

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-59-2015

Chapter No. 46

Proposed and Presented by Council Members Taveras and Turner

Introduced by Council Members Taveras, Turner, Lehman and Harrison

Co-Sponsors _____

Date of Introduction October 6, 2015

BILL

1 AN ACT concerning

2 Age Restricted Senior Rental Leases

3 For the purpose of amending the Landlord-Tenant Code to provide certain age restricted senior
4 lessees with twenty-four month residential leases; to provide for the administration and notice of
5 the Program; and generally relating to senior rental leases in age restricted senior housing in the
6 County.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

9 Sections 13-138 and 13-161,

10 The Prince George's County Code

11 (2011 Edition, 2014 Supplement).

12 BY adding:

13 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

14 Sections 13-165, 13-166, and 13-167,

15 The Prince George's County Code

16 (2011 Edition, 2014 Supplement).

17 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
18 Maryland, that Sections 13-138 and 13-161 of the Prince George's County Code be and the same
19 are hereby repealed and reenacted with amendments:

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

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

SUBDIVISION 2. LANDLORD-TENANT CODE.

Sec. 13-138. Definitions.

(a) For the purposes of this Division (and Division 4), the following terms have the meanings:

(1.1) Age restricted senior housing means any senior facility and/or building that has an age restriction of fifty-five (55) years and older for a lease to live in the facility and/or building.

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(13) Senior lessee means a person at least fifty-five (55) years of age at the time the lease or renewal is offered.

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Sec. 13-161. Lease agreement; conditions.

(a) As a condition precedent to the leasing of a dwelling unit in a multifamily and in age restricted senior housing in this County, there shall be either an oral lease between the landlord and tenant, where such an oral lease is allowable under Maryland law, or a written lease evidencing the understanding of the parties which shall be executed by both the landlord and the tenant.

(b) The lease shall be subject to the following conditions:

(1) If the lease is in writing, it shall be executed in duplicate, one (1) copy of which shall be provided to the tenant at the time of execution.

(2) The lease shall be for an initial term as shall be specified and renewable for such additional term, if any, as shall be specified, except as provided under Section 13-166. Such renewing shall be at the tenant's option. All terms and conditions of renewals shall be the same as for the initial term, except as provided under Section 13-166 or as may be otherwise agreed to by the parties, and except for lawful rent increases.

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SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 13-165, 13-166, and 13-167 of the Prince George's County Code be and the same are hereby added:

SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

DIVISION 3. LANDLORD-TENANT REGULATIONS.

1 **SUBDIVISION 2. LANDLORD-TENANT CODE.**

2 **Sec. 13-165. Senior rental leases; authority and purpose.**

3 The purpose of this section is to protect the tenancies of certain County households and
4 residents in the rental housing market. The County Council finds that senior lessees, particularly
5 those on limited or fixed incomes, can experience hardships in maintaining rental housing
6 accommodations and that it is in the best interest of public health, safety and welfare to regulate
7 the leasing of rental housing for seniors in the County.

8 **Sec. 13-166. Senior rental leases, offered.**

9 (a) On or after June 1, 2016, a landlord shall offer an initial lease or, when a current
10 lease expires, a renewal lease, with a lease term of at least twenty-four (24) months to a senior
11 lessee residing in age-restricted senior housing, unless the senior lessee agrees otherwise. Rental
12 housing not covered in this Act includes, but is not limited to, assisted living, care home, and
13 nursing home facilities. The twenty-four (24) month lease or renewal lease shall apply to senior
14 lessees in a facility that are at least fifty five (55) years of age at the time the lease or renewal is
15 offered.

16 (b) The initial or renewal lease offered under subsection (a) above shall also comply with
17 Sections 13-161, 13-162 and 13-163 of this subdivision.

18 (c) The term of new or renewal senior leases shall be for twenty four (24) months and
19 shall remain without fee or rent increases for the entire period.

20 (d) Landlords are required to provide written notice to all lessees about the twenty-four
21 month period upon entering into a new lease or a renewal lease. The landlord must keep a record
22 of seniors who are using the twenty-four (24) month lease period. Any senior who waives the
23 twenty-four (24) month lease period needs to complete a waiver form, or have the waiver
24 indicated on the lease, which the landlord must keep on file for three years.

25 **Sec. 13-167. Administration. Notice.**

26 (a) The Department of Permitting, Inspections and Enforcement: shall, as part of the
27 biennial license renewal process:

28 (1) provide landlords with written notice that a twenty-four (24) month requirement
29 is in effect in their new or renewal licenses, and

30 (2) provide landlords with written notice of this Act within 30 calendar days after its
31 effective date.

1 **(b)** The Department of Permitting, Inspections and Enforcement shall use the rental
2 license process to determine if landlords have appropriately offered the twenty-four (24) month
3 lease period to lessees. The Department of Permitting, Inspections and Enforcement may deny,
4 suspend or revoke a rental license or the renewal of a rental license, pursuant to Sections 13-184
5 or 13-187 of the Code, if they find that the landlord has not offered this lease period.

6 **(c)** The Department of Housing and Community Development, in conjunction with the
7 Department of Social Services and the Office on Aging, will use HUD and other housing
8 resources to help encourage financial literacy and to provide housing information to seniors.

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

16 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
17 calendar days after it becomes law.

Adopted this 3rd day of November, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Mel Franklin
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____

BY: _____
Rushern L. Baker, III
County Executive