

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2020, Legislative Day No. 21

Bill No. 95-20

Mr. Izzy Patoka, Councilman

By the County Council, September 8, 2020

A BILL
ENTITLED

AN ACT concerning

Tenant Protections During ~~Emergencies~~ an Emergency

FOR the purpose of defining certain terms; requiring certain notices of residential rent increases during an emergency; providing certain restrictions on residential rent increases during an emergency; providing certain restrictions on the assessment and collection of certain rent and fees during an emergency; ~~requiring certain notices of rental assistance programs be provided to tenants; providing for publication of certain information related to tenant protections during emergencies;~~ setting certain requirements to obtain a rental housing license and adding certain grounds for denial, suspension, or revocation; and generally relating to protections for residential tenants during emergencies.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

BY adding

Section 35-3-401 through ~~35-3-407~~ 35-3-405
Article 35 – Buildings and Housing
Title 1 – Housing in General
Subtitle 4 – Tenant Protections During ~~Emergencies~~ an Emergency
Baltimore County Code, 2015

BY adding

Section 35-6-110(a)(8)
Article 35 – Buildings and Housing
Title 6 – Rental Housing Licenses
Baltimore County Code, 2015

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

3
4 ARTICLE 35 – BUILDINGS AND HOUSING

5 Title 3 – Housing in General

6 SUBTITLE 4 – TENANT PROTECTIONS DURING ~~EMERGENCIES~~ AN EMERGENCY

7
8 ~~§ 35-3-401. STATEMENT OF PURPOSE.~~

9 ~~THE PURPOSE OF THIS SUBTITLE IS TO PROVIDE TENANTS WITH CERTAIN~~
10 ~~SAFEGUARDS AGAINST SUDDEN INCREASES IN RENT OR UNFAIR RENTAL~~
11 ~~CONDITIONS DURING A STATE EMERGENCY AFFECTING BALTIMORE COUNTY, A~~
12 ~~CATASTROPHIC PUBLIC HEALTH EMERGENCY, WIDE SCALE UNEMPLOYMENT,~~
13 ~~OR SEVERELY NEGATIVE LOCAL ECONOMIC CONDITIONS, WHICH POSE A~~
14 ~~THREAT TO TENANTS' HOUSING SECURITY AND MAY CONSTITUTE A~~
15 ~~SUBSTANTIAL THREAT TO THE LIFE, HEALTH, AND SAFETY OF TENANTS.~~

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~~§ 35-3-402. SCOPE.~~

~~THIS SUBTITLE APPLIES TO:~~

~~(1) PROPERTY LEASED FOR RESIDENTIAL USE; OR~~

~~(2) A RESIDENTIAL PREMISES THAT IS LEASED BY AN AGENCY OF~~

~~THE STATE OR THE COUNTY.~~

~~§ 35-3-403~~ 35-3-401. DEFINITIONS.

(A) IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(1) "EMERGENCY" MEANS ANY OF FOLLOWING:

~~_____ (I) A STATE OF EMERGENCY DECLARED BY THE GOVERNOR OF MARYLAND UNDER TITLE 14, SUBTITLES 3 OR 3A OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND THAT LASTS FOR AT LEAST 30 DAYS AND IS EITHER STATE WIDE OR INCLUDES BALTIMORE COUNTY;~~

~~(H)(I) A NATIONAL OR STATE-WIDE EVICTION MORATORIUM THAT LASTS FOR AT LEAST 30 DAYS, REGARDLESS OF WHETHER IT IS ORDERED BY EXECUTIVE ACTION OF THE PRESIDENT OF THE UNITED STATES OR THE GOVERNOR OF THE STATE OF MARYLAND, ENACTED BY LEGISLATION OF THE U.S. CONGRESS OR THE GENERAL ASSEMBLY, OR ADMINISTRATIVELY ORDERED BY A FEDERAL OR STATE AGENCY OR DEPARTMENT; OR~~

