

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2020, Legislative Day No. 21

Bill No. 95-20

Mr. Izzy Patoka, Councilman

By the County Council, September 8, 2020

A BILL
ENTITLED

AN ACT concerning

Tenant Protections During Emergencies

FOR the purpose of defining certain terms; requiring certain notices of residential rent increases during an emergency; providing certain restrictions on residential rent increases during an emergency; providing certain restrictions on the assessment and collection of certain rent and fees during an emergency; requiring certain notices of rental assistance programs be provided to tenants; providing for publication of certain information related to tenant protections during emergencies; setting certain requirements to obtain a rental housing license and adding certain grounds for denial, suspension, or revocation; and generally relating to protections for residential tenants during emergencies.

BY adding

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

Section 35-3-401 through 35-3-407
Article 35 – Buildings and Housing
Title 1 – Housing in General
Subtitle 4 – Tenant Protections During Emergencies
Baltimore County Code, 2015

BY adding

Section 35-6-110(a)(8)
Article 35 – Buildings and Housing
Title 6 – Rental Housing Licenses
Baltimore County Code, 2015

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

3

4 ARTICLE 35 – BUILDINGS AND HOUSING

5 Title 3 – Housing in General

6 SUBTITLE 4 – TENANT PROTECTIONS DURING EMERGENCIES

7

8 § 35-3-401. STATEMENT OF PURPOSE.

9 THE PURPOSE OF THIS SUBTITLE IS TO PROVIDE TENANTS WITH CERTAIN
10 SAFEGUARDS AGAINST SUDDEN INCREASES IN RENT OR UNFAIR RENTAL
11 CONDITIONS DURING A STATE EMERGENCY AFFECTING BALTIMORE COUNTY, A
12 CATASTROPHIC PUBLIC HEALTH EMERGENCY, WIDE SCALE UNEMPLOYMENT,
13 OR SEVERELY NEGATIVE LOCAL ECONOMIC CONDITIONS, WHICH POSE A
14 THREAT TO TENANTS’ HOUSING SECURITY AND MAY CONSTITUTE A
15 SUBSTANTIAL THREAT TO THE LIFE, HEALTH, AND SAFETY OF TENANTS.

16 § 35-3-402. SCOPE.

1 THIS SUBTITLE APPLIES TO:

2 (1) PROPERTY LEASED FOR RESIDENTIAL USE; OR

3 (2) A RESIDENTIAL PREMISES THAT IS LEASED BY AN AGENCY OF
4 THE STATE OR THE COUNTY.

5
6 § 35-3-403. DEFINITIONS.

7 (A) IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS
8 INDICATED.

9 (1) "EMERGENCY" MEANS ANY OF FOLLOWING:

10 (I) A STATE OF EMERGENCY DECLARED BY THE GOVERNOR
11 OF MARYLAND UNDER TITLE 14, SUBTITLES 3 OR 3A OF THE PUBLIC SAFETY
12 ARTICLE OF THE ANNOTATED CODE OF MARYLAND THAT LASTS FOR AT LEAST
13 30 DAYS AND IS EITHER STATE-WIDE OR INCLUDES BALTIMORE COUNTY;

14 (II) A NATIONAL OR STATE-WIDE EVICTION MORATORIUM
15 THAT LASTS FOR AT LEAST 30 DAYS, REGARDLESS OF WHETHER IT IS ORDERED
16 BY EXECUTIVE ACTION OF THE PRESIDENT OF THE UNITED STATES OR THE
17 GOVERNOR OF THE STATE OF MARYLAND, ENACTED BY LEGISLATION OF THE
18 U.S. CONGRESS OR THE GENERAL ASSEMBLY, OR ADMINISTRATIVELY ORDERED
19 BY A FEDERAL OR STATE AGENCY OR DEPARTMENT;

20 (III) TWO CONSECUTIVE MONTHS WHERE THE
21 UNEMPLOYMENT RATE FOR THE STATE OF MARYLAND IS AT OR ABOVE TEN
22 PERCENT, BEGINNING THE DAY AFTER PUBLICATION OF THE UNEMPLOYMENT
23 RATE FOR THE SECOND SUCH MONTH, AS PUBLISHED BY THE UNITED STATES

