

Amendment 1 to Council Bill No. 33-2020

BY: Christiana Rigby

Legislative Day No. 7

Date: May 18, 2020

Amendment No. 1

*(This Amendment exclude situations where the tenant was in default before the State of
Emergency.)*

1 On the title page, in the purpose paragraph, at the end of the second line after the semicolon,
2 insert "providing for exceptions;"

3

4 On page 2, after line 25, insert:

5 "(4) THIS SECTION SHALL NOT APPLY TO A COMMERCIAL TENANT THAT WAS IN DEFAULT AT THE
6 TIME THE EMERGENCY WAS DECLARED OR PROCLAIMED."

7

8

ADOPTED 5/22/2020
FAILED _____
SIGNATURE W. James L. Jones

Amendment 2 to Council Bill No. 33 2020

BY: Christiana Rigby

Legislative Day No. 7

Date: May 18, 2020

Amendment No. 2

(This Amendment provides for a payment plan.)

1 On page 2, in line 13, strike "THIS" and substitute "EXCEPT AS PROVIDED IN SUBSECTION (D) OF
2 THIS SECTION, THIS".

3

4 On page 3, before line 24, insert

5 "(D) PAYMENT PLAN.

6 (1)

7 (I) DURING THE EMERGENCY DESCRIBED IN SUBSECTION (A) OF THIS SECTION AND
8 FOR ONE YEAR THEREAFTER OR, IF LONGER, FOR THE REMAINING TERM OF THE LEASE OR
9 RENTAL AGREEMENT, A LANDLORD OR MOBILE HOME PARK OWNER MAY ALLOW A RENT
10 PAYMENT PLAN IF:

11 1. THE LANDLORD OR OWNER HAS 5 OR MORE RESIDENTIAL UNITS FOR RENT;

12 OR

13 2. THE LANDLORD RECEIVE RENTS OR BENEFITS FOR THE USE OR
14 OCCUPANCY OF A COMMERCIAL UNIT.

15 (II) A TENANT OR MOBILE HOME PARK RESIDENT IS ELIGIBLE TO PARTICIPATE IN
16 RENT PAYMENT PLAN IF THE TENANT OR RESIDENT HAS NOTIFIED THE LANDLORD OR OWNER
17 OF AN INABILITY TO PAY ALL OR PART OF THE RENT OR FEE DUE AS A RESULT OF THE
18 EMERGENCY.

19

20 (2)

ADOPTED 5/22/2020
FAILED _____
SIGNATURE Christiana Rigby

1 (I) A RENT PAYMENT PLAN SHALL ALLOW FOR MONTHLY INSTALLMENTS IN LIEU OF
2 RENT, FEES, OR OTHER PAYMENTS DUE.

3 (II) PAYMENTS UNDER THE PLAN SHALL BEGIN ON THE DATE THAT THE PARTIES
4 AGREE TO.

5 (III) THE TERM OF THE PLAN SHALL BE ONE YEAR OR, AT THE REQUEST OF THE
6 TENANT OR RESIDENT, A SHORTER TERM.

7 (IV) A CHARGE, FEE, OR PENALTY MAY NOT BE IMPOSED FOR ENTERING INTO A RENT
8 PAYMENT PLAN.

9 (V) A TENANT OR RESIDENT WITH A RENT PAYMENT PLAN MAY PAY AN AMOUNT
10 GREATER THAN THE MONTHLY AMOUNT PROVIDED FOR IN THE PLAN.

11 (VI) A LANDLORD OR OWNER SHALL NOT REQUIRE OR REQUEST A TENANT OR
12 RESIDENT TO PROVIDE A LUMP SUM PAYMENT IN EXCESS OF THE AMOUNT REQUIRED UNDER
13 THE PLAN.

14 (VII) A LANDLORD OR OWNER SHALL NOT REPORT TO A CREDIT BUREAU A
15 DELINQUENCY OR OTHER DEROGATORY INFORMATION THAT OCCURS BECAUSE OF
16 ENTERING INTO A RENT PAYMENT PLAN.

