

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2020 Legislative Session

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**Reference No.:** CR-060-2020

**Draft No.:** 1

**Committee:** COMMITTEE OF THE WHOLE

**Date:** 07/15/2020

**Action:** FAV

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### REPORT:

Committee Vote: Favorable, 10-0 (Council Members in favor: Turner, Anderson-Walker, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras)

The Committee of the Whole met on July 15 to consider CR-60-2020. This resolution was transmitted by the County Executive for the Council's consideration as curative legislation that the Administration believes clarifies Council's intent in passing CB-16-2020. The concern is that the definition of "tenant" in CB-16-2020 is narrower than the former definition and as written, the amended definition provided in CB-16-2020 can be incorrectly interpreted to apply to apply to all portions of Division 3 and Division 4 of Subtitle 13. Those divisions include several protections and obligations for tenants as previously defined. The concern is that this recently adopted provision could be interpreted to deny tenants the other protections of the law unless they also can show substantial loss of income as set forth in the Governor's orders. This was not the intent of the legislation and Councilmember Ivey, who originally proposed the bill in discussions with members of the Executive Branch, agrees that was not the original intent.

CB-52-2020, an Emergency Act to Reinstate the Definition of Tenant Prior to the Adoption of CB-16-2020, which Prohibited Certain Acts During the COVID-19 Public Health Crisis, was discussed in conjunction with CR-60-2020. CR-60-2020, a Resolution Concerning Landlord-Tenant Code-Prohibition of Rent Increases, Rental Terminations and Late Fees During the COVID-19 Public Health Crisis was introduced for the purpose of clarifying, as a temporary measure with the force and effect of law, that the definition of "Tenant" as originally provided in Subtitle 13, Section 13-138 of the County Code, prior to the adoption of CB-16-2020, was to be reinstated.

The Committee Director commented that since the time of the Executive Branch transmittal, a Council Bill number had been assigned and therefore, on page 2, line 15 of CR-60-2020 where reference is made to the companion bill, "CB-52-2020" should be inserted as a technical amendment. After Committee staff overview, the County Attorney briefed the Committee on the purpose of both legislative measures and responded to questions from Council Members.

The Department of Housing and Community Development reviewed CR-60-2020 and commented that "while the legislation takes corrective measures to further define tenant and loss

of income due to COVID-19, it does not alter what CB-16 requires of DHCD.”

Council Member Franklin raised a question concerning the meaning and determination of “substantial loss of income”. The Council’s Legislative Officer responded that it is described in detail in the *Governor’s Executive Order Number 20-04-03-01 Temporarily Prohibiting Evictions of Tenants Suffering Substantial Loss of Income Due to COVID-19*.

Council Member Glaros suggested, and the Committee concurred, that information on implementation of the legislation, possibly in the form of bullet points or Frequently Asked Questions (FAQs) should be developed as guidance for the Department of Permitting, Inspections and Enforcement as well as the general public. It was agreed that the County Attorney and the Council’s Legislative Officer would work collaboratively on this request and provide a copy to Council Member Ivey prior to finalization of the document.

On a motion by Council Member Ivey, and second by Council Member Glaros, the Committee of the Whole voted 10-0 favorable on CR-60-2020 with the technical amendment.