~~_____ (II) TWO CONSECUTIVE MONTHS WHERE THE UNEMPLOYMENT RATE FOR THE STATE OF MARYLAND IS AT OR ABOVE TEN~~

1 ~~PERCENT, BEGINNING THE DAY AFTER PUBLICATION OF THE UNEMPLOYMENT~~
2 ~~RATE FOR THE SECOND SUCH MONTH, AS PUBLISHED BY THE UNITED STATES~~
3 ~~DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, AND CONTINUING FOR~~
4 ~~EACH CONSECUTIVE MONTH THAT THE UNEMPLOYMENT RATE FOR THE STATE~~
5 ~~OF MARYLAND IS AT OR ABOVE TEN PERCENT; OR~~

6 ~~(IV)(II)~~ THE CATASTROPHIC HEALTH EMERGENCY DECLARED
7 BY THE GOVERNOR FOR COVID-19 ON MARCH 5, 2020, UNDER SECTION 14-3A-02
8 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS
9 AMENDED OR EXTENDED BY THE GOVERNOR.

10 (2) (I) “TENANT” MEANS A PERSON WHO OCCUPIES A DWELLING
11 UNIT AND PAYS COMPENSATION FOR LIVING OR DWELLING PURPOSES WITH THE
12 LANDLORD'S CONSENT, INCLUDING AN EXISTING TENANT BUT NOT INCLUDING
13 A PROSPECTIVE TENANT.

14 (II) “TENANT” DOES NOT INCLUDE A PERSON THAT OWNS A
15 MOBILE HOME AND PAYS COMPENSATION TO THE OWNER OF A MOBILE HOME
16 COMMUNITY TO OCCUPY LAND IN THAT COMMUNITY.

17 (3) “LANDLORD” MEANS A PERSON WHO LEASES A RESIDENTIAL
18 DWELLING UNIT TO A TENANT AND OWNS, MANAGES, OR LEASES AT LEAST
19 THREE SUCH RESIDENTIAL DWELLING UNITS.

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21 § ~~35-3-404~~ 35-4-402. NOTICE DURING AN EMERGENCY.

22 ~~— (A) — (1) A LANDLORD MAY NOT CHARGE, COLLECT, OR DEMAND FROM A~~
23 ~~TENANT AN INCREASE IN RENT UNTIL 30 DAYS AFTER THE LANDLORD GIVES~~

1 ~~THE TENANT WRITTEN NOTICE OF THE RENT INCREASE.~~

2 ~~(2)(A) DURING AN EMERGENCY AND FOR A PERIOD OF 180 90 DAYS AFTER~~
3 ~~THE EXPIRATION OF AN EMERGENCY, A LANDLORD MAY NOT CHARGE,~~
4 ~~COLLECT, OR DEMAND FROM A TENANT AN INCREASE IN RENT UNTIL 60 DAYS~~
5 ~~AFTER THE LANDLORD GIVES THE TENANT WRITTEN NOTICE OF THE RENT~~
6 ~~INCREASE IN ADDITION TO THE NOTICE REQUIRED BY SUBSECTION (A) OF THIS~~
7 ~~SECTION.~~

8 (B) A WRITTEN NOTICE OF RENT INCREASE REQUIRED UNDER THIS
9 SECTION MUST BE ~~POSTED ON THE PROPERTY AND~~ MAILED TO THE TENANT BY
10 ~~CERTIFIED MAIL, RESTRICTED DELIVERY, RETURN RECEIPT REQUESTED, AND~~
11 FIRST CLASS MAIL AND POSTED ON THE DOOR OF THE DWELLING UNIT AND
12 CONTAIN THE FOLLOWING:

13 (1) THE AMOUNT OF RENT PRECEDING THE EFFECTIVE DATE OF THE
14 PROPOSED RENT INCREASE, THE AMOUNT OF RENT PROPOSED AFTER THE RENT
15 INCREASE TAKES EFFECT, AND THE PERCENTAGE INCREASE OF THE RENT;

16 (2) THE EFFECTIVE DATE OF THE PROPOSED RENT INCREASE; AND

17 (3) ANY OTHER INFORMATION THE LANDLORD DEEMS USEFUL IN
18 EXPLAINING THE RENT INCREASE.

