

Clerk's Note: Corrections made for typographical errors on page 2, line 17 and page 3, line 45.

Bill No. 18-19
Concerning: Landlord-Tenant Relations – Relocation Expenses
Revised: 1/14/2020 Draft No. 4
Introduced: June 18, 2019
Enacted: January 14, 2020
Executive: January 24, 2020
Effective: April 24, 2020
Sunset Date: None
Ch. 1, Laws of Mont. Co. 2020

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Jawando
Co-Sponsors: Council Vice President Katz, Councilmember Hucker, Council President Navarro,
and Councilmember Rice

AN ACT to:

- (1) require a landlord to pay to a tenant a relocation payment if the tenant’s housing is condemned as unfit for human habitation under certain circumstances;
- (2) require a landlord to provide a tenant with a right of first refusal to re-occupy rental housing under certain circumstances; and
- (3) generally amend County law on landlord-tenant relations.

By adding

Montgomery County Code
Chapter 29, Landlord-Tenant Relations
Section 29-35B

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:

1 **Sec. 1. Section 29-35B is added as follows:**

2 **29-35B. Relocation Expenses.**

3 (a) Definitions. As used in this Section[[,]]:

4 Permanently displaced tenant means a tenant that is required to vacate
5 rental housing for 30 days or more because the rental housing is
6 condemned as unfit for human habitation under Section 26-13 [[through
7 no fault of the tenant]].

8 Temporarily displaced tenant means a tenant that is required to vacate
9 rental housing for less than 30 days because the rental housing is
10 condemned as unfit for human habitation under Section 26-13.

11 (b) Relocation payment required. Except as provided in subsection (f), a
12 landlord must pay a relocation payment to a permanently or temporarily
13 displaced tenant.

14 (c) Relocation amount.

15 (1) [[The relocation payment is the greater of:]] Permanently
16 displaced tenants. For a permanently displaced tenant, the landlord
17 must, within 72 hours of the posting of the condemnation:

18 (A) return to the permanently displaced tenant the tenant's
19 security deposit with required interest;

20 (B) pay to the permanently displaced tenant any pro rata rent for
21 the remainder of the month; and

22 (C) pay to the permanently displaced tenant the greater of:

23 (i) [[3]] [[2]] 3 months' fair market value rent for a unit
24 of comparable size, as established by the most current
25 Federal Department of Housing and Urban
26 Development schedule of fair market rents for the

27 [[Washington-Arlington-Alexandria area]] zip code
28 of the rental housing being vacated; or
29 [[B)] (ii) [[3]] [[2]] 3 months' of the tenant's [[actual]] rent
30 under the lease at the time of relocation.

31 (2) *Temporarily displaced tenants.*

32 (A) For a temporarily displaced tenant, the landlord must, within
33 24 hours of the posting of the condemnation:

34 (i) provide alternative, safe, legal, comparable housing,
35 as determined by the Department, for the temporarily
36 displaced tenant and the tenant's belongings for the
37 displacement period; and

38 (ii) pay for the costs of the immediate relocation of the
39 temporarily displaced tenant and the tenant's
40 belongings.

41 (B) At the end of the displacement period, the landlord must pay
42 the costs to move the tenant and the tenant's belongings
43 back to the tenant's original rental housing.

44 (C) If the replacement housing provided under subsection
45 (c)(2)(A) is not comparable, the landlord must pay an
46 approved allowance determined by regulation.

47 (D) A landlord must ensure that the lease in effect at the time of
48 a temporarily displaced tenant's return to the tenant's
49 original rental housing contains lease provisions
50 substantially similar to the lease in effect at the time of
51 displacement, including provisions regarding the length of
52 the lease term and the amount of rent due.

