

MEMORANDUM

March 22, 2019

TO: County Council

FROM: Amanda Mihill, Legislative Attorney *AMihill*

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

PURPOSE: Public Hearing – no Council votes required

Bill 6-19, Landlord – Tenant Relations – Termination of Lease – Tenant Health and Safety, sponsored by Lead Sponsor Councilmember Hucker and Co-Sponsors Councilmember Friedson, Council President Navarro, Councilmember Jawando, Council Vice-President Katz, Councilmembers Riemer, Rice, Glass and Albornoz, was introduced on March 5. A Planning, Housing and Economic Development Committee worksession is tentatively scheduled for June 10, 2019.¹

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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¹ 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. 3
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

Lead Sponsor: Councilmember Hucker
Co-Sponsor: Councilmember Friedson, Council President Navarro, Councilmember Jawando,
Council Vice-President Katz, Councilmembers Riemer, Rice, Glass and Alborno

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

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

[The] Except for the reason listed in paragraph (s)(8), the lease may provide that in the event of termination under this provision, the tenant is

28 liable for a reasonable termination charge not to exceed the lower of one
29 month's rent or actual damages sustained by the landlord.

30 * * *

31 *Approved:*

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Nancy Navarro, President, County Council

Date

33 *Approved:*

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Marc Elrich, County Executive

Date

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

36

Megan Davey Limarzi, Esq., Clerk of the Council

Date

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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.