demonstrate that the qualifications of the proposed substitute(s) meet the qualifications stated in the PWS. The Government reserves the right to disapprove the proposed substitute(s) and negotiate with the Contractor for other key personnel replacement(s). Assignment of key personnel must be done in consultation with the COR.

## **9.0 OTHER REQUIREMENTS**

### ***Building Access and Suitability Clearance***

Upon award of the contract, and prior to the contractor or subcontractor personnel performing any services for the first time at Fiscal Service premises as listed in *Section 4.0 – Place of Performance*, the contractor shall present those personnel to the COR and follow the COR's instructions regarding building access and security requirements. See *Attachment A – Security Requirements* for details.

### ***Compliance with Government Laws, Rules, and Regulations***

While the contractor's personnel are at the Government facility, the contractor is responsible for compliance with all laws, rules, and regulations governing conduct with respect to health and safety – not only as they relate to its employees and agents, but also to other personnel who are government employees or agents of the government and to property at the site regardless of ownership. While on government premises and in possession of government property, the contractor is responsible for such property and any damages thereto.

### ***Confidentiality***

The contractor recognizes that, in performing under this order, the contractor may obtain access to nonpublic information that is confidential or proprietary in nature. Except as permitted by the order, the contractor agrees that it, its employees, its subcontractors, and its subcontract employees shall not disclose to any third party, or otherwise use, any information it obtains or prepares in the course of performance of this agreement for any purpose other than to perform work under the order without first receiving written permission from the contracting officer (CO). The contractor shall secure information received from or prepared or gathered for the Treasury Department under this order in a secure location with access limited to only those personnel with a "need to know." If disclosure of information is required by law or legal process, the contractor shall contact the COR and the CO immediately to receive approval prior to release of any information. Notwithstanding any other language contained herein, the contractor shall comply with 31 CFR § 31.217 (Regarding 31 CFR § 31.217, this is not a TARP covered project; however, FAS requires that nonpublic information be secured as stated in 31 CFR § 31.217. The only difference is that if information is inadvertently released, the contractor shall contact the COR and CO listed in the order and not contact TARP personnel). The contractor personnel performing services under this order shall comply and complete the security requirements listed in *Attachment A – Security Requirements* at least two weeks before start date of the order performance or performing work under this order.

### ***Non-Personal Services Statement***

Contractor employees performing services shall be controlled, directed and supervised at all times by management personnel of the contractor. Contractor employees shall perform independent of and without the supervision of any Government official with the exception of when they are on-site at the government's facility. Actions of contractor employees may not be interpreted or implemented in any manner that results in any contractor employee creating or modifying Federal policy, obligating the appropriated funds of the U.S. Government, overseeing the work of Federal employees, providing direct personal services to any Federal employee or otherwise violating the prohibitions set forth in Parts 7.5 and 37.1 of the Federal Acquisition Regulation (FAR).

## **Conduct**

The contractor, although in fact not a Government employee, shall comply with Executive Order 11222, May 8, 1965, "Prescribing Standards of Ethical Conduct for Government Officers and Employees," and shall also comply with Fiscal Service regulations implementing this Executive Order. Additionally, the contractor shall comply with all safety practices, vehicle registration, speed limits and any other Fiscal Service regulations and policy applicable to conduct standard. Contractor personnel driving a motor vehicle on Fiscal Service property cannot use a cell phone unless the vehicle is safely parked or the driver is using a hands-free device. Additionally:

1. The contractor shall maintain satisfactory standards of the employee competency, conduct, appearance, and integrity.
2. The contractor shall take appropriate disciplinary action against his/her employees when necessary.
3. Each contractor employee is expected to adhere to standards of conduct that reflects credit on themselves, their employer, and the Government.
4. The Government reserves the right to direct the contractor to remove an employee from the work site for failure to comply with the standards of conduct.
5. The contractor shall initiate immediate action within 48 hours to replace a removed employee to maintain continuity of services at no additional cost to the Government.

## **10.0 CONTRACTING OFFICER AUTHORITY**

In no event shall any understanding or agreement between the contractor and any Government employee other than the CO on any order modifications, change orders, letter or verbal direction to the contractor be effective or binding upon the Government. All such actions shall be formalized by the proper contractual document executed by the appointed CO. The contractor is hereby put on notice that if a Government employee other than the CO directs a change in the work to be performed or increases the scope of work to be performed, it is the contractor's responsibility to make inquiry of the CO before making the deviation. Payments will not be made without being authorized by the appointed CO with the legal authority to bind the Government.

## **11.0 FEDERAL HOLIDAYS**

Fiscal Service observes the Federal holidays that are listed below and on the Office of Personnel Management website at <https://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/holidays-work-schedules-and-pay/>. Except as specified by the CO, services shall not be required on the following Federal holidays:

New Year's Day	Inauguration Day (Washington DC only)	Martin Luther King's Day
President's Day	Memorial Day	Juneteenth National Independence Day
Independence Day	Labor Day	Columbus Day
Veteran's Day	Thanksgiving	Christmas

Holidays falling on Saturdays are observed the Friday proceeding the holiday, while those falling on Sundays are observed on the Monday following the holiday. Holidays shall also include any additional day(s) granted by executive order.

#### 11.1 Unforeseen Government Facility Closures

When an unforeseen Government facility closure occurs (i.e., national emergency) on a regularly scheduled day of work, the Contractor will not be required to perform any services on the day of the closure.

### 12.0 QUALITY CONTROL PLAN

The contractor shall establish a complete quality control plan (QCP) for this contract. The QCP shall be maintained by the contractor to ensure that the requirements of the contract are met as specified in the Quality Assurance Surveillance Plan described below.

### 13.0 QUALITY ASSURANCE SURVEILLANCE PLAN

The purpose of the quality assurance surveillance plan, or QASP, is to ensure that reliable, uninterrupted services are provided in accordance with the PWS. This plan will also ensure acceptable performance and assist in avoiding unnecessary mistakes and/or delays.

During contract performance, the COR will summarize and document the contractor's service and delivery performance utilizing the following performance categories and standards:

**Completeness** - Tasks and deliverables described in Section 3.0 were 100% completed by the contractor.

**Effectiveness** - Tasks and deliverables provided by the contractor were 100% effective toward contributing to the overall success of the project.

**Timeliness** - Tasks and deliverables were 100% completed within the agreed-upon schedule and specified periods of performance.

**Communication** - Communication with the Government was 100% professional.

**Surveillance method: random evaluation.** This method employs a "spot check" style of evaluation and may be adjusted based on quality trends. The Government retains the right to inspect all requirements of the order.

#### Incentives/Disincentives

**Incentive:** If the contractor performs the tasks and deliverables in accordance with the performance standards described above, then satisfactory comments/ratings will be documented on the contractor's past performance.

**Disincentive:** If the contractor does not perform the tasks and deliverables in accordance with the performance standards described above, then unsatisfactory comments/ratings will be documented on the contractor's past performance.

**Performance issues:** If the Government evaluations identify unacceptable performance in any of the above categories, the COR will record it and notify the contractor within three (3) business days. The contractor will be required to initial the observation. Initialing of the observation does not constitute contractor concurrence with the observation; it only indicates acknowledgement that the contractor has been made aware of a potential performance issue(s). The contractor shall meet with the Government for developing and implementing a plan to correct any performance issue(s) at no additional cost to the Government. If the contractor does not agree with correcting the unacceptable performance issue(s) within

the time specified by the Government, then the COR will notify the administrative contracting officer, or ACO, who will take the appropriate administrative action for unacceptable performance.

#### **14.0 DATA RIGHTS**

Upon contract expiration, the contractor shall have no property or possessor rights to any of the correspondence, files, or materials of whatever kind or description, or any copies of duplicates of such, whether developed or prepared by them or furnished to them by the Government in connection with the performance of the task order. Upon demand, the contractor shall immediately surrender to the Government such items, matters, materials, and copies. In addition to the provisions, terms, and conditions relating to the deliverables stated in this task order (including hardware, software, and algorithmic code), the U.S. Government has rights set forth in FAR 52.227-17 *Rights in Data—Special Works*.

#### **15.0 SECURITY REQUIREMENTS**

The contractor personnel performing services under this order shall comply with all of the security requirements listed in *Attachment A – Security Requirements*.

## SOLICITATION PROVISIONS

### **52.252-5 AUTHORIZED DEVIATIONS IN PROVISIONS (NOV 2020)**

(a) The use in this solicitation of any Federal Acquisition Regulation (48 CFR Chapter 1) provision with an authorized deviation is indicated by the addition of "(DEVIATION)" after the date of the provision.

(b) The use in this solicitation of any Department of Treasury Acquisition Regulations 48 CFR Chapter 10 provision with an authorized deviation is indicated by the addition of "(DEVIATION)" after the name of the regulation.

### **52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)**

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address: <https://www.acquisition.gov/>

### **52.204-7 SYSTEM FOR AWARD MANAGEMENT (OCT 2018)**

### **52.204-22 ALTERNATIVE LINE ITEM PROPOSAL (JAN 2017)**

### **52.204-24 REPRESENTATION REGARDING CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT (NOV 2021)**

The Offeror shall not complete the representation at paragraph (d)(1) of this provision if the Offeror has represented that it "does not provide covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument" in paragraph (c)(1) in the provision at 52.204-26, Covered Telecommunications Equipment or Services—Representation, or in paragraph (v)(2)(i) of the provision at 52.212-3, Offeror Representations and Certifications-Commercial Products or Commercial Services. The Offeror shall not complete the representation in paragraph (d)(2) of this provision if the Offeror has represented that it "does not use covered telecommunications equipment or services, or any equipment, system, or service that uses covered telecommunications equipment or services" in paragraph (c)(2) of the provision at 52.204-26, or in paragraph (v)(2)(ii) of the provision at 52.212-3.

(a) Definitions. As used in this provision—

Backhaul, covered telecommunications equipment or services, critical technology, interconnection arrangements, reasonable inquiry, roaming, and substantial or essential component have the meanings provided in the clause 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

(b) Prohibition. (1) Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. Nothing in the prohibition shall be construed to—

(i) Prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(ii) Cover telecommunications equipment that cannot route or redirect user data traffic or cannot permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(2) Section 889(a)(1)(B) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2020, from entering into a contract or extending or renewing a contract with an entity that uses any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. This prohibition applies to the use of covered telecommunications equipment or services, regardless of whether that use is in performance of work under a Federal contract. Nothing in the prohibition shall be construed to—

(i) Prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(ii) Cover telecommunications equipment that cannot route or redirect user data traffic or cannot permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(c) Procedures. The Offeror shall review the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov>) for entities excluded from receiving federal awards for "covered telecommunications equipment or services".

(d) Representation. The Offeror represents that—

(1) It  will,  will not provide covered telecommunications equipment or services to the Government in the performance of any contract, subcontract or other contractual instrument resulting from this solicitation. The Offeror shall provide the additional disclosure information required at paragraph (e)(1) of this section if the Offeror responds "will" in paragraph (d)(1) of this section; and

(2) After conducting a reasonable inquiry, for purposes of this representation, the Offeror represents that—

It  does,  does not use covered telecommunications equipment or services, or use any equipment, system, or service that uses covered telecommunications equipment or services. The Offeror shall provide the additional disclosure information required at paragraph (e)(2) of this section if the Offeror responds "does" in paragraph (d)(2) of this section.

(e) Disclosures. (1) Disclosure for the representation in paragraph (d)(1) of this provision. If the Offeror has responded "will" in the representation in paragraph (d)(1) of this provision, the Offeror shall provide the following information as part of the offer:

(i) For covered equipment—

(A) The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the original equipment manufacturer (OEM) or a distributor, if known);

(B) A description of all covered telecommunications equipment offered (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); and

(C) Explanation of the proposed use of covered telecommunications equipment and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(1) of this provision.

(ii) For covered services—

(A) If the service is related to item maintenance: A description of all covered telecommunications services offered (include on the item being maintained: Brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); or

(B) If not associated with maintenance, the Product Service Code (PSC) of the service being provided; and explanation of the proposed use of covered telecommunications services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(1) of this provision.

(2) Disclosure for the representation in paragraph (d)(2) of this provision. If the Offeror has responded "does" in the representation in paragraph (d)(2) of this provision, the Offeror shall provide the following information as part of the offer:

(i) For covered equipment—

(A) The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the OEM or a distributor, if known);

(B) A description of all covered telecommunications equipment offered (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); and

(C) Explanation of the proposed use of covered telecommunications equipment and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(2) of this provision.

(ii) For covered services—

(A) If the service is related to item maintenance: A description of all covered telecommunications services offered (include on the item being maintained: Brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); or

(B) If not associated with maintenance, the PSC of the service being provided; and explanation of the proposed use of covered telecommunications services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(2) of this provision.

#### **52.204-26 COVERED TELECOMMUNICATIONS EQUIPMENT OR SERVICES-REPRESENTATION (OCT 2020)**

(a) *Definitions.* As used in this provision, “covered telecommunications equipment or services and “reasonable inquiry” have the meaning provided in the clause [52.204-25](#), Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

(b) *Procedures.* The Offeror shall review the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov>) for entities excluded from receiving federal awards for “covered telecommunications equipment or services”.

(c)(1) *Representations.* The Offeror represents that it  does,  does not provide covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument.

(2) After conducting a reasonable inquiry for purposes of this representation, the offeror represents that it  does,  does not use covered telecommunications equipment or services, or any equipment, system, or service that uses covered telecommunications equipment or services.

#### **52.204-29 FEDERAL ACQUISITION SUPPLY CHAIN SECURITY ACT ORDERS—REPRESENTATION AND DISCLOSURES (DEC 2023)**

(a) *Definitions.* As used in this provision, *Covered article*, *FASCSA order*, *Intelligence community*, *National security system*, *Reasonable inquiry*, *Sensitive compartmented information*, *Sensitive compartmented information system*, and *Source* have the meaning provided in the clause [52.204-30](#), Federal Acquisition Supply Chain Security Act Orders—Prohibition.

(b) *Prohibition.* Contractors are prohibited from providing or using as part of the performance of the contract any covered article, or any products or services produced or provided by a source, if the prohibition is set out in an applicable Federal Acquisition Supply Chain Security Act (FASCSA) order, as described in paragraph (b)(1) of FAR [52.204-30](#), Federal Acquisition Supply Chain Security Act Orders—Prohibition.

(c) *Procedures.*

(1) The Offeror shall search for the phrase “FASCSA order” in the System for Award Management (SAM) (<https://www.sam.gov>) for any covered article, or any products or services produced



or provided by a source, if there is an applicable FASCSA order described in paragraph (b)(1) of FAR 52.204-30, Federal Acquisition Supply Chain Security Act Orders—Prohibition.

(2) The Offeror shall review the solicitation for any FASCSA orders that are not in SAM, but are effective and do apply to the solicitation and resultant contract (see FAR 4.2303(c)(2)).

(3) FASCSA orders issued after the date of solicitation do not apply unless added by an amendment to the solicitation.

(d) *Representation.* By submission of this offer, the offeror represents that it has conducted a reasonable inquiry, and that the offeror does not propose to provide or use in response to this solicitation any covered article, or any products or services produced or provided by a source, if the covered article or the source is prohibited by an applicable FASCSA order in effect on the date the solicitation was issued, except as waived by the solicitation, or as disclosed in paragraph (e).

(e) *Disclosures.* The purpose for this disclosure is so the Government may decide whether to issue a waiver. For any covered article, or any products or services produced or provided by a source, if the covered article or the source is subject to an applicable FASCSA order, and the Offeror is unable to represent compliance, then the Offeror shall provide the following information as part of the offer:

(1) Name of the product or service provided to the Government;

(2) Name of the covered article or source subject to a FASCSA order;

(3) If applicable, name of the vendor, including the Commercial and Government Entity code and unique entity identifier (if known), that supplied the covered article or the product or service to the Offeror;

(4) Brand;

(5) Model number (original equipment manufacturer number, manufacturer part number, or wholesaler number);

(6) Item description;

(7) Reason why the applicable covered article or the product or service is being provided or used;

(f) *Executive agency review of disclosures.* The contracting officer will review disclosures provided in paragraph (e) to determine if any waiver may be sought. A contracting officer may choose not to pursue a waiver for covered articles or sources otherwise subject to a FASCSA order and may instead make an award to an offeror that does not require a waiver.

#### **52.209-2 PROHIBITION ON CONTRACTING WITH INVERTED DOMESTIC CORPORATIONS-- REPRESENTATION (NOV 2015)**

(a) *Definitions.* “Inverted domestic corporation” and “subsidiary” have the meaning given in the clause of this contract entitled Prohibition on Contracting with Inverted Domestic Corporations (52.209-10).

(b) Government agencies are not permitted to use appropriated (or otherwise made available) funds for contracts with either an inverted domestic corporation, or a subsidiary of an inverted domestic corporation, unless the exception at 9.108-2(b) applies or the requirement is waived in accordance with the procedures at 9.108-4.

(c) *Representation.* The offeror represents that—

- (1) It  is,  is not an inverted domestic corporation; and
- (2) It  is,  is not a subsidiary of an inverted domestic corporation.

**52.212-1 INSTRUCTIONS TO OFFERORS -- COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES (SEP 2023)**

**NOTICE TO FIRMS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT**

In accordance with FAR 9.405, offers, quotes, proposals are not solicited from firms debarred, suspended, or proposed for debarment. Ineligible firms shall consider this an informational copy only.

### PROPOSAL INSTRUCTIONS

The Offeror assumes full responsibility for ensuring all electronic materials and attachments submitted are formatted in accordance with the Bureau of the Fiscal Service Security Requirements. The following file extensions are not allowable and application materials/data submitted with these extensions cannot be considered:

.b64, .bat, .bhx .cab, .chm, .cmd, .com, .cpl, .dot, .dotx, .exe, .hqx, .hta, Media, .mhtml, mht,.mim, .mp3, .mp4, .one, .pif, .rar, .scr, .vbs, .uu, .uue, .vbs, .wsf, xxe,.wmv, html, mhtml, and .zip files

The Government does not allow 3rd party messaging systems/secure mail, other than when authorized by the Government. In those cases, the Government's 3rd party message system will be used when requested.

Microsoft Office non-macro enabled compatible documents and .PDF documents are acceptable. If the Offeror determines that other formats are necessary, it is the Offeror's responsibility to verify with Fiscal Service that those formats are acceptable. Proposal materials with unacceptable or unreadable formats may be found non-responsive.

In addition to the items specified in the solicitation provision above, the following information is necessary to enable proper evaluation:

Offerors shall, in relation to providing clear and sufficient information that their personnel meet the minimum qualifications stated in the Performance Work Statement:

(a) NOT send by email a copy of an identification card with a photograph such as a driver's license, social security card, or passport, or prior government security clearance documents, etc., and

(b) NOT include their physical home and mailing address, social security number, etc. in their supporting resumes and education attainments.

i. Redact or mark out with permanent black marker their physical or mailing address in their educational attainments, leaving the individual's name on the document(s).

(c) NOT include any information that can be used to distinguish or trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual that would be considered Personally Identifiable Information (PII).

i. Examples are, but not limited to, education attainment documents that contain the individual's name and home address, financial transactions, medical history, and criminal or employment history and information; which can be used to distinguish or trace an individual's identity, such as their name, social security number, national ID number, date and place of birth, mother's maiden name, biometric records, photograph, physical home and/or email address, phone number, driver's license, etc., including any other personal information which is linked or linkable to an individual.

(d) Price shall be shown in U.S. dollars with a maximum of two decimal points.

(e) Include the following:

- 1) Per unit and extended pricing for each item, using Attachment B – Pricing Sheet.
- 2) UEI #: \_\_\_\_\_
- 3) Invoice Terms: \_\_\_\_\_

4) Payment Terms: \_\_\_\_\_

### **Basis of Award**

The Government will evaluate your company's quote for technical acceptance and your company's price to determine if it is fair and reasonable in accordance with FAR Part 13.106-3(a)(2) for consideration in awarding a firm-fixed-priced purchase order.

### **52.212-2 EVALUATION -- COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES (NOV 2021)**

- (a) The Government will award a contract resulting from this solicitation to the responsible offeror whose offer conforming to the solicitation will be most advantageous to the Government, price and other factors considered.
- (b) A written notice of award or acceptance of an offer, mailed or otherwise furnished to the successful offeror within the time for acceptance specified in the offer, shall result in a binding contract without further action by either party. Before the offer's specified expiration time, the Government may accept an offer (or part of an offer), whether or not there are negotiations after its receipt, unless a written notice of withdrawal is received before award.

### **52.217-5 EVALUATION OF OPTIONS (JUL 1990)**

### **52.219-1 SMALL BUSINESS PROGRAM REPRESENTATIONS (FEB 2024).**

- (a) *Definitions.* As used in this provision-

*Economically disadvantaged women-owned small business (EDWOSB) concern* means a small business concern that is at least 51 percent directly and unconditionally owned by, and the management and daily business operations of which are controlled by, one or more women who are citizens of the United States and who are economically disadvantaged in accordance with [13 CFR part 127](#), and the concern is certified by SBA or an approved third-party certifier in accordance with [13 CFR 127.300](#). It automatically qualifies as a women-owned small business concern eligible under the WOSB Program.

*Service-disabled veteran-owned small business (SDVOSB) concern* means a small business concern-

(1) (i) Not less than 51 percent of which is owned and controlled by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

(ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a service-disabled veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran or;

(2) A small business concern eligible under the SDVOSB Program in accordance with 13 CFR part 128 (see subpart [19.14](#)).

(3) *Service-disabled veteran*, as used in this definition, means a veteran as defined in [38 U.S.C.101\(2\)](#), with a disability that is service-connected, as defined in [38 U.S.C.101\(16\)](#), with a disability that is service-connected, as defined in 38 U.S.C. 101(16), and who is registered in the Beneficiary Identification and Records Locator Subsystem, or successor system that is maintained by the Department of Veterans Affairs' Veterans Benefits Administration, as a service-disabled veteran.

*Service-disabled veteran-owned small business (SDVOSB) concern eligible under the SDVOSB Program* means an SDVOSB concern that—

(1) Effective January 1, 2024, is designated in the System for Award Management (SAM) as certified by the Small Business Administration (SBA) in accordance with 13 CFR 128.300; or

(2) Has represented that it is an SDVOSB concern in SAM and submitted a complete application for certification to SBA on or before December 31, 2023.

*Service-disabled veteran-owned small business (SDVOSB) Program* means a program that authorizes contracting officers to limit competition, including award on a sole-source basis, to SDVOSB concerns eligible under the SDVOSB Program.

*Small business concern*—

(1) Means a concern, including its affiliates, that is independently owned and operated, not dominant in its field of operation, and qualified as a small business under the criteria in [13 CFR part 121](#) and the size standard in paragraph (b) of this provision.

(2) *Affiliates*, as used in this definition, means business concerns, one of whom directly or indirectly controls or has the power to control the others, or a third party or parties control or have the power to control the others. In determining whether affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationships. SBA determines affiliation based on the factors set forth at 13 CFR 121.103.

*Small disadvantaged business concern*, consistent with 13 CFR 124.1001, means a small business concern under the size standard applicable to the acquisition, that-

(1) Is at least 51 percent unconditionally and directly owned (as defined at 13 CFR 124.105) by-

(i) One or more socially disadvantaged (as defined at 13 CFR 124.103) and economically disadvantaged (as defined at 13 CFR 124.104) individuals who are citizens of the United States, and

(ii) Each individual claiming economic disadvantage has a net worth not exceeding the threshold at 13 CFR 124.104(c)(2) after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2); and

(2) The management and daily business operations of which are controlled (as defined at 13 CFR 124.106) by individuals who meet the criteria in paragraphs (1)(i) and (ii) of this definition.

*Veteran-owned small business concern* means a small business concern-

(1) Not less than 51 percent of which is owned by one or more veterans (as defined at [38 U.S.C.101\(2\)](#)) or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

(2) The management and daily business operations of which are controlled by one or more veterans.

*Women-owned small business concern* means a small business concern-

(1) That is at least 51 percent owned by one or more women; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

(2) Whose management and daily business operations are controlled by one or more women.

*Women-owned small business (WOSB) concern eligible under the WOSB Program* (in accordance with [13 CFR part 127](#)) means a small business concern that is at least 51 percent directly and unconditionally owned by, and the management and daily business operations of which are controlled by, one or more women who are citizens of the United States, and the concern is certified by SBA or an approved third-party certifier in accordance with [13 CFR 127.300](#).

(b) (1) The North American Industry Classification System (NAICS) code for this acquisition is **541519**.

(2) The small business size standard is **\$34 Million**.

(3) The small business size standard for a concern that submits an offer, other than on a construction or service acquisition, but proposes to furnish an end item that it did not itself manufacture, process, or produce (*i.e.*, nonmanufacturer), is 500 employees, or 150 employees for information technology value-added resellers under NAICS code 541519, if the acquisition—

(i) Is set aside for small business and has a value above the simplified acquisition threshold;

(ii) Uses the HUBZone price evaluation preference regardless of dollar value, unless the offeror waives the price evaluation preference; or

(iii) Is an 8(a), HUBZone, service-disabled veteran-owned, economically disadvantaged women-owned, or women-owned small business set-aside or sole-source award regardless of dollar value.

(c) *Representations.*

(1) The offeror represents as part of its offer that—

(i) it  is,  is not a small business concern; or

(ii) It  is,  is not a small business joint venture that complies with the requirements of [13 CFR 121.103\(h\)](#) and [13 CFR 125.8\(a\)](#) and [\(b\)](#). [ *The offeror shall enter the name and unique entity identifier of each party to the joint venture: \_\_\_.* ]

(2) [ *Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.* ] The offeror represents that it  is,  is not, a small disadvantaged business concern as defined in 13 CFR 124.1001.

(3) [ *Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.* ] The offeror represents as part of its offer that it  is,  is not a women-owned small business concern.

(4) *Women-owned small business (WOSB) joint venture eligible under the WOSB Program.* The offeror represents as part of its offer that it  is,  is not a joint venture that complies with the requirements of [13 CFR 127.506\(a\)](#) through [\(c\)](#). [ *The offeror shall enter the name and unique entity identifier of each party to the joint venture: \_\_\_.* ]

(5) *Economically disadvantaged women-owned small business (EDWOSB) joint venture.* The offeror represents as part of its offer that it  is,  is not a joint venture that complies with the requirements of 13 CFR 127.506(a) through (c). [ *The offeror shall enter the name and unique entity identifier of each party to the joint venture: \_\_.*]

(6) *Veteran-owned small business concern.* [ *Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.*] The offeror represents as part of its offer that it  is,  is not a veteran-owned small business concern.

(7) *SDVOSB concern.* [ *Complete only if the offeror represented itself as a veteran-owned small business concern in paragraph (c)(6) of this provision.*] The offeror represents as part of its offer that it  is,  is not an SDVOSB concern.