19 ~~(C) A LANDLORD THAT HAS NOT COMPLIED WITH THE REQUIREMENTS OF~~
20 ~~THIS SECTION MAY NOT:~~

21 ~~(1) CHARGE, COLLECT, OR DEMAND ANY INCREASED RENT, LATE~~
22 ~~FEES, OR COURT FEES; OR~~

23 ~~(2) BRING OR SUSTAIN A COMPLAINT FOR NONPAYMENT OF RENT~~

1 ~~ON THE BASIS OF UNPAID INCREASED RENT OR SUBSEQUENT LATE FEES.~~

2 ~~(D) (1) DURING AN EMERGENCY AND FOR A PERIOD OF 180 DAYS AFTER~~
3 ~~THE EXPIRATION OF AN EMERGENCY, A LANDLORD MUST NOTIFY A TENANT IN~~
4 ~~WRITING OF ANY FEDERAL, STATE, OR LOCAL PROGRAM THAT PROVIDES~~
5 ~~DIRECT FINANCIAL ASSISTANCE TO A TENANT OR TO A LANDLORD ON BEHALF~~
6 ~~OF A TENANT, FOR RENTAL OR HOUSING COSTS.~~

7 ~~(2) A NOTIFICATION REQUIRED UNDER SUBSECTION (D)(1) OF THIS~~
8 ~~SUBSECTION MUST BE POSTED ON THE PREMISES AND MAILED TO THE TENANT~~
9 ~~BY CERTIFIED MAIL, RESTRICTED DELIVERY, RETURN RECEIPT REQUESTED~~
10 ~~WITHIN 14 DAYS AFTER THE START OF AN EMERGENCY OR THE PUBLIC~~
11 ~~ANNOUNCEMENT OF ANY SUCH FEDERAL, STATE, OR LOCAL PROGRAM.~~

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13 ~~§ 35-3-405~~ 35-3-403. RENT RESTRICTIONS DURING AN EMERGENCY.

14 ~~(A) A LANDLORD SHALL NOT IMPOSE MORE THAN ONE RENT INCREASE~~
15 ~~ON A TENANT IN ANY 12-MONTH PERIOD.~~

16 ~~(B) (1)(A) DURING AN EMERGENCY AND FOR A PERIOD OF 180~~ 90 ~~DAYS~~
17 ~~AFTER THE EXPIRATION OF AN EMERGENCY, A LANDLORD SHALL NOT~~
18 ~~INCREASE A TENANT'S RENT TO AN AMOUNT THAT EXCEEDS THE INCREASE OF~~
19 ~~THE RESIDENTIAL RENT COMPONENT OF THE CONSUMER PRICE INDEX FOR ALL~~
20 ~~URBAN CONSUMERS (CPI-U) FOR THE BALTIMORE-COLUMBIA-TOWSON,~~
21 ~~MARYLAND CORE BASED STATISTICAL AREA (CBSA), AS PUBLISHED BY THE~~
22 ~~UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, OR~~
23 ~~ANY SUCCESSOR INDEX, FOR THE PRECEDING CALENDAR YEAR BY MORE THAN~~

1 THREE PERCENT UPON THE RENEWAL OF A LEASE WITH ANY TENANT WHO WAS
2 A PARTY TO THE ORIGINAL LEASE AGREEMENT, EVEN IF THE LANDLORD GAVE
3 NOTICE OF THE RENT INCREASE PRIOR TO THE START OF AN EMERGENCY.

