

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**2020 Legislative Session**

Bill No. CB-52-2020

Chapter No. 42

Proposed and Presented by The Council Chair (by request – County Executive)

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

Date of Introduction July 21, 2020

**EMERGENCY BILL**

1 AN EMERGENCY ACT concerning

2 To Reinstatement the Definition of Tenant Prior to the Adoption of CB-16-2020, which Prohibited  
 3 Certain Acts During the COVID-19 Public Health Crisis

4 For the purpose of amending the Landlord-Tenant Code to reinstate the definition of tenant in  
 5 effect prior to the adoption of CB-16-2020.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

8 Section 13-138, 13-139 and 13-140,

9 The Prince George's County Code

10 (2019 Edition).

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 13 the same are hereby repealed and reenacted with the following amendments:

14 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

15 DIVISION 3. LANDLORD AND TENANT RELATIONS.

16 SUBDIVISION 1. GENERAL PROVISIONS.

17 **Sec. 13-138. Definitions.**

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

19 \* \* \* \* \*

20 (11) Tenant shall mean any person who occupies a rental dwelling unit for living or  
 21 dwelling purposes.

(11.1) Tenant With Substantial Loss of Income 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 Code.

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

(a) During an emergency, [A] a landlord shall not increase rent for a tenant[']s with substantial loss of income [rent] nor impose late fees or penalties for any tenant 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. 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 with substantial loss of income of a rent increase.

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

(1) the landlord provided the notice to the tenant with substantial loss of income prior to the emergency; and

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

1 began.

2 (c) A landlord may offer rent payment plans, in writing, to tenants with substantial loss of  
3 income.

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

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

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

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

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

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