(8) *SDVOSB joint venture eligible under the SDVOSB Program.* [ *Complete only if the offeror represented itself as a SDVOSB concern in paragraph (c)(7) of this provision.*] The offeror represents as part of its offer that it  is,  is not a SDVOSB joint venture eligible under the SDVOSB Program that complies with the requirements of 13 CFR 128.402. [ *The offeror shall enter the name and unique entity identifier of each party to the joint venture: \_\_.*]

(9) *HUBZone small business concern.* [ *Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.*] The offeror represents, as part of its offer, that—

(i) It  is,  is not a HUBZone small business concern listed, on the date of this representation, as having been certified by SBA as a HUBZone small business concern in the Dynamic Small Business Search and SAM, and will attempt to maintain an employment rate of HUBZone residents of 35 percent of its employees during performance of a HUBZone contract (see [13 CFR 126.200\(e\)\(1\)](#)); and

(ii) It  is,  is not a HUBZone joint venture that complies with the requirements of [13 CFR 126.616\(a\)](#) through (c). [ *The offeror shall enter the name and unique entity identifier of each party to the joint venture: \_\_.*] Each HUBZone small business concern participating in the HUBZone joint venture shall provide representation of its HUBZone status.

(d) *Notice.* Under [15 U.S.C. 645\(d\)](#), any person who misrepresents a firm's status as a business concern that is small, HUBZone small, small disadvantaged, service-disabled veteran-owned small, economically disadvantaged women-owned small, or women-owned small eligible under the WOSB Program in order to obtain a contract to be awarded under the preference programs established pursuant to section 8, 9, 15, 31, and 36 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall-

- (1) Be punished by imposition of fine, imprisonment, or both;
- (2) Be subject to administrative remedies, including suspension and debarment; and
- (3) Be ineligible for participation in programs conducted under the authority of the Act.

#### **52.225-4 BUY AMERICAN -- FREE TRADE AGREEMENTS – ISRAELI TRADE ACT CERTIFICATE (NOV 2023)**

(a) (1) The Offeror certifies that each end product, except those listed in paragraph (b) or (c)(1) of this provision, is a domestic end product and that each domestic end product listed in paragraph (c)(2) of this provision contains a critical component.

(2) The terms "Bahraini, Moroccan, Omani, Panamanian, or Peruvian end product," "commercially

available off-the-shelf (COTS) item," "critical component," "domestic end product," "end product," "foreign end product," "Free Trade Agreement country," "Free Trade Agreement country end product," "Israeli end product," and "United States" are defined in the clause of this solicitation entitled "Buy American-Free Trade Agreements-Israeli Trade Act."

(b) The Offeror certifies that the following supplies are Free Trade Agreement country end products (other than Bahraini, Moroccan, Omani, Panamanian, or Peruvian end products) or Israeli end products as defined in the clause of this solicitation entitled "Buy American-Free Trade Agreements-Israeli Trade Act":

Free Trade Agreement Country End Products (Other than Bahraini, Moroccan, Omani, Panamanian, or Peruvian End Products) or Israeli End Products:

Line Item No.	Country of Origin:

[List as necessary]

(c) (1) The Offeror shall list those supplies that are foreign end products (other than those listed in paragraph (b) of this provision) as defined in the clause of this solicitation entitled "Buy American-Free Trade Agreements-Israeli Trade Act." The Offeror shall list as other foreign end products those end products manufactured in the United States that do not qualify as domestic end products. For those foreign end products that do not consist wholly or predominantly of iron or steel or a combination of both, the Offeror shall also indicate whether these foreign end products exceed 55 percent domestic content, except for those that are COTS items. If the percentage of the domestic content is unknown, select "no". Other Foreign End Products:

Line Item No.	Country of Origin	Exceeds 55% domestic content (yes/no)

[List as necessary]

(2) The Offeror shall list the line item numbers of domestic end products that contain a critical component (see FAR 25.105).

Line Item No. \_\_\_\_

[List as necessary]

(d) The Government will evaluate offers in accordance with the policies and procedures of part 25 of the Federal Acquisition Regulation.

**52.225-25 PROHIBITION ON CONTRACTING WITH ENTITIES ENGAGING IN CERTAIN ACTIVITIES OR TRANSACTIONS RELATING TO IRAN—REPRESENTATION AND CERTIFICATIONS (JUN 2020)**



### 52.212-3 OFFEROR REPRESENTATIONS AND CERTIFICATIONS - COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES (MAY 2024)

The Offeror shall complete only paragraph (b) of this provision if the Offeror has completed the annual representations and certification electronically in the System for Award Management (SAM) accessed through <https://www.sam.gov>. If the Offeror has not completed the annual representations and certifications electronically, the Offeror shall complete only paragraphs (c) through (v) of this provision.

(a) *Definitions*. As used in this provision -

*Covered telecommunications equipment or services* has the meaning provided in the clause 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

*Economically disadvantaged women-owned small business (EDWOSB) concern* means a small business concern that is at least 51 percent directly and unconditionally owned by, and the management and daily business operations of which are controlled by, one or more women who are citizens of the United States and who are economically disadvantaged in accordance with [13 CFR part 127](#), and the concern is certified by SBA or an approved third-party certifier in accordance with [13 CFR 127.300](#). It automatically qualifies as a women-owned small business eligible under the WOSB Program.

*Forced or indentured child labor* means all work or service -

- (1) Exacted from any person under the age of 18 under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily; or
- (2) Performed by any person under the age of 18 pursuant to a contract the enforcement of which can be accomplished by process or penalties.

*Highest-level owner* means the entity that owns or controls an immediate owner of the offeror, or that owns or controls one or more entities that control an immediate owner of the offeror. No entity owns or exercises control of the highest level owner.

*Immediate owner* means an entity, other than the offeror, that has direct control of the offeror. Indicators of control include, but are not limited to, one or more of the following: Ownership or interlocking management, identity of interests among family members, shared facilities and equipment, and the common use of employees.

*Inverted domestic corporation* means a foreign incorporated entity that meets the definition of an inverted domestic corporation under [6 U.S.C. 395\(b\)](#), applied in accordance with the rules and definitions of [6 U.S.C. 395\(c\)](#).

*Manufactured end product* means any end product in product and service codes (PSCs) 1000-9999, except -

- (1) PSC 5510, Lumber and Related Basic Wood Materials;
- (2) Product or Service Group (PSG) 87, Agricultural Supplies;
- (3) PSG 88, Live Animals;
- (4) PSG 89, Subsistence;
- (5) PSC 9410, Crude Grades of Plant Materials;
- (6) PSC 9430, Miscellaneous Crude Animal Products, Inedible;
- (7) PSC 9440, Miscellaneous Crude Agricultural and Forestry Products;
- (8) PSC 9610, Ores;
- (9) PSC 9620, Minerals, Natural and Synthetic; and
- (10) PSC 9630, Additive Metal Materials.

*Place of manufacture* means the place where an end product is assembled out of components, or otherwise made or processed from raw materials into the finished product that is to be provided to the Government. If a product is disassembled and reassembled, the place of reassembly is not the place of manufacture.

*Predecessor* means an entity that is replaced by a successor and includes any predecessors of the predecessor.

*Reasonable inquiry* has the meaning provided in the clause 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

*Restricted business operations* means business operations in Sudan that include power production activities, mineral extraction activities, oil-related activities, or the production of military equipment, as those terms are defined in the Sudan Accountability and Divestment Act of 2007 ([Pub. L. 110-174](#)). Restricted business operations do not include business operations that the person (as that term

is defined in Section 2 of the Sudan Accountability and Divestment Act of 2007) conducting the business can demonstrate -

- (1) Are conducted under contract directly and exclusively with the regional government of southern Sudan;
- (2) Are conducted pursuant to specific authorization from the Office of Foreign Assets Control in the Department of the Treasury, or are expressly exempted under Federal law from the requirement to be conducted under such authorization;
- (3) Consist of providing goods or services to marginalized populations of Sudan;
- (4) Consist of providing goods or services to an internationally recognized peacekeeping force or humanitarian organization;
- (5) Consist of providing goods or services that are used only to promote health or education; or
- (6) Have been voluntarily suspended.

*Sensitive technology* -

- (1) Means hardware, software, telecommunications equipment, or any other technology that is to be used specifically -
  - (i) To restrict the free flow of unbiased information in Iran; or
  - (ii) To disrupt, monitor, or otherwise restrict speech of the people of Iran; and
- (2) Does not include information or informational materials the export of which the President does not have the authority to regulate or prohibit pursuant to section 203(b)(3) of the International Emergency Economic Powers Act ([50 U.S.C. 1702\(b\)\(3\)](#)).

*Service-disabled veteran-owned small business (SDVOSB) concern* means a small business concern—

- (1) (i) Not less than 51 percent of which is owned and controlled by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and
  - (ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a service-disabled veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran; or
- (2) A small business concern eligible under the SDVOSB Program in accordance with 13 CFR part 128 (see subpart [19.14](#)).

(3) *Service-disabled veteran*, as used in this definition, means a veteran as defined in [38 U.S.C. 101\(2\)](#), with a disability that is service connected, as defined in [38 U.S.C. 101\(16\)](#), and who is registered in the Beneficiary Identification and Records Locator Subsystem, or successor system that is maintained by the Department of Veterans Affairs' Veterans Benefits Administration, as a service-disabled veteran.

*Service-disabled veteran-owned small business (SDVOSB) concern* eligible under the SDVOSB Program means an SDVOSB concern that—

- (1) Effective January 1, 2024, is designated in the System for Award Management (SAM) as certified by the Small Business Administration (SBA) in accordance with 13 CFR 128.300; or
- (2) Has represented that it is an SDVOSB concern in SAM and submitted a complete application for certification to SBA on or before December 31, 2023.

*Service-disabled veteran-owned small business (SDVOSB) Program* means a program that authorizes contracting officers to limit competition, including award on a sole-source basis, to SDVOSB concerns eligible under the SDVOSB Program.

*Small business concern* -

- (1) Means a concern, including its affiliates, that is independently owned and operated, not dominant in its field of operation, and qualified as a small business under the criteria in [13 CFR part 121](#) and size standards in this solicitation.
- (2) *Affiliates*, as used in this definition, means business concerns, one of whom directly or indirectly controls or has the power to control the others, or a third party or parties control or have the power to control the others. In determining whether affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationships. SBA determines affiliation based on the factors set forth at [13 CFR 121.103](#).

*Small disadvantaged business concern*, consistent with [13 CFR 124.1001](#), means a small business concern under the size standard applicable to the acquisition, that -

- (1) Is at least 51 percent unconditionally and directly owned (as defined at [13 CFR](#)

[124.105](#)) by -

(i) One or more socially disadvantaged (as defined at [13 CFR 124.103](#)) and economically disadvantaged (as defined at [13 CFR 124.104](#)) individuals who are citizens of the United States; and

(ii) Each individual claiming economic disadvantage has a net worth not exceeding the threshold at 13 CFR 124.104(c)(2) after taking into account the applicable exclusions set forth at [13 CFR 124.104\(c\)\(2\)](#); and

(2) The management and daily business operations of which are controlled (as defined at 13.CFR 124.106) by individuals, who meet the criteria in paragraphs (1)(i) and (ii) of this definition.

*Subsidiary* means an entity in which more than 50 percent of the entity is owned -

(1) Directly by a parent corporation; or

(2) Through another subsidiary of a parent corporation.

*Successor* means an entity that has replaced a predecessor by acquiring the assets and carrying out the affairs of the predecessor under a new name (often through acquisition or merger). The term "successor" does not include new offices/divisions of the same company or a company that only changes its name. The extent of the responsibility of the successor for the liabilities of the predecessor may vary, depending on State law and specific circumstances.

*Veteran-owned small business concern* means a small business concern -

(1) Not less than 51 percent of which is owned and controlled by one or more veterans (as defined at [38 U.S.C. 101\(2\)](#)) or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

(2) The management and daily business operations of which are controlled by one or more veterans.

*Women-owned business concern* means a concern which is at least 51 percent owned by one or more women; or in the case of any publicly owned business, at least 51 percent of its stock is owned by one or more women; and whose management and daily business operations are controlled by one or more women.

*Women-owned small business concern* means a small business concern -

(1) That is at least 51 percent owned by one or more women; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

(2) Whose management and daily business operations are controlled by one or more women.

*Women-owned small business (WOSB) concern eligible under the WOSB Program* (in accordance with [13 CFR part 127](#)), means a small business concern that is at least 51 percent directly and unconditionally owned by, and the management and daily business operations of which are controlled by, one or more women who are citizens of the United States, and the concern is certified by SBA or an approved third-party certifier in accordance with [13 CFR 127.300](#).

(b)(1) *Annual Representations and Certifications*. Any changes provided by the Offeror in paragraph (b)(2) of this provision do not automatically change the representations and certifications in SAM.

(2) The offeror has completed the annual representations and certifications electronically in SAM accessed through <http://www.sam.gov>. After reviewing SAM information, the Offeror verifies by submission of this offer that the representations and certifications currently posted electronically at [FAR 52.212-3](#), Offeror Representations and Certifications - Commercial Products and Commercial Services, have been entered or updated in the last 12 months, are current, accurate, complete, and applicable to this solicitation (including the business size standard(s) applicable to the NAICS code(s) referenced for this solicitation), at the time this offer is submitted and are incorporated in this offer by reference (see [FAR 4.1201](#)), except for paragraphs \_\_\_\_.

[Offeror to identify the applicable paragraphs at (c) through (v) of this provision that the offeror has completed for the purposes of this solicitation only, if any.

*These amended representation(s) and/or certification(s) are also incorporated in this offer and are current, accurate, and complete as of the date of this offer.*

*Any changes provided by the offeror are applicable to this solicitation only, and do not result in an update to the representations and certifications posted electronically on SAM.]*

(c) Offerors must complete the following representations when the resulting contract is for supplies to be delivered or services to be performed in the United States or its outlying areas, or when the

contracting officer has applied part 19 in accordance with [FAR 19.000\(b\)\(1\)\(ii\)](#). Check all that apply.

(1) *Small business concern.* The offeror represents as part of its offer that -

(i) It  is,  is not a small business concern; or

(ii) It  is,  is not a small business joint venture that complies with the requirements of [13 CFR 121.103\(h\)](#) and [13 CFR 125.8\(a\)](#) and (b). [*The offeror shall enter the name and unique entity identifier of each party to the joint venture: \_\_\_.*]

(2) *Veteran-owned small business concern.* [*Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.*] The offeror represents as part of its offer that it  is,  is not a veteran-owned small business concern.

(3) *SDVOSB concern.* [*Complete only if the offeror represented itself as a veteran-owned small business concern in paragraph (c)(2) of this provision.*] The offeror represents as part of its offer that -

(i) It  is,  is not a SDVOSB concern; or

(4) *SDVOSB concern joint venture eligible under the SDVOSB Program.* The offeror represents that it  is,  is not an SDVOSB joint venture eligible under the SDVOSB Program that complies with the requirements of 13 CFR 128.402. [*Complete only if the offeror represented itself as an SDVOSB concern in paragraph (c)(3) of this provision.*] [*The offeror shall enter the name and unique entity identifier of each party to the joint venture: \_\_\_\_\_.*]

(5) *Small disadvantaged business concern.* [*Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.*] The offeror represents that it  is,  is not a small disadvantaged business concern as defined in [13 CFR 124.1001](#).

(6) *Women-owned small business concern.* [*Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.*] The offeror represents that it  is,  is not a women-owned small business concern.

(7) *WOSB joint venture eligible under the WOSB Program.* The offeror represents that it  is,  is not a joint venture that complies with the requirements of [13 CFR 127.506\(a\)](#) through (c). [*The offeror shall enter the name and unique entity identifier of each party to the joint venture:.*]

(8) *Economically disadvantaged women-owned small business (EDWOSB) joint venture.* The offeror represents that it  is,  is not a joint venture that complies with the requirements of [13 CFR 127.506\(a\)](#) through (c). [*The offeror shall enter the name and unique entity identifier of each party to the joint venture:.*]

Note to paragraphs (c)(9) and (10): Complete paragraphs (c)(9) and (10) only if this solicitation is expected to exceed the simplified acquisition threshold.

(9) *Women-owned business concern (other than small business concern).* [*Complete only if the offeror is a women-owned business concern and did not represent itself as a small business concern in paragraph (c)(1) of this provision.*] The offeror represents that it  is, a women-owned business concern.

(10) *Tie bid priority for labor surplus area concerns.* If this is an invitation for bid, small business offerors may identify the labor surplus areas in which costs to be incurred on account of manufacturing or production (by offeror or first-tier subcontractors) amount to more than 50 percent of the contract price:

(11) *HUBZone small business concern.* [*Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.*] The offeror represents, as part of its offer, that -

(i) It  is,  is not a HUBZone small business concern listed, on the date of this representation, as having been certified by SBA as a HUBZone small business concern in the Dynamic Small Business Search and SAM, and will attempt to maintain an employment rate of HUBZone residents of 35 percent of its employees during performance of a HUBZone contract (see [13 CFR 126.200\(e\)\(1\)](#)); and

(ii) It  is,  is not a HUBZone joint venture that complies with the requirements of [13 CFR 126.616\(a\)](#) through (c). [*The offeror shall enter the name and unique entity identifier of each party to the joint venture:.*] Each HUBZone small business concern participating in the HUBZone joint venture shall provide representation of its HUBZone status.

(d) Representations required to implement provisions of [Executive Order 11246](#) -

(1) Previous contracts and compliance. The offeror represents that - (i) It  has,  has not participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation; and

(ii) It  has,  has not filed all required compliance reports.

(2) Affirmative Action Compliance. The offeror represents that -

(i) It  has developed and has on file,  has not developed and does not have on file, at each establishment, affirmative action programs required by rules and regulations of the Secretary of Labor ([41 CFR parts 60-1](#) and [60-2](#)), or

(ii) It  has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

(e) *Certification Regarding Payments to Influence Federal Transactions* ([31 U.S.C. 1352](#)). (Applies only if the contract is expected to exceed \$150,000.) By submission of its offer, the offeror certifies to the best of its knowledge and belief that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress on his or her behalf in connection with the award of any resultant contract. If any registrants under the Lobbying Disclosure Act of 1995 have made a lobbying contact on behalf of the offeror with respect to this contract, the offeror shall complete and submit, with its offer, OMB Standard Form LLL, Disclosure of Lobbying Activities, to provide the name of the registrants. The offeror need not report regularly employed officers or employees of the offeror to whom payments of reasonable compensation were made.

(f) *Buy American Certificate*. (Applies only if the clause at Federal Acquisition Regulation (FAR) 52.225-1, Buy American - Supplies, is included in this solicitation.)

(1)(i) The Offeror certifies that each end product, except those listed in paragraph (f)(2) of this provision, is a domestic end product and that each domestic end product listed in paragraph (f)(3) of this provision contains a critical component.

(ii) The Offeror shall list as foreign end products those end products manufactured in the United States that do not qualify as domestic end products. For those foreign end products that do not consist wholly or predominantly of iron or steel or a combination of both, the Offeror shall also indicate whether these foreign end products exceed 55 percent domestic content, except for those that are COTS items. If the percentage of the domestic content is unknown, select "no".

(iii) The Offeror shall separately list the line item numbers of domestic end products that contain a critical component (see [FAR 25.105](#)).

(iv) The terms "commercially available off-the-shelf (COTS) item," "critical component," "domestic end product," "end product," "foreign end product," and "United States" are defined in the clause of this solicitation entitled "Buy American-Supplies."

(2) Foreign End Products:

Line Item No.	Country of origin	Exceeds 55% domestic content (yes/no)

[List as necessary]

(3) Domestic end products containing a critical component:

Line Item No. \_\_\_\_\_

[List as necessary]

(4) The Government will evaluate offers in accordance with the policies and procedures of FAR part 25.

(g)(1) *Buy American - Free Trade Agreements - Israeli Trade Act Certificate*. (Applies only if the clause at [FAR 52.225-3](#), Buy American - Free Trade Agreements - Israeli Trade Act, is included in this solicitation.)

(i)(A) The Offeror certifies that each end product, except those listed in paragraph (g)(1)(ii) or (iii) of this provision, is a domestic end product and that each domestic end product

listed in paragraph (g)(1)(iv) of this provision contains a critical component.

(B) The terms “Bahraini, Moroccan, Omani, Panamanian, or Peruvian end product,” “commercially available off-the-shelf (COTS) item,” “critical component,” “domestic end product,” “end product,” “foreign end product,” “Free Trade Agreement country,” “Free Trade Agreement country end product,” “Israeli end product,” and “United States” are defined in the clause of this solicitation entitled “Buy American - Free Trade Agreements - Israeli Trade Act.”

(ii) The Offeror certifies that the following supplies are Free Trade Agreement country end products (other than Bahraini, Moroccan, Omani, Panamanian, or Peruvian end products) or Israeli end products as defined in the clause of this solicitation entitled “Buy American - Free Trade Agreements - Israeli Trade Act.”

Free Trade Agreement Country End Products (Other than Bahraini, Moroccan, Omani, Panamanian, or Peruvian End Products) or Israeli End Products:

**Line item No. Country of origin**

[List as necessary]

(iii) The Offeror shall list those supplies that are foreign end products (other than those listed in paragraph (g)(1)(ii) of this provision) as defined in the clause of this solicitation entitled “Buy American - Free Trade Agreements - Israeli Trade Act.” The Offeror shall list as other foreign end products those end products manufactured in the United States that do not qualify as domestic end products. For those foreign end products that do not consist wholly or predominantly of iron or steel or a combination of both, the Offeror shall also indicate whether these foreign end products exceed 55 percent domestic content, except for those that are COTS items. If the percentage of the domestic content is unknown, select “no”.

Other Foreign End Products:

Line Item No.	Country of origin	Exceeds 55% domestic content (yes/no)

[List as necessary]

(iv) The Offeror shall list the line-item numbers of domestic end products that contain a critical component (see [FAR 25.105](#)).

Line Item No. \_\_\_\_\_

[List as necessary]

(v) The Government will evaluate offers in accordance with the policies and procedures of FAR part 25.

(2) *Buy American - Free Trade Agreements - Israeli Trade Act Certificate, Alternate II.* If *Alternate II* to the clause at [FAR 52.225-3](#) is included in this solicitation, substitute the following paragraph (g)(1)(ii) for paragraph (g)(1)(ii) of the basic provision:

(g)(1)(ii) The offeror certifies that the following supplies are Israeli end products as defined in the clause of this solicitation entitled “Buy American - Free Trade Agreements - Israeli Trade Act”:

Israeli End Products:

Line item No.	Country of origin

Line item No.	Country of origin

[List as necessary]

(3) *Buy American - Free Trade Agreements - Israeli Trade Act Certificate, Alternate III.* If Alternate III to the clause at FAR 52.225-3 is included in this solicitation, substitute the following paragraph (g)(1)(ii) for paragraph (g)(1)(ii) of the basic provision:  
 (g)(1)(ii) The offeror certifies that the following supplies are Free Trade Agreement country end products (other than Bahraini, Korean, Moroccan, Omani, Panamanian, or Peruvian end products) or Israeli end products as defined in the clause of this solicitation entitled "Buy American - Free Trade Agreements - Israeli Trade Act":

Free Trade Agreement Country End Products (Other than Bahraini, Korean, Moroccan, Omani, Panamanian, or Peruvian End Products) or Israeli End Products:

Line item No.	Country of origin

[List as necessary]

(4) *Trade Agreements Certificate.* (Applies only if the clause at [FAR 52.225-5](#), Trade Agreements, is included in this solicitation.)

(i) The offeror certifies that each end product, except those listed in paragraph (g)(4)(ii) of this provision, is a U.S.-made or designated country end product, as defined in the clause of this solicitation entitled "Trade Agreements".

(ii) The offeror shall list as other end products those end products that are not U.S.-made or designated country end products.

Other End Products:

Line item No.	Country of origin

[List as necessary]

(iii) The Government will evaluate offers in accordance with the policies and procedures of FAR Part 25. For line items covered by the WTO GPA, the Government will evaluate offers of U.S.-made or designated country end products without regard to the restrictions of the Buy American statute. The Government will consider for award only offers of U.S.-made or designated country end products unless the Contracting Officer determines that there are no offers for such products or that the offers for such products are insufficient to fulfill the requirements of the solicitation.

(h) *Certification Regarding Responsibility Matters* ([Executive Order 12689](#)). (Applies only if the contract value is expected to exceed the simplified acquisition threshold.) The offeror certifies, to the best of its knowledge and belief, that the offeror and/or any of its principals -

(1)  Are,  are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;

(2)  Have,  have not, within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, state or local government contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making

false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property,  
 (3)  Are,  are not presently indicted for, or otherwise criminally or civilly charged by a Government entity with, commission of any of these offenses enumerated in paragraph (h)(2) of this clause; and

(4)  Have,  have not, within a three-year period preceding this offer, been notified of any delinquent Federal taxes in an amount that exceeds the threshold at 9.104-5(a)(2) for which the liability remains unsatisfied.

(i) Taxes are considered delinquent if both of the following criteria apply:

(A) *The tax liability is finally determined.* The liability is finally determined if it has been assessed. A liability is not finally determined if there is a pending administrative or judicial challenge. In the case of a judicial challenge to the liability, the liability is not finally determined until all judicial appeal rights have been exhausted.

(B) *The taxpayer is delinquent in making payment.* A taxpayer is delinquent if the taxpayer has failed to pay the tax liability when full payment was due and required. A taxpayer is not delinquent in cases where enforced collection action is precluded.

(ii) *Examples.* (A) The taxpayer has received a statutory notice of deficiency, under [I.R.C. § 6212](#), which entitles the taxpayer to seek Tax Court review of a proposed tax deficiency. This is not a delinquent tax because it is not a final tax liability. Should the taxpayer seek Tax Court review, this will not be a final tax liability until the taxpayer has exercised all judicial appeal rights.

(B) The IRS has filed a notice of Federal tax lien with respect to an assessed tax liability, and the taxpayer has been issued a notice under [I.R.C. § 6320](#) entitling the taxpayer to request a hearing with the IRS Office of Appeals contesting the lien filing, and to further appeal to the Tax Court if the IRS determines to sustain the lien filing. In the course of the hearing, the taxpayer is entitled to contest the underlying tax liability because the taxpayer has had no prior opportunity to contest the liability. This is not a delinquent tax because it is not a final tax liability. Should the taxpayer seek tax court review, this will not be a final tax liability until the taxpayer has exercised all judicial appeal rights.

(C) The taxpayer has entered into an installment agreement pursuant to [I.R.C. § 6159](#). The taxpayer is making timely payments and is in full compliance with the agreement terms. The taxpayer is not delinquent because the taxpayer is not currently required to make full payment.

(D) The taxpayer has filed for bankruptcy protection. The taxpayer is not delinquent because enforced collection action is stayed under [11 U.S.C. 362](#) (the Bankruptcy Code).

(i) *Certification Regarding Knowledge of Child Labor for Listed End Products ([Executive Order 13126](#)).* [The Contracting Officer must list in paragraph (i)(1) any end products being acquired under this solicitation that are included in the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor, unless excluded at [FAR 22.1503\(b\)](#).]

(1) *Listed end products.*

Listed end product	Listed countries of origin

(2) *Certification.* [If the Contracting Officer has identified end products and countries of origin in paragraph (i)(1) of this provision, then the offeror must certify to either (i)(2)(i) or (i)(2)(ii) by checking the appropriate block.]

