

CHANGES REQUIRED BY BILL 19-15 (Landlord-Tenant Relations)

Chapter 29, Landlord-Tenant Relations of the Montgomery County Code has been amended. Below are the most recent amendments to the Chapter.

Inspections (Housing Code Enforcement)

- Multifamily properties in the County must be inspected at least once every 3 years and dependent upon the outcome and subsequent upkeep of the property, those inspections can be required on a more frequent basis.
- Code Enforcement will inspect from 25% to 50% of units per complex. The Department has the discretion to increase the inspections to 100% of units' as needed.
- The notice informing the tenants of the upcoming complex inspection is now 72 hours' notice prior to the scheduled inspection.
- All multifamily properties will be inspected over the next 2 years in order to set a baseline for future scheduling of inspections. Properties found to have: an infestation of greater than 20% of the units inspected; contain extensive visible mold; windows preventing the safe means of egress; recurring water leaks resulting in chronic dampness; mold growth damaging personal property; and lack of working utilities, not shut off by tenants, will result in an automatic annual inspection schedule. The severity of violations will be considered when deciding to schedule future annual or inspections.
- Properties placed on an annual inspection schedule, will be required to submit to DHCA quarterly, all maintenance complaints received from tenants and the development and implementation of a corrective plan to address the building and maintenance deficiencies at their property.
- If the landlord fails to correct cited violations within the time specified by the Department, the Director may authorize the tenant to have the violation corrected by a licensed contractor selected from a list of contractors maintained by DHCA. The reasonable cost of the repair, up to the amount of one month's rent, can be deducted from the tenant's rent. In the alternative, revocation of the rental license may be initiated. The execution of this clause will be limited to violations that directly affect the health and safety of the tenant and written approval from the Department must be obtained prior to a tenant executing these corrective measures.
- An executive regulation is being prepared to outline the specifics regarding the severity of the violations and what will result in a more intensive complex inspection

Landlord-Tenant

- In addition to the current reasons a tenant may terminate a lease early for circumstances beyond his/her control, the following items have been added: tenant and/or tenant's child being a victim of domestic abuse; a landlord harassing or violating a tenant's privacy rights; tenant or tenant's spouse being 62 or older, no longer able to live independently and needing to move to a nursing home or other senior facility; tenant being incarcerated or declared mentally incompetent; or other reasonable cause beyond a tenant's control.
- Notify the tenant that he/she is entitled to a hard copy of the Landlord-Tenant Handbook and in the alternative, the tenant can sign a statement acknowledging that he/she refuse a hard copy of the Handbook and was referred to the Landlord-Tenant Handbook maintained on the County's website.
- Must have attached to the lease a plain language summary of tenant's rights and responsibilities, approved by the Director, that includes at a minimum: the term of the lease; the amount of the rent; the date rent is due; the tenant's responsibility for utilities, if any; a list of additional tenant rights and responsibilities under the lease; and information about services available to tenants from DHCA and the Landlord-Tenant Commission.
- The landlord must offer each lease for an initial term of 2 years and at renewal, the landlord must also offer a 2 year lease, unless the landlord has reasonable cause to offer a different term. Reasonable cause is defined as a situation whereby a 2- year lease would cause undue hardship or expense for a landlord. For example, sale of the unit with settlement likely to occur within 2 years. The landlord must attach to the lease a statement explaining the reasonable cause and advising the prospective tenant of his/her right to challenge the cause by filing a complaint with DHCA.
- Unless a tenant is in breach of the lease, if a landlord does not intend to offer an existing tenant a renewed lease term, the landlord must give the tenant 60 days' notice to vacate at the expiration of the lease.
- Tenants paying gas and/or electric in a building built prior to 1978 must be given all information required under the Public Utilities

Article of the Maryland Code and applicable COMAR provisions governing electric and gas submeters and energy allocation systems;

- Landlords must display a sign in the lobby, vestibule, rental office or other prominent public place on the property, that includes information regarding filing a complaint under this Chapter and prohibited retaliator practices under this Chapter. This information must be provided in English, Spanish, French, Chinese, Korean, Vietnamese and other languages as deemed necessary by the Director.
- Landlords must allow tenant organizations to use available meeting rooms on the property to discuss Landlord-Tenant issues. The first meeting of each month must be free. Thereafter, tenant organizations must pay whatever fee is required for rental of meeting rooms;
- In addition to the remedies the Commission on Landlord-Tenant Affairs can already award, they can now issue an order for a tenant to correct the condition that constitutes a defective tenancy and abate the tenant's rent in an amount not to exceed 3 month's rent;
- The Director must publish the data collected in the annual rental housing survey on DHCA's website and list all rentals of 2 or more units by unit type and building type;
- Landlords must now give 90 days' written notice of any proposed increase in rent;
- A plain language summary must be included with all lease and renewal entered into after March 13, 2017; and
- The provisions regarding gas and electric utility billing will not take effect until June 17, 2017.