

INTRODUCED May 4, 2020
 PUBLIC HEARING May 18, 2020
 COUNCIL ACTION May 22, 2020
 EXECUTIVE ACTION May 23, 2020
 EFFECTIVE DATE May 23, 2020

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; providing for exceptions; 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 4, 2020, 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 18, 2020.

By order

Diane Schwartz Jones
 Diane Schwartz Jones, Administrator

This Bill was read the third time on May 22, 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 23rd day of May, 2020 at 1:45 a.m./p.m.

By order

Diane Schwartz Jones
 Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive May 23, 2020

Calvin Ball
 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~~ EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THIS SECTION APPLIES
14 ~~DURING:~~

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

17 ~~OR~~

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

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

23 THE CATASTROPHIC HEALTH EMERGENCY DECLARED BY THE GOVERNOR OF
24 MARYLAND ON MARCH 5, 2020, AS AMENDED OR EXTENDED BY THE GOVERNOR, UNDER
25 SECTION 14-3A-02 OF THE PUBLIC SAFETY ARTICLE OF THE MARYLAND CODE.

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

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

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

5 (B) IN GENERAL.

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

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

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

12 (3) TERMINATE A TENANCY, LEASE, OR RENTAL AGREEMENT FOR MONETARY DEFAULTS; OR

13 (4) CHARGE OR OTHERWISE ASSESS A TENANT OR RESIDENT FOR NONPAYMENT OR LATE
14 PAYMENT OF RENT OR A MOBILE HOME PARK FEE; OR

15 (4) (5) OTHERWISE MATERIALLY ALTER THE TERMS OF SUCH LEASE OR RENTAL AGREEMENT
16 TO THE FINANCIAL DETRIMENT OF THE TENANT OR MOBILE HOME PARK RESIDENT.

17 (C) NOTICE.

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

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

26 (I) THE LANDLORD OR MOBILE HOME PARK OWNER PROVIDED THE NOTICE TO
27 THE TENANT OR MOBILE HOME PARK RESIDENT BEFORE OR DURING THE
28 EMERGENCY; AND

1 (II) THE EFFECTIVE DATE OF THE MATERIAL CHANGE WOULD OCCUR IN
2 VIOLATION OF SUBSECTION (B) OF THIS SECTION.

3 (D) PAYMENT PLAN.

4 (1)

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

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

10 OR

11 2. THE LANDLORD RECEIVE RENTS OR BENEFITS FOR THE USE OR
12 OCCUPANCY OF A COMMERCIAL UNIT.

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

17 (2)

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

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

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

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

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

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

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

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

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

14 (4)

15 (I) A LANDLORD OR OWNER SHALL ESTABLISH APPLICATION PROCEDURES FOR
16 TENANTS OR RESIDENTS TO USE TO APPLY FOR A RENT PAYMENT PLAN.

17 (II) A LANDLORD OR OWNER SHALL ALLOW AN APPLICATION TO BE MADE ONLINE
18 OR BY TELEPHONE.

19 (III) THE PROCEDURES SHALL REQUIRE A TENANT OR RESIDENT TO SUBMIT
20 SUPPORTING DOCUMENTATION.

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

22 (i)

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

1 2. ESTABLISHES THAT THE APPLICANT WOULD NOT OTHERWISE QUALIFY FOR
2 RENTING THE UNIT UNDER THE ORIGINAL CRITERIA RELATED TO THE APPLICANT'S
3 INCOME; AND

4 (II) AGREES IN WRITING TO MAKE PAYMENTS IN ACCORDANCE WITH THE PAYMENT
5 PLAN.

6 (6)

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

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

13 (7) A PERSON WHOSE APPLICATION FOR A PAYMENT PLAN IS DENIED MAY FILE A
14 WRITTEN COMPLAINT WITH THE OFFICE OF CONSUMER PROTECTION.

15 ~~(D)~~ (E) *RETALIATION PROHIBITED.*

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

19 ~~(E)~~ (F) *OFFICE WEBSITE POSTING.*

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

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

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on May 23, 2020.


Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council