(i) The offeror will not supply any end product listed in paragraph (i)(1) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product.

(ii) The offeror may supply an end product listed in paragraph (i)(1) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product. The offeror certifies that it has made a good faith effort to determine whether forced or



indentured child labor was used to mine, produce, or manufacture any such end product furnished under this contract. On the basis of those efforts, the offeror certifies that it is not aware of any such use of child labor.

(j) *Place of manufacture.* (Does not apply unless the solicitation is predominantly for the acquisition of manufactured end products.) For statistical purposes only, the offeror shall indicate whether the place of manufacture of the end products it expects to provide in response to this solicitation is predominantly -

(1)  In the United States (Check this box if the total anticipated price of offered end products manufactured in the United States exceeds the total anticipated price of offered end products manufactured outside the United States); or

(2)  Outside the United States.

(k) *Certificates regarding exemptions from the application of the Service Contract Labor Standards.* (Certification by the offeror as to its compliance with respect to the contract also constitutes its certification as to compliance by its subcontractor if it subcontracts out the exempt services.) [The contracting officer is to check a box to indicate if paragraph (k)(1) or (k)(2) applies.]

(1) Maintenance, calibration, or repair of certain equipment as described in [FAR 22.1003-4\(c\)\(1\)](#). The offeror  does  does not certify that -

(i) The items of equipment to be serviced under this contract are used regularly for other than Governmental purposes and are sold or traded by the offeror (or subcontractor in the case of an exempt subcontract) in substantial quantities to the general public in the course of normal business operations;

(ii) The services will be furnished at prices which are, or are based on, established catalog or market prices (see [FAR 22.1003-4\(c\)\(2\)\(ii\)](#)) for the maintenance, calibration, or repair of such equipment; and

(iii) The compensation (wage and fringe benefits) plan for all service employees performing work under the contract will be the same as that used for these employees and equivalent employees servicing the same equipment of commercial customers.

(2) Certain services as described in [FAR 22.1003-4\(d\)\(1\)](#). The offeror  does  does not certify that -

(i) The services under the contract are offered and sold regularly to non-Governmental customers, and are provided by the offeror (or subcontractor in the case of an exempt subcontract) to the general public in substantial quantities in the course of normal business operations;

(ii) The contract services will be furnished at prices that are, or are based on, established catalog or market prices (see [FAR 22.1003-4\(d\)\(2\)\(iii\)](#));

(iii) Each service employee who will perform the services under the contract will spend only a small portion of his or her time (a monthly average of less than 20 percent of the available hours on an annualized basis, or less than 20 percent of available hours during the contract period if the contract period is less than a month) servicing the Government contract; and

(iv) The compensation (wage and fringe benefits) plan for all service employees performing work under the contract is the same as that used for these employees and equivalent employees servicing commercial customers.

(3) If paragraph (k)(1) or (k)(2) of this clause applies -

(i) If the offeror does not certify to the conditions in paragraph (k)(1) or (k)(2) and the Contracting Officer did not attach a Service Contract Labor Standards wage determination to the solicitation, the offeror shall notify the Contracting Officer as soon as possible; and

(ii) The Contracting Officer may not make an award to the offeror if the offeror fails to execute the certification in paragraph (k)(1) or (k)(2) of this clause or to contact the Contracting Officer as required in paragraph (k)(3)(i) of this clause.

(l) *Taxpayer Identification Number (TIN)* ([26 U.S.C. 6109](#), [31 U.S.C. 7701](#)). (Not applicable if the offeror is required to provide this information to SAM to be eligible for award.)

(1) All offerors must submit the information required in paragraphs (l)(3) through (l)(5) of this provision to comply with debt collection requirements of [31 U.S.C. 7701\(c\)](#) and [3325\(d\)](#), reporting requirements of [26 U.S.C. 6041](#), [6041A](#), and [6050M](#), and implementing regulations issued by the Internal Revenue Service (IRS).

(2) The TIN may be used by the Government to collect and report on any delinquent amounts arising out of the offeror's relationship with the Government ([31 U.S.C. 7701\(c\)\(3\)](#)). If the

resulting contract is subject to the payment reporting requirements described in FAR 4.904, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the offeror's TIN.

(3) *Taxpayer Identification Number (TIN).*

- TIN: \_\_\_\_\_.
- TIN has been applied for.
- TIN is not required because:
  - Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the United States and does not have an office or place of business or a fiscal paying agent in the United States;
  - Offeror is an agency or instrumentality of a foreign government;
  - Offeror is an agency or instrumentality of the Federal Government.

(4) *Type of organization.*

- Sole proprietorship;
- Partnership;
- Corporate entity (not tax-exempt);
- Corporate entity (tax-exempt);
- Government entity (Federal, State, or local);
- Foreign government;
- International organization per [26 CFR 1.6049-4](#);
- Other \_\_\_\_\_.

(5) *Common parent.*

- Offeror is not owned or controlled by a common parent;
- Name and TIN of common parent:
  - Name \_\_\_\_\_.
  - TIN \_\_\_\_\_.

(m) *Restricted business operations in Sudan.* By submission of its offer, the offeror certifies that the offeror does not conduct any restricted business operations in Sudan.

(n) *Prohibition on Contracting with Inverted Domestic Corporations.* (1) Government agencies are not permitted to use appropriated (or otherwise made available) funds for contracts with either an inverted domestic corporation, or a subsidiary of an inverted domestic corporation, unless the exception at 9.108-2(b) applies or the requirement is waived in accordance with the procedures at 9.108-4.

(2) *Representation.* The Offeror represents that -

- (i) It  is,  is not an inverted domestic corporation; and
- (ii) It  is,  is not a subsidiary of an inverted domestic corporation.

(o) *Prohibition on contracting with entities engaging in certain activities or transactions relating to Iran.* (1) The offeror shall email questions concerning sensitive technology to the Department of State at [CISADA106@state.gov](mailto:CISADA106@state.gov).

(2) *Representation and certifications.* Unless a waiver is granted or an exception applies as provided in paragraph (o)(3) of this provision, by submission of its offer, the offeror -

(i) Represents, to the best of its knowledge and belief, that the offeror does not export any sensitive technology to the government of Iran or any entities or individuals owned or controlled by, or acting on behalf or at the direction of, the government of Iran;

(ii) Certifies that the offeror, or any person owned or controlled by the offeror, does not engage in any activities for which sanctions may be imposed under section 5 of the Iran Sanctions Act; and

(iii) Certifies that the offeror, and any person owned or controlled by the offeror, does not knowingly engage in any transaction that exceeds the threshold at FAR 25.703-2(a)(2) with Iran's Revolutionary Guard Corps or any of its officials, agents, or affiliates, the property and interests in property of which are blocked pursuant to the International Emergency Economic Powers Act ([50 U.S.C. 1701 et seq.](#)) (see OFAC's Specially Designated Nationals and Blocked Persons List at <https://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx>).

(3) The representation and certification requirements of paragraph (o)(2) of this provision do not apply if -

- (i) This solicitation includes a trade agreements certification (e.g., [52.212-3\(g\)](#)) or a comparable agency provision); and
- (ii) The offeror has certified that all the offered products to be supplied are

designated country end products.

(p) *Ownership or Control of Offeror.* (Applies in all solicitations when there is a requirement to be registered in SAM or a requirement to have a unique entity identifier in the solicitation).

(1) The Offeror represents that it  has or  does not have an immediate owner. If the Offeror has more than one immediate owner (such as a joint venture), then the Offeror shall respond to paragraph (2) and if applicable, paragraph (3) of this provision for each participant in the joint venture.

(2) If the Offeror indicates "has" in paragraph (p)(1) of this provision, enter the following information:

Immediate owner CAGE code: \_\_\_\_\_.

Immediate owner legal name: \_\_\_\_\_.

(Do not use a "doing business as" name)

Is the immediate owner owned or controlled by another entity:  Yes or  No.

(3) If the Offeror indicates "yes" in paragraph (p)(2) of this provision, indicating that the immediate owner is owned or controlled by another entity, then enter the following information:

Highest-level owner CAGE code: \_\_\_\_\_.

Highest-level owner legal name: \_\_\_\_\_.

(Do not use a "doing business as" name)

(q) *Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law.* (1) As required by sections 744 and 745 of Division E of the Consolidated and Further Continuing Appropriations Act, 2015 ([Pub. L. 113-235](#)), and similar provisions, if contained in subsequent appropriations acts, The Government will not enter into a contract with any corporation that -

(i) Has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless an agency has considered suspension or debarment of the corporation and made a determination that suspension or debarment is not necessary to protect the interests of the Government; or

(ii) Was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless an agency has considered suspension or debarment of the corporation and made a determination that this action is not necessary to protect the interests of the Government.

(2) The Offeror represents that -

(i) It is  is not  a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and

(ii) It is  is not  a corporation that was convicted of a felony criminal violation under a Federal law within the preceding 24 months.

(r) *Predecessor of Offeror.* (Applies in all solicitations that include the provision at 52.204-16, Commercial and Government Entity Code Reporting.)

(1) The Offeror represents that it  is or  is not a successor to a predecessor that held a Federal contract or grant within the last three years.

(2) If the Offeror has indicated "is" in paragraph (r)(1) of this provision, enter the following information for all predecessors that held a Federal contract or grant within the last three years (if more than one predecessor, list in reverse chronological order):

Predecessor CAGE code: \_\_\_\_\_ (or mark "Unknown").

Predecessor legal name: \_\_\_\_\_.

(Do not use a "doing business as" name).

(s) [Reserved]

(t) *Public Disclosure of Greenhouse Gas Emissions and Reduction Goals.* Applies in all solicitations that require offerors to register in SAM (12.301(d)(1)).

(1) This representation shall be completed if the Offeror received \$7.5 million or more in contract awards in the prior Federal fiscal year. The representation is optional if the Offeror received less than \$7.5 million in Federal contract awards in the prior Federal fiscal year.

(2) *Representation.* [Offeror to check applicable block(s) in paragraph (t)(2)(i) and (ii)]. (i) The Offeror (itself or through its immediate owner or highest-level owner)  does,  does not publicly

disclose greenhouse gas emissions, *i.e.*, makes available on a publicly accessible Web site the results of a greenhouse gas inventory, performed in accordance with an accounting standard with publicly available and consistently applied criteria, such as the Greenhouse Gas Protocol Corporate Standard.

(ii) The Offeror (itself or through its immediate owner or highest-level owner)  does,  does not publicly disclose a quantitative greenhouse gas emissions reduction goal, *i.e.*, make available on a publicly accessible Web site a target to reduce absolute emissions or emissions intensity by a specific quantity or percentage.

(iii) A publicly accessible Web site includes the Offeror's own Web site or a recognized, third-party greenhouse gas emissions reporting program.

(3) If the Offeror checked “does” in paragraphs (t)(2)(i) or (t)(2)(ii) of this provision, respectively, the Offeror shall provide the publicly accessible Web site(s) where greenhouse gas emissions and/or reduction goals are reported.

(u)(1) In accordance with section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 ([Pub. L. 113-235](#)) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions), Government agencies are not permitted to use appropriated (or otherwise made available) funds for contracts with an entity that requires employees or subcontractors of such entity seeking to report waste, fraud, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or subcontractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

(2) The prohibition in paragraph (u)(1) of this provision does not contravene requirements applicable to Standard Form 312 (Classified Information Nondisclosure Agreement), Form 4414 (Sensitive Compartmented Information Nondisclosure Agreement), or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

(3) *Representation.* By submission of its offer, the Offeror represents that it will not require its employees or subcontractors to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or subcontractors from lawfully reporting waste, fraud, or abuse related to the performance of a Government contract to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information (*e.g.*, agency Office of the Inspector General).

(v) *Covered Telecommunications Equipment or Services - Representation.* Section 889(a)(1)(A) and section 889 (a)(1)(B) of [Public Law 115-232](#).

(1) The Offeror shall review the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov>) for entities excluded from receiving federal awards for “covered telecommunications equipment or services”.

(2) The Offeror represents that -

(i) It  does,  does not provide covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument.

(ii) After conducting a reasonable inquiry for purposes of this representation, that it  does,  does not use covered telecommunications equipment or services, or any equipment, system, or service that uses covered telecommunications equipment or services.

## **Attachment A – Security Requirements**

### **Cybersecurity and Information Security:**

#### **1 Applicability**

Attachment A – Security Requirements details high-level security requirements that may apply to procured products, systems, and services.

This attachment applies to the Contractor, its subcontractors, and contractor personnel, including fiscal and financial agents (hereafter referred to collectively as “Contractor”) and addresses specific Bureau of the Fiscal Service (Fiscal Service) requirements in addition to those included in the Federal Acquisition Regulation (FAR), the Privacy Act of 1974 (5 U.S.C. §552a), the Health Insurance Portability and Accountability Act of 1996 (Pub. L. 104-191, 110 Stat. 1936), the Sarbanes-Oxley Act of 2002 (Pub. L. 107-204, 116 Stat 745), and other laws, mandates, or executive orders pertaining to the development and operations of information systems and the protection of sensitive information and data. The following should not be construed to alter or diminish civil and/or criminal liabilities provided under various laws or mandates.

#### **2 Information Types**

The term “information” is synonymous with data, regardless of format or medium.

##### **2.1 Sensitive But Unclassified Information**

Sensitive But Unclassified information (SBU) is any information, the loss, misuse, or unauthorized access to or modification of which could adversely affect the national interest or the conduct of Federal programs, or the privacy to which individuals are entitled under the Privacy Act but which has not been specifically authorized under criteria established by an executive order or an act of Congress to be kept secret in the interest of national defense or foreign policy. SBU information is subject to stricter handling requirements than less sensitive non-SBU information because of the increased risk if the data are compromised. Some categories of SBU include financial, medical, health, legal, strategic, and business information. Personally Identifiable Information and Sensitive PII are also considered to be SBU. These categories of information require appropriate protection individually and may require additional protection when aggregated with other sensitive information.

##### **2.2 Controlled Unclassified Information**

CUI is defined as information the government creates or possesses, or that an entity creates or possesses for or on behalf of the government, that a law, regulation, or government-wide policy requires or permits an agency to handle using safeguarding or dissemination controls. However, CUI does not include classified information or information a non-executive branch entity possesses and maintains in its own systems that did not come from, or was not created or possessed by or for, an executive branch agency or an entity acting for an agency. Law, regulation, or government-wide policy may require or permit safeguarding or dissemination controls in three ways: Requiring or permitting

agencies to control or protect the information but providing no specific controls, which makes the information CUI Basic; requiring or permitting agencies to control or protect the information and providing specific controls for doing so, which makes the information CUI Specified; or requiring or permitting agencies to control the information and specifying only some of those controls, which makes the information CUI Specified, but with CUI Basic controls where the authority does not specify.

### 2.3 Personally Identifiable Information

Personally Identifiable Information (PII) as defined in OMB Memorandum M-07-16, refers to information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. In performing this assessment, it is important to recognize that non-PII can become PII whenever additional information that is publicly available — in any medium and from any source — is or can be combined to identify an individual. As an example, PII includes a name and an address because it uniquely identifies an individual, but alone may not constitute PII.

### 2.4 Sensitive Personally Identifiable Information

Sensitive PII refers to information that can be used to target, harm, or coerce an individual or entity; assume or alter an individual's or entity's identity; or alter the outcome of an individual's or entity's activities. Sensitive PII requires stricter handling because of the increased risk to an individual or associates if the information is compromised. Some categories of Sensitive PII include stand-alone information, such as Social Security numbers (SSN) or biometric identifiers. Other information such as a financial account, date of birth, maiden names, citizenship status, or medical information, in conjunction with the identity of an individual (directly or indirectly inferred), are also considered Sensitive PII. In addition, the context of the information may determine whether it is sensitive, such as a list of employees with poor performance ratings or a list of employees who have filed a grievance or complaint.

## 3 Information Protection

The Contractor's employees, facilities, services and product(s) must meet applicable United States (U.S.) federal government laws, directives, executive orders, standards, guidelines, and other requirements for information security, privacy, personnel security, physical security, and data encryption. The Contractor must follow United States Government, Treasury, and Fiscal Service procedures for proper handling of SBU, CUI and PII. The Contractor may be required to assist with security reviews by providing information about processes, software, facilities, personnel, and equipment through interviews, on-site inspections (if necessary), and documentary evidence.

The contractor must be responsible for implementing security and privacy controls to protect information used, gathered, or developed as a result of work under this contract. The strength of security and privacy controls implemented must be consistent with the FIPS 199 categorization **Moderate** of the information, as determined by Fiscal Service. The contractor must document security

and privacy controls in place to protect information and apply controls to protect such documentation from unauthorized disclosure.

Security and privacy control documentation must include an allocation of responsibility between control providers regarding control implementation. The documentation must also include a description of the security and privacy controls implemented and demonstrated use of a system development lifecycle in the implementation of security and privacy controls. The contractor must establish processes to identify and address third party risks, including risks to their supply chain. The contractor must demonstrate that a third party risk management program is in place. The third party risk management program must include, at a minimum, documented and implemented supply chain controls.

Information systems and services performing work on behalf of the Fiscal Service must be located, operated and maintained within the U.S.; operations and maintenance of systems must be conducted by personnel physically located within the U.S or its territories. "Operated" refers to carrying out administrator/privileged user functions, such as, database administration, patching, upgrades and maintenance. Administrator/ privileged access must not be permitted from outside of the U.S. Foreign remote maintenance, systems monitoring, foreign "call service centers," "help desks," and the like are prohibited. Fiscal Service information must be accessed only by personnel meeting or surpassing the Treasury citizenship requirements (as determined by Personnel Security, see section 7 below). Extra precautions should be in place for other types of access from foreign locations.

When needed per Fiscal Service direction, the Contractor and Fiscal Service officials must prepare a Memorandum of Understanding (MOU) or Interconnection Security Agreement (ISA) prior to connecting to external information systems and in accordance with Fiscal Service processes. The Contractor is required to use Fiscal Service's MOU or ISA document. Modifications to the template language are not allowed. Any computer equipment used by or on behalf of the Fiscal Service must support the latest Transport Layer Security (TLS) standard and comply with current NIST guidance.

The Contractor must report any suspected security incident by phone to the Fiscal Service IT Service Desk immediately upon identification of a suspected security incident: 304-480-7777.

#### **4 Federal Regulatory Requirements and Industry Standards**

The Contractor's performance and systems must comply with applicable federal government laws, directives, executive orders, standards, guidelines, and other requirements for information security, personnel security, physical security, and data encryption. The Contractor's performance and systems must comply with the most current versions of the following applicable Federal and industry information technology regulatory requirements and standards:

- Federal Information Security Modernization Act of 2014 (FISMA)
- FIPS 140, Security Requirements for Cryptographic Modules
- FIPS 199, Standards for Security Categorization of Federal Information and Information Systems
- FIPS 200, Minimum Security Requirements for Federal Information and Information Systems

- FIPS 201-2, Personal Identity Verification for Federal Employees and Contractors
- Fiscal Service Baseline Security Requirements (BLSRs)
- NIST Cybersecurity Framework 2.0
- NIST Privacy Framework
- NIST SP 800-37
- NIST SP 800-53
- NIST SP 800-53A
- NIST SP 800-63-3
- NIST SP 800-137
- NIST SP 800-171
- OMB Circular A-123
- OMB Circular A-130
- OMB Memoranda
- Public Law 93-579, The Privacy Act of 1974
- IRS Publication 1075
- TD P 85-01 – Treasury Information Technology Security Program
- TD P 15-71 – Department of the Treasury Security Manual

#### 4.1 Privacy Act Compliance

- (a) Contractors must comply with the Privacy Act’s requirements in the design, development, or operation of any system of records containing PII developed or operated for Fiscal Service or to accomplish a Fiscal Service function for a System of Records (SOR)<sup>1</sup>. Contractors must assist in the completion of any required Privacy Threshold Analysis (PTA) and/or Privacy and Civil Liberties Impact Analysis (PCLIA).
- (b) In the event of violations of the Act, a civil action may be brought against Fiscal Service when the violation concerns the design, development, or operation of a SOR on individuals to accomplish an Fiscal Service function, and criminal penalties may be imposed upon the officers or employees of Fiscal Service when the violation concerns the operation of a SOR on individuals to accomplish an Fiscal Service function. For purposes of the Act, when the contract is for the operation of a SOR on individuals to accomplish a Fiscal Service function, the Contractor is considered to be an employee of the agency.

## 5 Security and Privacy Awareness Training

The Federal Information Security Modernization Act of 2014 (FISMA) requires each federal agency to provide periodic information security and privacy awareness training to all contractors/subcontractors involved in the management, use, or operation of Federal information and information systems. (a) The Government has determined that access to Government information technology is necessary in

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<sup>1</sup> “System of Records” is defined as a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.



performance of this contract. (b) Contractor personnel, including subcontractor personnel, determined to require access to Government information technology in performance of this contract shall successfully complete cybersecurity and privacy awareness training initially and annually thereafter as well as any supplemental awareness training and exercises required. (1) Failure of a contractor employee to successfully complete the training in paragraph (b) of this clause may result in their access to Government information technology being revoked until such time the training is successfully completed. (2) The Government reserves the right to take additional action deemed necessary to protect its interests. (c) The Government may provide Contractor personnel access to a system for purposes of completing this training electronically. (d) The Contractor shall ensure all Contractor personnel, including subcontractor personnel comply with the requirements of this clause. (e) The Contractor shall include the substance of this clause in all subcontracts at any tier where subcontractor personnel will have access to Government information technology.

## 6 Cloud and FedRAMP Requirements

Cloud based systems or services must comply with Federal Risk and Authorization Management Program (FedRAMP) requirements, as well as, FedRAMP Privacy requirements. These requirements are in addition to U.S. Government, Department of the Treasury, and Fiscal Service requirements specified throughout this document. Cloud Service Providers must have FedRAMP compliant security documentation sufficient to obtain a FedRAMP authorization.

Cloud based systems or services must have a FedRAMP third party assessment organization (3PAO) security assessment. Contractor must obtain this assessment service and coordinate completion of assessment. Cloud Service Providers must comply with FedRAMP guidance regarding continuous monitoring activities. Fiscal Service must have access to ongoing continuous monitoring documentation, such as POA&M documentation.

Contractors must be responsible for the following privacy and security safeguards:

1. To the extent required to carry out the FedRAMP assessment and authorization process and FedRAMP continuous monitoring, to safeguard against threats and hazards to the security, integrity, and confidentiality of any non-public Government data collected and stored by the Contractor, the Contractor must afford the Government access to the Contractor's facilities, installations, technical capabilities, operations, documentation, records, and databases.
2. If new or unanticipated threats or hazards are discovered by either the Government or the Contractor, or if existing safeguards have ceased to function, the discoverer must immediately bring the situation to the attention of the other party.
3. The contractor must also comply with any additional FedRAMP privacy requirements.
4. The Government has the right to perform manual or automated audits, scans, reviews, or other inspections of the vendor's IT environment being used to provide or facilitate services for the Government. In accordance with the Federal Acquisitions Regulations (FAR) clause

52.239-1, the contractor must be responsible for the following privacy and security safeguards:

- (a) The Contractor must not publish or disclose in any manner, without the Contracting Officer's written consent, the details of any safeguards either designed or developed by the Contractor under this contract or otherwise provided by the Government.  
*Exception - Disclosure to a Consumer Agency for purposes of C&A verification.*
- (b) To the extent required to carry out a program of inspection to safeguard against threats and hazards to the security, integrity, and confidentiality of Government data, the Contractor must afford the Government access to the Contractor's facilities, installations, technical capabilities, operations, documentation, records, and databases.
- (c) If new or unanticipated threats or hazards are discovered by either the Government or the Contractor, or if existing safeguards have ceased to function, the discoverer must immediately bring the situation to the attention of the other party.

If the vendor chooses to run its own automated scans or audits, results from these scans may, at the Government's discretion, be accepted in lieu of Government performed vulnerability scans. In these cases, scanning tools and their configuration must be approved by the Government. In addition, the results of vendor-conducted scans must be provided, in full, to the Government.

The government will retain unrestricted rights to government data. The government retains ownership of any user created/loaded data and applications hosted on vendor's infrastructure, as well as maintains the right to request full copies of these at any time.

The data that is processed and stored by the various applications within the network infrastructure may contain financial data, as well as PII. This data and PII must be protected against unauthorized access, disclosure or modification, theft, or destruction. The contractor must ensure that the facilities that house the network infrastructure are physically secure.

Identified gaps between required Fiscal Service and FedRAMP Security and Privacy Control Baselines and Continuous Monitoring controls, and the contractor's implementation, as documented in the Security Assessment Report, must be tracked by the contractor for mitigation in a Plan of Action and Milestones (POA&M) document. Depending on the severity of the gaps, the Government may require them to be remediated before an authorization is granted.

The contractor is responsible for mitigating all security and privacy risks found during SA&A, and continuous monitoring activities.

Fiscal Service may choose to cancel the (Contract/award) and terminate any outstanding orders if the contractor has its authorization revoked and/or the deficiencies are greater than agency risk tolerance thresholds.

The vendor is advised to review the FedRAMP guidance documents to determine the level of effort that will be necessary to complete the requirements. All FedRAMP documents and templates are available at the FedRAMP website (<https://www.fedramp.gov>).

Maintenance of the FedRAMP authorization will be through continuous monitoring and periodic audit of the operational controls within a contractor's system, environment, and processes to determine if the security controls in the information system continue to be effective over time in light of changes that occur in the system and environment. Through continuous monitoring, security controls and supporting deliverables are updated and submitted to the FedRAMP PMO as required by FedRAMP Requirements. The submitted deliverables (or lack thereof) provide a current understanding of the security state and risk posture of the information systems. The deliverables will allow the authorizing body to make credible risk-based decisions regarding the continued operations of the information systems and initiate appropriate responses as needed when changes occur. Contractors will be required to provide updated deliverables and automated data feeds as defined in the FedRAMP Continuous Monitoring policy documents.

#### **Personnel Security:**

## **7 Bureau of the Fiscal Service (Fiscal Service) Personnel Security and Suitability Requirements for Contractors and Subcontractors**

### **7.1 GENERAL**

The Fiscal Service has determined that performance of this contract requires that the Contractor, subcontractor(s), and vendor(s) (herein known as Contractor), does not requires access to Sensitive but Unclassified (SBU) information (herein known as unclassified information) and the contract was evaluated as:

**"Limited Risk" All contractor personnel will be a U.S. citizen**



# City of Hyattsville

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

## Agenda Item Report

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**File #:** HCC-113-FY25

10/21/2024

11.g.

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Submitted by: C. R. Bagley  
Submitting Department: Administration  
Agenda Section: Consent

**Item Title:**  
**CSX Agreement**

**Suggested Action:**

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.

**Summary Background:**

A CSX freight train derailed in Hyattsville on September 23, 2023. As a result, roadway sidewalk infrastructure was damaged, and personnel expenses were incurred, totaling \$310,402.51. The City Attorney, DPW, and the Emergency Operations Officer worked on the city's behalf to identify costs, obtain repair estimates and verify agreement language. CSX agreed to reimburse the city for the full amount. The City Administrator will sign the agreement with CSX and payment will be received once the agreement is signed.

