

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2017 Legislative Session

Reference No.: CB-85-2017

Draft No.: 2

Committee: TRANSPORTATION, HOUSING AND ENVIRONMENT COMMITTEE

Date: October 17, 2017

Action: FAV(A)

REPORT: October 17, 2017

Committee Vote: Favorable with Amendments, 5-0 (In favor: Council Members Turner, Lehman, Franklin, Patterson and Taveras)

CB-85-2017 (DR-2) is a landlord tenant bill that enhances State law regarding landlord retaliatory actions. Pursuant to State law, there are three types of retaliatory actions: (1) eviction or threatened eviction, (2) increased rent and/or decreased services, and (3) termination of a periodic tenancy. CB-85-2017 (DR-2) provides that a landlord of residential property may not take a retaliatory action if: a complaint is made in good faith such as relating to specific housing deficiencies, if there is consultation of an attorney; or where a tenant is assisting another tenant in the exercise of their legal rights. If a landlord's action occurs more than six months after a tenant's action, then it is deemed not retaliatory.

Gary Cunningham, Deputy Director of the Department of Permitting, Inspections and Enforcement spoke in support of the bill.

Julio D. Murillo-Khadjibaeva, Policy Analyst for CASA testified on behalf of CASA in support of the legislation. He testified that CB-85-2017 will prohibit retaliation of any sort towards tenants and ensure that tenants do not become victims for speaking out on subpar living conditions. He indicated that protection is critical for the immigrant community because it empowers them to raise their voices to advocate for better treatment and living conditions.

Dwayne Mingo, representing the Prince George's Association of Realtors, spoke in opposition to the bill citing that State law already rectifies the issue.

Ron Wineholt, Vice President for Governmental Affairs for Maryland for AOBA, spoke in opposition to the bill. Mr. Wineholt indicated that: (1) the bill would be unnecessary as the bill duplicates existing State law; (2) the examples of objectionable conduct raised by the sponsor could be remedied under existing State law; (3) harassment is already a crime under existing State law and carries a penalty of imprisonment for up to 90 days and a fine of \$500, or both; (4) harassment would be a violation of current State and Federal Fair Housing Acts; and (5) tenants have ample remedies to address these issues under State and Federal law.

The Office of Law reviewed CB-85-2017 as it was presented on September 12, 2017 and found it to be in proper legislative form, with no legal impediments to its enactment.

The Office of Audits and Investigation indicated that the enactment of CB-85-2017 should not have an adverse fiscal impact on the County.