

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2017 Legislative Session

Bill No. CB-85-2017

Chapter No. 81

Proposed and Presented by Council Member Taveras

Introduced by Council Members Taveras, Lehman, Turner, Glaros, Franklin and Patterson

Co-Sponsors _____

Date of Introduction October 17, 2017

BILL

1 AN ACT concerning

2 Landlord Tenant - Retaliatory Action

3 For the purpose of adopting a landlord-tenant anti-retaliation statute and generally relating to
4 landlord-tenant relations.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 13. HOUSING AND PROPERTY

7 STANDARDS.

8 Section 13-160,

9 The Prince George's County Code

10 (2015 Edition; 2016 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Section 13-160 of the Prince George's County Code be and the same is hereby
13 repealed and reenacted with the following amendments:

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

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

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

17 **Sec. 13-160. [Reserved.] Retaliatory actions.**

18 (a) (1) For any reason listed in paragraph (2) of this subsection, a landlord of any
19 residential property may not:

20 (i) Harass, intimidate, threaten, or otherwise interfere with a tenant's exercise of
21 their legal rights;

1 (ii) Bring or threaten to bring an action for possession against a tenant;

2 (iii) Increase the rent or decrease the services to which a tenant has been entitled;

3 or

4 (iv) Terminate a periodic tenancy.

5 (2) A landlord may not take an action that is listed under paragraph (1) of this
6 subsection for any of the following reasons:

7 (i) Because the tenant or the tenant’s agent has complained, in good faith, to the
8 landlord or to any public agency concerning the tenant’s rights, specific housing deficiencies, an
9 alleged violation of the lease, a violation of law, or a condition on the leased premises that is a
10 substantial threat to the health or safety of occupants to

11 1. The landlord; or

12 2. Any public agency against the landlord;

13 (ii) Because the tenant or the tenant’s agent has:

14 1. Consulted an attorney on any matter involving tenant’s rights or
15 specific housing violations; or

16 2. Filed a lawsuit against the landlord; or

17 3. Testified or participated in a lawsuit involving the landlord.

18 (iii) Because the tenant has participated in any tenants’ organization.

19 (3) A landlord shall not evict or attempt to evict, or take any other retaliatory action
20 against any tenant who exercises any rights conferred upon the tenant by law or any tenant who
21 assists another tenant in exercising those rights.

22 (b) (1) A landlord’s violation of subsection (a) of this section is a “retaliatory action”.

23 (2) A tenant may raise a retaliatory action of a landlord:

24 (i) In defense to an action for possession; or

25 (ii) As an affirmative claim for damages resulting from a retaliatory action of a
26 landlord occurring during a tenancy.

27 (c) If in any proceeding the court finds in favor of the tenant because the landlord engaged
28 in a retaliatory action, the court may enter judgment against the landlord for damages not to
29 exceed the equivalent of 3 months’ rent, reasonable attorney fees, and court costs.

30 (d) The relief provided under this section is conditioned on the tenant being current on the
31 rent due and owing to the landlord at the time of the alleged retaliatory action, unless the tenant

1 withholds rent in accordance with the lease or pursuant to law.

2 (e) An action by a landlord may not be deemed to be retaliatory for purposes of this
3 section if the alleged retaliatory action occurs more than 6 months after a tenant's action that is
4 protected under subsection (a)(2) of this section.

5 (f) As long as a landlord's termination of a tenancy is not the result of a retaliatory action,
6 nothing in this section may be interpreted to alter the landlord's or the tenant's rights to terminate
7 or not renew a tenancy.

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

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

Adopted this 14th day of November, 2017.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Derrick Leon Davis
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____

BY: _____
Rushern L. Baker, III
County Executive