- 53 [(2) If a tenant is required to vacate the rental housing with less
 54 than 30 days' notice, the relocation payment must also
 55 include either:
- 56 (A) 1 additional month's fair market value rent for a unit of
 57 comparable size, as established by the most current Federal
 58 Department of Housing and Urban Development schedule
 59 of fair market rents for the Washington-Arlington-
 60 Alexandria area; or
- 61 (B) the provision of alternative, safe, and legal housing for 30
 62 days after the tenant vacates.
- 63 (3) The landlord must pay directly to a displaced tenant the relocation
 64 payment within with 72 hours of the posting of the
 65 condemnation.]]
- 66 (3) *Alternative payment.*
- 67 (A) Notwithstanding the relocation payment required under this
 68 Section, a landlord and tenant may agree to an alternative
 69 arrangement if the alternative arrangement:
- 70 (i) is of equal benefit to the tenant; and
 71 (ii) is evidenced by a written agreement between the
 72 tenant and the landlord that meets the criteria in
 73 subsection (c)(3)(B).
- 74 (B) A written agreement detailing the alternative arrangement
 75 must contain:
- 76 (i) the names of the current occupants of the condemned
 77 rental housing;
- 78 (ii) the address of the condemned rental housing;

- 79 (iii) a statement indicating the amount of the relocation
 80 payment to which the tenant is entitled under
 81 subsection (c)(1) or (c)(2);
- 82 (iv) a statement that the tenant has waived the right to the
 83 relocation payment;
- 84 (v) a description of the alternative arrangement; and
- 85 (vi) the address, if known, of the location to which the
 86 tenant plans to move.
- 87 (d) *Proof of compliance.* Within 5 days after the displaced tenant vacates the
 88 rental housing, a landlord must provide the Department with a copy of
 89 the check or money order provided to the displaced tenant and a receipt
 90 signed by the tenant.
- 91 (e) *[[Right of first refusal]] First right to reoccupy.*
- 92 (1) A landlord must provide a permanently displaced tenant with the
 93 first right *[[of first refusal]]* to reoccupy rental housing on the site
 94 once the rental housing becomes habitable.
- 95 (2) The landlord must provide the permanently displaced tenant with
 96 written notice of the tenant's first right *[[of first refusal]]* to
 97 reoccupy. The notice must include the landlord's current address
 98 and telephone number which the tenant can use to contact the
 99 landlord.
- 100 (3) It is the tenant's responsibility to provide the landlord with the
 101 tenant's current address and/or telephone number to be used for
 102 future notification.
- 103 (4) When the rental housing becomes habitable, the landlord must give
 104 written notice by certified mail to the tenant informing the tenant
 105 that the housing is ready for occupancy.

106 (5) If the landlord cannot locate a previous tenant after 2 attempts over
 107 a 2-week period, the landlord is deemed to be in compliance with
 108 [[the right of first refusal requirement]] the requirements of this
 109 Section and the tenant's right [[of first refusal]] to reoccupy is
 110 forfeited.

111 (6) A permanently displaced tenant must notify a landlord of the
 112 tenant's intent to reoccupy the rental housing within 15 days after
 113 the landlord notifies the tenant that the rental housing is ready to
 114 be occupied. A permanently displaced tenant must reoccupy the
 115 rental housing within 20 days after the tenant notifies a landlord of
 116 the tenant's intent to reoccupy the rental housing.

117 (7) A permanently displaced tenant may waive the right to reoccupy
 118 the rental housing at any time after displacement.

119 (f) Exception. A landlord is not required to provide a relocation payment or
 120 first right [[of first refusal]] to reoccupy rental housing [[to any displaced
 121 tenant]] if the Director determines the rental housing is condemned due
 122 to events that are beyond the control of the landlord.

Approved:

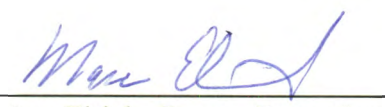


Sidney Katz, President, County Council

1/14/2020

Date

Approved:

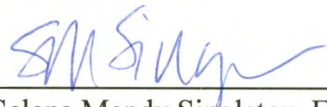


Marc Elrich, County Executive

1/24/2020

Date

This is a correct copy of Council action.



Selena Mendy Singleton, Esq., Clerk of the Council

1/27/20

Date