17 (VIII) A LANDLORD OR OWNER SHALL AGREE IN WRITING TO THE TERMS OF THE
18 RENT PAYMENT PLAN.

19
20 (3) WITH THE TENANT'S OR RESIDENT'S CONSENT, A LANDLORD OR OWNER MAY USE ANY
21 SECURITY DEPOSIT, LAST MONTH'S RENT, OR OTHER AMOUNT THAT THE LANDLORD HOLDS
22 ON BEHALF OF THE TENANT OR RESIDENT TO SATISFY AMOUNTS OWED UNDER A RENT
23 PAYMENT PLAN.

24
25 (4)

26 (i) A LANDLORD OR OWNER SHALL ESTABLISH APPLICATION PROCEDURES FOR
27 TENANTS OR RESIDENTS TO USE TO APPLY FOR A RENT PAYMENT PLAN.

28 (ii) A LANDLORD OR OWNER SHALL ALLOW AN APPLICATION TO BE MADE ONLINE
29 OR BY TELEPHONE.

1 (iii) THE PROCEDURES SHALL REQUIRE A TENANT OR RESIDENT TO SUBMIT
2 SUPPORTING DOCUMENTATION.

3
4 (5) A LANDLORD OR OWNER MAY APPROVE EACH APPLICATION IN WHICH THE APPLICANT:

5 (i)

6 1. DEMONSTRATES EVIDENCE OF A FINANCIAL HARDSHIP RESULTING
7 DIRECTLY OR INDIRECTLY FROM THE CAUSE OF THE EMERGENCY; AND

8 2. ESTABLISHES THAT THE APPLICANT WOULD NOT OTHERWISE QUALIFY FOR
9 RENTING THE UNIT UNDER THE ORIGINAL CRITERIA RELATED TO THE APPLICANT’S
10 INCOME; AND

11 (ii) AGREES IN WRITING TO MAKE PAYMENTS IN ACCORDANCE WITH THE PAYMENT
12 PLAN.

13
14 (6)

15 (i) A LANDLORD OR OWNER THAT RECEIVES AN APPLICATION UNDER THIS
16 SUBSECTION SHALL RETAIN THE APPLICATION, WHETHER APPROVED OR DENIED, FOR AT
17 LEAST 3 YEARS.

18 (ii) ON REQUEST OF THE OFFICE OF CONSUMER PROTECTION, A LANDLORD OR
19 OWNER SHALL MAKE AN APPLICATION FOR A RENT PAYMENT PLAN AVAILABLE TO THE
20 OFFICE.

21
22 (7) A PERSON WHOSE APPLICATION FOR A PAYMENT PLAN IS DENIED MAY FILE A
23 WRITTEN COMPLAINT WITH THE OFFICE OF CONSUMER PROTECTION.”.

24
25 Also on page 3, in line 24, strike “(D)” and substitute “(E)” and in line 28, strike “(E)” and
26 substitute “(F)”.

Amendment 3 to Council Bill No. 33-2020

BY: Christiana Rigby

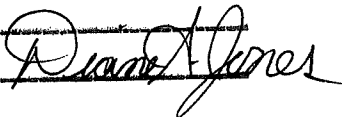
Legislative Day No. 7

Date: May 18, 2020

Amendment No. 3

(This Amendment limits the Act to the current COVID-19 state of emergency.)

1 On page 2, strike beginning with the colon in line 13 down through and including line 21 and
2 substitute "THE CATASTROPHIC HEALTH EMERGENCY DECLARED BY THE GOVERNOR OF
3 MARYLAND ON MARCH 5, 2020, AS AMENDED OR EXTENDED BY THE GOVERNOR, UNDER SECTION
4 14-3A-02 OF THE PUBLIC SAFETY ARTICLE OF THE MARYLAND CODE.".

