Clerk’s Note: Corrections made for typographical errors on page 2, line 17 and page 3, line 45.

AN ACT to:

(1) require a landlord to pay to a tenant a relocation payment if the tenant’s housing is condemned as unfit for human habitation under certain circumstances;

(2) require a landlord to provide a tenant with a right of first refusal to re-occupy rental housing under certain circumstances; and

(3) generally amend County law on landlord-tenant relations.

By adding

Montgomery County Code
Chapter 29, Landlord-Tenant Relations
Section 29-35B

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Section 29-35B is added as follows:

29-35B. Relocation Expenses.

(a) Definitions. As used in this Section: 

Permanently displaced tenant means a tenant that is required to vacate rental housing for 30 days or more because the rental housing is condemned as unfit for human habitation under Section 26-13 [through no fault of the tenant].

Temporarily displaced tenant means a tenant that is required to vacate rental housing for less than 30 days because the rental housing is condemned as unfit for human habitation under Section 26-13.

(b) Relocation payment required. Except as provided in subsection (f), a landlord must pay a relocation payment to a permanently or temporarily displaced tenant.

(c) Relocation amount.

(1) The relocation payment is the greater of:

Permanently displaced tenants. For a permanently displaced tenant, the landlord must, within 72 hours of the posting of the condemnation:

(A) return to the permanently displaced tenant the tenant’s security deposit with required interest;

(B) pay to the permanently displaced tenant any pro rata rent for the remainder of the month; and

(C) pay to the permanently displaced tenant the greater of:

(i) 3 months’ fair market value rent for a unit of comparable size, as established by the most current Federal Department of Housing and Urban Development schedule of fair market rents for the
27  [[Washington-Arlington-Alexandria area]] zip code of the rental housing being vacated; or
28  [[(B)] (ii) [[3]] [[2]] 3 months’ of the tenant’s [[actual]] rent under the lease at the time of relocation.
31  (2) Temporarily displaced tenants.
32  (A) For a temporarily displaced tenant, the landlord must, within 24 hours of the posting of the condemnation:
33  (i) provide alternative, safe, legal, comparable housing, as determined by the Department, for the temporarily displaced tenant and the tenant’s belongings for the displacement period; and
34  (ii) pay for the costs of the immediate relocation of the temporarily displaced tenant and the tenant’s belongings.
38  (B) At the end of the displacement period, the landlord must pay the costs to move the tenant and the tenant’s belongings back to the tenant’s original rental housing.
41  (C) If the replacement housing provided under subsection (c)(2)(A) is not comparable, the landlord must pay an approved allowance determined by regulation.
44  (D) A landlord must ensure that the lease in effect at the time of a temporarily displaced tenant’s return to the tenant’s original rental housing contains lease provisions substantially similar to the lease in effect at the time of displacement, including provisions regarding the length of the lease term and the amount of rent due.
(2) If a tenant is required to vacate the rental housing with less than 30 days’ notice, the relocation payment must also include either:

(A) 1 additional month’s fair market value rent for a unit of comparable size, as established by the most current Federal Department of Housing and Urban Development schedule of fair market rents for the Washington-Arlington-Alexandria area; or

(B) the provision of alternative, safe, and legal housing for 30 days after the tenant vacates.

(3) The landlord must pay directly to a displaced tenant the relocation payment within 72 hours of the posting of the condemnation.]

(3) Alternative payment.

(A) Notwithstanding the relocation payment required under this Section, a landlord and tenant may agree to an alternative arrangement if the alternative arrangement:

(i) is of equal benefit to the tenant; and

(ii) is evidenced by a written agreement between the tenant and the landlord that meets the criteria in subsection (c)(3)(B).

(B) A written agreement detailing the alternative arrangement must contain:

(i) the names of the current occupants of the condemned rental housing;

(ii) the address of the condemned rental housing;
(iii) a statement indicating the amount of the relocation payment to which the tenant is entitled under subsection (c)(1) or (c)(2);

(iv) a statement that the tenant has waived the right to the relocation payment;

(v) a description of the alternative arrangement; and

(vi) the address, if known, of the location to which the tenant plans to move.

(d) Proof of compliance. Within 5 days after the displaced tenant vacates the rental housing, a landlord must provide the Department with a copy of the check or money order provided to the displaced tenant and a receipt signed by the tenant.

(e) [Right of first refusal] First right to reoccupy.

(1) A landlord must provide a permanently displaced tenant with the first right [of first refusal] to reoccupy rental housing on the site once the rental housing becomes habitable.

(2) The landlord must provide the permanently displaced tenant with written notice of the tenant’s first right [of first refusal] to reoccupy. The notice must include the landlord’s current address and telephone number which the tenant can use to contact the landlord.

(3) It is the tenant’s responsibility to provide the landlord with the tenant’s current address and/or telephone number to be used for future notification.

(4) When the rental housing becomes habitable, the landlord must give written notice by certified mail to the tenant informing the tenant that the housing is ready for occupancy.
(5) If the landlord cannot locate a previous tenant after 2 attempts over a 2-week period, the landlord is deemed to be in compliance with [[the right of first refusal requirement]] the requirements of this Section and the tenant’s right [[of first refusal]] to reoccupy is forfeited.

(6) A permanently displaced tenant must notify a landlord of the tenant’s intent to reoccupy the rental housing within 15 days after the landlord notifies the tenant that the rental housing is ready to be occupied. A permanently displaced tenant must reoccupy the rental housing within 20 days after the tenant notifies a landlord of the tenant’s intent to reoccupy the rental housing.

(7) A permanently displaced tenant may waive the right to reoccupy the rental housing at any time after displacement.

(f) Exception. A landlord is not required to provide a relocation payment or first right [[of first refusal]] to reoccupy rental housing [[to any displaced tenant]] if the Director determines the rental housing is condemned due to events that are beyond the control of the landlord.
Approved:

Sidney Katz, President, County Council

Date

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Selena Mendy Singleton, Esq., Clerk of the Council

Date