



Prince George's County, Maryland
Inter-Office Memorandum
Office of Law

LEGISLATIVE COMMENT

DATE: October 15, 2020

TO: Jackie Brown, Committee Director
PHED Committee

THRU: Rhonda L. Weaver, County Attorney

THRU: Joseph C. Ruddy, Deputy County Attorney

FROM: **Amanda S. Denison**, Associate County Attorney

RE: CB-79-2020

The Office of Law has reviewed **CB-79-2020** and finds it to be in proper legislative form but finds that the doctrine of preemption prohibits its passage due to Md. Real Property §8-401. (*See* State law may preempt local law in one of three ways: preemption by conflict; express preemption; or implied preemption. *Beretta U.S.A. Corp. v. Santos*, 1998, 712 A.2d 69, 122 Md.App. 168).

If Prince George's County were permitted to legislate in the field of eviction law under Md. Real Property §8-401, then the General Assembly would have included express language detailing the concurrent authority as it did with the waiver provision granted to Wicomico County. No such provision is included, therefore the Office of Law opines that CB-79-2020 is unlawful under the doctrine of preemption.