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 repeal the authority of a tenant to terminate a lease without penalty if certain violations are not abated within a certain time; 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.
Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County Code is hereby amended as follows:

By amending

Title 17 - Public Protection Services
Subtitle 10. - Landlord-Tenant Relations
Sec. 17.1008. (a)(2) and (c)
Sec. 17.1009. (b)
Sec. 17.1010. (4), (9), (12), and (13)

HOWARD COUNTY CODE

Title 17 - Public Protection Services
Subtitle 10. - Landlord-Tenant Relations

Sec. 17.1008. - Required information.
(a) In General.
(2) Within three days after [(On)] approval of the tenant's application and before entering into a lease, the landlord shall:
(i) Give the prospective tenant a copy of any common ownership community rule, regulation, declaration, or covenant that binds the landlord and affects the use and occupancy of the unit or any common area associated with the unit;
(ii) Notify the prospective tenant in writing that [(i)]:
A. Before entering into a lease, the tenant may view the dwelling unit [[before executing the lease to identify existing damage to the unit or personal property in the unit,]] or a substantially similar dwelling unit; and
B. Before occupancy, the tenant may inspect the dwelling unit to identify and document damage to the unit or its fixtures, appliances, and electrical, plumbing, and other such systems that are part of the leasehold and, if damage is found, may select a different unit;
(iii) Subject to subsection (c) of this section, notify the prospective tenant in writing that the owner of a dwelling unit must have a rental housing license under section 14.901 of the Howard County Code [(before the unit is];
(iv) Provide the tenant with a copy of the current license for the dwelling unit]; and
(IV) Provide the tenant with a copy of the Office's Landlord Tenant Assistance publication written in ENGLISH AND ANY OTHER language of the tenant's choice WHEN THE OFFICE MAKES THE PUBLICATION AVAILABLE IN THAT LANGUAGE.

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

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

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

Sec. 17.1009. - Required lease provisions.

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

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

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

(3) That if the owner receives a notice of violation from the Department of Inspections, Licenses and Permits and does not abate the violation by the date specified in the notice, under section 8-211 of the Real Property Article of the Maryland Code, the tenant may:

(i) Terminate the lease without penalty; or

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

Sec. 17.1010. - Prohibited lease provisions.

A lease may not:

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

(I) DID NOT PAY RENT; OR

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

(9) Provide for a penalty or subject the tenant to legal action for non-payment of rent if the
delinquent payment is made within [[five]] FOUR days after the date on which the rent is due UNLESS THE
TENANT IS IN ARREARS FROM THE PREVIOUS MONTH;
(12) Require the tenant to pay any money other than:
  (i) An application fee that section 8-213 of the Real Property Article of the Maryland Code
      allows;
  (ii) A security deposit that section 8-203 of the Real Property Article of the Maryland Code
       allows;
  (iii) Rent that the lease specifies;
  (iv) Charges for services and utilities identified in the lease as required by section 17.1009(d)
       of this subtitle; [[or]]
  (v) Fees for specified amenities or common areas that the tenant may elect to use, including
      but not limited to dedicated parking spaces, pools; or fitness facilities; OR
  (vi) OTHER CHARGES PERMITTED BY THIS SUBTITLE OR UNDER APPLICABLE MARYLAND LAW,
       INCLUDING BUT NOT LIMITED TO TRANSFER FEES; OR
(13) Require the tenant to pay transfer fees or other money for moving from one dwelling unit to
another dwelling unit within an apartment complex during the lease period, but a landlord may withhold
money from the security deposit on the original dwelling unit for damage to the unit and apply the
remainder to the security deposit for the new unit [[; or
(14) State that the lease is a contract under seal]].

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