1 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, AND CONTINUING FOR
2 EACH CONSECUTIVE MONTH THAT THE UNEMPLOYMENT RATE FOR THE STATE
3 OF MARYLAND IS AT OR ABOVE TEN PERCENT; OR

4 (IV) THE CATASTROPHIC HEALTH EMERGENCY DECLARED BY
5 THE GOVERNOR FOR COVID-19 ON MARCH 5, 2020, UNDER SECTION 14-3A-02 OF
6 THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS
7 AMENDED OR EXTENDED BY THE GOVERNOR.

8 (2) "TENANT" MEANS A PERSON WHO OCCUPIES A DWELLING UNIT
9 AND PAYS COMPENSATION FOR LIVING OR DWELLING PURPOSES WITH THE
10 LANDLORD'S CONSENT, INCLUDING AN EXISTING TENANT BUT NOT INCLUDING
11 A PROSPECTIVE TENANT.

12
13 § 35-3-404. NOTICE DURING AN EMERGENCY.

14 (A) (1) A LANDLORD MAY NOT CHARGE, COLLECT, OR DEMAND FROM A
15 TENANT AN INCREASE IN RENT UNTIL 30 DAYS AFTER THE LANDLORD GIVES
16 THE TENANT WRITTEN NOTICE OF THE RENT INCREASE.

17 (2) DURING AN EMERGENCY AND FOR A PERIOD OF 180 DAYS AFTER
18 THE EXPIRATION OF AN EMERGENCY, A LANDLORD MAY NOT CHARGE,
19 COLLECT, OR DEMAND FROM A TENANT AN INCREASE IN RENT UNTIL 60 DAYS
20 AFTER THE LANDLORD GIVES THE TENANT WRITTEN NOTICE OF THE RENT
21 INCREASE IN ADDITION TO THE NOTICE REQUIRED BY SUBSECTION (A) OF THIS
22 SECTION.

23 (B) A WRITTEN NOTICE OF RENT INCREASE REQUIRED UNDER THIS

1 SECTION MUST BE POSTED ON THE PROPERTY AND MAILED TO THE TENANT BY
2 CERTIFIED MAIL, RESTRICTED DELIVERY, RETURN RECEIPT REQUESTED, AND
3 CONTAIN THE FOLLOWING:

4 (1) THE AMOUNT OF RENT PRECEDING THE EFFECTIVE DATE OF THE
5 PROPOSED RENT INCREASE, THE AMOUNT OF RENT PROPOSED AFTER THE RENT
6 INCREASE TAKES EFFECT, AND THE PERCENTAGE INCREASE OF THE RENT;

7 (2) THE EFFECTIVE DATE OF THE PROPOSED RENT INCREASE; AND

8 (3) ANY OTHER INFORMATION THE LANDLORD DEEMS USEFUL IN
9 EXPLAINING THE RENT INCREASE.

10 (C) A LANDLORD THAT HAS NOT COMPLIED WITH THE REQUIREMENTS OF
11 THIS SECTION MAY NOT:

12 (1) CHARGE, COLLECT, OR DEMAND ANY INCREASED RENT, LATE
13 FEES, OR COURT FEES; OR

14 (2) BRING OR SUSTAIN A COMPLAINT FOR NONPAYMENT OF RENT
15 ON THE BASIS OF UNPAID INCREASED RENT OR SUBSEQUENT LATE FEES.

16 (D) (1) DURING AN EMERGENCY AND FOR A PERIOD OF 180 DAYS AFTER
17 THE EXPIRATION OF AN EMERGENCY, A LANDLORD MUST NOTIFY A TENANT IN
18 WRITING OF ANY FEDERAL, STATE, OR LOCAL PROGRAM THAT PROVIDES
19 DIRECT FINANCIAL ASSISTANCE TO A TENANT OR TO A LANDLORD ON BEHALF
20 OF A TENANT, FOR RENTAL OR HOUSING COSTS.

