

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2021 Legislative Session

Bill No. CB-092-2021

Chapter No. 71

Proposed and Presented by Council Member Jolene Ivey

Introduced by Council Members Ivey, Anderson-Walker, Turner, Taveras, Davis,
Harrison, Dernoga, Hawkins, Glaros and Franklin

Co-Sponsors _____

Date of Introduction October 19, 2021

BILL

1 AN ACT concerning
2 Pre-Settlement and Post-Settlement Occupancy Agreements in
3 Rental Housing Transactions

4 For the purpose of establishing exemptions from rental licensing requirements for buyers and
5 sellers of real property that enter into Pre-Settlement Occupancy Agreements and Post-
6 Settlement Occupancy Agreements, for a term of 90 days or less, in Prince George's County,
7 Maryland.

8 BY repealing and reenacting with amendments:

9 SUBTITLE 13. HOUSING AND PROPERTY
10 STANDARDS.

11 DIVISION 1. HOUSING CODE.

12 SUBDIVISION 2. AMENDMENTS TO THE
13 HOUSING CODE.

14 Section 13-117

15 The Prince George's County Code
16 (2019 Edition; 2020 Supplement).

17 BY repealing and reenacting with amendments:

18 SUBTITLE 13. HOUSING AND PROPERTY
19 STANDARDS.

20 DIVISION 4. RENTAL HOUSING.

Sections 13-181, 13-186 and 13-187
The Prince George's County Code
(2019 Edition; 2020 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 13-117, 13-181, 13-186 and 13-187 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

DIVISION 1. HOUSING CODE.

SUBDIVISION 2. AMENDMENTS TO THE HOUSING CODE.

Sec. 13-117. - Definitions; Section 202. General Definitions.

Pre-Settlement Occupancy Agreement refers to a rental agreement between the buyer of real property and the seller of that property, where the parties agree to allow the buyer to occupy the dwelling for a term of 90 days or less before the final sale/settlement of the property.

Post-Settlement Occupancy Agreement refers to a rental agreement between the buyer of real property and the seller of the property, where the parties agree to allow the seller to occupy the dwelling for a term of 90 days or less after the final sale/settlement of the property to the buyer.

DIVISION 4. RENTAL HOUSING.

Sec. 13-181. – License required.

(a) No person shall conduct or operate or cause to be operated either as owner, lessee, agent, or in any other capacity within the County any single-family rental facility or any multifamily rental facility as defined in Section 13-138(a) without having first obtained a license as provided in this Division.

(b) Implementation of this Division shall be established by procedures adopted by the Director.

(c) Notwithstanding the provisions of Subsection (a), above, no license shall be required for a single-family rental facility in any of the following circumstances:

(1) If the tenant is the landlord's parent, son, daughter, sibling, grandchild, grandparent, or in-law;

(2) If the landlord is an active member of any branch of the United States Armed Forces, Diplomatic Corps, or Foreign Service who maintains the subject property as her or his domicile and permanent residence; or

1 (3) If the landlord has been relocated for employment or education, maintains the
2 subject property as her or his domicile and permanent residence, and the subject property has not
3 been leased for more than two (2) consecutive years.; or

4 (4) If a buyer or a seller of a single-family dwelling enters into a Pre-Settlement
5 Occupancy Agreement and/or a Post-Settlement Occupancy Agreement.

6 * * * * *

7 **Sec. 13-186. Termination of license on change of ownership; procedures for a new license;**
8 **penalties for failure to apply; term of license.**

9 (a) A license issued under this Division is not transferable and terminates upon change of
10 ownership.

11 (b) The purchaser of a licensed single-family or multifamily rental facility may
12 conduct/operate the property provided an application for a new license is applied for within 30
13 days following settlement.

14 (c) A license issued under this Division is not required where a buyer and a seller of a
15 single-family dwelling enter into a Pre-Settlement Occupancy Agreement and/or a Post-
16 Settlement Occupancy Agreement.

17 [(c)] (d) If a purchaser fails to apply for a new license as required in Subsection (b) of this
18 Section, a penalty of up to One Thousand Dollars (\$1,000) for each month, or portion thereof,
19 the single-family or multifamily rental facility was operated and/or occupied without a valid
20 license will be assessed.

21 [(d)] (e) The term for a new license shall begin on the date the application with appropriate
22 fee was received by the Director.

23 [(e)] (f) The term for the initial single-family rental facility license shall begin on the date
24 the license was issued by the Director.

25 * * * * *

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

27 (a) A license once issued or reissued may be suspended or revoked upon a finding by the
28 Director that one (1) or more of the requirements of this Code has been violated, where the
29 violations constitute a serious threat to the health and safety of the occupants, or upon the
30 unreasonable failure of the licensee to comply with a notice of violation. A license is not
31 required where a buyer and a seller of a single-family dwelling enter into a Pre-Settlement

1 Occupancy Agreement and/or a Post-Settlement Occupancy Agreement.

2 * * * * *

3 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
4 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
5 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
6 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
7 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
8 Act, since the same would have been enacted without the incorporation in this Act of any such
9 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
10 or section.

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

Adopted this 16th day of November, 2021.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Calvin S. Hawkins, II
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.

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