**Next Steps:**

Upon Council authorization, the City Administrator will execute the settlement agreement. Payment will be received once CSX has received the executed settlement agreement.

**Fiscal Impact:**

City will be reimbursed for damages.

**City Administrator Comments:**

Recommend approval. This money will be put into the general fund to begin roadwork repairs and reimburse staff time.

**Community Engagement:**

N/A

**Strategic Goals:**

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

**Legal Review Required?**

Complete

**SETTLEMENT AGREEMENT AND RELEASE**

*City of Hyattsville and CSX Transportation*

DOI: September 22, 2023

This Settlement Agreement and Release is made this \_\_\_\_ day of \_\_\_\_\_ 2024, by and between City of Hyattsville (hereinafter the “Releasor”), and CSX Transportation, Inc., Pan Am Railways, Inc. Pan Am Systems, Inc., Guilford Transportation Industries Inc., Boston and Maine Railroad, Boston and Main Corporation, Maine Central Railroad Company and Springfield Terminal Railway Company, Norfolk Southern Railway company, Norfolk Southern Corporation, Genesee & Wyoming Inc, (hereinafter collectively the “Releasee”). Releasor and Releasee may be referred to collectively hereinafter as “the Parties.”

**WHEREAS**, on September 22, 2023, a CSX train derailed in the City of Hyattsville (hereinafter the “occurrence” or “incident”); and

**WHEREAS**, Releasor suffered expenses and/or damages in property damage, overtime pay and emergency operations; and

**WHEREAS**, Releasor and Releasees have, in an effort to avoid the uncertainty of potential protracted litigation and the expenses associated therewith, reached a settlement of the claims at issue.

**NOW, THEREFORE**, in consideration of the foregoing recitals and for other good and valuable consideration as is more fully described below, receipt of which is hereby acknowledged, it is **AGREED** as follows:

1. **Incorporation of Recitals:** The Recitals to this Settlement Agreement are incorporated by reference herein.

2. **Settlement Terms:** The terms of the settlement reached are as follows:

- (a) Payment will be made in the amount of three hundred ten thousand four hundred two dollars and fifty-one cents (\$310,402.51) to Releasor by Releasee; and
- (b) An accounting of the expenses and damages claimed in paragraph 2(a) is attached hereto and incorporated herein as Exhibit 1; and
- (c) Releasor shall execute a release of all known claims arising out of the incident which are accounted for Exhibit 1; and
- (d) **It is expressly understood that any unknown claims giving rise to expenses or damages are not the subject of this settlement agreement release.**

3. **Release of RELEASEE:** Releasor, in consideration of the aforesaid recitals and agreements, and other good and valuable consideration, the receipt of which is hereby acknowledged, does remise, release and forever discharge, and by these presents, does for itself,

its predecessors and successors, executors, assigns, agents, servants, officers, employees past and present, remise, release and forever discharge Releasee and its insurers, predecessors, successors, officials, members, partners and associates, agents, servants and employees, past and present, for any causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, negligence, agreements, premises, variances, trespasses, damages, judgments, extents, executions, claims and demands, whatsoever in law or in equity, which Releasor has or may have against Releasee, its insurers, predecessors and successors, officials administrators, employees, agents and/or assigns, for known claims, expenses, and damages arising out of the September 22, 2023, CSX train derailment to the date of this Settlement Agreement which are further described in paragraph 2(a) and 2(b), *supra*.

4. **Acknowledgment:** Releasor acknowledge that no representation of fact or opinion has been made by Releasee to induce this compromise with respect to the extent or nature of any injuries or damages or as to the likelihood of future complications, or recovery therefrom, and that the consideration set forth herein is solely by way of compromise of the disputed claim, and to foreclose all possibility of any future claim based upon the same allegations, and that in determining said consideration, there has been taken into consideration the fact that unexpected consequences may result, known or unknown, and it is therefore, specifically agreed that this Agreement shall be a complete bar to such claims or suits.

5. **Cooperation:** Releasor, for itself, its successors, administrators and assigns, covenants and agrees to execute such instruments, documents or further assurances as may be necessary to carry out Releasor's obligations hereunder.

6. **Miscellaneous:**

a. Entire Agreement: This Settlement Agreement constitutes the complete, final and entire understanding of the parties hereto, and they shall not be bound by any terms, conditions, covenants or representations not expressly herein contained.

b. Modification: This Settlement Agreement may not be modified or changed orally, but only by an agreement in writing signed by all parties.

c. Consultation with Counsel: Releasor represents that prior to signing this Settlement Agreement, he read it, understood its terms and conditions, consulted with counsel, and voluntarily signed it.

d. Choice of Law: This Settlement Agreement shall be governed by and interpreted according to the laws of the State of Maryland.

e. Venue/Jurisdiction: The parties consent to venue and jurisdiction in the state and federal courts located in Prince George's County, Maryland.

f. Construction: This Settlement Agreement shall be construed without regard to any presumption or other rule requiring construction against the party causing the Agreement to be drafted.

g. Counterparts: This Settlement Agreement may be executed in counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same agreement.

h. Electronic Signatures: This agreement may also be executed electronically.

i. Authority: Each of the individuals signing this Settlement Agreement on behalf of a party hereto warrants and represents that such individual is duly authorized to and empowered to enter into this Agreement and bind such party hereto.

EXECUTED on the \_\_\_\_ day of \_\_\_\_\_, 2024.

THE UNDERSIGNED HAS READ THE FOREGOING AGREEMENT AND FULLY UNDERSTANDS IT. SIGNED AND SEALED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

CSX, et al.,

By: \_\_\_\_\_  
David Foehner,  
Senior Field Investigations Analyst  
CSX Transportation

STATE OF MARYLAND

To Wit:

COUNTY/COUNTY OF \_\_\_\_\_ :

Before me, a Notary Public, for and within the County/County of \_\_\_\_\_, State of Maryland, on this \_\_\_\_ day of \_\_\_\_\_, 2024, personally appeared \_\_\_\_\_, to me known and known to me to be the person named in and who executed the above Agreement and he acknowledged to me that he executed the same as his own free act and deed.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

City of Hyattsville, Maryland

By: \_\_\_\_\_  
Tracey Douglas, City Administrator

STATE OF MARYLAND

To Wit:

COUNTY/COUNTY OF \_\_\_\_\_ :

Before me, a Notary Public, for and within the County/County of \_\_\_\_\_, State of Maryland, on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, personally appeared \_\_\_\_\_, to me known and known to me to be the person named in and who executed the above Agreement and he acknowledged to me that he executed the same as his own free act and deed.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

4888-5294-0774, v. 1





# City of Hyattsville

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

## Agenda Item Report

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**File #:** HCC-112-FY25

10/21/2024

12.a.

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Submitted by: CMs McClellan, Redmond, and Schaible  
Submitting Department: City Clerk  
Agenda Section: Action

**Item Title:**  
**Adoption of the New City Flag**

**Suggested Action:**

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.

**Summary Background:**

The City of Hyattsville's Flag Redesign Committee was established by the City Council at the February 2, 2024, Council Meeting. Ten residents submitted application to join the committee, and after interviews with staff and Councilmember McClellan, seven were selected to fill the committee. The members were appointed to the committee by Council at the March 22 Council Meeting.

Over the course of six months the Flag Redesign Committee has met nine times to outline the flag redesign process, elicit community input, and narrow down the over 100 submissions from the public to the three being presented tonight. In addition to committee meetings, members of the committee have tabled at City events to gather public feedback, posted informational signs throughout the City, and used their professional graphic design skills to create promotional materials and enhance flag designs.

The committee presented its recommendation for the new flag, as well as two alternatives, at the October 7, 2024 Council Meeting. Upon adoption, staff will organize the rollout and public celebration of the new City flag.

The recommended flag design and the presentation are attached.

**Next Steps:**

Staff to plan the rollout and celebration of the new flag.

**Fiscal Impact:**

There was \$50K in the Council budget allocated for this initiative. To date, expenses for the flag redesign have totaled \$4,279. Expenditures to date include graphic design services, signage, banners, and printing of the five finalist flags.

**City Administrator Comments:**

Recommend Support. Sincere thanks to the committee who worked with the staff, Council and community to bring this initiative full circle.

**Community Engagement:**

The committee has engaged the community to submit design ideas and provide feedback on submitted designs through social media, hellohyattsville.com, City-wide signage, and attending City events.

**Strategic Goals:**

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

**Legal Review Required?**

N/A





# Final Recommendation on the New Hyattsville Flag

*Hyattsville Flag Redesign Committee*

October 7, 2024





# Overview of Work





# Committee Overview

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**Mission:** The mission of the Hyattsville Flag Redesign Committee is to engage the community in a process to design a new City of Hyattsville flag for presentation to the City Council for adoption. At least one flag recommendation presented to the City Council.

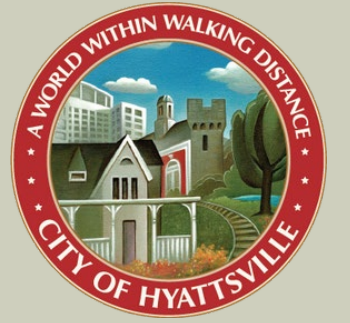
## Committee Members:

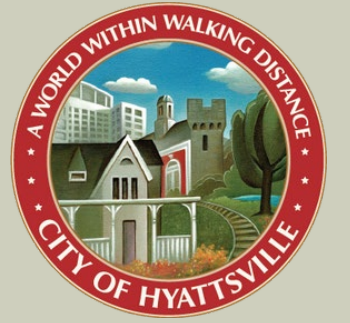
- Katie Burk
- Michael Fischer (Chair)
- Dominique Gibson
- Monica Gorman
- Jamila Hinds
- Paul Hrusa
- Sam Jackson

**Timeline:** April 1 – October 7, 2024

# Photo of Committee and Others

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# Community Engagement

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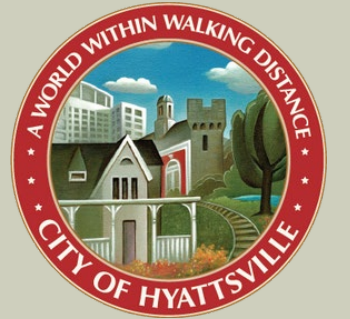
## Community Communication

- Flyer
- Yard signs
- Submission Form (printed)
- Poster / “Big Belly” Ads
- Social media: Call for Submissions Graphics
- Social media: Call for Submissions Video
- Social media: Flag Semifinalist Video
- Social media: Flag Semifinalist Graphics
- Outreach to businesses via City listserv
- Hyattsville Life & Times ad and flyer insert
- Hyattsville Life & Times submission form insert
- Event Attendance at:
  - City Anniversary Festival (5/20)
  - Trolley Trail Day (6/8)
  - Summer Jam (6/21)
  - Hyattsville’s National Night Out (8/6)
  - Summer Jam (8/16)

## Community Submission

- City website (online form)
- Collection box in Driskell Park, City Building, Library
- [hellohyattsville.com/en/projects/flag](http://hellohyattsville.com/en/projects/flag) (ranking and comment form)
- Hyattsville’s National Night Out (paper ranking form)





# Community Feedback

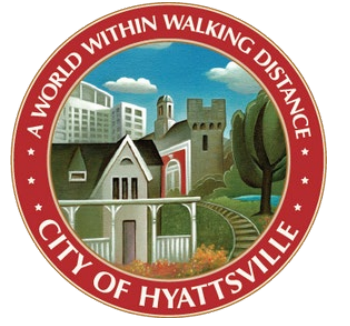
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- **Over 100 designs submitted**
- **5 semi-finalist designs displayed for public feedback**
- **Over 300 surveys/comments from the public**
- **General Trends from Community**
  - Anacostia River, especially using a chevron to represent the two branches
  - Nature/trees/flowers, especially oak and black-eyed Susan
  - Rail/trolley
  - UFO (Hyattsville Library reference)
  - letter “H” (the shape itself as a symbol of Hyattsville, not just an initial)
  - Five wards
  - Colors:
    - Red/white/gold/black (MD state flag)
    - Blue (rivers, current flag)
    - Green (nature, trees)



# Committee Recommendation

.....



# Recommended Flag

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## Chevon (“V”):

- Hyattsville’s geographic location at joining of two main branches of Anacostia River
- Compositional device resembles the back flap of an envelope (nod to founder Christopher Hyatt’s role as postmaster)

## Colors

- Light Carolina blue: existing flag, calm flow of Anacostia
- Gold: abundance, natural resources, trade, indigenous peoples
- Dark blue: Victorian roof pitch, complementary color
- Collective: these three colors mimic livery of B&O railroad of historic importance



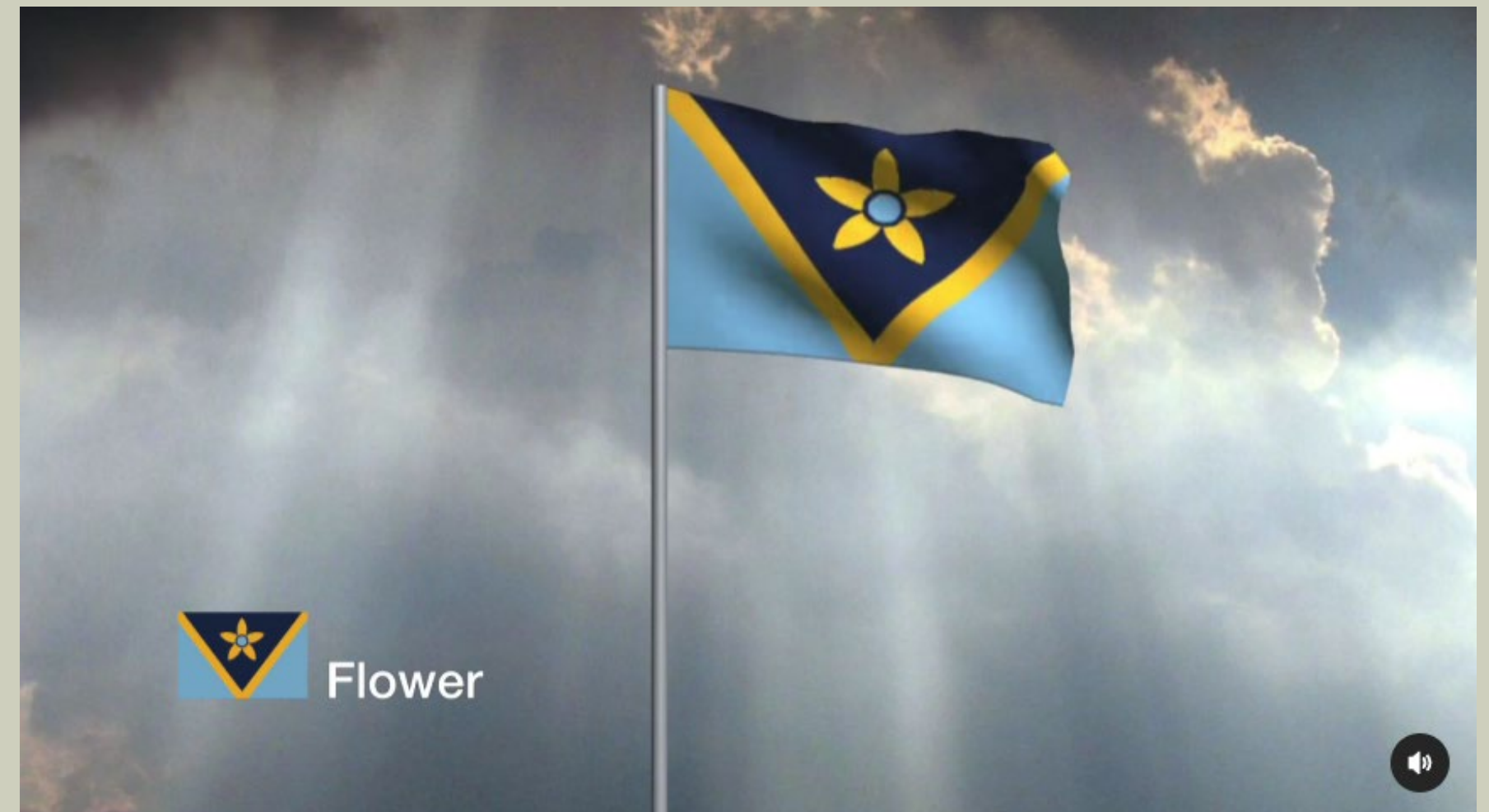
## Flower:

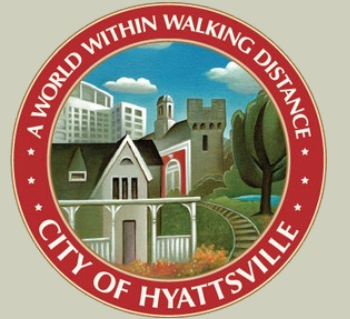
- Black-eyed Susan, sunflower, coneflower
- Balance between simplicity and complexity

# Semi-Finalist Original

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- **Most-popular semi-finalist flag by community by wide margin**
- **Five petals can represent five wards of the city, but this association had mixed reaction by both public and committee**
- **Simpler flower easier to replicate but considered too corporatist or generic**
- **Remains second choice recommendation by committee**





# Alternative Recommended Flag

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- **Maintains all components of recommended flag except:**

## **Color:**

- Blue for the Anacostia River as the chevron
- Red and gold as association with the Maryland Flag, Hyattsville Seal
- Incorporates colors from second and third most community popular semi-finalist flags

## **Flower:**

- More complex
- More discreet black-eyed Susan or sunflower





# Questions?





# City of Hyattsville

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

## Agenda Item Report

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**File #:** HCC-118-FY25

10/21/2024

13.a.

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Submitted by: Ron Brooks  
Submitting Department: Finance  
Agenda Section: Discussion

**Item Title:**

**City of Hyattsville Property Tax Relief Programs: Administrative Recommendations**

**Suggested Action:**

Presentation and Council discussion

**Summary Background:**

The City of Hyattsville issued a Request for Proposal (RFP) for a consultant to study the City's current Homeowner's Property Tax Credit Program and the Homestead Property Tax Program. The City's objective was to determine if modifications needed to be made and the impact to the City and homeowners. The consultant reviewed the current Homeowner's Property Tax Credit Program and the Homestead Property Tax Program, and asked to identify other effective tools that, in the aggregate, will help to provide financial relief from the year-over-year increases that impact low and fixed-income homeowners. The administration received multiple proposals and with Council approval awarded a contract to PFM Group Consulting LLC to facilitate the reviews. While the City's property tax rate has not been raised in over a decade, the amount of property taxes paid by homeowners has increased and will reasonably continue to increase annually with rising home values in the City of Hyattsville. This has created a financial hardship for homeowners in low and fixed-income situations.

Following the study, the consultant provided a final report with recommendations to improve these programs and/or provide other alternatives to the City's property tax credit relief programs.

**Next Steps:**

After presenting the findings of the study to the City Council, the administration will provide recommendations for council consideration and discussion.

**Fiscal Impact:**

As a result of adding new tax credit programs and adjusting current programs, the anticipated loss in General Fund Real Property Tax Revenues is estimated to be between \$500k and \$650k annually.

**City Administrator Comments:**

For discussion. If the recommendations are approved, the Treasurer will address funding offsets to adjust for anticipated loss of General Fund Real Property Tax Revenues.

**Community Engagement:**

A public hearing may be required.

**Strategic Goals:**

Goal 4 - Foster Excellence in all City Operations



**Legal Review Required?**

Pending

# City of Hyattsville

## Study of Property Tax Relief Programs for Low- and Fixed-Income Homeowners

**PFM Group Consulting LLC**  
BNY Mellon Center  
1735 Market Street  
42<sup>nd</sup> Floor  
Philadelphia, PA 19103



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## 1. Introduction and Project Background

The property tax is an important component in the overall structure of taxes that support local government. While the property tax has several positive features – including its reliability as a revenue source for local government and its visibility to taxpayers – it also has drawbacks. For example, unlike sales taxes and income taxes, which are determined by taxpayer actions, the property tax is based on property value, and no amount of tax planning can reduce it. While sales taxes are paid in small increments and income taxes are typically withheld from paychecks, property tax bills often come with significant amounts due. Payments must be made in large sums by homeowners who either have no mortgage or do not wrap property taxes into their monthly mortgage payments. Homeowners with low or fixed incomes are most likely to struggle to pay these obligations.

To reduce the undue property tax burden on homeowners, various types of relief programs are common across U.S. states and localities. In Maryland, all local governments are subject to statewide mandatory tax credit programs and are authorized to grant tax credits for certain types of property. The major statewide mandatory credits include the Homeowners' Property Tax (HPT) credit program and Homestead Tax Credit program; local governments may enact a local supplement to the HPT credit program, providing additional relief to eligible homeowners. Maryland local governments also are subject to mandatory and optional tax credits specific to individual counties and municipalities; the authority to grant local tax credits must be provided for in State law.

Despite the availability of multiple property tax relief programs for eligible homeowners, the City of Hyattsville's Housing Action Agenda (completed in April 2021) identifies property tax burden as a priority issue in the city and notes that it threatens to displace some of Hyattsville's most vulnerable residents: its low- and fixed-income homeowners.<sup>1</sup> The Agenda identifies "expanded use of property tax relief for income-qualified homeowners" as a tool that can help reduce the property tax burden on homeowners but characterizes it as a "low effort/low impact" option (meaning that it requires relatively minimal administrative effort but also provides less relief when compared to other types of relief programs).

Further, the Agenda contemplates whether the tax burden persists because existing property tax relief tools do not go far enough to reduce the tax burden or because those tools are not well enough known and utilized by Hyattsville homeowners. Accordingly, among the Agenda's recommendations was that the City "evaluate potential changes to the city's supplemental property tax relief program and modify as needed" as a key implementation step related to the expanded use of property tax relief as a tool to mitigate tax burden in the City. Hyattsville issued a request for proposals and in 2023 partnered with PFM Group Consulting LLC (PFM) to study its property tax relief programs for low- and fixed-income homeowners. As outlined in the scope of work, the four objectives of this analysis were as follows:

1. Determine if the City's current Homestead Tax Credit and Homeowners' Property Tax Credit program caps on home value, tax credit percentage, household income, net worth, or other qualifications should be adjusted.
2. Identify ways and/or recommend adjustments to improve the effectiveness of and participation in the Homestead Tax Credit and Homeowners' Property Tax Credit programs.
3. Discuss whether alternative programs would be more effective or useful for providing property relief to low- and fixed-income homeowners.
4. In collaboration with City staff, and using any available economic data, identify the profile of Hyattsville homeowners that could be considered low- and fixed-income.

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<sup>1</sup> City of Hyattsville, "Housing Action Agenda," (April 2021). Accessed electronically at <https://www.hyattsville.org/DocumentCenter/View/5844/Hyattsville-Housing-Action-Plan---Full-Document>



This report summarizes PFM's findings and recommendations related to these scope elements. It begins by providing key information about the Homestead and HPT credits, including eligibility criteria and requirements as well as a comparison of Hyattsville's programs to other Maryland local governments. The report also identifies other residential property tax relief programs available to the City under State law; documents evidence of their use in other jurisdictions; and addresses considerations related to program design and administration. A summary of PFM's project approach and methodology is provided in [Appendix A](#).



## 2. Homestead Tax Credit

### About the Program

The following provides a high-level overview of the Homestead Tax Credit program. Additional information is supplied in [Appendix B](#).

The intention of Maryland’s Homestead Property Tax Credit program (Md. Code Ann., Tax-Property § 9-105) is to shield homeowners from significant increases in property tax bills by limiting the increase in taxable assessments each year to a fixed percentage. The Program provides tax credits against state, county, and municipal real property taxes for owner-occupied residential properties for the amount of real property taxes attributable to assessed values that exceed an annual assessment percentage increase or “cap” in any given year. For purposes of the State property tax, the limit is 10 percent. Every county and municipality in Maryland is required to limit taxable assessment increases to 10 percent or less each year; the cost of the credits against local property taxes is assumed by the local government. Hyattsville has elected to set its assessment cap at 10 percent. A copy of the City of Hyattsville Code is provided in [Appendix D](#).

#### **The lower the assessment cap, that more generous the benefit provided to homeowners.**

A simplistic example of how the program functions is provided below:

A home whose old assessment was \$100,000 has a new, phased-in assessment (year one) of \$120,000. Assuming a tax rate of \$0.63 per \$100 of assessed value, the following table demonstrates the impact of no credit, a 10 percent cap, and a 5 percent cap. Without the existence of the Homestead Tax Credit, the property tax due would be \$756. Under a 10 percent cap, the taxable assessment would be \$110,000, and the property tax due would be reduced by \$63 to \$693. Under a 5 percent cap, \$105,000 of value would be taxable, resulting in tax due of \$662 – a credit value of \$95.

**Table 1: Homestead Tax Credit Scenario Comparison**

	<b>No Credit</b>	<b>10% Cap</b>	<b>5% Cap</b>
Taxable Assessment	\$120,000	\$110,000	\$105,000
Property Tax	\$756	\$693	\$662
<b>Credit Value</b>	<b>N/A</b>	<b>\$63</b>	<b>\$95</b>

*Note: Basic example for demonstrative purposes only; does not account for any subtractions.*

The effect of the homestead property tax credit is to smooth tax collections so that taxes increase more slowly than the increase in property values when values are appreciating substantially. When property values increase moderately, collections “catch up” as the homestead property tax credit available to taxpayers declines. This gives property owners tax relief and makes revenue estimates more predictable.

### Benchmarking Comparison

The following table and figure provide the credit percentage adopted by Hyattsville and select benchmark jurisdictions. As shown, with the exception of College Park, which has a limit of 0 percent, and Brentwood, which has a limit of 5 percent, Hyattsville and its benchmarks have each adopted a 10 percent limit. Hyattsville’s percentage has been unchanged since 1991. Prince George’s and Howard



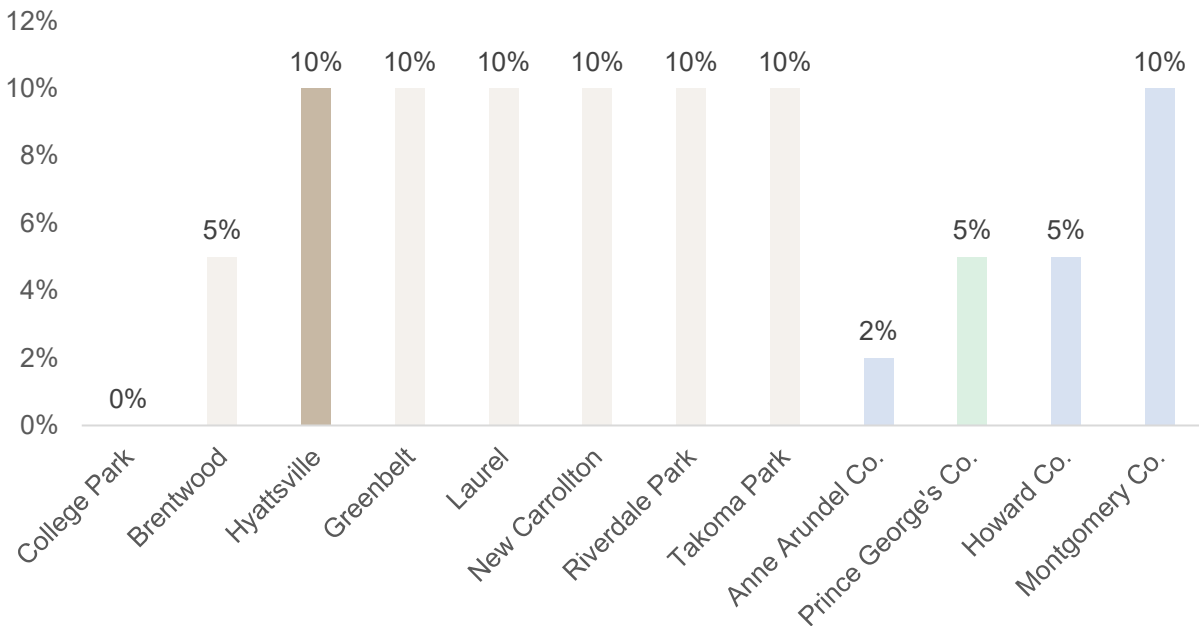
Counties both limit their growth to 5 percent; Anne Arundel County's is lower (2 percent) and Montgomery County's is higher (10 percent).

