

Expedited Bill No. 30-21
Concerning: Landlord-Tenant Relations –
Restrictions During Emergencies –
Extended Limitations Against Rent
Increases and Late Fees
Revised: 11/2/2021 Draft No. 7
Introduced: July 13, 2021
Enacted: November 2, 2021
Executive: November 9, 2021
Effective: November 9, 2021
Sunset Date: February 15, 2023
Ch. 30, Laws of Mont. Co. 2021

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Jawando

AN EXPEDITED ACT to:

- (1) prohibit fees for ~~[[the]]~~ late rent payments during certain emergencies;
- (2) extend the time after an emergency during which rent increases must not exceed certain guidelines; and
- (3) generally amend the law regarding rents and fees for rental housing, and regarding landlord-tenant relations.

By amending

Montgomery County Code
Chapter 29, Landlord-Tenant Relations
Section 29-55

Laws of Montgomery County 2020
Chapter 14

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 29-55 is amended as follows:**

2 **29-55. Rent increases and late fees ~~[[during]]~~ following the COVID-19 state of**
 3 **emergency – prohibited.**

4 (a) *Definitions.* In this Section, the following terms have the meanings
 5 indicated.

6 *Emergency* means the catastrophic health emergency declared by the
 7 Governor of Maryland on March 5, 2020, as amended or extended by the
 8 Governor, under Section 14-3A-02 of the Public Safety Article of the
 9 Maryland Code.

10 *Tenant* has the meaning stated in Section 29-1. Tenant includes an
 11 existing tenant. Tenant does not include a prospective tenant.

12 (b) *Rent increases above guidelines – when prohibited.* A landlord must not
 13 increase a tenant’s rent to an amount that exceeds the voluntary rent
 14 guidelines under Section 29-53 if:

- 15 (1) the rent increase would take effect during ~~[[an]]~~ the emergency; or
 16 (2) notice of the rent increase does not comply with subsection (c) and
 17 Section 29-54.

18 (c) *Notices of rent adjustments.*

19 (1) During ~~[[an]]~~ the emergency and ~~[[within]]~~ until ~~[[August]]~~ May
 20 15, 2022 [90 days] ~~[[1 year after the expiration of an emergency]]~~,
 21 a landlord must not notify a tenant of a rent increase if the increase
 22 would exceed the voluntary rent guidelines under Section 29-53.

23 (2) If a landlord provided notice of a rent increase to a tenant prior to
 24 the emergency and the increase would exceed the voluntary rent
 25 guidelines under Section 29-53, the landlord must inform the
 26 tenant in writing:

- 27 (A) to disregard the notice; or
 28 (B) that the increase is amended to be less than or equal to the
 29 voluntary rent guidelines under Section 29-53.

30 (d) Late fees – when prohibited. A landlord must not charge a fee to a tenant
 31 for the nonpayment or late payment of rent due during [[an]] the
 32 emergency, or due [[within 1 year after the expiration of the emergency]]
 33 between the expiration of the emergency and [[August]] May 15, 2022,
 34 unless the landlord first provides to the tenant, in a form prescribed by the
 35 Director:

- 36 (1) a notification that the tenant may qualify for the waiver of late fees
 37 under subsection (e); and
 38 (2) an [[application form]] attestation [[to apply]] for the tenant to
 39 [[apply for]] sign to receive the waiver.

40 [(d)] (e) A landlord must waive late fees for the nonpayment or late
 41 payment of rent due during the emergency, or due between the expiration
 42 of the emergency and [[August]] May 15, 2022, if a tenant attests, in the
 43 application [[form]] prescribed by the Director under subsection (d), that
 44 the tenant:

- 45 (1) has experienced a COVID-19 related financial hardship;
 46 (2) has a gross household income at or below 50% of the area median
 47 income for the previous 30 days, or for the 2020 tax year; and
 48 (3) has been a Montgomery County resident since August 2020 or
 49 earlier[[; and
 50 (4) owes \$1,000 or more to the landlord]].

51 (f) A landlord must not require proof of, or challenge the veracity of, a
 52 tenant’s attestation under this Section.

53

54 (g) *Notice of expiration of emergency.* The Department must post on its
55 website information about the requirements of this Section, including the
56 date that ~~[[an]] the~~ emergency ~~[[expires]]~~ expired, and the date that ~~[[is]]~~
57 ~~[90 days]~~ ~~[[1 year after the expiration of the emergency]]~~ requirements
58 under this section expire.

59 **Sec. 2. Expedited Effective Date.** The Council declares that this legislation is
60 necessary for the immediate protection of the public interest. This Act takes effect on
61 the date on which it becomes law.

62 **Sec. 3. Application of Late Fee Restrictions.** Section 22-55(d), added under
63 section 1 of this Act: (1) applies to any uncollected late fee for rent that became due on
64 or after the date of the emergency, including rent that became due on or after the date
65 of the emergency and before the effective date of this Act; but (2) does not require a
66 landlord to refund to a tenant any payment received by the landlord prior to the
67 effective date of this Act.

68 **Sec. 4. Section 3 of Chapter 14 of the Laws of Montgomery County 2020 is**
69 **amended as follows:**

70 Sec. 3. Sunset date. This Act must expire, and must have no further force or
71 effect, upon ~~[the 181st day]~~ ~~[[18 months following the expiration of the catastrophic~~
72 health emergency declared by the Governor of Maryland on March 5, 2020, as
73 amended or extended by the Governor]] February 15, 2023.

Approved:

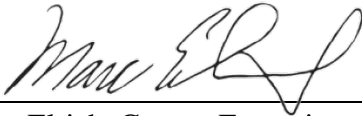


11/4/2021

Thomas Huckler, President, County Council

Date

Approved:

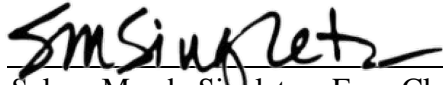


11/9/2021

Marc Elrich, County Executive

Date

This is a correct copy of Council action.



11/9/2021

Selena Mendy Singleton, Esq., Clerk of the Council

Date