

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2023 Legislative Session

Bill No. CB-051-2023

Chapter No. _____

Proposed and Presented by Council Members Oriadha, Ivey, Blegay and Burroughs

Introduced by Council Members Oriadha, Ivey, Blegay, Burroughs, Watson, Dernoga, Hawkins

Co-Sponsors _____

Date of Introduction April 4, 2023

BILL

1 AN EMERGENCY ACT concerning

2 Landlord Retaliation for Rent Stabilization

3 For the purpose of declaring certain actions by Landlords as retaliation to include the termination
 4 of a lease in order to force a pre-existing tenant into a new lease for the purpose of avoiding the
 5 rent increase limitation established by the Rent Stabilization Act; and to define the term pre-
 6 exiting tenant for this section.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 13. HOUSING AND PROEPRTY STANDARDS.

9 Section, 13-144 and 13-160

10 The Prince George's County Code

11 (2019 Edition; 2022 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 13 Maryland, that Sections 13-144 and 13-160 of the Prince George's County Code be and the same
 14 are hereby repealed and reenacted with the following amendments:

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

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

17 **SUBDIVISION 1. GENERAL PROVISIONS.**

18 **Sec. 13-144. Temporary Rent Stabilization- Limiting rent increases, notification**
 19 **requirements.**

20 (a) From the effective date of this Rent Stabilization Act (Act), a landlord shall not:

21 (i) increase rent in an amount that exceeds three percent (3%) per annum of the

existing rent amount for any Pre-existing Tenant; nor

(ii) terminate the lease because tenant sought enforcement of this Act.

[b] [Affordable housing with Federal, State, or local subsidy or support subject to recorded affordability covenants, any dwelling unit that the tenant is receiving rental assistance, and those who provide affordable housing to low- and moderate-income households under contract with a governmental agency shall be exempt from the provisions of this Act.]

(b) For the purposes of this section, the term Pre-existing Tenant is any tenant who was subject to a valid lease at the Landlord's rental property prior to April 17, 2023.

(c) Exemptions. The following units shall be exempt from the provisions of this Act:

(i) [c] Dwelling units that received an initial use and occupancy permit in the last five years of the effective date of this Act [shall be exempt from the provisions of this Act].

(ii) The Department of Housing and Community Development shall review all applications for exemption for any dwelling unit governed by a Federal, State or County agreement that subsidizes the tenant's rent and that agreement remain in effect during the tenure of this Act. All provisions of this Act shall remain in full effect until DHCD grants the application for exemption.

(d) Senior Housing. To the extent not preempted by federal law, all landlords of senior housing properties are subject to this Rent Stabilization Act.

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SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

DIVISION 3. LANDLORD-TENANT REGULATIONS.

SUBDIVISION 2. LANDLORD-TENANT CODE.

Sec. 13-160. - Retaliatory actions.

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

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

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

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

or

(iv) Terminate a periodic tenancy.

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

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

1. The landlord; or

2. Any public agency against the landlord;

(ii) Because the tenant or the tenant's agent has:

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

2. Filed a lawsuit against the landlord; or

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

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

(iv) Because tenant sought enforcement of Section 13-144 of the Code.

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

SECTION 3. BE IT FURTHER ENACTED that in accordance with the provisions of Section 317 of the Charter, the County Council hereby declares that a public emergency exists affecting the public health, safety, and welfare; said emergency being the threat of homelessness due to a lack of affordable housing.

1 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on the date it
2 becomes law.

Adopted this 25th day of April, 2023.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
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.