ADOPTED 5/22/2020
FAILED _____
SIGNATURE 

Amendment 4 to Council Bill No. 33-2020

BY: Christiana Rigby

Legislative Day No. 7

Date: May 18, 2020

Amendment No. 4

(This Amendment specifies that a landlord or mobile home park owner, during the emergency period, may not propose a modification to a lease or rental agreement that would increase rent or modify a lease or rental agreement unless the tenant or mobile home park resident consents.)

1 On page 3:

- 2 • in line 4 before the semicolon, insert "OR PROPOSE A LEASE OR RENTAL AGREEMENT
- 3 MODIFICATION TO INCREASE THE RENT OR MOBILE HOME PARK FEE";
- 4 • in line 7 strike "or";
- 5 • after line 7 insert "(4) MODIFY A LEASE OR RENTAL AGREEMENT WITHOUT THE WRITTEN
- 6 CONSENT OF THE TENANT OR MOBILE HOME PARK RESIDENT; OR";
- 7 • in line 8, strike "(4)" and substitute "(5)".
- 8

5/22 Withdrawn by Sponsor

Amendment 5 to Council Bill No. 33-2020

**BY: Liz Walsh and
Christiana Rigby**

Legislative Day No. 7

Date: May 18, 2020

Amendment No. 5

(This Amendment prohibits late fees during the emergency.)

- 1 On page 3, in line 7, strike the final "OR".
- 2 Also on page 3, after line 7, insert "(4) CHARGE OR OTHERWISE ASSESS A TENANT OR RESIDENT
- 3 FOR NONPAYMENT OR LATE PAYMENT OF RENT OR A MOBILE HOME PARK FEE; OR".
- 4 Also on page 3, in line 8, strike "(4)" and substitute "(5)".

ADOPTED May 22, 2020
FAILED _____
SIGNATURE Diana Gomez

INTRODUCED May 4, 2020
PUBLIC HEARING _____
COUNCIL ACTION _____
EXECUTIVE ACTION _____
EFFECTIVE DATE _____

County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 6

Bill No. 33-2020

Introduced by: Liz Walsh, Deb Jung, and Christiana Rigby

AN ACT prohibiting an increase of rent or mobile home park fees, changes in certain lease or rental agreement terms, and certain actions by landlords and mobile home park owners; prohibiting certain notices to tenants and mobile home park residents; requiring certain notices to tenants and mobile home park residents; specifying that the prohibitions and required notices of this Act are operative during and for a specified period after certain proclaimed or declared emergencies; generally relating to landlord-tenant and mobile home park owner – resident relations; and making this Act an Emergency Bill.

Introduced and read first time May 4th, 2020. Ordered posted and hearing scheduled.

By order Diane Schwartz Jones
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on May 18th, 2020.

By order Diane Schwartz Jones
Diane Schwartz Jones, Administrator

This Bill was read the third time on May 22nd 2020 and Passed , Passed with amendments , Failed .

By order Diane Schwartz Jones
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2020 at ___ a.m./p.m.

By order _____
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive _____, 2020

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard
2 County Code is amended as follows:

3 By adding:

4 Title 17. Public Protection Services.

5 Subtitle 12. Miscellaneous.

6 Section 17.1200. Rent increases during states of emergency -
7 prohibited.

8
9 **Title 17. Public Protection Services.**

10 **SUBTITLE 12. MISCELLANEOUS.**

11 **SECTION 17.1200. RENTAL PROTECTION AND STABILITY ACT.**

12 (A) *SCOPE.*

13 (1) THIS SECTION APPLIES DURING:

14 (i) 1. A HEALTH EMERGENCY THAT THE GOVERNOR OF MARYLAND PROCLAIMS
15 UNDER TITLE 14, SUBTITLE 3A OF THE PUBLIC SAFETY ARTICLE OF THE MARYLAND CODE;

16 OR

17 2. AN EMERGENCY THAT THE GOVERNOR OF MARYLAND PROCLAIMS
18 UNDER TITLE 14, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE OF THE MARYLAND
19 CODE; AND

20 (ii) A STATE OF EMERGENCY THAT THE COUNTY EXECUTIVE DECLARES UNDER
21 SECTION 6.103 OF THE COUNTY CODE.

