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**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

Legislative Session

1992

Bill No. CB-79-

1992

Chapter No.

86

Proposed and Presented by The Chairman (by request -

County

Executive)

Introduced by Council Member

Fletcher

Co-Sponsors

Date of Introduction October 27,

1992

**BILL**

AN ACT concerning

Landlord-Tenant Regulations

FOR the purpose of revising the Landlord-Tenant Code of the County to provide that the Landlord-Tenant Commission shall be eliminated as an operating body; and to remove provisions of the County Code which are duplicative of other County or State

laws.

BY repealing and reenacting with amendments:

SUBTITLE 13. HOUSING AND PROPERTY

STANDARDS.

Sections 13-117,

13-118,

13-138,

13-139,

13-153,

13-158,

13-159,

13-161,

13-162,

13-162.01, and

13-187,

The Prince George's County Code

(1991 Edition).

BY repealing:

SUBTITLE 13. HOUSING AND PROPERTY

STANDARDS.

Sections 13-139,

13-140,

13-141,

13-142

13-143,

13-144,

13-145,  
13-146,  
13-148,  
13-149,  
13-150,  
13-151,  
13-152,  
13-160,  
13-164,  
13-165,  
13-166,  
13-167,  
13-168,  
13-169,  
13-170,  
13-171,  
13-171.01,  
13-172,  
13-173,  
13-174,  
13-175,  
13-176,  
13-177,  
13-178,  
13-179,  
13-180.01,

13-180.02, and

13-180.03,

The Prince George's County Code  
(1991 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 13-117, 13-118, 13-138, 13-139, 13-153, 13-158, 13-159, 13-161, 13-162, 13-162.01, and 13-187 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments: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 Housing Code.**

**Sec. 13-117. Section H-141.1.**

Section H-141.1 is added to read as follows:

"Appeals by Owner or Occupant. Whenever it is claimed that the true intent and meaning of this Code have been misconstrued or wrongly interpreted, the owner or occupant [of a multifamily rental facility or his duly authorized agent, may appeal from the decision of the Building Official to the Landlord-Tenant Commission of Prince George's County, Maryland. The owners or occupants of all other types of dwellings] or their duly authorized agents, may appeal from the decision of the Building Official to the Board of Administrative Appeals for Prince George's County, Maryland. Notice of such appeal shall be in writing and filed within thirty (30) days after the decision is

rendered by the Building Official. In the case of a structure or dwelling unit which, in the opinion of the Building Official is unsafe or dangerous, the Building Official may in his order, limit the time for such appeal to a shorter period. Appeals hereunder shall be on forms provided by the Building Official and shall be filed with the Building Official, who will notify the appellant in writing of the time and place set for the hearing."

**Sec. 13-118. Section H-141.3. Decisions.**

Section H-141.3 is added to read as follows:

"Decisions of [the Landlord-Tenant Commission and] the Board of Administrative Appeals for Prince George's County, Maryland. Upon an appeal to the [Landlord-Tenant Commission pursuant to Section 13-176, or to the] Board of Administrative Appeals pursuant to Section 13-117, the administrative body shall hold a hearing upon the appeal. The County shall have the initial burden of going forward with the evidence to establish the basis for the determination from which the appeal is taken. The appellant owner or occupant shall have the burden to establish by a preponderance of the evidence that the County or its agencies have misconstrued or wrongly interpreted the intent and meaning of the Code. The [Landlord-Tenant Commission and the] Board of Administrative Appeals shall determine only whether the construction or interpretation of the Code by the Building Official and the determination or action taken by the Building Official to enforce the Code were based upon substantial

