

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2020 Legislative Session

Resolution No. CR-60-2020

Proposed by The Council Chair (by request – County Executive)

Introduced by Council Members Turner, Anderson-Walker, Harrison, Ivey, Davis,
Taveras, Dernoga, Glaros, Harrison and Streeter

Date of Introduction July 7, 2020

RESOLUTION

1 A RESOLUTION concerning

2 Landlord-Tenant Code – Prohibition of Rent Increases, Rental Terminations and Late Fees

3 During the COVID-19 Public Health Crisis

4 For the purpose of clarifying, as a temporary measure with the force and effect of law, that the
5 new definition of tenant in CB-16-2020 was never meant to completely replace the prior and
6 broader definition of tenant and its applicability to Division 3 and Division 4 of Subtitle 13 of the
7 County Code.

8 WHEREAS, on May 11, 2020, the County Council of Prince George’s County, Maryland,
9 presented legislation (“CB-16-2020”) proposing an Emergency Act prohibiting rent increases,
10 rental terminations and late fees during the COVID-19 public health crisis; and

11 WHEREAS, after the bill’s referral for review and analysis by the Committee of the Whole,
12 the Committee voted unanimously on May 18, 2020, to report CB-16-2020 out with a favorable
13 recommendation with amendments and to return the legislation to the Council floor for
14 introduction and for a public hearing to be scheduled before the full Council; and

15 WHEREAS, on June 9, 2020, the County Council conducted a duly advertised public
16 hearing on CB-16-2020 in accordance with applicable law and all procedural requirements; and

17 WHERAS, after conducting its public hearing, the Council voted unanimously 11-0 to
18 enact CB-16-2020 with the new tenant definition, “a tenant shall mean any person who occupies
19 (A) a rental dwelling unit for living or dwelling purposes; (b) tenant shall mean an existing
20 tenant and does not include a prospective tenant; and (C) any person who suffered substantial
21 loss of income as defined in the Governor’s Emergency Orders”; and,

22 WHEREAS, prior to the adoption of CB-16-2020, the definition for tenant was simply

1 defined as “a person who occupies a rental dwelling unit for living or dwelling purposes”; and

2 WHEREAS, subsequent to the County Council’s enactment of CB-16-2020, the County
3 Council now finds that there is a potential discrepancy in the definition of tenant which may
4 frustrate the unambiguous legislative intent of the Council and which could deny tenants certain
5 protections of the law including Divisions 3 and 4 of Subtitle 13 of the Prince George’s County
6 Code, which was never the County Council’s intent; and

7 WHEREAS, the County Council also finds that the tenant definition discrepancy carries a
8 significant potential for unintended consequences that may negatively impact tenants in the
9 County, i.e., denying tenants other protections of law unless they also can show substantial loss
10 of income as set forth in the Governor’s order; and

11 WHEREAS, it is the further finding of the County Council that there is a need to eliminate
12 this potential discrepancy and clarify, as an exigent temporary measure with the force and effect
13 of law, the intended definition of a tenant; and

14 WHEREAS, as a result, the Council has introduced curative legislation, styled as a County
15 Bill (CB-52-2020), to reaffirm its intent to define tenant to mean “a person who occupies a rental
16 dwelling unit for living or dwelling purposes”; and

17 WHEREAS, the pending curative legislation, (CB-52-2020), will have a public hearing in
18 accordance with applicable law and Council Rules; and

19 WHEREAS, the County Council also finds that a temporary measure is needed in order to
20 effectuate its original intent; and

21 WHEREAS, pursuant to Section 1017(c) of the Prince George’s County Charter, a
22 resolution has the force and effect of law but of a temporary or administrative character.

23 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
24 County, Maryland, that the definition for tenant prior to the adoption of CB-16-2020 shall remain
25 a person who occupies a rental dwelling unit for living or dwelling purposes;

26 BE IT FURTHER RESOLVED, that the protections provided through the adoption of
27 CB-16-2020 will be clarified to distinguish between the previous and now reinstated definition
28 of “tenant” and the proposed amended definition of “tenant with substantial loss of income”; and

29 BE IT FURTHER RESOLVED, that this Resolution shall take effect on the date of its
30 adoption.

Adopted this 21st day of July, 2020.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Council Chair

ATTEST:

Donna J. Brown
Clerk of the Council