22 (2) THIS SECTION APPLIES IN THE GEOGRAPHIC AREAS IDENTIFIED IN THE EXECUTIVE
23 ORDER THAT PROCLAIMS OR DECLARES THE EMERGENCY.

24 (3) THIS SECTION APPLIES TO RENTED HOUSING OF ALL KINDS INCLUDING MOBILE
25 HOMES AND MOBILE HOME LOTS AND RENTED COMMERCIAL SPACE OF ALL KINDS.

26 (B) IN GENERAL.

1 DURING THE EMERGENCY, AND FOR A PERIOD OF TIME AFTER THE EMERGENCY EQUAL TO
2 THE DURATION OF THE EMERGENCY BUT NO LONGER THAN THREE MONTHS, A LANDLORD OR
3 MOBILE HOME PARK OWNER SHALL NOT:

4 (1) INCREASE THE RENT OR MOBILE HOME PARK FEE;

5 (2) UNREASONABLY OR ARBITRARILY DECREASE THE UTILITIES OR OTHER SERVICES TO
6 WHICH A TENANT OR MOBILE HOME PARK RESIDENT HAS BEEN ENTITLED;

7 (3) TERMINATE A TENANCY, LEASE, OR RENTAL AGREEMENT; OR

8 (4) OTHERWISE MATERIALLY ALTER THE TERMS OF SUCH LEASE OR RENTAL AGREEMENT TO
9 THE FINANCIAL DETRIMENT OF THE TENANT OR MOBILE HOME PARK RESIDENT.

10 (C) *NOTICE.*

11 (1) DURING THE EMERGENCY, AND FOR A PERIOD OF TIME AFTER THE EMERGENCY
12 EQUAL TO THE DURATION OF THE EMERGENCY BUT NO LONGER THAN THREE MONTHS, A LANDLORD
13 OR MOBILE HOME PARK OWNER SHALL NOT NOTIFY A TENANT OR MOBILE HOME PARK RESIDENT OF
14 ANY CHANGE IN A LEASE OR RENTAL AGREEMENT OR TAKE ANY OTHER ACTION THAT VIOLATES
15 SUBSECTION (B) OF THIS SECTION.

16 (2) A LANDLORD OR MOBILE HOME PARK OWNER MUST INFORM A TENANT OR MOBILE
17 HOME RESIDENT IN WRITING TO DISREGARD ANY SUCH NOTICE OF A MATERIAL CHANGE TO THE
18 LEASE OR RENTAL AGREEMENT IF:

19 (i) THE LANDLORD OR MOBILE HOME PARK OWNER PROVIDED THE NOTICE TO
20 THE TENANT OR MOBILE HOME PARK RESIDENT BEFORE OR DURING THE
21 EMERGENCY; AND

22 (ii) THE EFFECTIVE DATE OF THE MATERIAL CHANGE WOULD OCCUR IN
23 VIOLATION OF SUBSECTION (B) OF THIS SECTION.

24 (D) *RETALIATION PROHIBITED.*

25 A LANDLORD OR MOBILE HOME PARK OWNER MAY NOT ATTEMPT TO HARASS, INTIMIDATE,
26 THREATEN OR COERCE ANY TENANT OR MOBILE HOME RESIDENT SUBJECT TO THE PROTECTIONS SET
27 FORTH IN SUBSECTIONS (B) OR (C) OF THIS SECTION.

28 (E) *OFFICE WEBSITE POSTING.*

1 THE OFFICE OF CONSUMER PROTECTION MUST POST ON ITS WEBSITE INFORMATION ABOUT
2 THE REQUIREMENTS OF THIS SECTION, INCLUDING POSTING THE DATES WHEN THE EMERGENCY
3 BEGINS AND TERMINATES, AND THE DATE THAT IS 3 MONTHS AFTER THE EMERGENCY TERMINATES.

4 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that*
5 *this Act is an emergency bill that is necessary to protect the public health, safety, and*
6 *welfare and is effective upon enactment.*