**Table 2: Homestead Tax Credit Assessment Caps, Select Cities & Counties (eff. July 1, 2023)**

	Assessment Cap
Hyattsville	10%
College Park	0%
Brentwood	5%
Greenbelt	10%
Laurel	10%
New Carrollton	10%
Riverdale Park	10%
Takoma Park	10%
Anne Arundel Co.	2%
Prince George's Co.	5%
Howard Co.	5%
Montgomery Co.	10%

Source: SDAT County and Municipal Homestead Credit Percentages

**Figure 1: Homestead Tax Credit Assessment Caps, Select Cities & Counties (eff. July 1, 2023)**



Further, when taking a County-wide snapshot of local provisions, slightly more than half of the 27 municipalities in Prince George's County cap their respective local assessments at 10 percent. Another 37 percent have adopted a 5 percent cap. The average assessment cap among municipalities in the County is 7.3 percent. The following table provides the assessment cap for each of the municipalities within Prince George's County:



**Table 3: Homestead Assessment Caps, Prince George’s County Municipalities (eff. 7/1/23)**

	%		%		%
Berwyn Heights	10%	District Heights	10%	Laurel	10%
Bladensburg	10%	Eagle Harbor	5%	Morningside	10%
Bowie	5%	Edmonston	5%	Mount Rainier	10%
Brentwood	5%	Fairmount Heights	5%	New Carrollton	10%
Capitol Heights	5%	Forest Heights	8%	North Brentwood	10%
Cheverly	10%	Glenarden	5%	Riverdale Park	10%
College Park	0%	Greenbelt	10%	Seat Pleasant	5%
Colmar Manor	5%	Hyattsville	10%	University Park	10%
Cottage City	10%	Landover Hills	5%	Upper Marlboro	0%
				<b>Average</b>	<b>7.3%</b>





### 3. Homeowners' Property Tax Credit

#### About the Program

The following provides a high-level overview of the program. Additional information is provided in [Appendix C](#).

Maryland law (§ 9-104) provides for a mandatory, State-funded tax credit against State real property taxes for homeowners of all ages who qualify based on a sliding scale of gross household income. The value of the credit is based upon the amount by which property taxes exceed a percentage of income, according to the following formula:

- 0.0 percent of the first \$8,000 of the combined household income
- 4.0 percent of the next \$4,000 of income
- 6.5 percent of the next \$4,000 of income
- 9.0 percent of all income above \$16,000

Before eligibility according to income can be considered, a homeowner must first meet four basic requirements:

1. They must own or have a legal interest in the property.
2. The dwelling on which a homeowner is seeking the tax credit must be their principal residence where they live for at least six months of the year, including July 1 (unless they are a recent home purchaser).<sup>2</sup>
3. Net worth (not including the value of the property on which the homeowner is seeking the credit or any qualified retirement savings or Individual Retirement Accounts) must be less than \$200,000.
4. Combined gross household income cannot exceed \$60,000.

If the eligible homeowner is also a disabled veteran, the credit covers 100 percent of the total real property tax. The surviving spouse of a disabled veteran may, upon application, continue to receive the credit until the surviving spouse remarries.

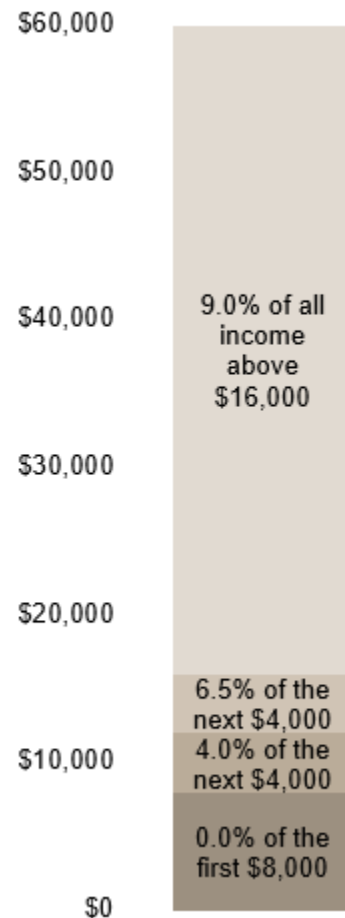
State law also permits municipalities to grant an optional, local supplement to the mandatory State HPT Credit (§ 9-215.1).<sup>3</sup> Participating municipalities are not reimbursed by the State for the revenue foregone. The local supplement is subject to the provisions of the State program, except that the municipality may alter the following eligibility requirements:

- The limitation on the assessed value of a dwelling (as indicated above, the State credit applies only to the taxes resulting from the first \$300,000 of assessed value).
- The percentages and combined income levels (the State credit program has assigned the four income tiers described previously at percentages ranging from 0.0 percent to 9.0 percent).

<sup>2</sup> Qualified home purchasers are encouraged to apply in advance for the Homeowners' Tax Credit before acquiring title to the property. Purchasers must apply at least 30 days before the expected settlement date to receive any credit due at the time of settlement.

<sup>3</sup> Counties are authorized to grant supplemental credits under § 9-215.

Figure 2: Income Tiers





- The limitation on combined net worth or combined gross income of the homeowner (the State credit caps combined gross household income at \$60,000 and net worth at \$200,000).

### HPT Credit & Local Supplement Example

A homeowner whose combined household income is \$16,000 would be receive a state credit for any taxes above \$420, based on the aforementioned formula.

$$(\$8,000 \times 0.0\%) + (\$4,000 \times 4.0\%) + (\$4,000 \times 6.5\%) = \$420$$

For a property tax bill of \$1,000, the state tax credit amount would be \$580.

$$\$1,000 - \$420 = \$580$$

A local supplement equal to 15 percent of the state tax credit amount would result in a local tax credit of \$87.

$$\$580 \times 15\% = \$87$$

### Benchmarking Comparison

The City of Hyattsville’s supplemental credit is equal to 15 percent of the State credit and applies to the first \$350,000 of the assessed value of a principal residence (higher than the State maximum of \$300,000). To be eligible for the local supplement, the income limit is \$80,000 (as opposed to the State limit of \$60,000), and the maximum net worth of the household – excluding the principal residence – cannot exceed \$200,000 (in alignment with the State).

The following table compares Hyattsville’s eligibility requirements and limitations for its supplemental credit relative to those of select jurisdictions.<sup>4</sup> These local supplements commonly align with the state program parameters, with the local credit typically equal to 15 percent or 25 percent of the state credit amount. At 50 percent of the state credit, Takoma Park’s supplemental credit is atypically generous. Notably, not all municipalities offer a local supplement; Laurel and New Carrollton provide nearby examples of jurisdiction not currently providing the local credit. Under State law, counties may also provide the supplemental credit. While Prince George’s County does not currently have this program in place, Baltimore City and 13 counties do.<sup>5</sup>

**Table 4: Supplemental HPT Credit Parameters**

	Assessed Value Limit	Combined Net Worth Limit	Combined Gross Income Limit	Percentages & Income Levels
Hyattsville	<b>\$350,000</b>	\$200,000	<b>\$80,000</b>	15% of state HPT credit
Bowie	\$300,000	\$200,000	\$60,000	25% of state HPT credit
College Park	\$300,000	\$200,000	\$60,000	15% of state HPT credit
Greenbelt	\$300,000	\$200,000	\$60,000	25% of state HPT credit
Mount Rainier	\$300,000	\$200,000	\$60,000	15% of state HPT credit
Rockville	<b>\$495,000</b>	\$200,000	\$60,000	25% of state HPT credit
Takoma Park	\$300,000	\$200,000	\$60,000	<b>50% of state HPT credit</b>

<sup>4</sup> Some jurisdictions offer a supplemental credit targeting seniors specifically. These examples are discussed in Section 4 of this report.

<sup>5</sup> Counties include Anne Arundel, Baltimore, Calvert, Caroline, Carroll, Charles, Frederick, Garrett, Harford, Howard, Kent, Montgomery, and Washington.



## 4. Alternative Property Tax Relief Programs

In accordance with the project scope referenced previously, the following section: (1) identifies additional and/or alternative property tax relief programs (beyond the Homestead and HPT credits) available to Maryland municipalities; and (2) provides a discussion of whether these options would be more effective or useful for providing property tax relief to Hyattsville’s low- and fixed-income homeowners.<sup>6</sup> Two tax credit approaches are common among jurisdictions offering property tax relief programs specifically targeting seniors: a standalone tax credit, and a local HPT supplement for seniors. While less common, some jurisdictions provide a credit for long-term elderly residents and veterans. In addition, some jurisdictions provide property tax deferrals to qualified senior homeowners. Additional information about each of these approaches is provided below.

- Senior Citizens’ Local Supplement to the HPT Credit (§ 9-215):** As discussed, Maryland cities and counties are given a fair amount of latitude when setting the eligibility criteria and other qualifications for their optional, supplemental HPT credit programs. In addition, a jurisdiction can further limit eligibility for the local supplement to homeowners: (1) who have reached a certain age; (2) who have resided in their dwellings for more than a certain number of years; and (3) whose assessments have increased more than a certain percentage over a certain period of time. In other words, state law gives local governments the ability to craft supplemental HPT credit “carve outs” targeting seniors; longtime residents; and/or homeowners most likely to struggle to meet property tax obligations.

**Table 5: Senior Citizens’ Local Supplement to the HPT Credit, Select Jurisdictions**

	Min. Age	Min. Years in Home	Income Limit	Net Worth Limit	Assessed Value Limit	Credit Amount
City of Frederick <sup>7</sup>	70	None	\$40,000	\$200,000	None	25%
Anne Arundel Co.	70	10	Same as local supplement			130% of local supplement
Frederick Co.	65	None	\$100,000; indexed to inflation	\$200,000	\$500,000	30% or 50% based on income

Anne Arundel County restricts eligibility to taxpayers who have owned their homes for a minimum number of years. Homeowners who qualify for the local supplement to the HPT credit are also eligible for an enhanced local supplement if they are at least 70 years old and have resided in their dwelling for more than ten years. The enhanced local supplement is equal to 130 percent of the local supplement amount.

Frederick County has modified its eligibility criteria since introducing its program in order to align the parameters with reality and also to reach more taxpayers with the credit. The assessed value limit increased from \$300,000 to \$500,000, and the income limit was raised from \$80,000 to \$100,000. The County’s approach to this program provides multiple other noteworthy features. For example, the combined gross household income limit is adjusted each year to reflect changes

<sup>6</sup> Note: the specific program names used can vary from jurisdiction to jurisdiction.

<sup>7</sup> City of Frederick. Accessed electronically at <https://www.cityoffrederickmd.gov/1434/Tax-Credits-Incentives>



in the Consumer Price Index (CPI). The adjusted value of each combined gross household income value is determined by multiplying the income amount by a fraction:

$$\frac{\text{CPI as of January of year for which adjustment being made}}{\text{CPI as of January of preceding year for which adjustment being made}}$$

The amount of the credit is then tiered based on the income calculated using the preceding formula.<sup>8</sup> For those with combined gross household income of \$50,000 or less, the credit is equal to 50 percent. For households with income greater than \$50,000 but less than \$100,000, the credit is equal to 30 percent. Previously, those with incomes of \$30,000 or less were eligible for a 40 percent credit and those with incomes of between \$30,000 and the previous income cap of \$80,000 qualified for a credit of 20 percent.

**Table 6: Frederick County Supplemental HPT Credit for Seniors**

	Assessed Value Limit	Credit Amount (Income-Based)	
Current Credit	\$300,000	\$30,000 or Less	\$30,000- \$80,000
		40% credit	20% credit
Effective 7/1/24	\$400,000	\$50,000 or Less	\$50,000- \$100,000
		50% credit	30%

Source: Frederick County Senior Tax Credit Fact Sheet

In evaluating the need for these program eligibility changes, the County considered whether a credit for a homeowner earning less than \$30,000 would be applicable to homeowners. The County noted that being a homeowner and having a maximum gross income of only \$30,000 is a very challenging and likely rare combination. Increasing the lowest income threshold from \$30,000 to \$50,000 recognizes this point and aims to reach a more intentional population of homeowners.

- Credit for Individuals at Least 65 Years Old (§ 9-245):** A county or municipality may provide tax credits for homeowners who are at least 65 years old and of limited income. The locality may provide for: (1) the amount and duration of the credit; (2) additional eligibility for the credit; (3) regulations and procedures for the application and uniform processing of requests for the credit; and (4) any other necessary provision. As shown in the following table, the local examples identified by the project team are county-level programs, rather than municipal property tax credits.

**Table 7: Senior Property Tax Credit Program Parameters, Select Jurisdictions**

	Credit %	Min. Age	Min. Years in Home	Asset Test	Other Eligibility Requirements
Dorchester Co.	5%	70	None	None	None
Howard Co.	25%	65	None	Net worth ≤ \$500,000	Income ≤ 500% of poverty guideline
Montgomery Co.	50%	65	None	None	None
Prince George's Co.	20% (5 years)	65	10	Assessed value ≤ \$500,000	None

<sup>8</sup> County Council for Frederick County, "Amend Senior Citizens' Local Supplement to Homeowners' Property Tax Credit." Accessed electronically at [https://frederickcountymd.gov/DocumentCenter/View/342515/02072023---22-12-13\\_McKay\\_Amend-Senior-Citizens-Local-Supplement-to-Homeowners-Property-Tax-Credit](https://frederickcountymd.gov/DocumentCenter/View/342515/02072023---22-12-13_McKay_Amend-Senior-Citizens-Local-Supplement-to-Homeowners-Property-Tax-Credit)



Among these jurisdictions, of note are the following senior tax credit program specifications:

- Prince George's County's program is new effective July 1, 2023. Unlike the other examples provided, the County has opted to limit the duration of the credit (to five years), and also requires eligible applicants to have lived in their homes for at least 10 years. The County's program uses assessed value as an asset test; it might be \$500,000 or less at the time of application.<sup>9</sup>
- At 50 percent, Montgomery County's credit is the most generous, in terms of value – and also has relatively few eligibility requirements (i.e., at least 65 years old; no asset test or minimum length of residency). Dorchester County's minimum age is 70 instead of 65, and the value of the credit – 5 percent – is significantly lower than the other program examples identified.
- In Howard County, instead of setting a flat dollar amount for the income limit, the combined income of a household cannot exceed 500 percent of the most recent poverty guidelines for a household of two individuals.<sup>10</sup> Further, as an asset test, household net worth cannot exceed \$500,000 (there is no requirement pertaining to assessed value).
- **Credit for Elderly Individuals and Veterans (§ 9-258):** Localities may provide property tax credits for certain elderly individuals and veterans. Prior to the passage of SB 901, which repealed a provision that established the maximum amount of property tax credit and the period for which an individual is eligible to receive the credit, it was capped at 20 percent, and the maximum period allowed was five years.<sup>11</sup> The bill eliminated these provisions. Under the law, an “eligible individual” means:
  - An individual who is at least 65 years old.
  - An individual who is at least 65 years old and is a retired member of the uniformed services, the military reserves, or the National Guard.
  - A surviving spouse of a retired member of the uniformed services, the military reserves, or the National Guard who is at least 65 years old and has not remarried.
  - An individual who is an active duty, retired, or honorably discharged member of the uniformed services, the military services, or the National Guard and has a service-connected disability; or a surviving spouse who has not remarried.

Localities may provide for: (1) the maximum assessed value of a dwelling that is eligible; (2) the minimum number of years, not to exceed 40, that an eligible individual must have resided in the same dwelling; (3) criteria that define a service-connected disability of an eligible individual; and (4) additional eligibility criteria for the credit. For tax year 2023 and after, HB 1186 of the 2022 legislative session altered this credit by authorizing local governments to determine the amount and duration of the property tax credit.<sup>12</sup>

<sup>9</sup> Prince George's County, “2023 Elderly Property Tax Credit Application.” Accessed electronically at <https://www.princegeorgescountymd.gov/DocumentCenter/View/45501/Elderly-Property-Tax-Credit-Application-?bidId=>

<sup>10</sup> Poverty guidelines are updated periodically in the Federal Register by the U.S. Department of Health and Human Services under 42 U.S.C. 9902(2).

<sup>11</sup> Maryland State Legislature, “Senate Bill 901.” Accessed electronically at [https://mgaleg.maryland.gov/2022rs/Chapters\\_noln/CH\\_268\\_sb0901t.pdf](https://mgaleg.maryland.gov/2022rs/Chapters_noln/CH_268_sb0901t.pdf)

<sup>12</sup> Maryland State Legislature, “House Bill 1186,” (May 12, 2022). Accessed electronically at <https://legiscan.com/MD/bill/HB/1186/2022>. Effective June 1, 2022, the bill authorized counties and municipalities to determine the amount and duration of the optional property tax credit for elderly individuals, veterans, and surviving spouses. Previously, state law capped the credit at 20 percent of local taxes; mandated that the credit be granted only for up to 10 years; and capped the maximum assessed value of an eligible dwelling at \$650,000.



The following table compares key parameters of the tax credit programs offered in other Maryland jurisdictions.

**Table 8: Elderly Individuals and Veterans Credit Benchmarking, Select Jurisdiction**

	<b>Credit % (+ duration if applicable)</b>	<b>Min. Age</b>	<b>Max. Income</b>	<b>Min. Years in Home</b>	<b>Max. Assessed Value</b>
District Heights <sup>13</sup>	20% for 5 years	65	None	10	\$500,000
Laurel <sup>14</sup>	20% for 5 years	65	None	10	\$500,000 at application
Mt. Rainier <sup>15</sup>	20% for 5 years	65	None	30	\$700,000
Anne Arundel Co. <sup>16</sup>	15% for 5 years	65	None	None	\$500,000
Frederick Co. <sup>17</sup>	20%	65	\$80,000	30	\$400,000
Harford Co. <sup>18</sup>	20% for 5 years	65	None	40	\$400,000
Howard <sup>19</sup>	20%	65	None	30	\$650,000
Montgomery Co. <sup>20</sup>	20% for 7 years	65	None	40	Varies
Prince George's Co. <sup>21</sup>	20% for 5 years	65	\$80,000	10	\$500,000 at application

\* Percent of the local property tax imposed on the dwelling, inclusive of any Homestead or HPT credit provided.

There are several key distinctions among the preceding approaches, including the following:

- The City of Laurel and Prince George's County provide examples of programs whose assessed value maximums increase over time, rather than being set at a specific dollar value. In Laurel, the maximum value of an eligible dwelling is \$500,000 at the time an individual first applies for the credit. For purposes of qualifying in years two through five, the maximum value increases on July 1 of each year by the lesser of CPI or 3.0 percent. Similarly, in Prince George's County, the initial maximum value is \$500,000 and that maximum increases annually on July 1 by the CPI for the preceding calendar or 3.0 percent, whichever is less.<sup>22</sup>
- The assessed value limitation in Montgomery County depends on the basis of qualification for the credit. For owners that are at least 65 years of age and have owned and lived in the same dwelling for at least 40 consecutive years, the tax credit is only

<sup>13</sup> City of District Heights, "Elderly Property Tax Credit (New)," (June 20, 2023). Accessed electronically at <https://www.districtheights.org/home/news/elderly-property-tax-credit-new>

<sup>14</sup> City of Laurel, "Ordinance No. 2003." Accessed electronically at <https://www.cityoflaurel.org/system/files/files/ordinanceno2003.pdf>

<sup>15</sup> City of Mount Rainier, "Property Tax Credit for Seniors and Military Retirees." Accessed electronically at <https://www.mountrainiermd.org/home/showpublisheddocument/2948/638088739072500000>

<sup>16</sup> Anne Arundel County. Accessed electronically at <https://www.aacounty.org/sites/default/files/2023-03/retired-veteran-tax-credit-application-year-1.pdf>

<sup>17</sup> Frederick County, "Uniformed Service Member Tax Credit Information Sheet." Accessed electronically at <https://frederickcountymd.gov/DocumentCenter/View/337160/Uniformed-Service-Member-Info-Sheet?bidId=>

<sup>18</sup> Harford County, "Senior Citizens and Veterans Tax Credit." Accessed electronically at <https://www.harfordcountymd.gov/DocumentCenter/View/10949/Senior-Citizen-and-Veteran-Tax-Credit-Rules-and-Regulations?bidId=>

<sup>19</sup> Howard County, "Aging in Place Tax Credit." Accessed electronically at <https://www.howardcountymd.gov/finance/tax-credits>

<sup>20</sup> Montgomery County, "Senior Tax Credit Programs." Accessed electronically at <https://www.montgomerycountymd.gov/Finance/senior.html>

<sup>21</sup> County Council of Prince George's County, "An Act Concerning a Property Tax Credit for Elderly Individuals," (May 31, 2022). Accessed electronically at <https://www.princegeorgescountymd.gov/DocumentCenter/View/42412/CB-029-2022-Property-Tax-Credit-for-Elderly-Individuals-PDF>

<sup>22</sup> Prince Georges County, "Property Tax Credit for Elderly Individuals," (2022). Accessed electronically at <https://www.princegeorgescountymd.gov/DocumentCenter/View/42412/CB-029-2022-Property-Tax-Credit-for-Elderly-Individuals-PDF>



available if the dwelling has an assessment of \$700,000 or less at the time of the application for the credit. For owners that are at least 65 years of age and are military retirees the tax credit is only available if the dwelling has an assessment of \$550,000 or less, at the time of the application for the credit.<sup>23</sup> The assessed value limit was \$650,000 for eligible senior residents who have lived in their homes for at least 40 years and \$500,000 for eligible retired military members prior to modification made in January 2023. Additionally, with the passage of SB 901, Montgomery County opted in July 2022 to extend the validity of their credit from a maximum of five years to a maximum of seven.<sup>24</sup>

- In 2022, Howard County reduced the consecutive years a county resident must live in their home before qualifying for the credit from 35 years to 30 and increased the maximum duration of the credit from five to eight years and increased the maximum value of a home eligible for the credit from \$500,000 to \$650,000.<sup>25</sup>
- **Credit for Disabled Veterans and Surviving Spouses (§ 9-265):** Localities may provide credits equal to 50 percent of the local property tax if the disabled veteran's service-connected disability rating is at least 75 percent, but not more than 99 percent or 25 percent of the local property tax if the disability rating is at least 50 percent but not more than 74 percent. Eligible homeowners qualify if: (1) the dwelling is owned by a disabled veteran; (2) the disabled veteran's federal adjusted gross income for the immediately preceding taxable year does not exceed \$100,000; and (3) required supplemental documentation is provided. Disabled veterans must have been honorably discharged and declared to have a permanent service-connected disability of at least 50 percent that results from blindness or any other disabling cause.

Localities may continue to provide the credit to the surviving spouse of the disabled veteran. They may also provide for: (1) the duration of the tax credit; (2) regulations and procedures for the application and uniform processing of requests for the tax credit; and (3) the definition of surviving spouse and the amount and duration of the credit for the surviving spouse.

This tax credit program is offered in Anne Arundel and Frederick Counties (it is referred to as the "Disabled Veterans and Their Surviving Spouses Property Tax Credit" and "Partially Disabled Veteran Property Tax Credit," respectively).<sup>26,27</sup> Surviving spouses are eligible to continue receiving the credit in both jurisdictions.

- **Credit for Dwelling Owned by a Surviving Spouse or Cohabitant of a Fallen Law Enforcement Officer or Rescue Worker (§ 9-210):** Localities may provide tax credits for dwellings owned by a disabled law enforcement officer or rescue worker, a surviving spouse of a fallen law enforcement officer or rescue worker; or a cohabitant. To be eligible, the dwelling must have been acquired by the disabled law enforcement officer or rescue worker within 10 years of the date the disabled law enforcement officer or rescue worker was adjusted to be permanently and totally disabled or by the surviving spouse or cohabitant within 10 years of the fallen law enforcement officer's or rescue worker's death.

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<sup>23</sup> Montgomery County Department of Finance, "Property Tax Credit for Elderly Individuals and for Military Retirees." Accessed electronically at <https://www.montgomerycountymd.gov/Finance/bill-42-16.html>

<sup>24</sup> Montgomery County Council, "Bill 1-23, Property Tax Credit," (January 17, 2023). Accessed electronically at [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2023/20230117/20230117\\_2A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2023/20230117/20230117_2A.pdf)

<sup>25</sup> Maryland Association of Counties, "Howard Expands Tax Credit to Help Older Residents Age in Place," (November 4, 2022). Accessed electronically at <https://conduitstreet.mdcounties.org/2022/11/04/howard-expands-tax-credit-to-help-older-residents-age-in-place/>

<sup>26</sup> Anne Arundel County, "Disabled Veterans and Their Surviving Spouses Property Tax Credit Application." Accessed electronically at <https://www.aacounty.org/sites/default/files/2023-03/disabled-veterans-tax-credit-application-reapply.pdf>

<sup>27</sup> Frederick County, "Partially Disabled Veteran Tax Credit Information Sheet." Accessed electronically at <https://frederickcountymd.gov/DocumentCenter/View/335014/Partially-Disabled-Vet-Credit-Information-Sheet?bidId=>



Localities may provide for: (1) the amount and duration of the credit; (2) any additional limitation to the number of years the dwelling was acquired within the date of an adjudication of disability or death; and (3) any other provision necessary. This particular credit was found to be offered in the City of Bowie and the following 13 counties:

- Anne Arundel
- Baltimore City
- Calvert
- Carroll
- Charles
- Frederick
- Garrett
- Harford
- Howard
- Montgomery
- Prince George's
- Queen Anne's
- Washington

In Howard County, the credit is equal to 100 percent of the taxes up to \$6,000 on the dwelling and curtilage.<sup>28</sup> Effective in FY2024, HB 508 requires a local government to define, by law, who is a law enforcement or rescue worker. The bill also altered eligibility for the tax credit to include certain disabled law enforcement officers or rescue workers who were domiciled in the state as, or any time within the five years before the officer or worker died or was determined to be disabled.<sup>29</sup>

- **Credit for Property Equipped with Accessibility Features (§ 9-250):** This optional program provides a property tax credit for residential real property equipped with an accessibility feature. An eligible “accessibility feature” is defined in statute as (1) a no-step entrance allowing access into a residence; (2) interior passage doors providing at least a 32-inch wide clear opening; (3) grab bars around a toilet, tub, or shower installed to support at least 250 pounds; (4) light switches, outlets, and thermostats placed in wheelchair accessible locations; (5) lever handles on doors; and (6) universal design features or any accessibility enhancing design feature prescribed by the Department of Housing and Community Development under § 12-202.

