

HOUSE BILL 821

N1, L1

01r0410

By: **Montgomery County Delegation**

Introduced and read first time: February 3, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County Stable Homes Act**

3 **MC 12-20**

4 FOR the purpose of prohibiting evictions of a tenant holding over beyond the expiration of
5 a lease in Montgomery County in the absence of just cause under certain
6 circumstances; specifying the circumstances under which just cause exists in a
7 certain action to evict; specifying that just cause is not required under certain
8 circumstances; requiring a certain notice to a tenant to be sent in a certain manner
9 under certain circumstances; authorizing a landlord to evict a tenant only after
10 providing certain notice under certain circumstances; requiring a landlord to plead
11 and prove certain facts concerning just cause under certain circumstances; requiring
12 the Housing Opportunities Commission of Montgomery County, subject to certain
13 conditions, to make publicly available on the Montgomery Commission's website and
14 to report to the Montgomery County Executive, the Montgomery County Council,
15 and the members of the Montgomery County Delegation to the General Assembly
16 annually on or before a certain date certain information on evictions in Montgomery
17 County in the preceding calendar year; requiring the Montgomery Commission,
18 subject to a certain condition, to report on the race and gender of certain individuals;
19 requiring the Montgomery Commission to maintain a tenant's privacy, including by
20 aggregating certain information if necessary; defining certain terms; providing for
21 the application of certain provisions of this Act; declaring the intent of the General
22 Assembly; and generally relating to just cause evictions in Montgomery County.

23 BY adding to

24 Article – Real Property

25 Section 8-402(d)

26 Annotated Code of Maryland

27 (2015 Replacement Volume and 2019 Supplement)

28 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Housing and Community Development
2 Section 16–114
3 Annotated Code of Maryland
4 (2019 Replacement Volume and 2019 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
6 That the Laws of Maryland read as follows:

7 **Article – Real Property**

8 8–402.

9 (D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
10 MEANINGS INDICATED.

11 (II) “EVICT” MEANS TO TAKE ANY ACTION AGAINST A TENANT
12 TO TERMINATE THE TENANCY AGAINST THE TENANT’S WILL.

13 (III) “LEASED PREMISES” MEANS A DWELLING UNIT THAT IS
14 SUBJECT TO A RESIDENTIAL LEASE.

15 (2) THIS SUBSECTION APPLIES ONLY IN MONTGOMERY COUNTY.

16 (3) A LANDLORD MAY NOT EVICT A TENANT UNDER THIS SECTION IN
17 THE ABSENCE OF JUST CAUSE.

18 (4) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION,
19 FOR PURPOSES OF THIS SUBSECTION, JUST CAUSE EXISTS IF ANY OF THE
20 FOLLOWING OCCURS DURING THE LEASE OR THE HOLDOVER PERIOD:

21 (I) A TENANT HAS CAUSED A SUBSTANTIAL BREACH OF THE
22 LEASE OR SUBSTANTIAL DAMAGE TO THE LEASED PREMISES OR ANOTHER AREA OF
23 THE PROPERTY AND, AFTER RECEIVING NOTICE TO CURE OR CORRECT THE BREACH
24 OR PAY THE REASONABLE COST OF REPAIRING THE DAMAGE, THE TENANT FAILS TO
25 COMPLY WITHIN 30 DAYS;

26 (II) 30 DAYS AFTER RECEIVING NOTICE TO CEASE, A TENANT
27 CONTINUES TO ENGAGE IN DISORDERLY CONDUCT SO AS TO DISTURB THE PEACE
28 AND QUIET OF OTHER TENANTS;

29 (III) A TENANT HAS ENGAGED IN ILLEGAL ACTIVITY ON THE
30 LEASED PREMISES, ANOTHER AREA OF THE PROPERTY, OR ON A PUBLIC
31 RIGHT-OF-WAY ABUTTING THE LEASED PREMISES;

1 (IV) A TENANT, WITHOUT REASONABLE CAUSE, REFUSES TO
2 GRANT THE LANDLORD ACCESS TO THE LEASED PREMISES FOR THE PURPOSE OF
3 MAKING REPAIRS OR IMPROVEMENTS OR INSPECTING THE LEASED PREMISES, OR
4 AS OTHERWISE AUTHORIZED UNDER THE RESIDENTIAL LEASE OR APPLICABLE LAW;

5 (V) A LANDLORD, IN GOOD FAITH, SEEKS TO RECOVER
6 POSSESSION OF THE LEASED PREMISES FOR USE BY THE LANDLORD OR THE
7 LANDLORD'S SPOUSE, CHILD, PARENT, OR GRANDPARENT;

8 (VI) A LANDLORD, IN GOOD FAITH, SEEKS TO PERMANENTLY
9 REMOVE THE LEASED PREMISES FROM THE RENTAL MARKET; OR

10 (VII) A LANDLORD, AFTER HAVING OBTAINED ALL NECESSARY
11 PERMITS, SEEKS TO UNDERTAKE SUBSTANTIAL REPAIRS OR RENOVATIONS THAT
12 CANNOT BE COMPLETED WHILE THE LEASED PREMISES ARE OCCUPIED.

13 (5) JUST CAUSE IS NOT REQUIRED IF:

14 (I) 1. THE PROPERTY IS OWNER-OCCUPIED; AND

15 2. THE LANDLORD LEASES OUT ONLY A SINGLE RENTAL
16 UNIT; OR

17 (II) 1. THE TENANT'S INITIAL LEASE WAS CONDITIONED ON
18 EMPLOYMENT FOR THE LANDLORD; AND

19 2. THE TENANT'S EMPLOYMENT IS TERMINATED.

