

**MEMORANDUM**

March 1, 2019

TO: County Council

FROM: Amanda Mihill, Legislative Attorney *A. Mihill*

SUBJECT: Bill 6-19, Landlord – Tenant Relations – Termination of Lease – Tenant Health and Safety

PURPOSE: Introduction – no Council votes required

Bill 6-19, Landlord – Tenant Relations – Termination of Lease – Tenant Health and Safety, sponsored by Lead Sponsor Councilmember Huckler and Co-Sponsor Councilmember Friedson, is scheduled to be introduced on March 5. A public hearing is tentatively scheduled for March 26 at 1:30 p.m.<sup>1</sup>

Bill 6-19 would require each lease for rental housing located in the County to allow the tenant to terminate the lease if the landlord does not correct a violation of applicable law that adversely affects the immediate health and safety of the tenant in the tenant's unit or a common area available for use by the tenant within 30 days after being ordered to do so by the Department.

This packet contains:	<u>Circle #</u>
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<sup>1</sup> Key Search Terms #MoCoRentersRights  
Other search terms: renter, tenant, lease, health and safety

Bill No. 6-19  
Concerning: Landlord – Tenant Relations  
– Termination of Lease – Tenant  
Health and Safety  
Revised: 01/31/2019 Draft No. 2  
Introduced: March 5, 2019  
Expires: September 5, 2020  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Hucker  
Co-Sponsor: Councilmember Friedson

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**AN ACT** to:

- (1) require each lease for rental housing located in the County to allow the tenant to terminate the lease under certain circumstances; and
- (2) generally amend County laws related to landlord – tenant relations.

By amending

Montgomery County Code  
Chapter 29, Landlord – Tenant Relations  
Section 29-27

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

**Sec. 1. Section 29-27 is amended as follows:**

**29-27. Contents of lease.**

Each lease for rental housing located in the County must:

\* \* \*

(s) Allow the tenant to terminate the lease upon 30 days' written notice to the landlord due to:

- (1) an involuntary change of employment from the Washington metropolitan area;
- (2) the death of major wage earner;
- (3) unemployment;
- (4) the tenant or the tenant's child being a victim of domestic violence;
- (5) a landlord harassing the tenant or violating the tenant's privacy rights;
- (6) the tenant or tenant's spouse being:
  - (A) 62 years of age or older;
  - (B) no longer live independently; and
  - (C) needing to move to a nursing home or other senior citizen housing;
- (7) the tenant being incarcerated or declared mentally incompetent;
- (8) the landlord's failure to correct a violation of applicable law that adversely affects the immediate health and safety of the tenant, as described in Section 29-22, in the tenant's unit or a common area available for use by the tenant within 30 days after being ordered to do so by the Department; or
- ~~[(8)]~~ (9) another reasonable cause beyond the tenant's control.

27 [The] Except for the reason listed in paragraph (s)(8), the lease may  
28 provide that in the event of termination under this provision, the tenant  
29 is liable for a reasonable termination charge not to exceed the lower of  
30 one month's rent or actual damages sustained by the landlord.

31 \* \* \*

32 *Approved:*

33 \_\_\_\_\_  
Nancy Navarro, President, County Council Date

34 *Approved:*

35 \_\_\_\_\_  
Marc Elrich, County Executive Date

36 *This is a correct copy of Council action.*

37 \_\_\_\_\_  
Megan Davey Limarzi, Esq., Clerk of the Council Date

LEGISLATIVE REQUEST REPORT  
Bill 6-19

*Landlord – Tenant Relations – Termination of Lease – Tenant  
Health and Safety*

**DESCRIPTION:** Bill 6-19 would require each lease for rental housing located in the County to allow the tenant to terminate the lease if the landlord does not correct a violation of applicable law that adversely affects the immediate health and safety of the tenant in the tenant's unit or a common area available for use by the tenant within 30 days after being ordered to do so by the Department.

**PROBLEM:** Residential leases can be difficult to terminate and renters should not be forced to stay in leased premises when serious health and safety violations go uncorrected.

**GOALS AND OBJECTIVES:** To allow tenants to protect their health by providing them an opportunity to terminate their lease if there are serious health and safety violations that remain uncorrected.

**COORDINATION:** Department of Housing and Community Affairs

**FISCAL IMPACT:** To be requested

**ECONOMIC IMPACT:** To be requested

**EVALUATION:** To be requested

**EXPERIENCE ELSEWHERE:** To be researched

**SOURCES OF INFORMATION:** Amanda Mihill, Legislative Attorney, 240-777-7815

**APPLICATION WITHIN MUNICIPALITIES:** To be researched.

**PENALTIES:** A violation of Chapter 27 is a Class A violation.