

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 3

Bill No. 14 -2021

Introduced by: David Yungmann

AN ACT to allow a landlord to show a model or similar unit to a prospective tenant if the unit to be leased is not vacant under specified circumstances; to alter the authority of a tenant to terminate a lease without penalty if certain violations are not abated within a certain time; to alter the authority of a tenant to terminate a lease because of an involuntary change of employment; to allow a lease to provide that a tenant will pay specified costs under specified circumstances; to alter the lease payment grace period; to allow for the collection of specified charges; to repeal the prohibition against a lease stating that it is a contract under seal; making a technical correction; and generally relating to landlord-tenant relations.

Introduced and read first time _____, 2021. Ordered posted and hearing scheduled.

By order _____
Theodore Wimberly, 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 _____, 2021.

By order _____
Theodore Wimberly, Administrator

This Bill was read the third time on _____, 2021 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Theodore Wimberly, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2021 at ____ a.m./p.m.

By order _____
Theodore Wimberly, Administrator

Approved/Vetoed by the County Executive _____, 2021

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 County
2 Code is hereby amended as follows:

3 By amending

4 Title 17 - Public Protection Services

5 Subtitle 10. - Landlord-Tenant Relations

6 Sec. 17.1008. (a)(2), (a)(3) and (c)

7 Sec. 17.1009. (b) and (h)(1)(i)

8 Sec. 17.1010. (4), (9), (12), (13), and (14)

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11

HOWARD COUNTY CODE

12

Title 17 - Public Protection Services

13

Subtitle 10. - Landlord-Tenant Relations

14

15 Sec. 17.1008. - Required information.

16 (a) In General.

17 (2) On approval of the tenant's application AND BEFORE ENTERING INTO A LEASE, the landlord
18 shall:

19 (i) Give the prospective tenant a copy of any common ownership community rule,
20 regulation, declaration, or covenant that binds the landlord and affects the use and occupancy of the unit
21 or any common area associated with the unit;

22 (ii) Notify the prospective tenant in writing that [[,]]:

23 A. BEFORE EXECUTING THE LEASE, the tenant may view the dwelling unit
24 [[before executing the lease to identify existing damage to the unit or personal property in the unit,]] OR A
25 SUBSTANTIALLY SIMILAR DWELLING UNIT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION; AND

26 B. BEFORE OCCUPANCY, THE TENANT MAY INSPECT THE DWELLING UNIT TO
27 IDENTIFY AND DOCUMENT DAMAGE TO THE UNIT OR ITS FIXTURES, APPLIANCES, AND ELECTRICAL,
28 PLUMBING, AND OTHER SUCH SYSTEMS THAT ARE PART OF THE LEASEHOLD AND, IF DAMAGE IS FOUND,
29 MAY SELECT A DIFFERENT UNIT;

30 (iii) Subject to subsection (c) of this section, notify the prospective tenant in writing
31 that the owner of a dwelling unit must have a rental housing license under section 14.901 of the Howard
32 County Code AND, NOT LATER THAN 7 DAYS BEFORE OCCUPANCY, PROVIDE THE TENANT WITH A COPY
33 OF THE LICENSE OR EVIDENCE OF AN APPLICATION FOR A LICENSE [[before the unit is;

1 (iv) Provide the tenant with a copy of the current license for the dwelling unit]]; and
2 [[(v)] (IV) Provide the tenant with a copy of the Office's Landlord Tenant Assistance
3 publication written in ENGLISH AND [[the]] ANY OTHER language of the tenant's choice IF THE OFFICE
4 MAKES THE PUBLICATION AVAILABLE IN THAT LANGUAGE.

5 (3) FOR PURPOSES OF PARAGRAPH (A)(2)(II) OF THIS SUBSECTION, A SUBSTANTIALLY SIMILAR
6 DWELLING UNIT IS ONE THAT HAS SIMILAR ENTRY, BUILDING FLOOR OR LEVEL, WINDOWS, FLOOR PLAN,
7 FINISHES, CONDITION, UPGRADES, AND APPLIANCES. IF THE UNIT SHOWN IS NOT SUBSTANTIALLY
8 SIMILAR, THE TENANT SHALL BE SHOWN EXAMPLES OF THE FEATURES THAT ARE NOT SUBSTANTIALLY
9 SIMILAR IN BOTH THE INTERIOR OF THE UNIT, AS WELL AS INGRESS AND EGRESS, AND PROVIDED A COPY
10 OF THE FLOOR PLAN OF THE DWELLING UNIT.

11 (c) [[Rental Housing License.]] TENANT OPTIONS.