21 (2) A NOTIFICATION REQUIRED UNDER SUBSECTION (D)(1) OF THIS
22 SUBSECTION MUST BE POSTED ON THE PREMISES AND MAILED TO THE TENANT
23 BY CERTIFIED MAIL, RESTRICTED DELIVERY, RETURN RECEIPT REQUESTED

1 WITHIN 14 DAYS AFTER THE START OF AN EMERGENCY OR THE PUBLIC
2 ANNOUNCEMENT OF ANY SUCH FEDERAL, STATE, OR LOCAL PROGRAM.

3
4 § 35-3-405. RENT RESTRICTIONS DURING AN EMERGENCY.

5 (A) A LANDLORD SHALL NOT IMPOSE MORE THAN ONE RENT INCREASE
6 ON A TENANT IN ANY 12-MONTH PERIOD.

7 (B) (1) DURING AN EMERGENCY AND FOR A PERIOD OF 180 DAYS AFTER
8 THE EXPIRATION OF AN EMERGENCY, A LANDLORD SHALL NOT INCREASE A
9 TENANT'S RENT TO AN AMOUNT THAT EXCEEDS THE INCREASE OF THE
10 RESIDENTIAL RENT COMPONENT OF THE CONSUMER PRICE INDEX FOR ALL
11 URBAN CONSUMERS (CPI-U) FOR THE BALTIMORE-COLUMBIA-TOWSON,
12 MARYLAND CORE BASED STATISTICAL AREA (CBSA), AS PUBLISHED BY THE
13 UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, OR
14 ANY SUCCESSOR INDEX, FOR THE PRECEDING CALENDAR YEAR.

15 (2) IF A LANDLORD HAS PROVIDED NOTICE OF A RENT INCREASE
16 PRIOR TO THE START OF AN EMERGENCY AND THE RENT INCREASE IS DUE TO
17 TAKE EFFECT DURING THE EMERGENCY, THE RENT INCREASE SHALL BE
18 AUTOMATICALLY LIMITED SO THAT THE LANDLORD MAY NOT CHARGE,
19 COLLECT, OR DEMAND FROM A TENANT MORE THAN THE MAXIMUM INCREASE
20 PERMITTED BY SUBSECTION (B)(1) OF THIS SECTION UNTIL 180 DAYS AFTER THE
21 EXPIRATION OF THE EMERGENCY.

22 (C) FOR ANY COMPLAINT FOR NONPAYMENT OF RENT BROUGHT DURING
23 AN EMERGENCY AND FOR A PERIOD OF ONE YEAR AFTER THE EXPIRATION OF

1 AN EMERGENCY, JUDGMENT MAY NOT BE ENTERED IN FAVOR OF A LANDLORD
2 UNLESS THE LANDLORD OR THEIR AGENT OR ATTORNEY PRODUCE RECORDS
3 SHOWING THAT THE LANDLORD HAS COMPLIED WITH SUBSECTIONS (A) AND (B)
4 OF THIS SECTION.

5 (D) FOR ANY RENT DUE DURING AN EMERGENCY AND FOR A PERIOD OF
6 180 DAYS AFTER THE EXPIRATION OF AN EMERGENCY, A LANDLORD MAY NOT
7 REPORT TO A CREDIT BUREAU OR CREDIT RATING AGENCY ANY DELINQUENCY
8 OR OTHER DEROGATORY INFORMATION.

9

10 § 35-3-406. TENANT FEES DURING AN EMERGENCY.

11 (A) FOR ANY RENT DUE DURING AN EMERGENCY AND FOR A PERIOD OF
12 180 DAYS AFTER THE EXPIRATION OF AN EMERGENCY, A LANDLORD MAY NOT
13 CHARGE, COLLECT, OR DEMAND FROM A TENANT ANY LATE FEES, COURT FEES,
14 OR PAYMENT PROCESSING FEES.

