

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2009 Legislative Session

Bill No. CB-35-2009

Chapter No. _____

Proposed and Presented by Council Member Knotts

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Rental Housing

3 For the purpose of amending provisions of the County Code relating to rental housing license
4 suspension or revocation, requiring a landlord to begin eviction proceedings against a tenant that
5 has received a certain number of disruptive conduct reports from the Police Department, defining
6 disruptive conduct, and generally relating to rental housing.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 13. HOUSING AND PROPERTY
9 STANDARDS.
10 Sections 13-138 and 13-187,
11 The Prince George's County Code
12 (2007 Edition, 2008 Supplement).

13 BY adding:

14 SUBTITLE 13. HOUSING AND PROPERTY
15 STANDARDS.
16 Section 13-157.01,
17 The Prince George's County Code
18 (2007 Edition, 2008 Supplement).

19 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
20 Maryland, that Sections 13-138 and 13-187 of the Prince George's County Code be and the same
21 are hereby repealed and reenacted with the following amendments:

1 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

2 **DIVISION 3. LANDLORD-TENANT REGULATIONS.**

3 **Subdivision 1. General Provisions.**

4 **Sec. 13-138. Definitions.**

5 (a) For the purposes of this Division (and Division 4):

6 (1) **Affected Tenant** shall mean any tenant whose health, safety, or welfare is, or
7 reasonably may be, impaired by a defective tenancy.

8 (2) **Bona fide complaint, response, or effort** shall mean a complaint or response or
9 effort made in good faith regarding alleged violations of this Division.

10 (3) **Days** shall mean calendar days unless otherwise specified.

11 (4) **Defective Tenancy** shall mean any condition in a single-family rental facility or a
12 multifamily rental facility or matter related to its maintenance, use, or occupancy which
13 constitutes a violation of the terms of the lease or any provision of this Division, or constitutes a
14 violation of any applicable Federal, State, County, or municipal law, regulation, or code
15 reasonably related to the maintenance, use, or occupancy of the single-family rental facility or
16 the multifamily rental facility.

17 (5) **Director** shall mean the Director of the County Department of Environmental
18 Resources or designee.

19 (5.1) **Disruptive Conduct** shall mean any act by a tenant of a Multifamily or Single-
20 Family Rental Facility or by a person present at a Multifamily or Single-Family Rental Facility
21 that:

22 (a) is so loud, untimely as to the time of day, offensive and/or nuisance causing that it
23 unreasonably interferes with the peaceful enjoyment by other persons of their premises or causes
24 damage to property that is owned by others;

25 (b) involves music or noise that is disruptive to persons occupying a different
26 dwelling unit;

27 (c) involves music that is audible from a street, sidewalk or dwelling from a
28 minimum distance of fifty (50) feet away from where the sound is originating; and

29 (d) is the subject of a criminal citation for disorderly conduct pursuant to the
30 Annotated Code of Maryland, Criminal Law Article, Title 10.

31 * * * * * * * * *

1 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

2 **DIVISION 4. RENTAL HOUSING.**

3 **Sec. 13-187. License suspension or revocation; procedure; revalidation and reissuance.**

4 (a) A license once issued or reissued may be suspended or revoked upon a finding by the
5 Director that one (1) or more of the requirements of this Code has been violated, where the
6 violations constitute a serious threat to the health and safety of the occupants, [or] upon the
7 unreasonable failure of the licensee to comply with a notice of violation, or failure to evict a
8 tenant after three (3) Disruptive Conduct incidents in a twelve (12) month period.

9 (1) A license may be suspended immediately without hearing upon written notice to
10 the landlord setting forth the grounds for the suspension. The suspension shall terminate and the
11 license shall be revalidated immediately upon correction by the landlord of the violations causing
12 the suspension. The suspension shall expire and the license shall automatically be revalidated in
13 thirty (30) days unless, during that period, the Director initiates action to revoke the license by
14 sending notice of hearing as provided in subparagraph (2), below.

15 (2) No license shall be revoked hereunder without the Director first holding a hearing
16 to consider the action and giving the licensee at least five (5) working days written notice of the
17 time, place, and date of the hearing. The notice shall set forth the grounds for the revocation.
18 Once a license has been revoked, the Director may proceed with appropriate enforcement action
19 as provided.