evidence and correct at the time of the determination or action of the Building Official. The [Landlord-Tenant Commission and the] Board of Administrative Appeals shall not substitute their judgment for that of the Building Official. However, [the Landlord-Tenant Commission and] the Board of Administrative Appeals may grant variances of the application of any provision of this Code when the substantial credible evidence before the [Landlord-Tenant Commission or the] Board of Administrative Appeals clearly establishes that the enforcement thereof would do manifest injustice or would be contrary to the spirit and purpose of this Code. A decision of the [Commission or the] Board to vary the application of any provision of this Code or to modify an order of the Building Official shall specify in what manner such variation or modification is made, the conditions upon which it is made, shall make findings of fact in support of the variance, and shall state the reasons therefor. Every decision of the [Landlord-Tenant Commission and the] Board of Administrative Appeals for Prince George's County, Maryland, shall be given in writing within sixty (60) days after the hearing is concluded and shall indicate the vote of the members of the [respective] Board [or Commission] upon the decision. Failure to render the decision shall affirm the decision of the Building Official [and the Executive Director.] A copy of each such decision shall be promptly filed with the Building Official, and the issuing agency shall maintain a file of such decisions which shall be open to public inspection. A certified

copy shall be sent by mail or otherwise delivered to the appellant. The County or an owner or occupant aggrieved by a decision of the [Landlord-Tenant Commission or the] Board of Administrative Appeals for Prince George's County, Maryland, may appeal such decisions to the Circuit Court for Prince George's County, Maryland, pursuant to Article 25A, Section 5(U)(4) of the Annotated Code of Maryland."

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

**Subdivision 1. General Provisions.**

**Sec. 13-138. Definitions.**

(a) For the purposes of this Division:

\* \* \* \* \*

(3) [Commission shall mean The County Landlord-Tenant Commission.] Reserved.

\* \* \* \* \*

(8) [Hearing Officer shall mean a hearing officer designated by the Director.] Reserved.

\* \* \* \* \*

(12) **Notice** shall mean a written notice unless otherwise specified[, and where notice is required by the Commission it shall be in such manner and form as shall be established by regulations promulgated by the Commission pursuant to Section 13-142].

**Subdivision [5] 2. Landlord-Tenant Code.**

**Sec. 13-153. Maintenance of property; landlord's responsibility.**

\* \* \* \* \*

(c) [The landlord shall post, in a conspicuous place in the rental office, a sign to be supplied by the Commission, which notes the existence of the Commission, its jurisdiction, the address and telephone number of the Commission.

(d)] Any landlord operating three or more rental units in the same facility shall be obligated to maintain a 24-hour telephone number and/or answering service where tenants may contact the landlord in the event of an emergency affecting the health, safety, or welfare of any tenant or any property thereof. The landlord shall notify [the Director of the number, and shall notify] all tenants of the number in writing and by posting the number in a conspicuous place. The emergency number shall also be included in all leases executed after the effective date hereof. In the event of a change of the 24-hour emergency number, the landlord shall promptly notify all tenants [and the Director] of such change.

**Sec. 13-158. Late fees.**

The landlord shall be entitled to charge a late fee of not more than one percent (1%) of the total monthly rental payment per day for each day the tenant is late, commencing with the sixth (6th) day of the period for which rent is due and being paid, not to exceed a total of five percent (5%) of the total

monthly rental payment. However, if the tenant receives public assistance pursuant to Sections 48, 65A, 65B and 65C of Article 88A of the Annotated Code of Maryland, and the public assistance check has not been mailed to the tenant by the State Department of Human Services on or before the date the rent is due, the landlord shall be entitled to charge the late fee commencing on the sixth (6th) day after the day the public assistance check was actually mailed. It shall be the responsibility of each tenant who receives public assistance to inform the landlord, in writing, that the public assistance check was mailed later than the day upon which the rent was due, and to provide reasonable, satisfactory evidence to establish this fact. In the case of leases under which the rent is paid in weekly rental installments a penalty of Three Dollars (\$3.00) may be charged for the late payment of rent. However, no late penalties for rent paid under a lease providing for weekly rental installments shall constitute, in the aggregate, more than Twelve Dollars (\$12.00) per month. Provided further, that in no event should the landlord demand the payment of any fees or other charges except rent, court filing fees, and court awarded costs as a condition precedent to allowing the tenant to exercise his right to redeem the leased dwelling unit as provided for by the Real Property Article of the Annotated Code of Maryland, provided, however, that the foregoing shall not apply to any tenant [who has received more than three (3) separate summonses containing

copies of complaints filed by the landlord against the tenant for rent due and unpaid in the twelve (12) months prior to the initiation of the action to which the foregoing would otherwise apply] against whom three (3) judgments of possession have been entered for rent due and unpaid in the twelve (12) months prior to the initiation of the action to which the foregoing would otherwise apply. The landlord shall be entitled to recover only those costs and/or filing fees actually incurred. If requested in writing, the landlord shall provide the tenant with a written statement of charges actually incurred, to include the District Court (Landlord-Tenant) case number and a copy of the complaint form. Any such request by the tenant must be made within thirty (30) days of the costs being assessed and may not cover any other request for filing costs assessed in excess of one hundred eighty (180) days. Nothing in this Section shall be interpreted to alter a landlord's remedies to recover damages due from a tenant arising from breach of a lease or provisions of law.

**Sec. 13-159. Security deposits; amounts; escrow accounts; interest.**

\* \* \* \* \*

(c) The landlord shall maintain the security deposit in an interest bearing and insured escrow account in a bank or savings and loan association located within the State of Maryland, and administer it for the benefit of the tenant. This money shall not be commingled with any asset of the

landlord and shall be identified in some manner as security deposit escrow money. [Information regarding the escrow account shall be provided to the Director upon his request.] Failure to provide such information shall be cause for denial, suspension, or revocation of the license to operate a multifamily rental facility as required by Sec. 13-184.

\* \* \* \* \*

**Sec. 13-161. Lease agreement; conditions.**

(a) As a condition precedent to the leasing of a dwelling unit in a multifamily rental facility 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 [; and a copy of any publication defined in Section 13-143 of this Subtitle shall be provided prior to the execution of said lease, to the tenant or one of two or more tenants sharing a unit, and a statement acknowledging receipt of the publication signed by the tenant receiving the publication shall be retained by the landlord].

\* \* \* \* \*

**Sec. 13-162. Contents of written lease agreement.**

(a) In addition to the provisions of Section 13-161, each written lease agreement shall contain the following:

\* \* \* \* \*

(9) A "nonretaliation" provision as set forth in

Section [13-160] 8-208 of the Real Property Article of the Annotated Code of Maryland.

\* \* \* \* \*

(11) A provision acknowledging rent escrow [, as set forth in Sections 13-148 and 13-173,] as a lawful tenant remedy.

\* \* \* \* \*

**Sec. 13-162.01. Rental facilities in flood areas; notice to prospective tenants.**

(a) When the Department of [Public Works and Transportation] Environmental Resources determines that any part of a multifamily rental facility, including the parking area thereof, is within the one-hundred- year flood plain, as defined in the Building Code of Prince George's County, and is so designated on a Flood Hazard Area Boundary Map furnished by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development, or the Flood Plain maps of the U.S. Army Corps of Engineers, or is otherwise so determined [by the Department of Public Works and Transportation] as being within the one-hundred-year flood plain, as defined in the Building Code of Prince George's County, then the [Department of Public Works and Transportation, who shall be responsible for reviewing said maps, shall notify the Director and provide to him] Director shall be provided with a property plat, aerial photo or other graphic depiction showing that portion of the multifamily rental facility, including the parking area

thereof, situated within the Flood Hazard Boundary, provided that if the Landlord has obtained from a professional engineer registered in the State of Maryland a certification that a building and the parking area normally used by tenants therein is not within the one-hundred-year flood plain, which certification shall be based upon a detailed comprehensive flood plain study prepared by a public authority or an independent study prepared by such engineer, and which independent study shall be presented to and accepted by the [Department of Public Works and Transportation] Director, the building and the parking area shall be exempt from the provisions of this Section. The Director in turn shall immediately notify the landlord who, upon receipt of the notification, shall include one of the following acknowledgments in any future lease for any tenant who would occupy any building situated within the Flood Hazard Boundary, or who would normally utilize a parking or storage facility area any portion of which is situated within the Flood Hazard Boundary, such parking areas to be clearly posted to alert those using it that the parking area is subject to flooding:

