

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

Bill No. CB-15-2021

Chapter No. _____

Proposed and Presented by Council Member Taveras

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

EMERGENCY BILL

1 AN EMERGENCY ACT concerning

2 Landlord-Tenant Code

3 Prohibited Acts

4 For the purpose of providing that the Landlord-Tenant Code prohibit landlords from willfully
 5 diminishing services to a tenant without the written consent of a tenant; making this Act an
 6 emergency bill; and generally regarding landlord-tenant relations.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

9 Section 13-168,

10 The Prince George's County Code

11 (2019 Edition; 2020 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 13 Maryland, that Section 13-168 of the Prince George's County Code be and the same is hereby
 14 repealed and reenacted with the following amendments:

15 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

16 DIVISION 3. LANDLORD-TENANT REGULATIONS.

17 SUBDIVISION 2. LANDLORD-TENANT CODE.

18 Sec. 13-168. [Reserved.] Willful diminution of services.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) “Threaten to take possession” means using words or actions intended to convince a
 21 reasonable person that the landlord intends to take imminent possession of the property in

1 violation of this section.

2 (3) (i) “Willful diminution of services” by any landlord, who willfully deprives a tenant,
 3 of ingress into or egress from his/her dwelling unit; or intentionally, without the written consent
 4 of the tenant, interrupts or causes the interruption, or diminishes services to the tenant, including
 5 but not limited to, the providing of gas, electricity, running water, hot water, heat, light,
 6 furniture, furnishings, or similar utilities and services, to which, under the expressed or implied
 7 terms of the tenancy is entitled, to threaten, harass, or force a tenant to abandon the property.

8 (ii) “Willful diminution of services” does not include a landlord choosing not to
 9 continue to pay for utility service for residential property after a final court order awarding
 10 possession of the residential property, if the landlord has provided the tenant reasonable notice of
 11 the landlord’s intention and the opportunity for the tenant to open an account in the tenant’s
 12 name for that service. The landlord shall provide reasonable notice to the tenant, pursuant to
 13 Section 13-168(a)(3)(ii) of this Code, in a language other than English, if requested by the tenant.

14 (b) (1) Except as provided in paragraph (2) of this subsection, a landlord may not take
 15 possession or threaten to take possession of a dwelling unit from a tenant or tenant holding over
 16 by locking the tenant out or any other action, including willful diminution of services to the
 17 tenant.

18 (2) A landlord may take possession of a dwelling unit from a tenant, or tenant holding
 19 over only:

20 (i) In accordance with a warrant of restitution issued by a court and executed by a
 21 sheriff or constable; or

22 (ii) If the tenant has abandoned or surrendered possession of the dwelling unit.

23 (c) (1) If in any proceeding, the court finds in favor of the tenant because the landlord has
 24 committed a willful diminution of services, the landlord shall be subject to:

25 (i) civil fines not exceeding \$ 1,000; or

26 (ii) criminal fines and penalties not exceeding \$1,000 and imprisonment not exceeding
 27 6 months.

28 (d) This section may not be construed to prevent a landlord from taking temporary measures,
 29 including changing the locks, to secure an unsecured residential property, if the landlord makes
 30 good faith attempts to provide reasonable notice to the tenant that the tenant may promptly be
 31 restored to possession of the property. The landlord shall provide reasonable notice to the tenant,

1 pursuant to Section 13-168(d) of this Code, in a language other than English, if requested by the
2 tenant.

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 in accordance with the provisions of
12 Section 317 of the Charter, the County Council hereby declares that a public emergency exists
13 affecting the public health, safety, and welfare; said emergency being the County’s immediate
14 need to respond to the harmful effects of the willful diminution of services on tenants during the
15 COVID-19 Public Health Crisis.

16 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on the date it
17 becomes law.

1 Adopted this ____ day of _____, 2021, by an affirmative vote of two-thirds of
2 the members of the full County Council.

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.