Localities may provide for the amount and duration of the credit; additional eligibility criteria for the credit; regulations and procedures for the application and uniform processing of requests for the tax credit; and any other provision necessary to carry out the credit.<sup>30</sup>

Credits for property equipped with accessibility features are offered in Prince George's, Howard, and Montgomery Counties. The following table compares key parameters for programs in these select jurisdictions.

<sup>28</sup> Howard County Maryland, “Tax Credits.” Accessed electronically at <https://www.howardcountymd.gov/finance/tax-credits>

<sup>29</sup> Maryland General Assembly DLS, “Fiscal and Policy Note – HB 508.” Accessed electronically at

<sup>30</sup> Maryland Statutes, accessed electronically at <https://law.justia.com/codes/maryland/2022/tax-property/title-9/subtitle-2/section-9-250/>





**Table 9: Accessibility Features Tax Credit**

	<b>Requirements</b>	<b>Credit Amount</b>
Prince George's Co. <sup>31</sup>	- Expense must be on list of applicable features - Must be installed within 12 months preceding application	Lesser of 50% of eligible costs or \$2,500
Howard Co. <sup>32</sup>	- Expense must be on list of applicable features - Must be installed within 12 months preceding application	Lesser of 100% of eligible costs or \$2,500
Montgomery Co. <sup>33</sup>	- Expense must be on list of applicable features - Must be installed within 12 months preceding application	Lesser of 50% of eligible costs or \$2,500 Program capped at \$100,000 annually

- **Senior Property Tax Deferrals (§ 10-204.2):** Municipalities may authorize a property tax deferral for elderly or disabled homeowners. To qualify, a homeowner must have resided in the dwelling for at least five consecutive years; meet income eligibility requirements; and satisfy at least one of the following:
  - Is at least 65 years old;
  - Has been found permanently and totally disabled and has qualified for social security and other federal benefits programs; or
  - Has been found permanently and totally disabled by a county health officer.<sup>34</sup>

Under § 10-204, counties may also grant deferrals, and many have enacted them. For example, Prince George's County's deferral is available to owners who have resided in their homes for at least five consecutive years if the homeowner is at least 65 years of age; has been found permanently and totally disabled and has qualified for certain benefits; or has been found permanently or totally disabled. Household income cannot exceed \$45,000. Interest accrues on the deferred taxes at the rate of 9 percent per year.

Prince George's County law further requires the County to "establish and promote a countywide public information, awareness, and education campaign" on the deferral program. The campaign is required to disseminate information about the property tax deferral through written notice in the annual property tax bill, publication on the appropriate county websites, posters, and any other medium likely to reach resident taxpayers who may be eligible for the deferral program.<sup>35</sup> Other county examples include:

- Anne Arundel County provides a 50-year deferral for eligible homeowners. To qualify, a homeowner must have resided in the dwelling for a period of at least five consecutive years and meet one of the following conditions: (1) at least 62 years of age; (2) has been found permanently and totally disabled and has qualified for benefits under the Social Security Act, the Railroad Retirement Act, any federal act for members of the U.S. Armed Forces, or any federal retirement system; or (3) has been found permanently and totally

<sup>31</sup> Prince George's County, "Residential Property Tax Credits." Accessed electronically at

<https://www.princegeorgescountymd.gov/departments-offices/finance/property-tax-credits/residential>

<sup>32</sup> Howard County, "Livable Homes Tax Credit Application for Accessibility Features." Accessed electronically at

<https://www.howardcountymd.gov/departments-finance/resource/2021-livable-home-credit>

<sup>33</sup> Montgomery County, "Design for Life Tax Credit Incentive Program." Accessed electronically at

<https://www.montgomerycountymd.gov/design/Resources/Files/PDF/DFLTaxCreditIncentiveTable.pdf>

<sup>34</sup> Or the Baltimore City Commissioner of Health.

<sup>35</sup> Prince George's County Code, Real Property Tax Deferral for Elderly or Disabled Homeowners." Accessed electronically at

[https://library.municode.com/md/prince\\_george\\_s\\_county/codes/code\\_of\\_ordinances?nodemd=PTIIT117PULOLAPRGECOMA\\_SUBTITLE\\_10FITA\\_DIV8TAASLECO\\_SD1APRTA\\_S10-197REPRTADEELDIHO](https://library.municode.com/md/prince_george_s_county/codes/code_of_ordinances?nodemd=PTIIT117PULOLAPRGECOMA_SUBTITLE_10FITA_DIV8TAASLECO_SD1APRTA_S10-197REPRTADEELDIHO)



disabled by a County Health Officer or the Baltimore City Commissioner of Health. The homeowner must also meet the income eligibility requirement of no more than \$55,000.<sup>36</sup>

- Queen Anne’s County offers a tax deferral program that is available to people over 65 years of age and/or permanently and totally disabled who have lived in their dwelling for at least five years. To qualify, income must be \$100,000 or less. The program defers any county tax increase for payment at a later date (in up to 50 years) with interest of 2.0 percent per annum from the first payment due date until paid in full. Interest is charged monthly.<sup>37</sup>

The following table compares key parameters for programs in select jurisdictions.

**Table 10: County Property Tax Deferral Programs, Select Examples**

	Min. Years in Home	Min. Age	Max. Income	Deferral Term/ Interest	Other Details
Prince George’s Co.	5	65	\$45,000	9% interest	If permanently & totally disabled, no age requirement
Anne Arundel Co.	5	62	\$55,000	50 years	If not 62, permanently & totally disabled
Montgomery Co.	5	65	\$80,000	No interest	Cumulative taxes cannot exceed 50% of FMV
Queen Anne’s Co.	5	65	\$100,000	50 years; 2% interest	If not 65, permanently & totally disabled

Relatedly, passed in 2021, HB 571 allows Montgomery County to authorize an abatement of any overdue property tax for taxable years beginning on or after July 1, 2018, (a) on a dwelling transferred to a disabled active-duty service member, disabled veteran, or surviving spouse who applies for an qualifies for a specified property tax exemptions and (b) for which the transferee is liable.<sup>38</sup>

- **Credit for Offsets of Local Income Tax Rate Increases (§ 9-221):** Localities may provide property tax credits to offset in whole or part increases in the county or municipal income tax revenues resulting from a local income tax rate in excess of 2.6 percent. The credit is available only to the owner-occupied property of a homeowner if the homeowner has an application for the Homestead credit on file with SDAT. Localities may provide for: (1) the amount of the credit; and (2) any other provisions necessary.<sup>39</sup>
  - In Baltimore City, the Targeted Homeowners Tax Credit (THTC) is automatically granted to every owner-occupied property that has applied and been approved for the Homestead credit, as required. Each year, the City proposes a new THTC amount, which is then

<sup>36</sup> Anne Arundel County, “50 Year Payment Deferral.” Accessed electronically at <https://www.aacounty.org/finance/tax-information/tax-credits-exemptions>

<sup>37</sup> Queen Anne’s County, “Application for Queen Anne’s County Tax Deferral.” Accessed electronically at <https://www.qac.org/DocumentCenter/View/6843/Tax-deferral-application?bidId=>

<sup>38</sup> Maryland Legislature, “HB 571: Montgomery County – Disabled Active Duty Service Members, Disabled Veterans, and Surviving Spouses – Property Tax Abatement [MC 20-21].” Accessed electronically at [https://mgaleg.maryland.gov/2021RS/fnotes/bil\\_0001/hb0571.pdf](https://mgaleg.maryland.gov/2021RS/fnotes/bil_0001/hb0571.pdf)

<sup>39</sup> Montgomery County, “Income Tax Offset Credit.” Accessed electronically at <https://www.montgomerycountymd.gov/Finance/itoc.html>



subtracted from the base property tax rate. In FY2020, the effective owner-occupied property tax rate was \$2.048 per \$100 of assessed value.<sup>40</sup>

- Frederick County provides a \$175 property tax credit for an owner-occupied property with a property assessment on the July 1, 2021 real estate tax bill of \$328,512 or less.<sup>41</sup>
- Since 2009, Montgomery County has provided an income tax offset credit (ITOC) to residents who live in the property they own. The credit shifts a portion of the County's property tax burden to non-homeowners (including commercial property owners and residential renters). The Council sets the credit as a specific amount (currently \$692), rather than as a percentage of value; consequently, the credit adds a degree of progressivity to the property tax.
- **Clean Water Act Fee (CWF) Hardship Exemption:** State law requires nine counties – including Prince George's – and the City of Baltimore to collect a fee from property owners to implement a program to help clean up stormwater runoff pollution from impervious areas. In Prince George's County, residential property owners who can demonstrate substantial financial hardship as a result of the CWF may be eligible for financial hardship status. To qualify, a homeowner must have received the state HPT credit during the tax year for which the CWF is billed, and it must be applied for annually. Upon determination of homeowner eligibility, the County's Office of Finance provides a suspension of the fee in its entirety for the eligible tax year.<sup>42</sup>

State law also provides for mandatory exemptions for eligible disabled veterans and blind homeowners:

- **Exemption for Disabled Veterans (§ 7-208):** Veterans who have been certified by the U.S. Department of Veterans Affairs as completely and permanently disabled are eligible for a full exemption of real property taxes on a single residential property owned and occupied by the certified veteran (or a surviving spouse). The property owner must submit a one-time application for this exemption to the State for approval (the owner will be exempt from all taxes but will still owe all fees such as solid waste charges). These veterans may apply at any time and do not have to meet the September 1 filing deadline. Un-remarried surviving spouses also may apply for this exemption. Surviving spouses of military personnel killed in the line of duty may apply for an exemption.<sup>43</sup>

In 2023, SB 32 altered the application requirements by adding a rating decision of the disabled veteran's disability from the U.S. Department of Veterans Affairs, including the effective date of the rating decision, to the types of supporting documents that can be included with the application.

- **Exemption for the Blind (§ 7-207):** Maryland homeowners with a central visual acuity of 20/200 or less in the better eye are eligible to receive, with a doctor's certification, an exemption of \$15,000 of assessment reduction on the dwelling house and surrounding yard. Legally blind

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<sup>40</sup> Baltimore City Department of Finance, "Targeted Homeowner's Tax Credit." Accessed electronically at [https://finance.baltimorecity.gov/sites/default/files/THTC\\_080320.pdf#:~:text=This%20property%20tax%20credit%20is,property%20axes%20the%20resident%20owes.&text=The%20Board%20of%20Estimates%20will%20set%20an%20annual%20rate%20every%20year.](https://finance.baltimorecity.gov/sites/default/files/THTC_080320.pdf#:~:text=This%20property%20tax%20credit%20is,property%20axes%20the%20resident%20owes.&text=The%20Board%20of%20Estimates%20will%20set%20an%20annual%20rate%20every%20year.)

<sup>41</sup> Frederick County Code. Accessed electronically at [https://codelibrary.amlegal.com/codes/frederickcounty/latest/frederickco\\_md/0-0-0-2587](https://codelibrary.amlegal.com/codes/frederickcounty/latest/frederickco_md/0-0-0-2587)

<sup>42</sup> Prince Georges County, "Clean Water Act Fees & Exemptions" Accessed electronically at <https://www.princegeorgescountymd.gov/departments-offices/environment/stormwater-management/clean-water-act/fees-exemptions>

<sup>43</sup> Maryland SDAT, "Application for Exemption for Disabled Veterans." Accessed electronically at <https://dat.maryland.gov/SDAT%20Forms/Disabled-Veteran.pdf>



persons may apply at any time and are not required to meet the general September 1 filing deadline. A person who receives this tax relief cannot receive the same relief under the Disabled Veteran or Surviving Spouse Tax Exemption.<sup>44</sup>

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<sup>44</sup> Maryland SDAT, "Application for Exemption for Blind Persons." Accessed electronically at <https://dat.maryland.gov/SDAT%20Forms/Blind-Persons.pdf>



## 5. Key Considerations for Hyattsville

When it comes to providing property tax relief for low- and fixed-income homeowners, program design elements – namely eligibility criteria, administration (i.e., the application process for homeowners), and outreach and education efforts – play a significant role in determining the overall effectiveness of and participation in the program(s). Each of these is discussed below.

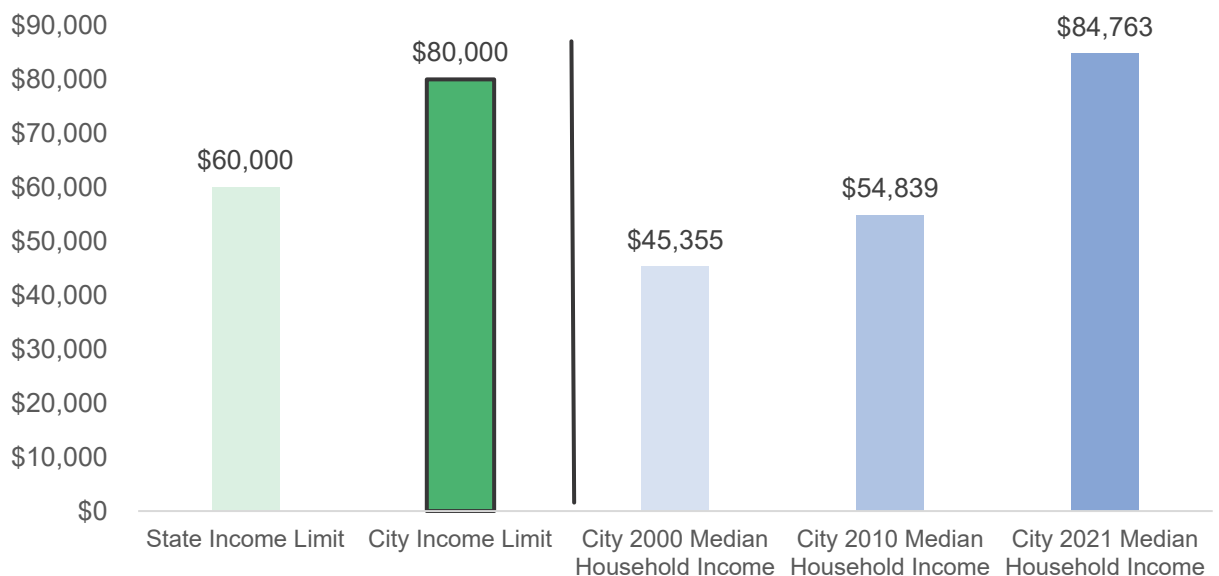
### Eligibility Criteria

- **Income Limits:** As noted previously, the State HPT credit caps household income at \$60,000. The City of Hyattsville has set the income cap for its supplemental HPT credit at \$80,000, which is generous relative to the State credit and other jurisdictions with local supplements. Income ceilings that are too low deny relief to moderate-income households with heavy property tax burdens. Setting the ceiling around the state median household income is a reasonable middle ground that contains program costs without excluding moderate-income households.

By having a fixed income limit, however, the value of a credit is degraded over time. When tax credit programs limit the credit's availability to households of a maximum gross income, that maximum level should be adjusted over time to reflect the impact of inflation. Otherwise, the credit becomes more restrictive over time than when it was originally proposed and rolled out.

The value of Hyattsville's credit has been degraded over time. In 2010, just after the City enacted the supplemental credit, the median household income in the city was approximately \$55,000 – roughly \$25,000 below the \$80,000 income limit. However, because that limit is a fixed dollar amount, it has not increased over time, while incomes have. As of 2021, the median household income in the city is nearly \$85,000 – now more than the city's limit for the program (the mean was \$106,790).<sup>45</sup>

**Table 11: Comparison of Select Economic Characteristics – Household Income**



Sources: U.S. Census Bureau American Community Survey 5-Year Estimates

<sup>45</sup> Per 2021 American Community Survey 5-Year Estimates. U.S. Census Bureau, "QuickFacts, Hyattsville Maryland." Accessed electronically at <https://www.census.gov/quickfacts/fact/table/hyattsvillecitymaryland/PST045222>



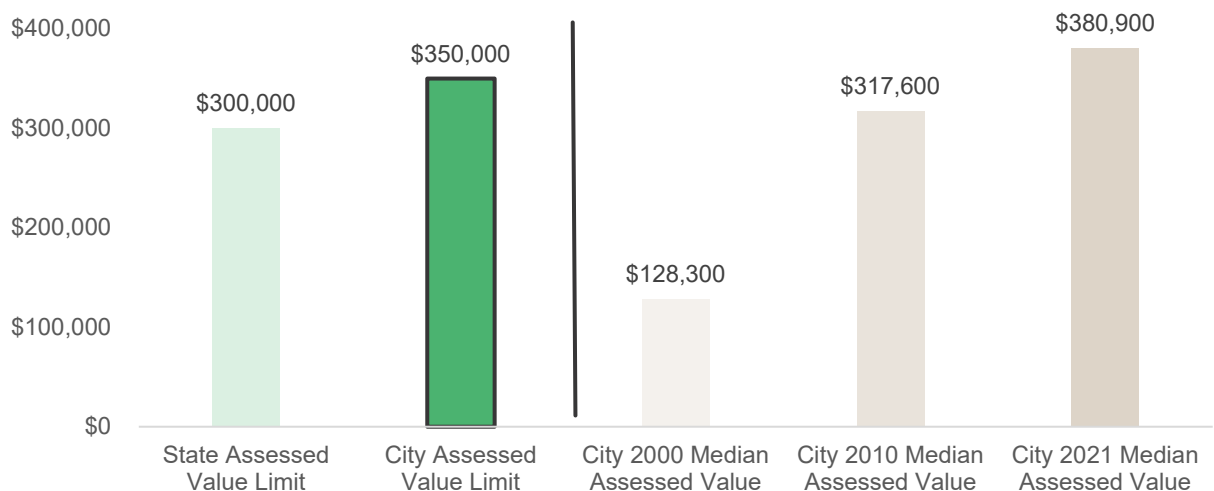
- Net Worth Limits:** Regarding eligibility for the HPT credit program, the state and city both limit household net worth to \$200,000. As indicated previously, no sample jurisdictions were identified who have established net worth requirements different than what is required for eligibility for the state credit.

Setting a limit on household net worth is rational in theory, to avoid using scarce resources to lower the tax burden on owners with significant wealth but limited cash income. However, net worth tests can greatly increase administrative complexity, particularly if nonliquid assets are included, and may discourage participation because of more burdensome application requirements and privacy concerns. In Hyattsville’s case, the State largely administers the City’s programs, so such changes would likely result in minimal increases in administrative burden, if at all.

- Assessed Value Limits:** The State credit applies to the first \$300,000 of assessed value. Hyattsville’s \$350,000 assessed value limit is generous relative to other jurisdictions and the State credit. Setting a maximum property value for eligibility is one method to avoid providing property tax relief for high-value homes. However, the assessed value limits currently in place are misaligned with Hyattsville as it exists today. The median value of owner-occupied housing units in Hyattsville for the years 2017-2021 was higher than this, at \$380,900. Further, the City’s flat \$350,000 cap does not account for inflationary and other changes over time – as home values increase, taxes increase – but the cap stays the same.

In 2010, just after the City enacted the supplemental credit (2008), the median assessed value in the city was approximately \$318,000 – more than \$30,000 below the \$350,000 assessed value limit. However, because that limit is a fixed dollar amount, it has not increased over time, while assessed values have. As of 2021, the median assessed value in the city has increased to more than \$380,000 – now more than \$30,000 higher than the \$350,000 assessed value limit.

**Table 12: Comparison of Select Economic Characteristics – Assessed Value**



Sources: U.S. Census Bureau American Community Survey 5-Year Estimates

- Age Requirements:** Some alternative programs described previously are limited to homeowners who are at least 65 years old. Generally, while seniors often pay a larger portion of their income in property taxes than younger homeowners, housing costs as a share of income are roughly the same for both groups, because seniors are less likely to have mortgage obligations. Seniors also tend to have greater net worth (and lower rates of poverty). For these reasons, best practices



suggest that age is a flawed proxy for determining whether property tax relief is necessary. For tax credit programs that calculate relief based on income (as is the case with the HPT credit and several of the other programs identified), income and property tax bills are considered to be much better indicators of property tax burden than age. Regarding property tax deferrals, limitation to seniors reflects the likelihood that this portion of the homeowner population may be relatively income-poor, despite having significant home equity.

- **Residency Requirements:** While not applicable to Hyattsville's current credits, some alternative programs described previously are limited to taxpayers who have owned their homes for a minimum number of years. Theoretically, residency requirements lower the risk that by reducing homeowners' taxes immediately, relief programs will encourage taxpayers to buy more expensive homes than they can afford. These provisions also direct benefits to long-time homeowners, such as seniors and low-income homeowners in gentrifying areas. However, this approach excludes more recent purchasers who may be dealing with financial challenges (though they may still qualify for the local supplement).
- **Calculation of Benefits:** Best practices suggest that benefits should be tiered based on income, yet most jurisdictions do not use a tiered structure. For example, localities providing local supplements to the State HPT credit set their respective credits as a percentage of the State credit. The higher the percentage, the larger the value of the credit. Hyattsville has elected to set its credit at 15 percent of the State credit.

Instead of this approach, best practices indicate that use of multiple-threshold income tiers is an effective means to control program costs while also targeted relief to low-income households. A multiple-threshold formula is more progressive and provides greater relief to households with the least ability to pay property taxes. These programs set multiple threshold percentages that increase from the lowest income bracket to the highest, with thresholds applied incrementally, as in the case of a graduated income tax. A few examples have been identified in the benchmarking research.

### Administrative Effectiveness

When discussing administrative effectiveness, it is important to recognize that a trade-off often exists between cost effectiveness, participation rates, and administrative complexity. When comparing the general strengths and weaknesses of the Homestead and HPT credits and other programs:

- Broad-based credits like the Homestead credit generally have relatively high participation rates and simple administration because the application process is simple, but it is not particularly cost effective. Providing a small amount of relief to all homeowners can be costly in the aggregate while still leaving some households with unaffordable tax bills.
- Income-based programs like the HPT credit target low-income homeowners and are therefore relatively cost effective. However, these programs often have lower participation rates and, for many governments, are comparably more complex to administer.
- Research indicates the best approach uses a property tax exemption or credit to deliver benefits to homeowners. Deferrals are also very cost effective. If the full amount deferred is eventually collected and if the interest charged covers administrative expenses and the municipality's costs of borrowing funds in the interim, they impose no long-term costs on other taxpayers. However, they are the most difficult to administer and typically have very low participation rates.



These nuances are important to keep in mind when evaluating potential modifications to existing programs and/or developing new credits, including how programs are administered. Further, Maryland municipalities have a limited role in the administration of property tax relief programs available to homeowners. As a result, considerations and concerns related to increases in administrative burden may not be as significant to Maryland cities and counties as in other places.

There are a variety of administrative reasons why localities typically have low participation in these programs by eligible homeowners. Common impediments include:

- A homeowner does not have access to an application – paper or electronic.
- The application process is too complex for a homeowner to understand and navigate. This is particularly challenging for credits like the HPT credit, which must be applied for annually.
- Homeowner does not feel comfortable providing the information/evidence required to qualify for the credit.

Eliminating institutional barriers to tax relief can prevent many owner-occupied tax foreclosures. As is typically the case for programs with income limits on eligibility, the HPT credit and local supplement to the HPT require that homeowners apply annually to qualify (using the same application). Generally, participation in property tax relief programs tends to be highest with simple application procedures. These best practices include:

- Application procedures should be user-friendly, with a sufficiently long application period and online access.
- Align eligibility requirements across programs and align application deadlines where possible.
- Jurisdictions should avoid requiring documentation for information they can easily obtain.
- Continued enrollment after a household has qualified once in a base year can increase participation and reduce administrative costs but requires verification to reduce fraud.

Frederick County has taken steps in recent years to align the eligibility requirements of its various programs to simplify the process for homeowners – but misalignments still exist. As shown in the following table, effective FY2025, the County will increase the income and assessment limits to align with other programs. As a result, in FY2025, the maximum income limit for the local supplement to the HPT and credit for partially disabled veterans is \$100,000, but for the elderly individuals credit, it is just \$80,000. While it is unknown whether Frederick County residents have had challenges related to navigating eligibility requirements across programs, but its portfolio provides an example of a scenario that could potentially be confusing to applicants.

**Table 13: Frederick County Property Tax Credits Comparison**

	<b>State HPT</b>	<b>Local Supplement - Seniors</b>	<b>Elderly Individuals</b>	<b>Uniformed Service Members</b>	<b>Partially Disabled Veterans</b>
Min. Age	None	65	65	65 and retired member OR any age w/ service-connected disability	Any age w/ service-connected disability*
Max. Income	\$60,000	\$80,000 (FY24) \$100,000 (FY25)	\$80,000	None	\$100,000





	State HPT	Local Supplement - Seniors	Elderly Individuals	Uniformed Service Members	Partially Disabled Veterans
Asset Limit	\$200,000	\$200,000	None	None	None
Assessment Limit	\$300,000	\$300,000 (FY24) \$400,000 (FY25)	\$400,000	\$400,000	None
Additional Requirements	One application. State determines eligibility for both/either		Must be on deed and live in home 30 years	Eligible for surviving spouse if not remarried and meets requirements	Eligible for surviving spouse if not remarried and meets requirements
Admin. Agency	SDAT		County Treasury Department		

Source: Frederick County Treasury Department

\* Declared by Dept. of Veterans Affairs to have permanent service-connected disability b/t 50-99%

A 2020 audit of SDAT by the Department of Legislative Services perhaps serves as evidence of the complications and/or complexity associated with administering the State’s property tax relief programs – the HPT credit, specifically. The audit found SDAT improperly calculated HPT credits in at least two jurisdictions (Montgomery County and Baltimore City). Auditors found credits awarded to nearly 5,400 applicants in Montgomery County alone were improperly reduced by a total of \$4.4 million in FY2019. The error dates back to at least 2005, according to the report. Auditors were unable to readily determine the amount by which HTC’s were improperly reduced for years prior to FY2019. In response to the auditor’s findings, SDAT indicated that, beginning with the 2020 application, it would change procedures so that only the Homestead credit is considered a deduction, but not any other real property credits.<sup>46</sup>

This came after a 2013 performance audit of SDAT’s administration of the HPT credit program, which found that SDAT had not established a formal compliance program to administer the HTC program. “Specifically, SDAT has not established written procedures for the processing of HTC applications, delineated the roles and responsibilities of DAT headquarters and the local assessment offices to verify continued eligibility of properties for the HTC, not established procedures to monitor the local assessment offices’ related activities. Furthermore, local assessment offices were not consistently using available sources of information to help identify properties that may not be eligible to receive the HTC, and SDAT headquarters had not developed automated matching techniques using available data sources to detect ineligible properties.”<sup>47</sup>

### Outreach and Education

In addition to potential administrative impediments, another key reason why a localities may have low participation in relief programs is a lack of education and awareness. Outreach and education are critical for increasing participation in relief programs – particularly those like the local supplement to the HPT which require annual action by homeowners. Education includes not only awareness of the programs, but what their requirements are, and what eligible homeowners must do in order to participate in the programs. Still, participation rates statewide are hampered by a lack of education/awareness related to the existence of the program, as well as complexity of the application process.