4 ~~(2) IF A LANDLORD HAS PROVIDED NOTICE OF A RENT INCREASE~~
5 ~~PRIOR TO THE START OF AN EMERGENCY AND THE RENT INCREASE IS DUE TO~~
6 ~~TAKE EFFECT DURING THE EMERGENCY, THE RENT INCREASE SHALL BE~~
7 ~~AUTOMATICALLY LIMITED SO THAT THE LANDLORD MAY NOT CHARGE,~~
8 ~~COLLECT, OR DEMAND FROM A TENANT MORE THAN THE MAXIMUM INCREASE~~
9 ~~PERMITTED BY SUBSECTION (B)(1) OF THIS SECTION UNTIL 180 DAYS AFTER THE~~
10 ~~EXPIRATION OF THE EMERGENCY.~~

11 ~~(C) FOR ANY COMPLAINT FOR NONPAYMENT OF RENT BROUGHT DURING~~
12 ~~AN EMERGENCY AND FOR A PERIOD OF ONE YEAR AFTER THE EXPIRATION OF~~
13 ~~AN EMERGENCY, JUDGMENT MAY NOT BE ENTERED IN FAVOR OF A LANDLORD~~
14 ~~UNLESS THE LANDLORD OR THEIR AGENT OR ATTORNEY PRODUCE RECORDS~~
15 ~~SHOWING THAT THE LANDLORD HAS COMPLIED WITH SUBSECTIONS (A) AND (B)~~
16 ~~OF THIS SECTION.~~

17 ~~(D)~~(B) FOR ANY RENT DUE DURING AN EMERGENCY AND FOR A PERIOD
18 OF ~~180~~ 90 DAYS AFTER THE EXPIRATION OF AN EMERGENCY, A LANDLORD MAY
19 NOT REPORT TO A CREDIT BUREAU OR CREDIT RATING AGENCY ANY
20 DELINQUENCY OR OTHER DEROGATORY INFORMATION ABOUT A TENANT
21 REGARDING NONPAYMENT OF RENT.

22
23 § ~~35-3-406~~ 35-3-404. TENANT FEES DURING AN EMERGENCY.

1 (A) FOR ANY RENT DUE DURING AN EMERGENCY AND FOR A PERIOD OF
2 ~~180~~ 90 DAYS AFTER THE EXPIRATION OF AN EMERGENCY, A LANDLORD MAY
3 NOT CHARGE, COLLECT, OR DEMAND FROM A TENANT ANY LATE FEES, COURT
4 FEES, OR PAYMENT PROCESSING FEES, IF THE TENANT IS IMPACTED BY THE
5 EMERGENCY AND DEMONSTRATES WITH WRITTEN OR ELECTRONIC PROOF.

6 ~~(B) FOR ANY COMPLAINT FOR NONPAYMENT OF RENT BROUGHT DURING~~
7 ~~AN EMERGENCY AND FOR A PERIOD OF ONE YEAR AFTER THE EXPIRATION OF~~
8 ~~AN EMERGENCY, JUDGMENT MAY NOT BE ENTERED IN FAVOR OF A LANDLORD~~
9 ~~UNLESS THE LANDLORD OR THEIR AGENT OR ATTORNEY PRODUCE RECORDS~~
10 ~~SHOWING THAT THE LANDLORD HAS COMPLIED WITH SUBSECTION (A) OF THIS~~
11 ~~SECTION.~~

12
13 § ~~35-3-407~~ 35-3-405. PUBLICATION ~~AND PENALTIES.~~

14 (A) THE DEPARTMENTS OF HEALTH AND PERMITS, APPROVALS, AND
15 INSPECTIONS, AS WELL AS ~~THE BALTIMORE COUNTY OFFICE OF HOUSING~~ ANY
16 APPROPRIATE DEPARTMENT OR AGENCY THAT HANDLES RESIDENTIAL RENTAL
17 OR HOUSING MATTERS SHALL POST ON THEIR WEBSITE INFORMATION ABOUT
18 THE REQUIREMENTS OF THIS SUBTITLE, INCLUDING:

19 ~~(1) THE BASIS OF AN EMERGENCY THAT TRIGGERS THE~~
20 ~~APPLICABILITY OF THIS SUBTITLE, INCLUDING A LINK TO ANY OFFICIAL~~
21 ~~DECLARATION OR DOCUMENT, IF AVAILABLE;~~

22 ~~(2)~~(1) THE RENT INCREASE RESTRICTIONS AND NOTICE
23 REQUIREMENTS OF THIS SUBTITLE, ~~INCLUDING THE MAXIMUM PERCENT OF~~

1 ~~RENT INCREASE PERMITTED UNDER SECTION 35-3-405 OF THIS SUBTITLE; AND~~

2 ~~(3)(2) THE DATE THAT AN EMERGENCY EXPIRES AND THE DATE~~
3 ~~FOLLOWING 180 90 DAYS AND ONE YEAR AFTER EXPIRATION OF THE~~
4 ~~EMERGENCY, INCLUDING A LINK TO ANY OFFICIAL DECLARATION OR~~
5 ~~DOCUMENT, IF AVAILABLE.~~

6 (B) THE DEPARTMENTS OF HEALTH AND PERMITS, APPROVALS, AND
7 INSPECTIONS, AS WELL AS ~~THE BALTIMORE COUNTY OFFICE OF HOUSING~~ ANY
8 APPROPRIATE DEPARTMENT OR AGENCY THAT HANDLES RESIDENTIAL RENTAL
9 OR HOUSING MATTERS SHALL INCORPORATE APPROPRIATE INFORMATION
10 ABOUT THE RIGHTS AND RESPONSIBILITIES SET FORTH IN THIS SUBTITLE INTO
11 THEIR PUBLIC OUTREACH AND AWARENESS CAMPAIGNS REGARDING PUBLIC
12 HEALTH EMERGENCIES, RENTAL HOUSING LICENSES, OR TENANTS RIGHTS.

13 (C) BEFORE THE DIRECTOR OF THE DEPARTMENT OF PERMITS,
14 APPROVALS, AND INSPECTIONS MAY ISSUE A RENTAL LICENSE UNDER ARTICLE
15 35, TITLE 6 OF THE COUNTY CODE, THE APPLICANT FOR THE LICENSE MUST
16 RECEIVE A COPY OF THE REQUIREMENTS OF THIS SUBTITLE AND AGREE TO
17 THEM IN WRITING.

18
19 ARTICLE 35 – BUILDINGS AND HOUSING

20 Title 6 – Rental Housing Licenses

21
22 § 35-6-110. - Same - Denials, Suspensions, And Revocations; Grounds.

23 (a) The Director may deny a license to an applicant or suspend or revoke a license if the

1 applicant or licensee:

2 (8) FAILS TO COMPLY WITH ANY OF THE REQUIREMENTS OF TITLE 3,
3 SUBTITLE 4 OF THIS ARTICLE.

4

5 SECTION 2. AND BE IT FURTHER ENACTED, that if any provisions of this Act or
6 the application of this Act to any person or circumstance is held invalid for any reason, the
7 invalidity shall not affect any other provision or any other application of this Act, and the
8 provisions of this Act are declared severable.

9

10 SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by
11 the affirmative vote of five (5) members of the County Council, shall take effect on October 19,
12 2020 ~~and shall be applied retroactively from March 5, 2020~~ applies prospectively to rent
13 increases that take effect after the effective date of this Act and does not apply retroactively to
14 rent increases that went into effect before the effective date of this Act.



LEGISLATION DETAIL

LEGISLATION _____

DISPOSITION _____

ENACTED _____

EFFECTIVE _____

AMENDMENTS _____

ROLL CALL - LEGISLATION

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Quirk
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Bevins
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

ROLL CALL - AMENDMENTS

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Quirk
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Bevins
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

ROLL CALL - AMENDMENTS

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Quirk
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Bevins
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

ROLL CALL - AMENDMENTS

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Quirk
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Bevins
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell