

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2023 Legislative Session

Bill No. CB-006-2023

Chapter No. 9

Proposed and Presented by Council Members Burroughs, Oriadha, Blegay,
Dernoga, Ivey, and Olson

Introduced by Council Members Burroughs, Oriadha, Blegay, Dernoga, Ivey and Olson

Co-Sponsors _____

Date of Introduction February 7, 2023

BILL

1 AN ACT concerning

2 Landlord Reporting of Tenant's Rental Payments to Major Credit Bureaus

3 For the purpose of creating a pilot program that will require landlords with a certain amount of
4 dwelling units to give their tenants the option of having their rental payments reported by a third-
5 party service, or the landlord, or otherwise to at least one of the three major credit bureaus;
6 providing for the reporting of timely payments; providing for a certain fee; providing for failure
7 to pay a certain fee; providing for a tenant's right to terminate rent reporting; and generally related
8 to tenants' consumer credit rights.

9 BY adding:

10 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

11 Section 13-168

12 The Prince George's County Code

13 (2019 Edition; 2022 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, that Section 13-168 of the Prince George's County Code be and the same is hereby
16 added with the following amendments:

17 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

18 DIVISION 3. LANDLORD-TENANT REGULATIONS.

19 SUBDIVISION 2. LANDLORD-TENANT CODE.

20 **Sec. 13-168. Landlord Reporting of Tenant's Rental Payments to Major Credit Bureaus.**

1 (a) Definitions. For purposes of this section, the following terms have the following meanings:

2 (1) "Consumer Reporting Agency" has the same meaning as is set forth in Subsection (f) of
3 Section 1681a of Title 15 of the United States Code.

4 (2) "Landlord" means an owner of residential real property containing fifteen (15) or more
5 dwelling units. It includes an owner, lessor, sublessor, assignee or other person receiving or
6 entitled to receive rent for the use or occupancy of any housing accommodation. "Landlord"
7 includes one of the following:

8 (A) A real estate investment trust, as defined in Section 856 of Title 26 of the United
9 States Code.

10 (B) A corporation.

11 (C) A limited liability company in which at least one member is a corporation.

12 (3) "Nationwide Consumer Reporting Agency" means a consumer reporting agency that
13 provides consumer credit reports nationwide and that receives rental payment data from rent
14 reporting services.

15 (4) "Tenant" means a Tenant, subtenant, lessee, sublessee or other person entitled to the
16 possession or to the use or occupancy of a housing accommodation controlled, subsidized or both
17 by the department.

18 (b) Rent Reporting. Beginning July 1, 2023, any Landlord, as defined in (a) of this section, shall
19 offer the Tenant or Tenants obligated on the lease of each unit in that housing development the
20 option of having the Tenant's rental payment information reported to at least one nationwide
21 consumer reporting agency that meets the definition in Section 603(p) of the federal Fair Credit
22 Reporting Act (15 U.S.C. Section 1681a(p)) or any other consumer reporting agency that meets
23 the definition set forth in Section 603(f) of the federal Fair Credit Reporting Act (15 U.S.C. Section
24 1681a(f)) so long as the consumer reporting agency resells or otherwise furnishes rental payment
25 information to a nationwide consumer reporting agency that meets the definition in Section 603(p)
26 of the federal Fair Credit Reporting Act (15 U.S.C. Section 1681a(p)). A Tenant's rental payment
27 information may be reported by a third-party service, or the landlord, or otherwise.

28 (c) Tenant Election. A Tenant's election to have rent payments reported under this subdivision
29 shall be in writing.

30 (d) Leases after July 1, 2023. For leases entered into after July 1, 2023, the offer of rent reporting
31 shall be made at the time of the lease agreement and at least once annually thereafter.

1 (e) Leases Outstanding as of July 1, 2023. For leases outstanding as of July 1, 2023, the offer of
2 rent reporting shall be made no later than October 1, 2023, and at least once annually thereafter.

3 (f) Offer of Rent Reporting. The offer of rent reporting shall include a written statement that
4 only the Tenant’s timely payments will be reported.

5 (g) Fee for Rent Reporting. If a Tenant elects to have that Tenant’s rental payments reported to a
6 consumer reporting agency under section (b) the Landlord may require that Tenant to pay a fee to
7 a third-party service, or the landlord, or otherwise not to exceed the lesser of the actual cost to the
8 Landlord to provide the service or ten dollars (\$10) per month.

9 (h) Tenant Failure to Pay Rent Reporting Fee. If a Tenant fails to pay any fee required by the
10 Landlord pursuant to section (g), all of the following shall apply:

- 11 (1) The failure to pay the fee shall not be cause for termination of the tenancy.
- 12 (2) The Landlord shall not deduct the unpaid fee from the Tenant’s security deposit.
- 13 (3) If the fee remains unpaid for 30 days or more, the Landlord may stop reporting the
14 Tenant’s rental payments and the Tenant shall be unable to elect rent reporting again for a
15 period of six months from the date on which the fee first became due.
- 16 (4) The payment or nonpayment of this fee by the Tenant shall not be reported to a consumer
17 reporting agency.

18 (i) Tenant’s Rights to Terminate Rent Reporting. A Tenant who elects to have rent reported as
19 described in subdivision (a) may subsequently:

- 20 (1) File a written request with the Landlord to stop that reporting and the Landlord shall
21 comply with the request.
- 22 (2) A Tenant who elects to stop reporting shall not be allowed to elect rent reporting again
23 for a period of six months from the date of the Tenant’s written request to stop reporting.

24 (j) Md. Code Ann., Real Prop. § 8-211 Protections. A Tenant who elects to have rent reported shall
25 not forfeit any rights provided under Md. Code Ann., Real Prop. § 8-211.

26 (k) Md. Code Ann., Real Prop. § 8-218 Protections. A Tenant who elects to have rent reported
27 shall not forfeit any rights provided under Md. Code Ann., Real Prop. § 8-218.

28 (l) Termination of Pilot Program. This section shall remain in effect from July 1, 2023, until July
29 1, 2028, and shall be repealed after that date, unless it is extended by statute before that date.

30 * * * * *

31 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby

1 | declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
2 | sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
3 | competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words,
4 | phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since
5 | the same would have been enacted without the incorporation in this Act of any such invalid or
6 | unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

7 | SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect on July 1, 2023.

Adopted this 28th day of February, 2023.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
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.

* * * * *