

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2020 Legislative Session

Bill No. CB-79-2020

Chapter No. _____

Proposed and Presented by Council Member Taveras

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Landlord-Tenant Code

3 Eviction Notice and Prohibited Acts

4 For the purpose of providing that the Landlord-Tenant Code require that landlords give certain
5 notice of pending dispossession to tenants; and providing the details required in the notice to
6 tenants and the procedural requirements for such notice; providing for postponement of eviction
7 under certain circumstances; providing penalties for making false representations about tenant's
8 rights; prohibiting landlords from unlawfully preventing tenant from entering or leaving their
9 dwelling units; prohibiting landlords from terminating or diminishing essential services to the
10 tenant without the consent of the tenant; and generally relating to landlords providing notice of
11 dispossession to tenants.

12 BY repealing and reenacting with amendments:

13 SUBTITLE 13. HOUSING AND PROPERTY
14 STANDARDS.

15 Section 13-168 and 13-169
16 The Prince George's County Code
17 (2019 Edition).

18 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
19 Maryland, that Section 13-168 and 13-169 of the Prince George's County Code be and the same
20 is hereby enacted with the following amendments:

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

DIVISION 3. LANDLORD-TENANT REGULATIONS.

SUBDIVISION 2. LANDLORD-TENANT CODE.

Sec. 13-168. [Reserved.] Notice of Pending Dispossession

(a) **Scope.** The requirement to provide notice of pending dispossession does not apply to a judgment entered in favor of a landlord for possession of a leased dwelling unit as defined under one of the following sections of the Maryland Real Property Article:

(1) Section 14-120(4) **Controlled Dangerous Substance**; or

(2) Section 14-120(5) **Abatement of Nuisance**; or

(3) Section 14-132 **Wrongful Detainer**.

(a.1) The requirement to provide notice of pending dispossession does not apply to a judgment entered in favor of a landlord for possession of a leased dwelling unit as defined under Sections 13-162.00.01, 13-162.00.02, or 13-162.00.04 of the Prince George’s County Code.

(b) Definitions.

(1) **Leased dwelling unit** means any dwelling unit, rooming unit, efficiency unit, or other living quarters, whether in a single-family dwelling, a multiple-family dwelling, an apartment complex, or any other type of residence, that was occupied under a lease between a tenant and a landlord.

(2) **Petition for Warrant of Restitution.** Before an eviction can take place, a landlord must obtain a judgment against a tenant(s) and then file a “Petition for Warrant of Restitution”. If it is granted, it will allow the landlord to begin the process of evicting the tenant(s) from the property.

(3) **Summary Ejectment.** According to Maryland Rule 2-501(f), Summary Ejectment may only be granted if two conditions are met:

(A) The moving party must establish that there is not genuine dispute as to any material fact; and

(B) The Moving party must establish that it is entitled to judgment as a matter of law.

(c) Procedural Requirements for Executing the Notice of Pending Dispossession.

Whenever a judgment is entered in favor of the landlord for possession of a leased dwelling unit, the landlord shall:

(1) Notify the tenant of the scheduled date on which the warrant of restitution will be

1 first scheduled to be executed by the sheriff; or

2 (2) Arrange for the sheriff to notify the tenant of the scheduled date on which the
 3 Warrant of Restitution will be scheduled to be executed, if the sheriff has agreed to provide the
 4 required notice.

5 (3) The Notice of Pending Dispossession shall be:

6 (A) Provided by first-class, certified mail with a requested return receipt, at least
 7 five business days before the scheduled date of execution; or

8 (B) Provided by both certified-mail, with a certificate of mailing, and first-class
 9 mail at least fourteen days before the first scheduled date of execution; and

10 (C) Posted on the premises at least two business days before the first scheduled
 11 date of execution, with a signed affidavit by the person that posted notice, as proof of compliance
 12 with the requirement.

13 **(d) Contents of the Required Notice of Pending Dispossession.** The Notice shall:

14 (1) State the District Court Summary Ejectment case number, the tenant’s name, and
 15 the address of the leased dwelling;

16 (2) Specify the date on which the eviction is first scheduled to be executed;

17 (3) State that the eviction shall be executed on the specified date provided unless:

18 (A) The tenant moves out and returns the keys and control of the property to the
 19 landlord; or

20 (B) The tenant exercises the Right to Redemption under Maryland Real Property
 21 Article, Section 8-401(e), unless the Right to Redemption has been foreclosed or otherwise is
 22 inapplicable; and

23 (4) The landlord prominently posts notice warning the tenant that any property left in
 24 the leased dwelling unit shall be considered abandoned, and may be disposed of, if the property
 25 is not reclaimed within 3 business days after the date of the execution of the warrant of
 26 restitution; and

27 (5) The landlord provides written instruction for the tenant explaining how the tenant
 28 may exercise the right to reclaim that property; and

29 (6) The landlord provides written notice stating that it is the final notice that the tenant
 30 will receive of the date of the eviction, even if the eviction date is postponed by the sheriff or the
 31 District Court.

1 **(e) Postponement of Execution of Petition for Warrant of Restitution.**

2 **(1) By the District Court of Maryland.** The District Court shall stay the execution of
3 the Petition for Warrant of Restitution for a period of fifteen days, if the court finds that the
4 landlord did not provide the proper notice to the tenant as required by this subtitle.

5 **(2) By the Office of the Sheriff.** The Sheriff shall stay the execution of the Petition for
6 Warrant of Restitution for a period of fifteen days if the sheriff determines that the landlord did
7 not provide the notice to the tenant required by this subtitle.

8 **(f) Presumption – Receipt of Notice of Dispossession.** There is a presumption that the
9 Notice of Pending Dispossession was actually received by the tenant if:

10 (1)The landlord provides a copy of the Notice of Pending Dispossession, a certified
11 mail receipt, or a certificate of mailing, and a signed affidavit by the person who posted the
12 Notice of Pending Dispossession on the subject property; and

13 (2) All of the referenced evidence is dated within the proper time periods required by
14 this Subtitle.

15 **Sec. 13-169. [Reserved.] Fraudulent Statements and Other Prohibited Acts.**

16 (a) Any person, whether as an individual, member of a firm, or an officer of a corporation,
17 who makes any false representation or fraudulent statement regarding information required under
18 Section 13-168 of this Code; or

19 (b) Who willfully deprives a tenant of ingress into or egress from his/her dwelling unit; or

20 (c) Who, without the written consent of the tenant, diminishes essential services to the
21 tenant, including but not limited to, the providing of gas, electricity, water, heat, light, furniture,
22 furnishings, or similar utilities and services, to which, under the expressed or implied terms of
23 the tenancy, the tenant is entitled,

24 (d) Shall commit a misdemeanor and, upon conviction, is subject to:

25 (1) A fine not to exceed five hundred dollars; or

26 (2) Imprisonment of not more than ten days; or

27 (3) Both a five hundred dollars fine and imprisonment for each offense.

28 * * * * *

29 SECTION 2. BE IT FURTHER ENACTED that the provisions of the Act are hereby
30 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
31 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional shall not

1 affect the remaining words, phrases, clauses, sentences, subparagraphs, subsections, or sections
2 of this Act, since the same would have been enacted without the incorporation in the Act of any
3 such invalid or unconstitutional word, phrase clause, sentence, paragraph, subparagraph,
4 subsection, or section.

5 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect on the date it
6 becomes law.

Adopted this _____ day of _____, 2020.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Council Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
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.