20 (6) A NOTICE REQUIRED TO BE GIVEN TO A TENANT UNDER
21 PARAGRAPH (4)(I) OR (II) OF THIS SUBSECTION SHALL BE SENT BY FIRST-CLASS
22 MAIL WITH A CERTIFICATE OF MAILING IN WRITING.

23 (7) (I) A LANDLORD MAY FILE TO EVICT A TENANT ONLY AFTER
24 PROVIDING THE TENANT UNDER THIS SECTION WITH NOT LESS THAN 60 DAYS'
25 NOTICE, SENT TO THE TENANT BY FIRST-CLASS MAIL WITH A CERTIFICATE OF
26 MAILING IN WRITING.

27 (II) THE NOTICE REQUIRED UNDER THIS PARAGRAPH SHALL
28 STATE THE JUST CAUSE, AS PRESCRIBED UNDER PARAGRAPH (4) OF THIS
29 SUBSECTION, ON WHICH THE ACTION TO EVICT IS BASED.

30 (III) THE BASIS FOR JUST CAUSE SHALL BE INCLUDED IN THE
31 COMPLAINT TO EVICT THAT IS FILED IN THE DISTRICT COURT OF MONTGOMERY

1 COUNTY.

2 (IV) THE CONTENTS OF THE NOTICE REQUIRED UNDER
3 SUBSECTION (B) OF THIS SECTION SHALL INCLUDE THE BASIS FOR JUST CAUSE AS
4 REQUIRED UNDER PARAGRAPH (4) OF THIS SUBSECTION.

5 (V) THE LANDLORD SHALL PLEAD AND PROVE THE SPECIFIC
6 FACTS THAT DEMONSTRATE THE JUST CAUSE ON WHICH THE COMPLAINT IS BASED.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
8 as follows:

9 Article – Housing and Community Development

10 16–114.

11 (A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE MONTGOMERY
12 COMMISSION SHALL, TO THE EXTENT PRACTICABLE, ON OR BEFORE JUNE 1 EACH
13 YEAR, MAKE PUBLICLY AVAILABLE ON THE MONTGOMERY COMMISSION WEBSITE
14 AND REPORT TO THE MONTGOMERY COUNTY EXECUTIVE, THE MONTGOMERY
15 COUNTY COUNCIL, AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE
16 GOVERNMENT ARTICLE, THE MEMBERS OF THE MONTGOMERY COUNTY
17 DELEGATION TO THE GENERAL ASSEMBLY:

18 (1) THE NUMBER OF TENANT EVICTIONS THAT OCCURRED DURING
19 THE PRECEDING YEAR;

20 (2) THE NUMBER OF COMPLAINTS FILED BY A LANDLORD DURING THE
21 PRECEDING CALENDAR YEAR TO REPOSSESS THE PREMISES BECAUSE:

22 (I) THE TENANT FAILED TO PAY RENT UNDER § 8–401 OF THE
23 REAL PROPERTY ARTICLE;

24 (II) THE TENANT WAS HOLDING OVER BEYOND THE EXPIRATION
25 OF THE LEASE UNDER § 8–402 OF THE REAL PROPERTY ARTICLE; AND

26 (III) THE TENANT BREACHED THE LEASE UNDER § 8–402.1 OF
27 THE REAL PROPERTY ARTICLE;

28 (3) THE NUMBER OF TENANTS WHO WERE EVICTED DURING THE
29 PRECEDING CALENDAR YEAR CATEGORIZED BY THE BASES FOR JUST CAUSE LISTED
30 UNDER § 8–402(D) OF THE REAL PROPERTY ARTICLE;

31 (4) THE NUMBER OF TENANTS EVICTED DURING THE PRECEDING

1 CALENDAR YEAR WHO:

2 (I) RECEIVED SOCIAL SECURITY BENEFITS;

3 (II) RECEIVED SUPPLEMENTAL NUTRITIONAL ASSISTANCE
4 PROGRAM BENEFITS; AND

5 (III) UTILIZED A PROGRAM PROVIDED BY THE MONTGOMERY
6 COMMISSION;

7 (5) THE SIZE OF EACH FAMILY EVICTED DURING THE PRECEDING
8 CALENDAR YEAR; AND

9 (6) THE AGE OF EACH INDIVIDUAL EVICTED DURING THE PRECEDING
10 CALENDAR YEAR.

11 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, FOR EACH OF THE
12 INDIVIDUALS REPORTED IN SUBSECTION (A)(2) OF THIS SECTION, THE
13 MONTGOMERY COMMISSION SHALL REPORT THE INDIVIDUAL'S RACE AND GENDER.

14 (C) IN REPORTING INFORMATION UNDER THIS SECTION, THE
15 MONTGOMERY COMMISSION SHALL MAINTAIN A TENANT'S PRIVACY, INCLUDING, IF
16 NECESSARY, BY AGGREGATING THE INFORMATION REPORTED UNDER THIS
17 SECTION.

18 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be
19 construed to apply:

20 (1) to any residential lease in Montgomery County executed on or after
21 October 1, 2020; and

22 (2) beginning October 1, 2020, to any residential lease in Montgomery
23 County that:

24 (i) was executed before October 1, 2020; and

25 (ii) has expired and resulted in a holdover tenancy after October 1,
26 2020.

27 SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General
28 Assembly that:

29 (1) the Montgomery County Department of Housing and Community
30 Affairs shall update all information provided by the Department concerning the rights of
31 residential tenants to include the rights provided under Section 1 of this Act; and

1 (2) a landlord of residential property in Montgomery County shall provide
2 a current or prospective tenant with information concerning the rights of tenants under
3 this Act when any residential lease is executed or renewed on or after the effective date of
4 this Act.

5 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2020.