Maryland homeowners can look up their property online using SDAT’s [Real Property Search](#) function to verify whether or not they have already qualified for the Homestead and/or HPT credit(s). However, this assumes the homeowner is aware of the existence of the programs, which is often not the case. It also

<sup>46</sup> Maryland Department of Legislative Services, “Audit Report: State Department of Assessments and Taxation,” (October 2022).

<sup>47</sup> Maryland Department of Legislative Services, “Performance Audit Report: SDAT Homestead Property Tax Credits,” (February 2013).



assumes the homeowner has the ability to perform this search, which also may not be the case, particularly for vulnerable residents.

Each year, SDAT holds a tax credit awareness campaign meant to urge residents to consider whether they may be eligible for the HPT credit. To undertake this effort, the Comptroller pulls income eligibility data, while SDAT pulls property eligibility data. This information is cross-referenced by the Comptroller to create a list of Maryland homeowners who may be eligible to receive an HPT credit but have not yet applied. SDAT then attempts to notify these homeowners of their potential eligibility for the property tax credit. In 2021, SDAT sent a list of 682,135 accounts to the Comptroller’s Office for identification, and the Comptroller’s Office indicated there were 119,228 homeowners that SDAT had to notify for potential eligibility for the property tax credit. SDAT then mailed postcards to the approximately 120,000 homeowners. The Comptroller’s Office does not have data on the number of homeowners not required to be notified (approximately 560,000) who did not file an income tax return during the three most recent taxable years.<sup>48</sup>

Relatively little information is available regarding who qualifies for and participates in local property tax relief programs in Maryland. SDAT has indicated that it has seen fewer eligible applicants for the Homestead credit because the legislated formula has not been adjusted in many years.<sup>49</sup> Statewide, approximately 45,000 individuals receive the state HPT credit each year, and SDAT reports that the average state HPT credit is approximately \$1,350. The FY2023 State budget includes \$64.7 million for the program.

Evidence from other jurisdictions suggests that new, alternative programs are often not well-utilized. Examples are provided in the following table.

**Table 14: Sample Program Utilization Statistics, Select Jurisdictions**

Program	Examples
Local HPT Supplement for Seniors	<ul style="list-style-type: none"> <li>Frederick County: ~2,300 individuals (2022); noted it requested from SDAT but did not receive data regarding the number of residents who qualified for the two tiers of the credit from that total.</li> </ul>
Senior Tax Credit	<ul style="list-style-type: none"> <li></li> </ul>
Elderly Individuals and Veterans	<ul style="list-style-type: none"> <li>Frederick County: Unable to determine how many individuals qualified as elderly and in their homes 40 years.</li> </ul>
Disabled Veterans and Surviving Spouses	<ul style="list-style-type: none"> <li>Frederick County: 3 retired service members (2022); 92 retired service members and 31 disabled veterans (2023) <i>[County suspects increase is because Treasury continued to accept applications]</i>.</li> </ul>
Fallen Law Enforcement Officer or Rescue Worker	<ul style="list-style-type: none"> <li>Prince George’s County: 6 credits totaling \$15,200 (2021); 5 credits totaling \$13,800 (2022).</li> <li>Frederick County: 3 participants (2023).</li> </ul>

In acknowledgement of the meaningful and continued challenges related to identifying who qualifies for and participates in the programs, recent state-level efforts seek to improve overall program usage. HB 665 of 2023 requires the Comptroller and SDAT to confer during the 2023 legislative interim to identify ways the Comptroller could collaborate with SDAT to enhance access to and raise awareness of property tax benefits available to taxpayers. The Comptroller and SDAT are tasked with identifying ways to encourage taxpayers to apply and make the application process for the HPT credit simpler and more

<sup>48</sup> Maryland General Assembly, “HB 483 – Homeowners’ Property Tax Credit – Identification of Eligible Homeowners.” Accessed electronically at <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB0483?ys=2022RS>

<sup>49</sup> SDAT, “Seventy-Eighth Annual Report, FY2022,” (July 5, 2023). Accessed electronically at [https://dat.maryland.gov/Documents/statistics/AnnualRpt\\_FY2022.pdf](https://dat.maryland.gov/Documents/statistics/AnnualRpt_FY2022.pdf)



user-friendly by reducing or eliminating the need for the applicant to separately report income information to SDAT on the HPT credit application that the applicant has already reported to the Comptroller. The Comptroller and SDAT must submit a joint report of their findings and recommendations to the House Ways and Means Committee and the Senate Budget and Taxation Committee by December 1, 2023. The report must include the amount of funding required and the timeline to implement any changes in policies or procedures recommended in the report.<sup>50</sup>

As has been discussed, there are a variety of optional (and some mandatory) property tax relief programs available to Maryland counties. Prince George's County, for example, has opted to provide property tax credits for eligible elderly homeowners, disabled homeowners, and surviving spouses of fallen officers.<sup>51</sup> In addition to county-level programs, the state offers homeowner-specific supports and services. While not under the City's purview, by educating Hyattsville's low- and fixed-income homeowners with about their potential eligibility for additional resources, the City can promote increased participation. Examples of state property tax relief/support programs include (but are not limited to):

- The Maryland Homeowner Assistance Fund (HAF) loan and grant program is designed to help homeowners that are experiencing financial hardship after January 21, 2020. The Fund helps homeowners struggling with their mortgage payments or other housing-related costs due to the COVID-19 pandemic. It offers support for mortgage relief, weatherization, housing counseling, and legal services.
- The State Tax Sale Ombudsman's Homeowner Protection Program provides loans to remove homeowners in tax sale from the tax sale process for three years, connect them with resources and support, and help them keep their homes. To be eligible, the applicant's home must be in tax sale or at risk of tax sale; the dwelling must be the applicant's principal residence; and the current assessed value must not exceed \$300,000. In addition, the homeowner's combined household income must not exceed \$60,000 annually, and the total value of assets must not exceed \$200,000. Priority enrollment is given to homeowners aged 60 or older; currently receiving disability benefits from the federal Social Security Disability Insurance program or the federal Supplemental Security Income program; or whose dwelling has been their principal residence for 10 years or more.<sup>52</sup>

Nonprofit organizations can help increase awareness among eligible homeowners and provide other assistance related to keeping low- and fixed-income residents in their homes. As one example, Economic Action Maryland (formerly the Maryland Consumer Rights Coalition, or MCRC) operates the Securing Older Adult Resources (SOAR) program, Fair Housing, and Tenant Advocacy programs.<sup>53</sup> The Pro Bono Resource Center of Maryland's Home Preservation Project runs year-round pro bono legal clinics to help homeowners facing tax sale. Over the past six years, the organization has assisted approximately 700 homeowners at risk of losing their homes.

Evidence suggests outreach to potential program participants by local governments is effective. As one example, research regarding Colorado's statewide Property Tax Deferral for Seniors showed the participation was considerably higher in Boulder County than elsewhere. To raise awareness about relief options, the County treasurer and assessor give annual presentations to seniors and distribute

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<sup>50</sup> Maryland General Assembly DLS, "HB 665 Fiscal and Policy Note." Accessed electronically at [https://mgaleg.maryland.gov/2023RS/fnotes/bil\\_0005/hb0665.pdf](https://mgaleg.maryland.gov/2023RS/fnotes/bil_0005/hb0665.pdf)

<sup>51</sup> Prince George's County, "Residential Property Tax Credits." Accessed electronically at <https://www.princegeorgescountymd.gov/departments-offices/finance/property-tax-credits/residential>

<sup>52</sup> Maryland OneStop, "State Tax Sale Ombudsman – Homeowner Protection Program," (last revised August 8, 2023). Accessed electronically at <https://onestop.md.gov/forms/state-tax-sale-ombudsman-homeowner-protection-program-63dacc5b81bf9019f6185d3>

<sup>53</sup> Economic Action Maryland, "Who We Are." Accessed electronically at <https://econaction.org/about/#who-we-are>



informational brochures about the programs. These efforts are thought to have made an impact on participation rates.<sup>54</sup>

Additionally, there are several examples of Maryland jurisdictions that have undertaken their own outreach and education efforts. These include:

- The City of Takoma Park has created and posted to its website a [one-page summary](#) of the state and county property tax credits available to its residents. The summary includes links to the applications that are required for each program.
- Frederick County has a [matrix](#) that residents can use to compare the parameters of the various programs for which they may be eligible.
- Howard County has developed a [Tax Credit Eligibility Calculator](#) that provides a single source to preliminarily determine eligibility for multiple property tax relief programs. The County does not capture or store any identifying taxpayer information in the process of determining eligibility via this questionnaire.

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<sup>54</sup> Lincoln Institute of Land Policy, "Property Tax Relief for Homeowners," (2021).



## 6. Findings and Recommendations

The scope of work for this study includes determining if current Homestead and HPT credit caps or other qualifications should be adjusted and identifying ways and/or recommending adjustments to improve the effectiveness of and participation in these programs. Further, the scope entails discussing whether alternative programs would be more effective or useful for providing relief to low- and fixed-income homeowners. Based on the preceding considerations, the following provides key findings and recommendations for the City of Hyattsville to help it work toward achieving the objectives outlined above.

### Key Findings

- The City's ability to modify the Homestead Credit's parameters is limited to adjusting the local assessment cap. The cap must be between 0 and 10 percent, and the City's cap is currently set at the maximum 10 percent. Reducing the local assessment cap has the effect of increasing the value of the credit for taxpayers, which aligns with the City's desire to provide additional property tax relief to homeowners, and also with the results of a benchmarking analysis in Prince George's County.
- By using income ceilings to restrict eligibility to taxpayers whose income falls below a given level, a larger share of tax relief is directed to lower-income taxpayers. Eligibility for the HPT credit (and local supplement to the HPT credit) is based on income, and is therefore targeted to assist those in need, unlike the Homestead credit (which is available to homeowners regardless of income). Hyattsville's local supplement to the HPT credit is relatively generous compared to other jurisdictions. However, the City has tied income, net worth, and assessed value criteria to fixed amounts and the credit has effectively become less effective over time as a result.
- As a general best practice, property tax relief programs should require annual inflation adjustments for income ceilings, benefit limits, and other dollar figures that are used to determine eligibility and/or calculate benefits (such as the net worth and assessed value limitations); otherwise, property tax relief will become increasingly inadequate over time.
- Evidence from jurisdictions that have adopted alternative tax relief programs (not just for seniors, but other population groups such as veterans) suggests that use of these programs is relatively low. Given these experiences, there is a question as to how much benefit would actually be provided to Hyattsville's homeowners through adoption of an alternative property tax relief program(s).
- Some alternative programs are limited to homeowners who are at least 65 years old – but best practices suggest age is a flawed proxy for determining need. Housing costs as a share of income are roughly the same for seniors and younger homeowners, and seniors tend to have greater net worth and level rates of poverty.
- Homeowner education and outreach are critical to the success of any property tax relief program. The easiest way to help low- and fixed-income homeowners is to make sure they are aware of the programs and their potential eligibility. Hyattsville homeowners should be aware not just of the Homestead and HPT credits, but also property tax relief programs provided by the County and State.
- The application process is likely an impediment to participation for some. Qualifying for the HPT credit program each year is the responsibility of homeowners, including low- and fixed-income homeowners. These residents are often least able to easily apply and/or have the fewest



resources to provide support. Most programs with income ceilings also require an annual application, which increases administrative costs for administering agencies and can significantly reduce participation rates. Given their limited administrative role, however, localities in Maryland do not have the ability to modify application frequency.

- Detailed data on program usage is very limited at best, so it makes it hard to know who is benefitting from the programs, and who could be – as well as the impacts of making adjustments. Because the program is administered at the state level, localities do not have access to information about which residents are taking advantage of the program. In addition to these conceptual challenges, technical impediments to analysis also exist. For example, because the Homestead and HPT credits are largely administered at the state level, gaining access to basic program usage data proves to be difficult, as tax roll data is heavily protected by SDAT. In fact, the City requested certain information from SDAT as part of this study to enable more robust analysis, but that request was not fulfilled, despite multiple follow-ups by the City.
- With the passage of HB 665, the State has signaled its intent to improve access to property tax relief benefits, and there is potential that this effort will result in the availability of new information about who participates in – and is eligible to participate in – the Homestead and HPT credit programs. The bill requires the Comptroller and SDAT to work during the 2023 legislative interim to identify ways to enhance access to the program, and to provide a joint report of findings and recommendations on or before December 1, 2023.
- As noted in the City’s Housing Action Agenda, renters are becoming a larger share of the city’s households. While property tax relief programs are designed primarily for homeowners, it is crucial to also consider the treatment of renters. Even though renters do not receive property tax bills, they pay a share of property taxes indirectly when these costs are passed on by their landlords in the form of higher rents. This appears to be an interest area for other Maryland localities. In 2023, Montgomery County Council voted to implement a sweeping rent stabilization law governing how much most property owners can charge county residents who rent their homes. And presently, Baltimore City Council is crafting an inclusionary housing policy consisting of two bills. The first requires market rate residential developments of more than 20 units to have at least 10 percent of units available for affordable housing, while the complementary bill would create a 30-year tax credit meant to offset the lost rent between affordable and market-rate rents.

### Summary Recommendations

Topic	Recommendation(s)
<b>Homestead Tax Credit</b>	<ul style="list-style-type: none"> <li>• Reduce local assessment cap from the current 10 percent to 5-7 percent for FY2025.</li> </ul>
<b>Local Supplement to the HPT Credit</b>	<ul style="list-style-type: none"> <li>• Increase the \$350,000 assessed value limitation.</li> <li>• Increase the \$200,000 net worth limitation.</li> <li>• Increase the \$80,000 income limitation.</li> <li>• Review (and potentially update or otherwise refine) the assessed value, net worth, and income limitations every three years.</li> </ul>
<b>Alternative Programs</b>	<ul style="list-style-type: none"> <li>• Do not adopt new, alternative programs at this time. Reconsider their merits when more information is available.</li> </ul>
<b>Program Effectiveness &amp; Participation</b>	<ul style="list-style-type: none"> <li>• Monitor state’s efforts related to HB 665 (report due December 2023).</li> <li>• Identify and evaluate options and opportunities renters/rentals.</li> </ul>



## Appendices

### Appendix A: Summary of PFM Project Approach and Methodology

PFM Group Consulting LLC was engaged by the City of Hyattsville (City) to analyze two existing property tax relief programs for homeowners: the Homeowners' Tax Credit and Homestead Tax Credit. It also discusses other mechanisms for providing property tax relief to Hyattsville's low- and fixed-income homeowners. PFM worked closely with the City Treasurer's Office on the analysis, and also sought the opinions and perspectives of City Council membership.

The report aims to accomplish the following objectives:

- In collaboration with City staff, use available economic and other data to attempt to identify the profile of property owners that could be considered low- and fixed-income property owners.
- Identify ways and/or recommend adjustments to improve the effectiveness of – and participation in – the current property tax programs available to low- and fixed-income homeowners.
- Determine if the City's current program caps on home value, tax credit percentage, household income, net worth, or other qualifications should be adjusted.
- Determine if other property tax relief initiatives would be more effective or useful for low- and fixed-income homeowners in providing financial relief from year-over-year increases in property tax payment liabilities.

Given that the focus of this work is homeowners, it does not contemplate programs for renters. It also does not do a "deep dive" into Maryland property taxes generally.

PFM's approach to conducting this work entailed several key project tasks, including stakeholder and subject matter expert interviews, data collection and analysis, a best practices review, and a benchmarking assessment. Six cities were initially selected as benchmarks during the project planning process: College Park, Greenbelt, Laurel (Prince George's County), New Carrollton, Riverdale Park, and Takoma Park.<sup>55</sup> The following table compares key demographic and other information for Hyattsville and the benchmark cities.

**Table 15: Select Demographic and Economic Indicators, Benchmark Cities**

City	Population (2022)	Median Home Value	Median Household Income	Poverty Rate
Hyattsville	20,675	\$380,900	\$84,763	9.2%
College Park	34,190	\$359,300	\$69,736	25.3%
Greenbelt	24,360	\$244,800	\$75,832	16.0%
Laurel	29,352	\$296,300	\$85,615	9.8%
New Carrollton	13,403	\$312,800	\$73,629	7.0%
Riverdale Park	7,171	\$372,100	\$87,819	11.8%
Takoma Park	17,390	\$625,200	\$86,644	7.9%

Source: U.S. Census Bureau QuickFacts

Due to the offering of tax relief programs in other jurisdictions, however, the project team expanded its benchmarking analysis to include other cities and counties.

<sup>55</sup> Brentwood excluded due to lack of data for cities and towns with fewer than 5,000 people.



## Appendix B: Additional Homestead Property Tax Credit Program Detail

Under the provisions of Maryland law (§ 9-105), the Homestead Property Tax Credit program is intended to shield homeowners from significant increases in property tax bills by limiting the increase in taxable assessments each year to a fixed percentage.

Every county and municipality in Maryland is required to limit taxable assessment increases to 10 percent or less each year. For purposes of the State property tax, the limit is 10 percent. In 2020, the Maryland General Assembly mandated that an assessment cap of 10 percent apply to taxes imposed by a bi-county commission, such as the Maryland-National Capital Park and Planning Commission.

The dwelling must be the owner's principal residence and the owner must have lived in it for at least six months of the year. The credit is not applicable in the first year following the purchase of a new home. The program is administered by SDAT, and homeowners must apply only once during their time in their property.

Technically, the Homestead Credit does not limit the market value of the property as determined by SDAT. Instead, it is a credit calculated on any assessment increase exceeding 10 percent (or the lower cap enacted by a local government) from one year to the next. The credit is calculated based on the 10 percent limit for purposes of the State property tax, and 10 percent or less (as determined by local governments) for purposes of local taxation. In other words, the homeowner pays no property tax on the market value increase which is above the limit.

SDAT provides the following example to explain how the credit works:<sup>56</sup>

*Assume that your old assessment was \$100,000, and that your new phased-in assessment for the first year is \$120,000. An increase of 10 percent would result in an assessment of \$110,000. The difference between \$120,000 and \$110,000 is \$10,000. The tax credit would apply to the taxes due on the \$10,000. If the tax rate was \$1.04 per \$100 of assessed value, the tax credit would be \$104 ( $\$10,000 \div 100 \times \$1.04$ ).*

The following table provides the assessment cap for each of the municipalities within Prince George's County:

**Table 16: Homestead Assessment Caps, Prince George's County Municipalities (eff. 7/1/23)**

	%		%		%
Berwyn Heights	10%	District Heights	10%	Laurel	10%
Bladensburg	10%	Eagle Harbor	5%	Morningside	10%
Bowie	5%	Edmonston	5%	Mount Rainier	10%
Brentwood	5%	Fairmount Heights	5%	New Carrollton	10%
Capitol Heights	5%	Forest Heights	8%	North Brentwood	10%
Cheverly	10%	Glenarden	5%	Riverdale Park	10%
College Park	0%	Greenbelt	10%	Seat Pleasant	5%
Colmar Manor	5%	Hyattsville	10%	University Park	10%
Cottage City	10%	Landover Hills	5%	Upper Marlboro	0%
				<b>Average</b>	<b>7.3%</b>

<sup>56</sup> SDAT, "Maryland Homestead Property Tax Credit Program." Accessed electronically at <https://dat.maryland.gov/realproperty/Pages/Maryland-Homestead-Tax-Credit.aspx>





## Appendix C: Additional State Homeowners' Property Tax Credit Program Detail

Maryland law (§ 9-104) provides for a mandatory tax credit against State real property taxes for homeowners of all ages who qualify on the basis of gross household income. Generally, eligibility for the tax credit will be based upon all monies received in the applicant's household in a given year.<sup>57</sup> The value of the credit is based upon the amount by which property taxes exceed a percentage of income, according to the following formula:

- 0.0% of the first \$8,000 of the combined household income
- 4.0% of the next \$4,000 of income
- 6.5% of the next \$4,000 of income
- 9.0% of all income above \$16,000

Before eligibility according to income can be considered, a homeowner must first meet four basic requirements:

1. They must own or have a legal interest in the property.
2. The dwelling on which a homeowner is seeking the tax credit must be their principal residence where they live for at least six months of the year, including July 1 (unless they are a recent home purchaser).<sup>58</sup>
3. Net worth (not including the value of the property on which the homeowner is seeking the credit or any qualified retirement savings or Individual Retirement Accounts) must be less than \$200,000.
4. Combined gross household income cannot exceed \$60,000.

The following figure illustrates the tax limit at income levels in \$1,000 increments up to the \$60,000 income threshold. As examples, the specific tax limit is \$780 at \$20,000 of income; \$2,580 at \$40,000 of income; and \$4,380 at the maximum \$60,000 of income.

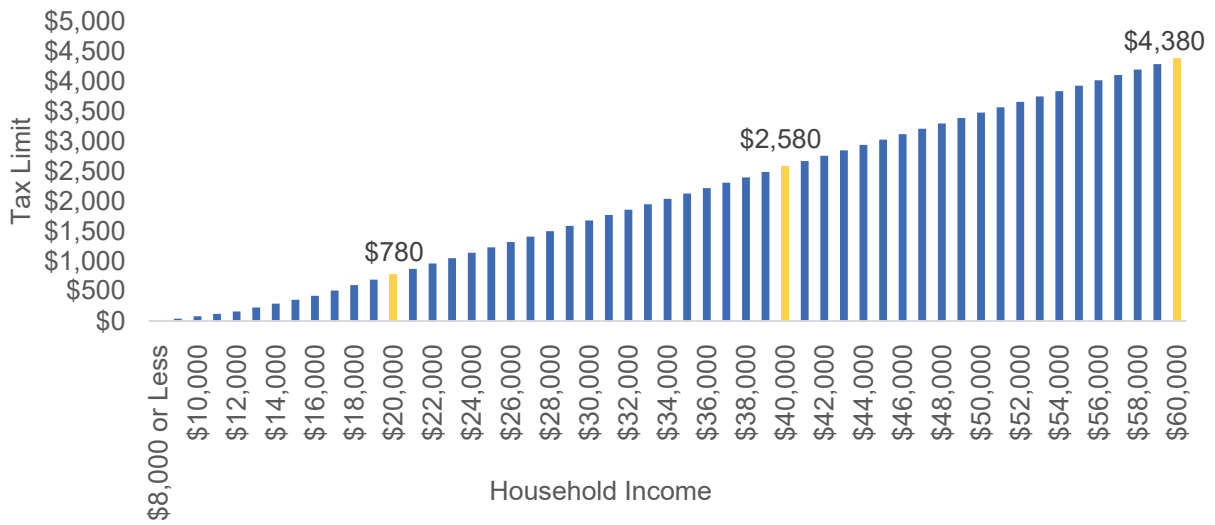
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<sup>57</sup> For purposes of the tax credit program, applicants must report total income, which means the combined gross income before any deductions are taken. Income information must be reported for the homeowner and spouse and all other occupants of the household unless they are dependents, or they are paying rent or room and board. Income from all sources must be reported whether or not the monies received are included as income for Federal and State income tax purposes. Nontaxable retirement benefits such as Social Security and Railroad Retirement must be reported as income for the program.

<sup>58</sup> Qualified home purchasers are encouraged to apply in advance for the Homeowners' Tax Credit before acquiring title to the property. Purchasers must apply at least 30 days before the expected settlement date to receive any credit due at the time of settlement.



Figure 3: Tax Limit by Income Level



Source: SDAT

The credit applies only to the taxes resulting from the first \$300,000 of assessed valuation. It does not cover any metropolitan or fixed charges for water and sewer services that may appear on a tax bill. If an applicant owns a large tract of land, the credit is limited to the lot or curtilage on which the dwelling stands and will not include the excess acreage. If a portion of the dwelling is used for commercial or business purposes, the credit is based only upon the taxes for the portion of the dwelling occupied by the household.

Homeowners wishing to be considered for a tax credit under this program are required to reapply each year, including providing their total gross household income for the previous calendar year. All applicants in the state complete and submit SDAT's Homeowners' Property Tax Credit Application Form, which is available on the [Maryland OneStop](#) website. The filing deadline is typically September 1<sup>st</sup>. SDAT estimates that the application process takes the average applicant 30-60 minutes, and there is no application fee. An application may be subjected to an audit at any time and applicant may be requested to submit additional verification or other evidence of income in order to substantiate the application for the property tax credit. The average approval time is 30-90 days.

Persons filing for the HPT credit are required to submit copies of their prior year's federal income tax returns and to provide the Department with permission to verify the amount of income reported with other State and Federal agencies. The sole purpose for which this information is sought is to determine eligibility for a tax credit. All income-related information supplied by the homeowner on the application form is held with the strictest confidentiality. It is unlawful for any officer or employee of the State or any political subdivision to divulge any particulars set forth in the application or any tax return filed, except in accordance with judicial or legislative order. This information is available to officers of the State in their official capacity and to taxing officials of any state, territory, or the federal government, as provided by statute.

Homeowners who file and qualify by April 15 receive the credit directly on their tax bill. Persons who file later up until the October 1 deadline receive any credit due in the form of a revised tax bill. Applicants filing after April 15 are advised not to delay payment of the property tax bill until receipt of the credit if they wish to receive the discount for early payment offered in some localities. A refund check is issued by the local government if the tax bill was paid before the tax credit was granted.



If a homeowner's application is deemed ineligible, they are informed in writing by SDAT. The notification gives the reason for denial and what steps to take if further questions remain. The letter also explains how homeowners can appeal the determination of ineligibility to the local Property Tax Assessments Appeals Board.



## Appendix D: City of Hyattsville Code – Tax Credits

### § 108-2 Homestead Property Tax Credit.

A. Pursuant to 9-105(E) of the Tax-Property Article of the Annotated Code of Maryland, the Homestead Property Tax Credit percentage for the City of Hyattsville, effective for the taxable year beginning July 1, 1991, and subsequent years shall be 110%.

B. The Homestead Property Tax Credit program shall be implemented and administered by the Treasurer in accordance with the provisions of state law and rules and regulations established by the State Department of Assessments and Taxation.

### § 108-3 Local supplement to the state homeowners property tax credit.

A. Tax credit. A homeowner's property tax credit shall be allowed against the City property tax imposed on residential real property if the owner qualifies for the credit under this article.

B. Definitions. Except as otherwise provided herein, the terms used in this article shall have the same meaning as set forth in Section 9-104 of the Tax-Property Article of the Annotated Code of Maryland.

#### ASSESSED VALUE

The adjusted value to which the property tax is applied.

#### DIRECTOR

The Treasurer for the City of Hyattsville or his or her designee.

#### FINAL TAX LIABILITY

The tax liability for any property tax on the property of a dwelling less any property tax credit provided under Section 9-104 of the Tax-Property Article and any supplemental homeowners property tax credit provided under this section and any property tax credit provided by Prince George's County.