12 (1) If the owner fails to provide the notice required by subsection [[(a)(4)] (A)(2)(III) of this
13 section, the tenant may, at any time before the rental housing license is obtained, terminate the lease
14 without penalty and the owner shall return the tenant's security deposit in compliance with section 8-203
15 of the Real Property Article of the Maryland Code.

16 (2) BASED ON AN INSPECTION OF THE DWELLING AS PROVIDED BY SUBSECTION (A)(2)(II) OF
17 THIS SECTION AND BEFORE OCCUPANCY, THE TENANT MAY TERMINATE THE LEASE.

18
19 Sec. 17.1009. - Required lease provisions.

20 (b) Rental Housing License. A lease shall state:

21 (1) Where the tenant can inspect a copy of the rental housing license for the dwelling unit IF A
22 COPY HAS NOT BEEN PROVIDED TO THE TENANT; AND

23 (2) That if the owner fails to [[apply for renewal of the]] MAINTAIN A rental housing license
24 FOR 15 CONSECUTIVE CALENDAR DAYS OR MORE during the tenant's lease period, the tenant may
25 terminate the lease without penalty and the owner shall return the tenant's security deposit in compliance
26 with section 8-203 of the Real Property Article of the Maryland Code; and

27 (3) That if the DEPARTMENT OF INSPECTIONS, LICENSES, AND PERMITS ISSUES A CIVIL CITATION
28 TO THE owner OR ITS AGENT [[receives a notice of]] FOR A violation AND THE VIOLATION IS NOT ABATED
29 AS REQUIRED BY A COURT ORDER, OR IF THE VIOLATION IS SUBJECT TO [[from the Department of
30 Inspections, Licenses and Permits and does not abate the violation by the date specified in the notice,
31 under]] section 8-211 of the Real Property Article of the Maryland Code, the tenant may:

32 (i) Terminate the lease without penalty; or

33 (ii) Request that a rent escrow account be established for the payment of rent until the
34 violation is abated.

1 (h) Termination.

2 (1) A lease shall state that the tenant may terminate the lease on 60 days' written notice to the
3 landlord because of:

4 (i) An involuntary change of employment to a location that [[is more than 100 miles
5 from the current place of residence]] ADDS 50 MILES OR MORE TO THE TENANT'S COMMUTE, [[which is
6 confirmed in writing by the tenant's current]] TO INCLUDE WRITTEN CONFIRMATION FROM THE employer
7 OF THE RELOCATION and THAT the relocation is not paid for by their employer;

8
9 Sec. 17.1010. - Prohibited lease provisions.

10 A lease may not:

11 (4) State that the tenant agrees to pay court costs, legal fees, or attorney fees other than those that a
12 court awards for a breach of lease by the tenant OR THAT THE LANDLORD INCURS BECAUSE THE TENANT:

13 (I) DID NOT PAY RENT; OR

14 (II) DAMAGED THE LEASED UNIT, COMMON AREAS, MAJOR APPLIANCES, OR FURNISHINGS IN
15 EXCESS OF WEAR AND TEAR;

16 (9) Provide for a penalty or subject the tenant to legal action for non-payment of rent if the
17 delinquent payment is made within [[five]] FOUR days after the date on which the rent is due UNLESS THE
18 TENANT IS IN ARREARS FROM THE PREVIOUS MONTH;

19 (12) Require the tenant to pay any money other than:

20 (i) An application fee that section 8-213 of the Real Property Article of the Maryland Code
21 allows;

22 (ii) A security deposit that section 8-203 of the Real Property Article of the Maryland Code
23 allows;

24 (iii) Rent that the lease specifies;

25 (iv) Charges for services and utilities identified in the lease as required by section 17.1009(d)
26 of this subtitle; [[or]]

27 (v) Fees for specified amenities or common areas that the tenant may elect to use, including
28 but not limited to dedicated parking spaces, pools; or fitness facilities; OR

29 (VI) OTHER CHARGES PERMITTED BY THIS SUBTITLE OR UNDER APPLICABLE MARYLAND LAW,
30 INCLUDING BUT NOT LIMITED TO TRANSFER FEES; OR

31 (13) Require the tenant to pay transfer fees or other money for moving from one dwelling unit to
32 another dwelling unit within an apartment complex during the lease period, but a landlord may withhold
33 money from the security deposit on the original dwelling unit for damage to the unit and apply the
34 remainder to the security deposit for the new unit [[; or

1 (14) State that the lease is a contract under seal]].

2 **Section 2. Be it further enacted** by the County Council of Howard County, Maryland, that this Act shall
3 *become effective 61 days after its enactment.*

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