

**County Executive's Proposals for Legislation
Frederick County's 2021
General Assembly Legislative Package**

County Executive Proposed Legislation

Transparency in Home Buying
(Contract Lien Act)

The proposed legislation would amend current law to provide protections for home buyers in Frederick County to require fair and transparent pricing and prohibit misleading pricing practices. Amendments would prevent or disallow home builders or developers constructing homes in Frederick County from passing on County infrastructure costs, including roads, water and sewer, and any requirements of development as separate charges to homebuyers in the form of liens.

(House Bill ____)

AN ACT concerning

Real Property - Miscellaneous Rules - Maryland Contract Lien Act

FOR the purpose of

BY adding to

Article - Real Property
Section 14-202(c)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the laws of Maryland read as follows:

Article - Real Property

(a) In **general**. -- A lien on property may be created by a contract and enforced under this subtitle if:

- (1) The contract expressly provides for the creation of a lien; and
- (2) The contract expressly describes:
 - (i) The party entitled to establish and enforce the lien; and
 - (ii) The property against which the lien may be imposed.

(b) **Lien as security**. -- A lien may only secure the payment of:

- (1) Damages;
- (2) Costs of collection;
- (3) Late charges permitted by law; and
- (4) Attorney's fees provided for in a contract or awarded by a court for breach of a contract.

EXPLANATION: CAPITAL OR UNDERLINING INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.

(C) (1) NO LIEN IS CREATED UNDER THIS SUBTITLE IF ANY DOCUMENT INTENDED TO ESTABLISH A LIEN INDICATES THAT THE LIEN IS BEING USED TO SECURE A LOCAL GOVERNMENT TAX, FEE, ASSESSMENT, OPERATING COST OR SIMILAR CHARGE, OR COSTS RELATED TO REQUIREMENTS OF DEVELOPMENT.

(2) THIS SUBSECTION DOES NOT APPLY TO ANY LIEN A LOCAL GOVERNMENT INTENDS TO CREATE.

(3) THIS SUBSECTION APPLIES ONLY TO FREDERICK COUNTY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.

County Executive Proposed Legislation

Protecting Public Employees' Information
(Public Information Act – Salary or Wages of Public Employees)

In the face of increasing threats related to identify theft and other fraud, the proposed legislation would amend and update the Maryland Public Information Act to adequately protect certain categories of Frederick County public employees' personal information, while meeting the intent of the Act in providing transparency in government.

(House Bill _____)

AN ACT concerning

General Provisions – Public Information Act – Salary or Wages of Public Employees

FOR the purpose of

Protecting the salary information of public employees from disclosure

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 4-101

Annotated Code of Maryland

(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 4-336

Annotated Code of Maryland

(2019 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the laws of Maryland read as follows:

EXPLANATION: CAPITAL OR UNDERLINING INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Article – General Provisions

4-101. Definitions

- (a) **In general.** -- In this title the following words have the meanings indicated.
- (b) **Applicant.** -- "Applicant" means a person or governmental unit that asks to inspect a public record.
- (c) **Board.** -- "Board" means the State Public Information Act Compliance Board.
- (d) **Custodian.** -- "Custodian" means:
- (1) the official custodian; or
 - (2) any other authorized individual who has physical custody and control of a public record.
- (e) **News media.** -- "News media" means:
- (1) newspapers;
 - (2) magazines;
 - (3) journals;
 - (4) press associations;
 - (5) news agencies;
 - (6) wire services;
 - (7) radio;
 - (8) television; and
 - (9) any printed, photographic, mechanical, or electronic means of disseminating news and information to the public.

(f) Official custodian. -- "Official custodian" means an officer or employee of the State or of a political subdivision who is responsible for keeping a public record, whether or not the officer or employee has physical custody and control of the public record.

(g) Person in interest. -- "Person in interest" means:

(1) a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit;

(2) if the person has a legal disability, the parent or legal representative of the person; or

(3) as to requests for correction of certificates of death under § 5-310(d)(2) of the Health - General Article, the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased's death.

(h) Personal information. –

(1) "Personal information" means information that identifies an individual.

(2) Except as provided in § 4-355 of this title, "personal information" includes an individual's:

(i) name;

(ii) address;

(iii) driver's license number or any other identification number;

(iv) medical or disability information;

(v) photograph or computer-generated image;

(vi) Social Security number; and

(vii) telephone number.

- (3) "Personal information" does not include an individual's:
 - (i) driver's status;
 - (ii) driving offenses;
 - (iii) five-digit zip code; or
 - (iv) information on vehicular accidents.

(i) **Political subdivision.** -- "Political subdivision" means:

- (1) a county;
- (2) a municipal corporation;
- (3) an unincorporated town;
- (4) a school district; or
- (5) a special district.

(j) **Public record.** –

- (1) "Public record" means the original or any copy of any documentary material that:

- (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:

- 1. a card;
 - 2. a computerized record;
 - 3. correspondence;
 - 4. a drawing;
 - 5. film or microfilm;
 - 6. a form;
 - 7. a map;

8. a photograph or photostat;
9. a recording; or
10. a tape.

(2) "Public record" includes a document that lists the salary of an employee of a unit or an instrumentality of the State or of a political subdivision[.]; PROVIDED, HOWEVER, THAT WITH RESPECT TO FREDERICK COUNTY "EMPLOYEE" SHALL MEAN AN EMPLOYEE OF FREDERICK COUNTY DESIGNATED BY THE COUNTY EXECUTIVE AS AN EXEMPT PURSUANT TO § 3-101(H)(3)(VIII) OF THE MARYLAND OPEN MEETINGS ACT.

(3) "Public record" does not include a digital photographic image or signature of an individual, or the actual stored data of the image or signature, recorded by the Motor Vehicle Administration.

SUBTITLE 3: DENIALS OF INSPECTION

4-336. Financial information

(a) **Scope of section.** -- This section does not apply to the salary of a public employee[.] PROVIDED, HOWEVER, THAT WITH RESPECT TO FREDERICK COUNTY "EMPLOYEE" SHALL MEAN AN EMPLOYEE OF FREDERICK COUNTY DESIGNATED BY THE COUNTY EXECUTIVE AS AN EXEMPT PURSUANT TO § 3-101(H)(3)(VIII) OF THE MARYLAND OPEN MEETINGS ACT.

(b) **In general.** -- Subject to subsection (c) of this section, a custodian shall deny inspection of the part of a public record that contains information about the finances of an individual, including assets, income, liabilities, net worth, bank balances, financial history or activities, [or] creditworthiness[.], OR, IN THE CASE OF FREDERICK COUNTY, THE SALARY OR WAGES OF AN EMPLOYEE OF FREDERICK COUNTY UNLESS THE EMPLOYEE HAS BEEN DESIGNATED BY THE COUNTY EXECUTIVE AS AN EXEMPT PURSUANT TO § 3-101(H)(3)(VIII) OF THE MARYLAND OPEN MEETINGS ACT.

(c) **Required inspection for person in interest.** -- A custodian shall allow inspection by the person in interest.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

_____, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.