#### SECTION 9-104

Section 9-104 of the Tax-Property Article of the Annotated Code of Maryland or any successor provision.

#### TAXABLE YEAR

July 1 to June 30, both inclusive, for which the City computes, imposes and collects real property tax.

#### TOTAL ELIGIBLE CITY REAL PROPERTY TAX

The sum of all City real property tax rates used to calculate the property tax liability for a homeowner for a taxable year, excluding property tax rates in special taxing districts, and excluding City special assessments and charges, such as for stormwater, refuse and the like, or interest and penalties on overdue real property taxes, multiplied by the lesser of:

- (1) \$350,000; or
- (2) The assessed value of the dwelling reduced by the amount of any assessment on which a City property tax credit is granted under Section 9-105; and reduced by any "save harmless" credit mandated under Section 9-101 of the Tax-Property Article of the Maryland Code.



#### C. General.

- (1) The Director shall provide to eligible homeowners a City property tax credit as provided in this article to supplement the State homeowner's property tax credit granted under Section 9-104.
- (2) Except as otherwise expressly stated in this section, all eligibility requirements, statutory definitions, restrictions, application or other procedures which apply to the credit granted under Section 9-104 of the Tax-Property Article also apply to the City homeowner's property tax credit provided for in this article.
- (3) A property tax credit under this section may not be granted to a homeowner whose combined net worth exceeds \$200,000 as of December 31st of the calendar year that precedes the year in which the homeowner applies for the property tax credit, or whose combined gross income exceeds \$80,000 in that same calendar year.

#### D. Amount.

- (1) A homeowner's tax credit local supplement shall be allowed to eligible homeowners against the total City real property tax paid by the eligible homeowner for the taxable year in which the homeowners tax credit supplement is sought in the amount provided for herein.
- (2) The amount of the homeowner's property tax credit is the Total Eligible City Real Property Tax on a dwelling less:
  - a. The percentage of the combined gross income of the homeowner stated in 9-104(h)(2) or any amendment to that subsection, and
  - b. 15% of the State homeowner's property tax credit granted under Section 9-104.
- (3) The property tax credit for home purchasers is the amount of the credit as calculated under paragraph (D)(2) immediately above multiplied by a fraction where the numerator of the fraction is the number of days in the taxable year that the home purchaser actually occupies or expects to actually occupy a dwelling in which the home purchaser has a legal interest and the denominator is 365 days.
- (4) If a credit is granted under this section, a revised tax bill or a tax voucher may be used to adjust the final tax liability.
- (5) Notwithstanding the foregoing, the amount of the homeowner's tax credit local supplement authorized by this article shall not exceed the total City real property tax liability of the eligible homeowner for the taxable year in which the homeowner's tax credit local supplement is sought.

E. Administration. The City Administrator is responsible for the administration and management of the Homeowners Property Tax Credit program. The City Administrator may take all actions necessary in furtherance of said responsibility including, but not limited to:

- (1) Establishing policies and procedures;
- (2) Delegating responsibility to appropriate City departments, offices and staff;
- (3) Entering into agreements with the State Department of Assessments and Taxation, Prince George's County, Maryland and other governmental entities or other persons or entities for the cooperation and/or maintenance of one or more aspects of the Homeowners Property Tax Credit program.

F. Penalties for false and fraudulent information. A person who knowingly submits a false or fraudulent application, or withholds information, to obtain tax credit under this section has committed a misdemeanor. In addition, the person must repay the City for all amounts credited and all accrued interest and penalties that would apply to those amounts as overdue taxes. The City may enforce this subsection by appropriate legal action. A person who violates this subsection is liable for all court costs and expenses of the City in any civil action brought by the City against the violator.



## Appendix E: Maryland Residential Property Tax Relief Programs

- **Statewide Mandatory Property Tax Credits**

<b>Tax Credit Program</b>	
Elderly or Disabled Homeowners	§ 9-101
Homeowners' Tax Credits; Disabled Veterans	§ 9-104
Homestead Property Tax Credit	§ 9-105

- **Statewide Optional Property Tax Credits**

<b>Tax Credit Program</b>	
Dwelling Owned by Surviving Spouse or Cohabitant of Fallen Law Enforcement Officer or Rescue Worker	§ 9-210
Local Supplement to Homeowners Property Tax Credit Program – Municipal Corporation	§ 9-215.1
Offsets of Local Income Tax Rate Increases	§ 9-221
Credit for Individuals at Least 65 Years Old	§ 9-245
Credit for Property Equipped with Accessibility Features	§ 9-250
Elderly Individuals and Veterans	§ 9-258
Property Tax Credit for Disabled Veterans and Surviving Spouses	§ 9-265



## Appendix F: Hyattsville’s Low- and Fixed-Income Homeowners

### Indicators of Homeowners Having Difficulty Paying Property Taxes

The U.S. Census Bureau estimates there are a total of just over 8,000 households in Hyattsville (notably, this does not pertain specifically to owner-occupied units), and the average household size is 2.58. The following provides information related to indicators of cost burden among the owner-occupied units in the city.

- Cost Burden and Income.** Households are considered by HUD to be cost burdened when they spend more than 30 percent of their income on mortgage, rent, and other housing needs. Recent U.S. Census Bureau estimates indicate Hyattsville has just over 3,900 owner-occupied housing units (just over 3,200 with a mortgage, and just under 700 without). Of that total, thirty-three percent of owner-occupied Hyattsville households spent at least 30 percent of their income on housing costs in 2021, meaning they met the federal standard of being cost-burdened.<sup>59</sup> The following table provides a more granular account of this data, breaking it out by units with and without a mortgage, and by household income range.

Cost burden is determined by two factors: housing costs and household incomes. For that reason, cost-burdened households and low-income households are not always one in the same. In instances where housing prices are high enough, middle-income households may also be cost burdened. In Hyattsville, however, low incomes appear to be the key factor. All households with incomes below \$20,000 are housing cost-burdened, as are 87 percent of those with incomes of \$20,000 to \$34,999, 72 percent with incomes of \$35,000 to \$49,999, and 65 percent with incomes of \$50,000 to \$74,999.

**Table 17: Share of Hyattsville Owner-Occupied Units with Housing Costs Equal to 30 Percent or More of Household Income**

	Without a Mortgage	With a Mortgage	% of Units at Income Level
Less than \$20,000	5.6%	1.7%	100.0%
\$20,000 to \$34,999	11.4%	7.6%	86.6%
\$35,000 to \$49,999	2.9%	4.8%	71.6%
\$50,000 to \$74,999	0.0%	10.5%	64.7%
\$75,000 or More	0.0%	10.2%	12.4%
Zero or Negative Income	3.4%	0%	0.0%
<b>Total Owner-Occupied Units</b>	<b>696</b>	<b>3,210</b>	<b>3,906</b>

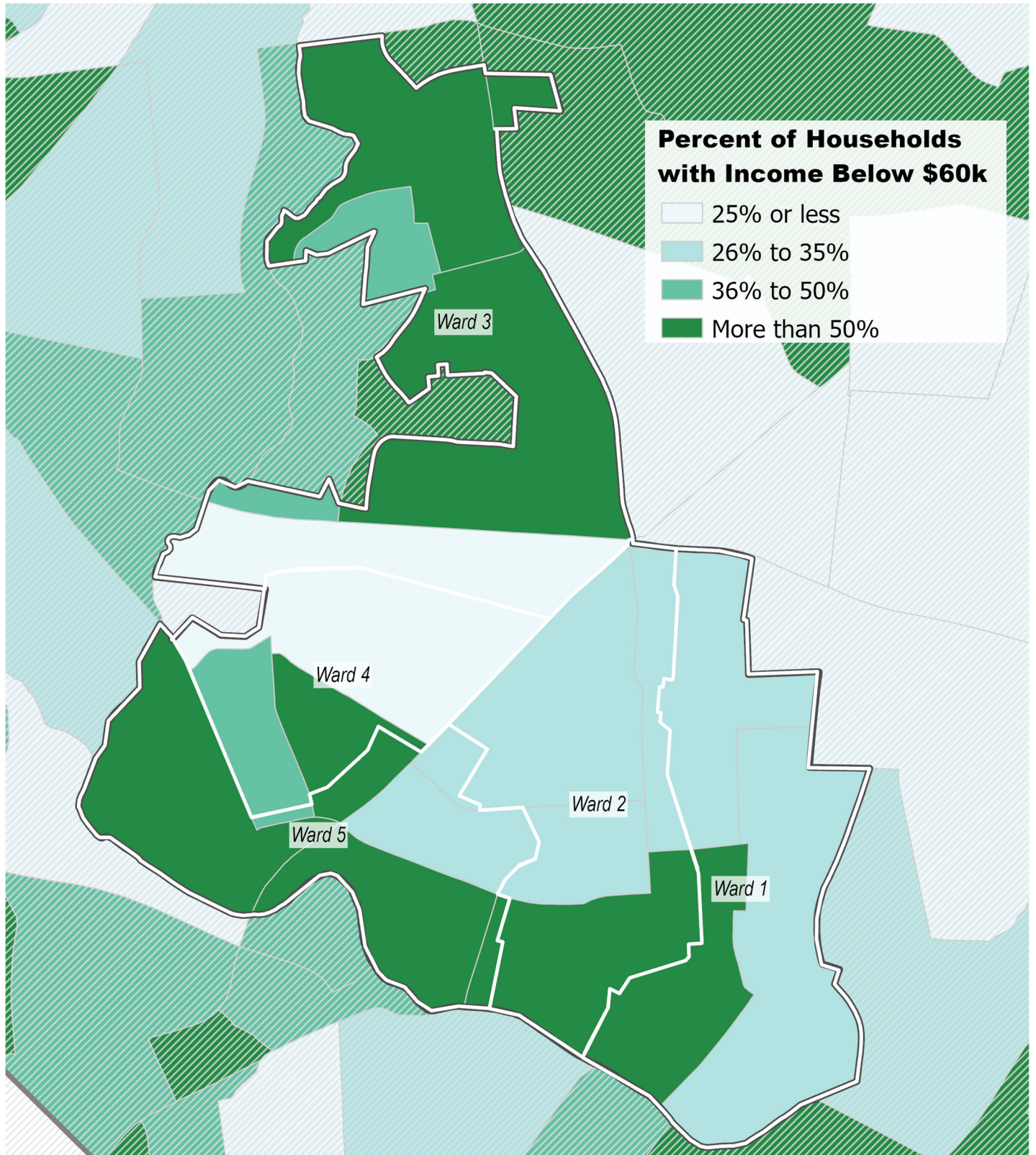
Source: U.S. Census Bureau, 2017-2021 ACS 5-year Estimates

The following map depicts the percentage of Hyattsville households with incomes below \$60,000 by ward.

<sup>59</sup> U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates



**Figure 4: Percent of Hyattsville Households with Income Below \$60,000 by Ward (2021)**





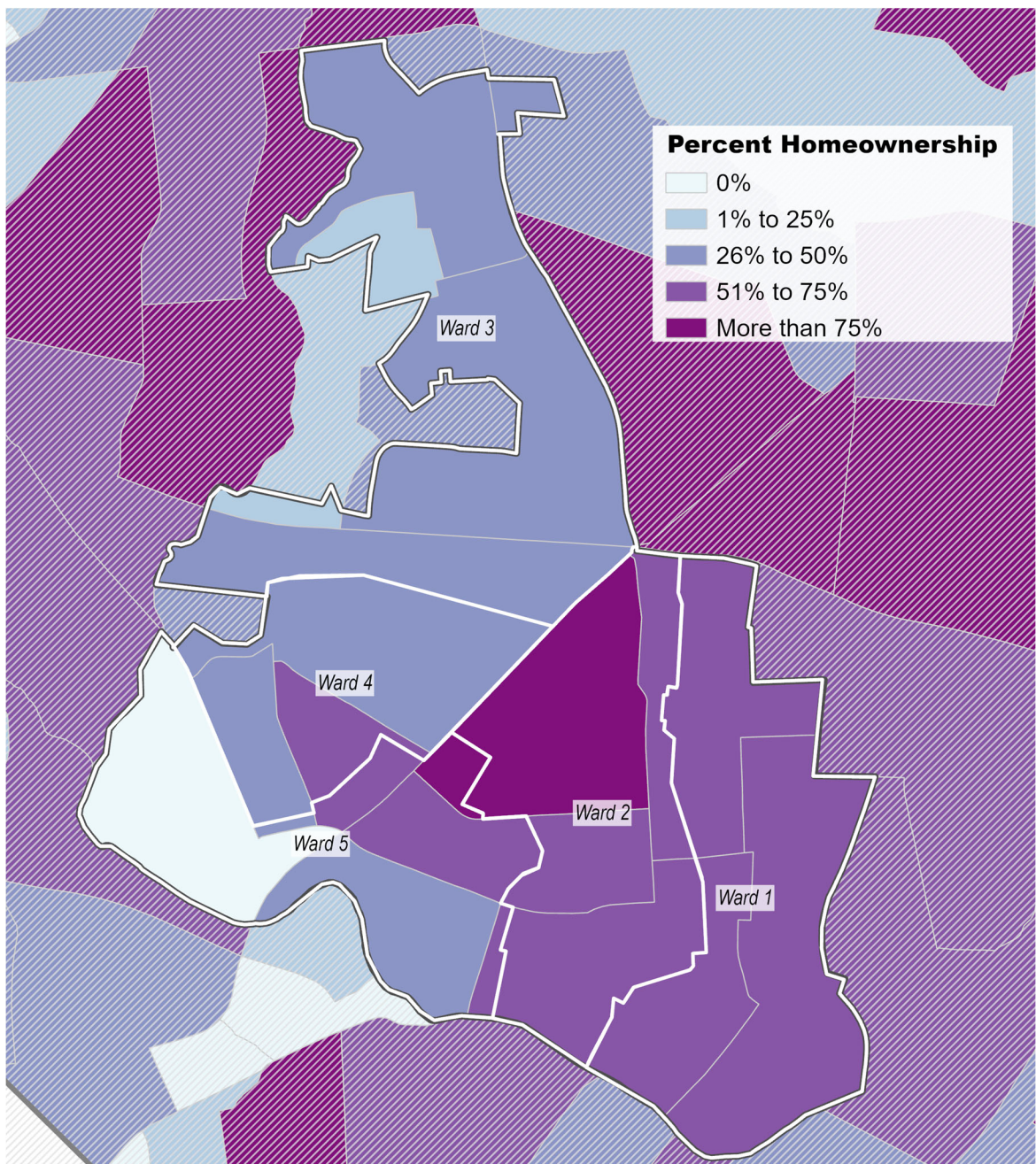


- **Cost Burden and Housing Tenure.** For a typical homeowner with a fixed-rate mortgage, the monthly payment does not change for up to 30 years. For this reason, a homeownership household is unlikely to become cost-burdened during the life of the mortgage, barring significant decreases in household income.

An estimated 48.6 percent of Hyattsville households own their homes. Citywide, among the homeowners that are cost-burdened, 23.3 percent of owner-occupied units without a mortgage are cost burdened, and 34.7 percent with a mortgage.

The following map depicts the percentage of homeownership in Hyattsville by ward.

**Figure 5: Hyattsville Homeownership Percent by Ward (2021)**





- Cost Burden and Age.** As shown in the following table, Census Bureau estimates indicate that approximately 4 of every 5 Hyattsville homeowners are between the ages of 25 and 64 (45 percent of all householders aged 25 to 44; 35 percent of all householders aged 45 to 64. Approximately 17 percent are aged 65 and over, and the remaining 3 percent are under 25 years.

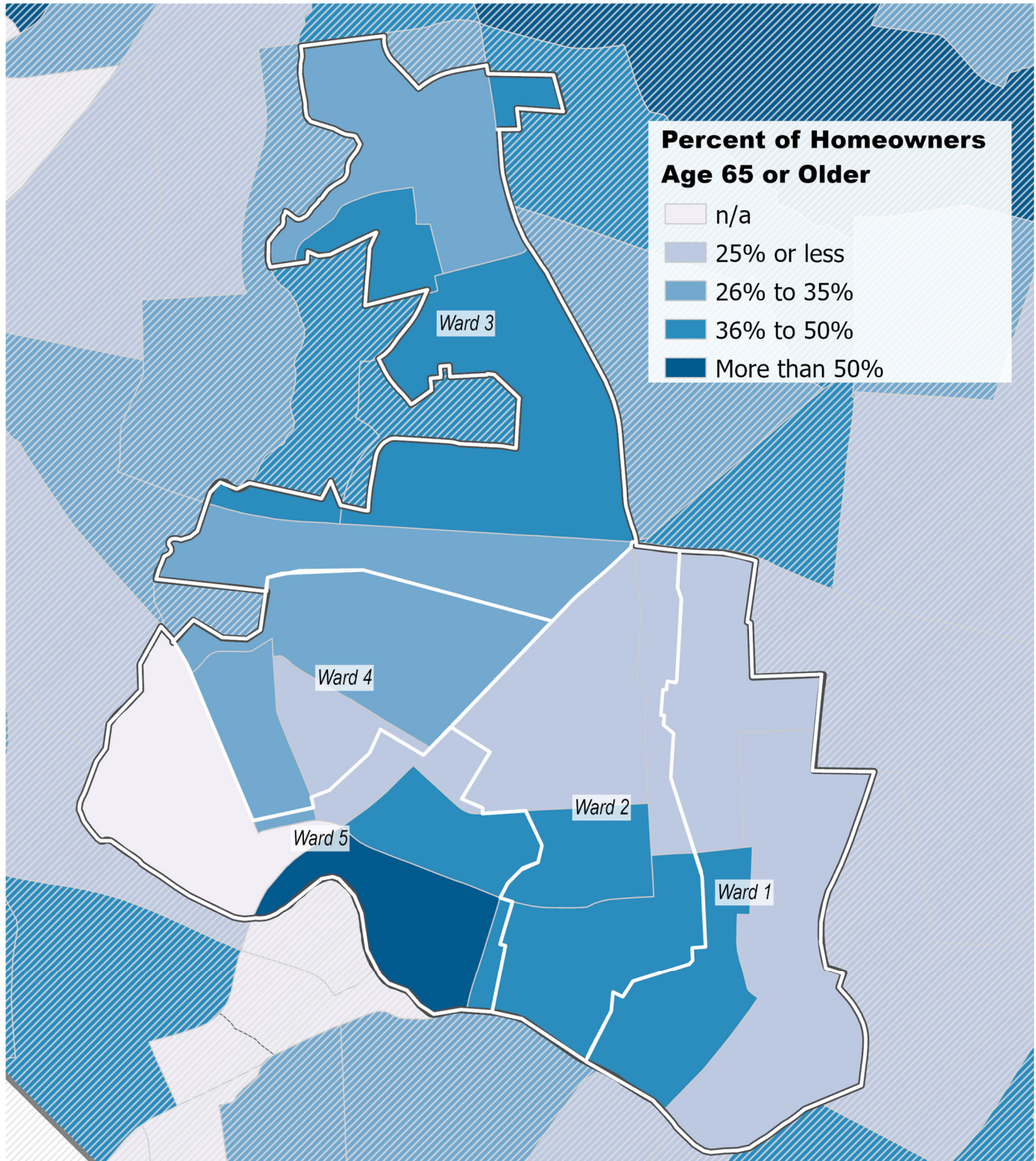
**Table 18: Age of Hyattsville Householder by Household Income**

	<b>All Householders</b>	<b>\$59,999 or Less</b>	<b>\$60,000 to \$74,999</b>	<b>\$75,000 to \$99,999</b>	<b>\$100,000 or More</b>
Under 25 years	3.0%	1.9%	0.3%	0.2%	0.6%
25 to 44 years	44.9%	16.0%	3.0%	6.0%	19.9%
45 to 64 years	35.3%	8.6%	4.2%	7.1%	15.3%
65 years and over	16.8%	9.7%	0.6%	1.6%	4.9%
<b>Total</b>	<b>100.0%</b>	<b>36.2%</b>	<b>8.2%</b>	<b>14.9%</b>	<b>40.7%</b>

The following map depicts the distribution of homeowners aged 65 and older across the city by ward.



Figure 6: Percent of Hyattsville Homeowners Age 65 or Older





### Additional Economic and Demographic Characteristics and Indicators:

- **Household Income:** There are several common ways to categorize income and poverty levels.

In 2022, the Maryland Office of People's Counsel released a study entitled "Maryland Low-Income Market Characterization Report: 2022 Report Update."<sup>60</sup> This 2022 Report Update focused primarily on the energy burden faced by Maryland's low-income households. Like high property tax burdens, high energy burdens disproportionately affect low-income households and divert resources from other essential household needs. For purposes of the report, the OPC characterized low-income households as those earning 200 percent or less of the Federal Poverty Level (FPL).

Under the federal Low-Income Housing Tax Credit program,<sup>61</sup> the owner of a qualified low-income building must rent 20 percent of the units to households with incomes of **50 percent or less** of the area median income.<sup>62</sup>

As shown in the following table (which provides income limits, adjusted for household size), depending on the size of the household, 50 percent of the County median of \$142,300 in 2022 ranges from just under \$50,000 for a one-person household to approximately \$94,000 for a household of eight. The cells highlighted in yellow indicate households that would be eligible for the Homeowners Tax Credit.<sup>63</sup>

**Table 19: Prince Georges County Income Limits by Size of Household (2022)**

People in Household	% of County Median			
	30%	50%	75%	100%
<b>County Median: \$142,300</b>				
1	\$29,900	\$49,850	\$59,063	\$78,750
2	\$34,200	\$56,950	\$67,500	\$90,000
3	\$38,450	\$64,050	\$75,938	\$101,250
4	\$42,700	\$71,150	\$84,375	\$112,500
5	\$46,150	\$76,850	\$91,125	\$121,500
6	\$49,550	\$82,550	\$97,875	\$130,500
7	\$52,950	\$88,250	\$104,625	\$139,500
8	\$56,400	\$93,950	\$111,375	\$148,500

Source: Maryland DHCD

Note: 30% and 50% limits are issued; 75% and 100% limits are based on 80% limits.

As another potential source of income measurement, each year, the U.S. Department of Health and Human Services (HHS) updates the federal poverty guidelines. The following table displays the 2023 poverty guidelines that apply in the 48 contiguous states.<sup>64</sup>

<sup>60</sup> Maryland Office of People's Counsel, "Maryland Low-Income Market Characterization Report: 2022 Report Update," (September 2022). Accessed electronically at [https://opc.maryland.gov/Portals/0/Files/Publications/Reports/Maryland%20Low-Income%20Market%20Characterization\\_September%202022%20final.pdf?ver=7fFmfM9U0mFT8s81cHe6HQ%3D%3D](https://opc.maryland.gov/Portals/0/Files/Publications/Reports/Maryland%20Low-Income%20Market%20Characterization_September%202022%20final.pdf?ver=7fFmfM9U0mFT8s81cHe6HQ%3D%3D)

<sup>61</sup> This comparison is for illustrative purposes only and is intended to show the range of income thresholds that exist. The programs discussed in this report are separate from the Low-Income Housing Tax Credit program.

<sup>62</sup> Or 40 percent of the units to households with incomes of 60 percent or less of the area median income.

<sup>63</sup> Maryland DHCD, "2022 Income Limits." Accessed electronically at <https://dhcd.maryland.gov/HousingDevelopment/Documents/rhf/2022MDIncomeLimitsRents.pdf>

<sup>64</sup> HHS, "2023 Poverty Guidelines: 48 Contiguous States." Accessed electronically at <https://aspe.hhs.gov/sites/default/files/documents/1c92a9207f3ed5915ca020d58fe77696/detailed-guidelines-2023.pdf>



**Table 20: 2023 Federal Poverty Guidelines by Size of Household**

People in Household	Poverty Guideline	% of Poverty Guideline			
		138%	150%	200%	250%
1	\$14,580	\$20,120	\$21,870	\$29,160	\$36,450
2	\$19,720	\$27,214	\$29,580	\$39,440	\$49,300
3	\$24,860	\$34,307	\$37,290	\$49,720	\$62,150
4	\$30,000	\$41,400	\$45,000	\$60,000	\$75,000
5	\$35,140	\$48,493	\$52,710	\$70,280	\$87,850
6	\$40,280	\$55,586	\$60,420	\$80,560	\$100,700
7	\$45,420	\$62,680	\$68,130	\$90,840	\$113,550
8	\$50,560	\$69,773	\$75,840	\$101,120	\$126,400

Source: HHS

- Net Worth:** Net worth is the total value of assets owned, minus any liabilities or debts. The Federal Reserve’s Survey of Consumer Finances includes several categories of assets, including bank accounts, CDs, health savings accounts, investment accounts, retirement accounts, cash value life insurance policies, vehicles, and real estate. In calculating net worth, the Federal Reserve subtracts liabilities or debts from the value of assets, including mortgages, home equity lines of credit, credit card balances, and installment loans.

The Federal Reserve’s 2019 Survey estimates that the average American family has a net worth of \$748,000, but the median net worth is \$121,000.<sup>65</sup> The median is less sensitive to outliers and may be a more accurate representation of a typical family. Data shows that net worth varies across age, race, location, and education level, as discussed in the following.

**Age:** People tend to build up worth in some assets with time.

**Table 21: Average and Median Net Worth by Age**

Age	Average Net Worth	Median Net Worth	Distribution of Hyattsville Residents by Age
Under 35	\$76,300	\$13,900	50.1%
35 to 44	\$436,200	\$91,300	15.8%
45 to 54	\$833,200	\$168,600	13.4%
55 to 64	\$1,175,900	\$212,500	10.8%
65 to 74	\$1,217,700	\$266,400	6.4%
75 or Older	\$997,600	\$254,800	3.5%

Source: Federal Reserve 2019 Survey of Consumer Finances

<sup>65</sup> The Survey is conducted every three years. In February 2023, the Federal Reserve announced that it will public its 2022 study in late 2023.



**Race:** The racial wealth gap is evident in America’s average net worth. The average Black family still has a net worth smaller than the average white family.

**Table 22: Average and Median Net Worth by Race**

Race	Average Net Worth	Change in Average Net Worth*	Median Net Worth
White, Non-Hispanic	\$983,400	-1%	\$188,200
Black	\$146,800	-3%	\$24,100
Latino	\$203,300	-19%	\$36,200
Multi-Racial & Other Identities	\$486,800	+20%	\$74,500

**Location:** The average American in an urban area has a net worth 2.7 times the net worth of the average American in a rural area.

**Table 23: Average and Median Net Worth by Location**

Location	Average Net Worth	Change in Average Net Worth*	Median Net Worth
People Living in Urban Areas	\$806,400	+1%	\$126,000
People Living in Rural Areas	\$324,800	+11%	\$90,400

Source: Federal Reserve 2019 Survey of Consumer Finances  
\* Compared to 2016 data

**Homeownership Status:** The average homeowner has a net worth 2.8 times the net worth of the average person who does not own a home.

**Table 24: Average and Median Net Worth by Homeownership Status**

Homeownership Status	Average Net Worth	Median Net Worth
Owns a Home	\$1,102,100	\$255,000
Doesn't Own a Home	\$95,600	\$6,300

Source: Federal Reserve 2019 Survey of Consumer Finances  
\* Compared to 2016 data



