



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

February 22, 2022

TO: The Honorable Kumar P. Barve
Chair, Environment and Transportation Committee

FROM: Marc Elrich
County Executive

RE: House Bill 881– *Landlord and Tenant - Residential Leases and Holdover Tenancies - Local Just Cause Termination Provisions*
Support

House Bill 881 authorizes a county to adopt by local law or ordinance provisions prohibiting a landlord of residential property from failing to renew a lease or from terminating a holdover tenancy without just cause. Under the bill, just cause exists if: (1) a tenant has committed a substantial breach of the lease or substantial damage to the leased premises or another area of the property and after receiving notice to cure or correct the breach or pay the cost of repair, the tenant fails to comply within a reasonable period of time established by the local law or ordinance; (2) after receiving notice to cease, a tenant continues to engage in disorderly conduct; (3) a tenant has engaged in illegal activity on the leased premises, another area of the property, or on a public right of way abutting the leased premises; (4) a tenant, without reasonable cause, refuses to grant the landlord access to the leased premises for repairs, improvements or inspection of the leased premises; (5) a landlord, in good faith, seeks to recover possession of the premises for use by the landlord’s family member; (6) a landlord, in good faith, seeks to remove the leased premises from the rental market; and (7) a landlord, after obtaining all necessary permits, seeks to undertake substantial repairs or renovations that cannot be completed if the premises are occupied.

I strongly support this bill, which helps protect tenants and enables them to stay in their homes while also allowing termination of leases for certain causes. Under Montgomery County law, a landlord must provide 60 days’ notice if the landlord does not intend to offer the existing tenant a renewed lease term. If a tenant remains in possession of the leased premises after the expiration of the lease term, the tenant is considered to be “holding over” under current State law. If a tenant holds over, the tenant becomes a month-to-month tenant, but all other terms of

The Honorable Kumar P. Barve
Re: House Bill 881
February 22, 2022
Page 2

the expired lease remain in effect (albeit monthly). A landlord may file a complaint in District Court if a tenant refuses to relinquish possession at the end of the lease term. If the landlord proves proper notice, the lease term fully expires, and the tenant remains in possession of the premises, the Court will issue a judgment for possession in favor of the landlord.

House Bill 881 makes significant changes to the tenant holding over process in Montgomery County. A landlord will no longer be able to evict a tenant for holding over, absent an enumerated just cause. Under the bill, a tenant could continue to stay in possession of the property indefinitely after expiration of the lease, as a month-to-month tenant, subject to eviction for just cause if the tenant continues to pay the required rent.

I support House Bill 881 and recognize the importance of providing tenants with housing stability and security through strengthening the protections available to tenants. I believe that just cause eviction requirements are yet another way that Montgomery County can provide housing security to its residents. For the foregoing reasons, I respectfully request a favorable Committee report.

cc: Members of the Environment and Transportation Committee