\* \* \* \* \*

\*

**DIVISION 4. RENTAL HOUSING.**

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

\* \* \* \* \*

\* \*

(b) Reissuance of a license that has been revoked, or denied upon application for renewal, shall be subject to payment of the full amount of the applicable license and inspection fee except that, at the discretion of the Director, the license may be reissued on a six (6) month basis. When an inspection confirms that a property on a six (6) month licensing schedule is being maintained to Code standards it shall then be placed on an annual licensing schedule for a period not to exceed three (3) years. The fee for such six (6) month or annual license shall be the same as normally required for a two year license and shall double, progressively, for any subsequent denial or revocation which may occur prior to expiration of the six (6) month or three (3) year annual licensing term. Such a decision of the Director may be appealed to the [Landlord-Tenant Commission] Board of Administrative Appeals if filed within thirty (30) calendar days.

\* \* \* \* \*

\*

SECTION 2. BE IT FURTHER ENACTED that the following sections of the Prince George's County Code be and the same are hereby repealed.

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

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

**[Subdivision 2. Landlord-Tenant Commission.]**

- [Sec. 13-139. Landlord-Tenant Commission.] Reserved.
- [Sec. 13-140. Meetings of Commission.] Reserved.
- [Sec. 13-141. Commission budget.] Reserved.
- [Sec. 13-142. Powers of Commission.] Reserved.
- [Sec. 13-143. Publications.] Reserved.
- [Sec. 13-144. Reports to Council.] Reserved.
- [Sec. 13-145. Cooperation with County agencies.] Reserved.  
[Subdivision 3. Administration.]
- [Sec. 13-146. Administration of Landlord-Tenant regulations.]  
Reserved.
- [Sec. 13-148. Director's duties and powers.] Reserved.  
[Subdivision 4. Management Agents.]
- [Sec. 13-149. License required; fee; application; term.]  
Reserved.
- [Sec. 13-150. License suspension or revocation; grounds.]  
Reserved.
- [Sec. 13-151. Hearing on license suspension or revocation;  
orders.] Reserved.
- [Sec. 13-152. Penalty.] Reserved.  
Subdivision 2. Landlord Tenant Code.
- [Sec. 13-160. Retaliatory actions.] Reserved.
- [Sec. 13-164. Complaint by tenant.] Reserved.
- [Sec. 13-165. Complaint by landlord.] Reserved.
- [Sec. 13-166. Investigation of complaint.] Reserved.
- [Sec. 13-167. Dismissal of complaint.] Reserved.
- [Sec. 13-168. Determination of violation.] Reserved.

[Sec. 13-169. Conciliation of complaints; procedure.]

Reserved.

[Sec. 13-170. Failure to conciliate complaint.] Reserved.

[Sec. 13-171. Hearing before Director; procedure.] Reserved.

[Sec. 13-171.01. Discontinuance of utility services; notice required; hearing.]

[Sec. 13-172. Dismissal of complaint by Director.] Reserved.

[Sec. 13-173. Defective tenancy determination; Director's procedures.] Reserved.

[Sec. 13-174. Rent escrow; notifications required; disbursement.] Reserved.

[Sec. 13-175. Failure to comply with Director's order; penalty.] Reserved.

[Sec. 13-176. Appeals from Director's decision or order.]

Reserved.

[Subdivision 5A. Rent Controls.]

[Sec. 13-177. Failure to comply with order; penalty.]

Reserved.

[Sec. 13-178. Hearing before Commission; notice.] Reserved.

[Sec. 13-179. Appeals from Commission decision or order.]

Reserved.

[Sec. 13-180.01. Effective from January 11, 1973 through March 1, 1974.]

[Sec. 13-180.02. Effective from March 1, 1974 through February 28, 1975.]

[Sec. 13-180.03. Effective from March 1, 1975 through February

29, 1976.]

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

Adopted this 24th day of November, 1992.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Richard J. Castaldi  
Chairman

ATTEST:

\_\_\_\_\_  
Joyce T. Sweeney  
Acting Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_  
\_\_\_\_\_

BY:  
Parris N. Glendening  
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.