

Maryland, to the extent that such functions and powers are not vested in another administrative officer or agency pursuant to law or ordinance; to provide that the County Council for Montgomery County, sitting as a District Council, may, upon the enactment of appropriate legislation or amendments to the County Zoning Ordinance, vest within the Office of Hearing Examiner functions and duties of scheduling and conducting public hearings and rendering written reports and recommendations to the County Board of Appeals in specific matters and types of special exceptions which the District Council may designate; to authorize the Board of Appeals, upon the approval of three members, to refer individual matters to the Hearing Examiner for hearing; to provide that matters heard by a Hearing Examiner designated by the District Council shall be in accordance with Rules of Procedure of the Office of the Hearing Examiner and that the Hearing Examiner shall submit written reports and recommendations in specific matters to the County Council or to the County Board of Appeals in other matters referred to the Hearing Examiner by the Board; to provide for final decision on matters heard by the Hearing Examiner to be by either the County Council or the Board of Appeals; to provide that the County Council and Board of Appeals may decide any application, petition or appeal heard by a Hearing Examiner solely on the basis of the Hearing Examiner's report and recommendation; and to provide that all hearings held by the Hearing Examiner shall be open to the public; to specify conditions and procedures for decisions by the Board of Appeals on recommendations of the Hearing Examiner; to establish an Office of Hearing Examiner and to specify conditions of appointment, qualifications, term of office and restrictions; to set forth the powers, duties and functions of the Hearing Examiner, including the function of conducting certain rent control hearings pursuant to the authority contained in Chapter 29 of the County Code; to provide that the Executive Director of the Office of Landlord-Tenant Affairs shall, under specified circumstances, conduct such rent control hearings; and to specify those matters over which the Hearing Examiner shall have jurisdiction to conduct public hearings and render written reports and recommendations.

Effective August 29, 1976.

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Chapter 45

AN ACT to amend Chapter 2, title "Administration", of the Montgomery County Code 1972, as amended, by