

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2020 Legislative Session**

Bill No. CB-16-2020

Chapter No. 9

Proposed and Presented by Council Members Ivey, Turner, Hawkins, Dernoga, Streeter,  
Harrison, Franklin, Taveras, Glaros, Anderson-Walker and Davis

Introduced by Council Members Ivey, Turner, Hawkins, Dernoga, Streeter,  
Harrison, Franklin, Taveras, Glaros, Anderson-Walker and Davis

Co-Sponsors \_\_\_\_\_

Date of Introduction May 18, 2020

**EMERGENCY BILL**

1 AN EMERGENCY ACT concerning

2 Landlord-Tenant Code – Prohibition of Rent Increases, Rental Terminations and Late Fees

3 During the COVID-19 Public Health Crisis

4 For the purpose of amending the Landlord-Tenant Code to prohibit rent increases, rental  
5 terminations; provides payment plans with certain tenants and prohibit late fees or penalties from  
6 being charged during the COVID-19 state-wide emergency.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

9 Section 13-138, 13-139, 13-140, 13-141, 13-142 and 13-143

10 The Prince George's County Code

11 (2019 Edition).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
13 Maryland, that Sections 13-138, 13-139, 13-140, 13-141, 13-142 and 13-143 of the Prince  
14 George's County Code be and the same are hereby repealed and reenacted with the following  
15 amendments:

16 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

17 DIVISION 3. LANDLORD AND TENANT RELATIONS.

18 SUBDIVISION 1. GENERAL PROVISIONS.

19 **Sec. 13-138. Definitions.**

(a) For the purposes of this Division (and Division 4):

\* \* \* \* \*

(11) Tenant shall mean any person who occupies;  
(A) a rental dwelling unit for living or dwelling purposes; and  
(B) tenant shall mean an existing tenant and does not include a prospective tenant; and  
(C) this new provision is provided for tenants that are able to provide proof through documentation or other objectively verifiable means, that the tenant suffered a Substantial Loss of Income and are therefore unable to make rent payments as a result of the emergency, as defined by the Governor of the State of Maryland’s Executive Order Number 20-04-30-01, 20-03-30-01 and 20-05-13-01, as amended and extended by the Governor, and under Section 143A-02 of the Public Safety Article of the Maryland Code;

\* \* \* \* \*

(14) Emergency shall mean the catastrophic health emergency declared by the Governor of Maryland on March 5, 2020, as amended or extended by the Governor, by Executive Order Number 20-03-30-01, 20-04-03-01, 20-05-13-01 and under Section 14-3A-02 of the Public Safety Article of the Maryland.

**Sec. 13-139. [Reserved] Rent Increases and Late Fees or Penalties During Certain Emergencies - Prohibited.**

(a) A landlord shall not increase a tenant’s rent nor impose late fees or penalties if the rent increase would take effect during an emergency as defined in Sec. 13-138 (14) of this Subtitle and within 90 days after the expiration of an emergency; or

(b) A landlord shall not issue notice of a rent increase, late fees or penalties during an emergency and within 90 days after the expiration of an emergency.

**Sec. 13-140. [Reserved] Notices of rent adjustments and Rent Payment Plans-Required During the Emergency.**

(a) During an emergency and within 90 days after the expiration of an emergency, a landlord shall not notify a tenant of a rent increase.

(b) A landlord shall inform a tenant in writing to disregard any notice of a rent increase if:

(1) the landlord provided the notice to the tenant prior to the emergency; and

(2) the effective date of the increase would occur on or after the date the emergency began.

1       (c) A landlord may offer rent payment plans, in writing, to tenants.

2       **Sec. 13-141. [Reserved] Late fees or penalties – when prohibited.**

3       (a) A landlord shall not charge late fees if they apply to payments required during the  
4 emergency.

5       (b) A landlord shall not charge penalties during the emergency.

6       (c) A landlord shall inform a tenant in writing to disregard any late fee or penalty notice if  
7 the landlord provided the notice to the tenant during the emergency.

8       (d) A landlord may charge the costs of return check fees.

9       **Sec. 13-142. [Reserved] Notice of prohibition of rent increases, late fees and penalties.**

10       (a) The Department of Housing and Community Development (DHCD) and Department  
11 of Permitting Inspection and Enforcement (DPIE) shall provide information about the  
12 requirements of this Section on their respective websites, including the date that the emergency  
13 expires, and the date that is 90 days after the expiration of the emergency.

14       (b) The DHCD and DPIE shall email and post notice to license holders of the prohibition  
15 of rent increases, evictions, late fees or penalties within 15 days of the adoption of this bill.

16       (c) The DPIE shall exercise the enforcement authority provided pursuant to  
17 Sec. 13-102 of Subtitle 13 and Sec. 1-123 of Subtitle 1 of this Code:

18               (1) This enforcement authority shall include the authority to impose fines for  
19 violations of the provisions of this subtitle, including:

20                       (2) The authority to impose a penalty in the amount of \$500 for the first violation of  
21 the provisions of Sec.13-139 through 13-142 of this Subtitle; and

22                       (3) The authority to impose a penalty in the amount of \$1000 for any subsequent  
23 violation of the provisions of Sec.13-139 through 13-142 of this Subtitle;

24                       (4) Any penalty collected shall be distributed to general fund.

25       **Sec. 13-143. [Reserved] Evictions are Prohibited for Non-Payment of Rent.**

26       (a) A landlord shall not evict for non-payment of rent by a tenant that occupies a dwelling  
27 unit for living or dwelling purposes;

28       (b) this new provision shall apply to any pending eviction proceedings not initiated before  
29 the COVID 19 emergency.

30       (c) As a result, any pending eviction proceedings, for non-payment of rent, not initiated  
31 before the COVID 19 emergency shall be suspended until the duration of the emergency; and

1        (d) new complaints filed against tenants for failure to pay rent shall be prohibited during  
2 the duration of the emergency;

3        (e) this new provision applies from date of the Governor of the State of Maryland's  
4 Executive Order Number 20-04-03-01 until August 31, 2020.

5                SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby  
6 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,  
7 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of  
8 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
9 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
10 Act, since the same would have been enacted without the incorporation in this Act of any such  
11 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,  
12 or section.

13                SECTION 3. BE IT FURTHER ENACTED that in accordance with the provisions of  
14 Section 317 of the Charter, the County Council hereby declares that a public emergency exists  
15 affecting the public health, safety, and welfare; said emergency being the COVID-19 Public  
16 Health Crisis.

17                SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on the date it  
18 becomes law.

19                SECTION 5. BE IT FURTHER ENACTED that the County Council may extend the terms  
20 of this bill for an additional 90 days by resolution.  
21

1 Adopted this 9th day of June, 2020, by an affirmative vote of two-thirds of the members of  
2 the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Todd M. Turner  
Council Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Angela D. Alsobrooks  
County Executive

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

\* \* \* \* \*

**THE COUNTY EXECUTIVE HAVING FAILED TO RETURN THIS BILL WITH EITHER APPROVAL OR VETO WITHIN TEN (10) DAYS AFTER THE DATE OF ITS PRESENTATION TO HER, THIS BILL BECAME LAW ON JUNE 29, 2020.**