20 (b) Reissuance of a license that has been revoked, or denied upon application for renewal,
21 shall be subject to payment of the full amount of the applicable license and inspection fee except
22 that, at the discretion of the Director, the license may be reissued on a six (6) month basis. When
23 an inspection confirms that a property on a six (6) month licensing schedule is being maintained
24 to Code standards it shall then be placed on an annual licensing schedule for a period not to
25 exceed three (3) years. The fee for such six (6) month or annual license shall be the same as
26 normally required for a two year license and shall double, progressively, for any subsequent
27 denial or revocation which may occur prior to expiration of the six (6) month or three (3) year
28 annual licensing term. Such a decision of the Director may be appealed to the Board of
29 Administrative Appeals if filed within thirty (30) calendar days.

1 (c) When a license has been suspended or revoked or an application for a license has been
2 denied, it shall be unlawful for the licensee or any person to let for occupancy or use any
3 dwelling unit then vacant or becoming vacant until a license has been reissued or revalidated.

4 (d) Upon suspension, revocation, denial, or expiration of a license, a notice, provided by
5 the Department of Environmental Resources, shall be posted and publicly displayed in the rental
6 office or upon the property, as the Director determines, which shall state as follows:

"OCCUPANCY OF ANY DWELLING UNIT IN THIS
BUILDING/PROJECT NOW VACANT OR BECOMING
VACANT IS UNLAWFUL UNTIL A LICENSE TO OPERATE
HAS BEEN OBTAINED AND IS DISPLAYED ON THE
PREMISES."

7 It shall be unlawful for any person to remove such notice until a license has been obtained.

8 (e) Any issued license which is suspended or revoked shall be returned to the Director.

9 (f) The notice of suspension, revocation, or denial of a license shall advise the person
10 notified of his right of appeal of such notice in accordance with Section 111.1 of the Housing
11 Code.

12 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
13 Maryland, that Section 13-157.01 of the Prince George's County Code be and the same is hereby
14 added:

15 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

16 **DIVISION 3. LANDLORD-TENANT REGULATIONS.**

17 **Subdivision 2. Landlord-Tenant Code.**

18 **Sec. 13-157.01. Disruptive Conduct investigation; report.**

19 (a) Police Officers may investigate alleged incidents of Disruptive Conduct that have been
20 reported to the Police or to the Department of Environmental Resources. A Police Officer shall
21 complete a Disruptive Conduct report upon a finding that the reported incident constitutes
22 Disruptive Conduct as defined under this Division. The information filed in the Disruptive
23 Conduct report shall include, if possible, the identity of the alleged perpetrator(s) of the
24 Disruptive Conduct and the factual basis for the Disruptive Conduct.

25 (b) A Disruptive Conduct letter shall be mailed by certified mail by the Department of
26 Environmental Resources to the landlord or, if applicable, the responsible agent, within ten (10)

1 business days of the occurrence of the alleged Disruptive Conduct.

2 (c) The landlord or, if applicable, the responsible agent, shall have ten (10) business days
3 from the date of receipt of the certified mailing of a Disruptive Conduct letter to appeal the
4 Disruptive Conduct report. The appeal shall be made in writing and submitted to the Director.

5 (d) After three (3) Disruptive Conduct incidents documented by Disruptive Conduct
6 reports that are uncontested or substantiated by the Director following an appeal in any twelve
7 (12) month period involving a tenant or person present at the Multifamily or Single-Family
8 Rental Facility, the landlord or, if applicable, the Responsible Agent, shall have ten (10) business
9 days from the date of receipt of the certified mailing of the third Disruptive Conduct letter to
10 begin eviction proceedings against the tenant. The landlord/agent shall submit a copy of the
11 document indicating the eviction process has begun to the Director. Failure to take such action
12 will result in the immediate suspension or revocation of the rental license. The license shall be
13 reissued pursuant to Section 13-187 of this Code. The disruptive tenant, upon eviction, shall not
14 reoccupy any dwelling unit at the Multifamily or Single-Family Rental Facility involved for a
15 period of at least one (1) year from the date of eviction. This subsection is not intended to limit
16 or inhibit the landlord and, if applicable, the Responsible Agent's right to initiate eviction actions
17 prior to the issuance of the third Disruptive Conduct letter in a twelve (12) month period.

18 (e) The Disruptive Conduct report shall be applicable to all tenants occupying the dwelling
19 unit at the Multifamily or Single-Family Rental Facility. More than one Disruptive Conduct
20 report filed against the tenant of a dwelling unit in a twenty-four (24) hour period shall be
21 considered as a single Disruptive Conduct report for the purpose of this Section. The Director
22 shall maintain a list of the names of all tenants evicted pursuant to this Section. The names shall
23 remain on the list for a period of five (5) years.

24 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect on forty-five (45)
25 calendar days after it becomes law.

Adopted this ____ day of _____, 2009.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Marilynn M. Bland
Chairperson

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.