15 (B) FOR ANY COMPLAINT FOR NONPAYMENT OF RENT BROUGHT DURING
16 AN EMERGENCY AND FOR A PERIOD OF ONE YEAR AFTER THE EXPIRATION OF
17 AN EMERGENCY, JUDGMENT MAY NOT BE ENTERED IN FAVOR OF A LANDLORD
18 UNLESS THE LANDLORD OR THEIR AGENT OR ATTORNEY PRODUCE RECORDS
19 SHOWING THAT THE LANDLORD HAS COMPLIED WITH SUBSECTION (A) OF THIS
20 SECTION.

21

22 § 35-3-407. PUBLICATION AND PENALTIES.

23 (A) THE DEPARTMENTS OF HEALTH AND PERMITS, APPROVALS, AND

1 INSPECTIONS, AS WELL AS THE BALTIMORE COUNTY OFFICE OF HOUSING SHALL
2 POST ON THEIR WEBSITE INFORMATION ABOUT THE REQUIREMENTS OF THIS
3 SUBTITLE, INCLUDING:

4 (1) THE BASIS OF AN EMERGENCY THAT TRIGGERS THE
5 APPLICABILITY OF THIS SUBTITLE, INCLUDING A LINK TO ANY OFFICIAL
6 DECLARATION OR DOCUMENT, IF AVAILABLE;

7 (2) THE RENT INCREASE RESTRICTIONS AND NOTICE
8 REQUIREMENTS OF THIS SUBTITLE, INCLUDING THE MAXIMUM PERCENT OF
9 RENT INCREASE PERMITTED UNDER SECTION 35-3-405 OF THIS SUBTITLE; AND

10 (3) THE DATE THAT AN EMERGENCY EXPIRES AND THE DATE
11 FOLLOWING 180 DAYS AND ONE YEAR AFTER EXPIRATION OF THE EMERGENCY,
12 INCLUDING A LINK TO ANY OFFICIAL DECLARATION OR DOCUMENT, IF
13 AVAILABLE.

14 (B) THE DEPARTMENTS OF HEALTH AND PERMITS, APPROVALS, AND
15 INSPECTIONS, AS WELL AS THE BALTIMORE COUNTY OFFICE OF HOUSING SHALL
16 INCORPORATE APPROPRIATE INFORMATION ABOUT THE RIGHTS AND
17 RESPONSIBILITIES SET FORTH IN THIS SUBTITLE INTO THEIR PUBLIC OUTREACH
18 AND AWARENESS CAMPAIGNS REGARDING PUBLIC HEALTH EMERGENCIES,
19 RENTAL HOUSING LICENSES, OR TENANTS RIGHTS.

20 (C) BEFORE THE DIRECTOR OF THE DEPARTMENT OF PERMITS,
21 APPROVALS, AND INSPECTIONS MAY ISSUE A RENTAL LICENSE UNDER ARTICLE
22 35, TITLE 6 OF THE COUNTY CODE, THE APPLICANT FOR THE LICENSE MUST
23 RECEIVE A COPY OF THE REQUIREMENTS OF THIS SUBTITLE AND AGREE TO

1 THEM IN WRITING.

2

3 ARTICLE 35 – BUILDINGS AND HOUSING

4 Title 6 – Rental Housing Licenses

5

6 § 35-6-110. - Same - Denials, Suspensions, And Revocations; Grounds.

7 (a) The Director may deny a license to an applicant or suspend or revoke a license if the
8 applicant or licensee:

9 (8) FAILS TO COMPLY WITH ANY OF THE REQUIREMENTS OF TITLE 3,
10 SUBTITLE 4 OF THIS ARTICLE.

11

12 SECTION 2. AND BE IT FURTHER ENACTED, that if any provisions of this Act or
13 the application of this Act to any person or circumstance is held invalid for any reason, the
14 invalidity shall not affect any other provision or any other application of this Act, and the
15 provisions of this Act are declared severable.

16

17 SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by
18 the affirmative vote of five (5) members of the County Council, shall take effect on October 19,
19 2020 and shall be applied retroactively from March 5, 2020.