

HOUSE BILL 574

N1, L1

11r0560

By: **Montgomery County Delegation**

Introduced and read first time: January 20, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County Stable Homes Act**

3 **MC 8-21**

4 FOR the purpose of prohibiting evictions of a tenant holding over beyond the expiration of
5 a lease in Montgomery County in the absence of just cause under certain
6 circumstances; specifying the circumstances under which just cause exists in a
7 certain action to evict; specifying that just cause is not required under certain
8 circumstances; requiring a certain notice to a tenant to be sent in a certain manner
9 under certain circumstances; authorizing a landlord to evict a tenant only after
10 providing certain notice under certain circumstances; requiring a landlord to plead
11 and prove certain facts concerning just cause under certain circumstances; requiring
12 the Montgomery County Executive, subject to certain conditions, to make publicly
13 available on the Montgomery County Executive's website and to report to the
14 Montgomery County Council and the members of the Montgomery County
15 Delegation to the General Assembly annually on or before a certain date certain
16 information on evictions in Montgomery County in the preceding calendar year;
17 defining certain terms; providing for the application of certain provisions of this Act;
18 declaring the intent of the General Assembly; and generally relating to just cause
19 evictions in Montgomery County.

20 BY adding to

21 Article – Real Property

22 Section 8-402(d) and (e)

23 Annotated Code of Maryland

24 (2015 Replacement Volume and 2020 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

26 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Real Property

8–402.

(D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “EVICT” MEANS TO TAKE ANY ACTION AGAINST A TENANT TO TERMINATE THE TENANCY AGAINST THE TENANT’S WILL.

(III) “LEASED PREMISES” MEANS A DWELLING UNIT THAT IS SUBJECT TO A RESIDENTIAL LEASE.

(2) THIS SUBSECTION APPLIES ONLY IN MONTGOMERY COUNTY.

(3) A LANDLORD MAY NOT EVICT A TENANT UNDER THIS SECTION IN THE ABSENCE OF JUST CAUSE.

(4) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, FOR PURPOSES OF THIS SUBSECTION, JUST CAUSE EXISTS IF ANY OF THE FOLLOWING OCCURS DURING THE LEASE OR THE HOLDOVER PERIOD:

(I) A TENANT HAS CAUSED A SUBSTANTIAL BREACH OF THE LEASE OR SUBSTANTIAL DAMAGE TO THE LEASED PREMISES OR ANOTHER AREA OF THE PROPERTY AND, AFTER RECEIVING NOTICE TO CURE OR CORRECT THE BREACH OR PAY THE REASONABLE COST OF REPAIRING THE DAMAGE, THE TENANT FAILS TO COMPLY WITHIN 30 DAYS;

(II) 30 DAYS AFTER RECEIVING NOTICE TO CEASE, A TENANT CONTINUES TO ENGAGE IN DISORDERLY CONDUCT SO AS TO DISTURB THE PEACE AND QUIET OF OTHER TENANTS;

(III) A TENANT HAS ENGAGED IN ILLEGAL ACTIVITY ON THE LEASED PREMISES, ANOTHER AREA OF THE PROPERTY, OR A PUBLIC RIGHT-OF-WAY ABUTTING THE LEASED PREMISES;

(IV) A TENANT, WITHOUT REASONABLE CAUSE, REFUSES TO GRANT THE LANDLORD ACCESS TO THE LEASED PREMISES FOR THE PURPOSE OF MAKING REPAIRS OR IMPROVEMENTS OR INSPECTING THE LEASED PREMISES, OR AS OTHERWISE AUTHORIZED UNDER THE RESIDENTIAL LEASE OR APPLICABLE LAW;

(V) A LANDLORD, IN GOOD FAITH, SEEKS TO RECOVER POSSESSION OF THE LEASED PREMISES FOR USE BY THE LANDLORD OR THE LANDLORD’S SPOUSE, CHILD, PARENT, OR GRANDPARENT;

1 (VI) A LANDLORD, IN GOOD FAITH, SEEKS TO PERMANENTLY
2 REMOVE THE LEASED PREMISES FROM THE RENTAL MARKET; OR

3 (VII) A LANDLORD, AFTER HAVING OBTAINED ALL NECESSARY
4 PERMITS, SEEKS TO UNDERTAKE SUBSTANTIAL REPAIRS OR RENOVATIONS THAT
5 CANNOT BE COMPLETED WHILE THE LEASED PREMISES ARE OCCUPIED.

6 (5) JUST CAUSE IS NOT REQUIRED IF:

7 (I) 1. THE PROPERTY IS OWNER-OCCUPIED; AND
8 2. THE LANDLORD LEASES OUT ONLY A SINGLE RENTAL
9 UNIT;

10 (II) 1. THE TENANT'S INITIAL LEASE WAS CONDITIONED ON
11 EMPLOYMENT FOR THE LANDLORD; AND

12 2. THE TENANT'S EMPLOYMENT IS TERMINATED; OR

13 (III) THE LANDLORD OWNS NOT MORE THAN TWO
14 SINGLE-FAMILY RENTAL PROPERTIES.

15 (6) A NOTICE REQUIRED TO BE GIVEN TO A TENANT UNDER
16 PARAGRAPH (4)(I) OR (II) OF THIS SUBSECTION SHALL BE SENT BY FIRST-CLASS
17 MAIL WITH A CERTIFICATE OF MAILING IN WRITING.

18 (7) (I) A LANDLORD MAY FILE TO EVICT A TENANT ONLY AFTER
19 PROVIDING THE TENANT UNDER THIS SECTION WITH NOT LESS THAN 60 DAYS'
20 NOTICE, SENT TO THE TENANT BY FIRST-CLASS MAIL WITH A CERTIFICATE OF
21 MAILING IN WRITING.

22 (II) THE NOTICE REQUIRED UNDER THIS PARAGRAPH SHALL
23 STATE THE JUST CAUSE, AS PRESCRIBED UNDER PARAGRAPH (4) OF THIS
24 SUBSECTION, ON WHICH THE ACTION TO EVICT IS BASED.

25 (III) THE BASIS FOR JUST CAUSE SHALL BE INCLUDED IN THE
26 COMPLAINT TO EVICT THAT IS FILED IN THE MONTGOMERY COUNTY DISTRICT
27 COURT.

28 (IV) THE CONTENTS OF THE NOTICE REQUIRED UNDER
29 SUBSECTION (B) OF THIS SECTION SHALL INCLUDE THE BASIS FOR JUST CAUSE AS
30 REQUIRED UNDER PARAGRAPH (4) OF THIS SUBSECTION.

1 **(V) THE LANDLORD SHALL PLEAD AND PROVE THE SPECIFIC**
2 **FACTS THAT DEMONSTRATE THE JUST CAUSE ON WHICH THE COMPLAINT IS BASED.**

3 **(E) THE MONTGOMERY COUNTY EXECUTIVE SHALL, TO THE EXTENT**
4 **PRACTICABLE, ON OR BEFORE SEPTEMBER 1 EACH YEAR, MAKE PUBLICLY**
5 **AVAILABLE ON THE MONTGOMERY COUNTY EXECUTIVE'S WEBSITE AND REPORT TO**
6 **THE MONTGOMERY COUNTY COUNCIL AND, IN ACCORDANCE WITH § 2-1257 OF THE**
7 **STATE GOVERNMENT ARTICLE, THE MEMBERS OF THE MONTGOMERY COUNTY**
8 **DELEGATION TO THE GENERAL ASSEMBLY THE FOLLOWING INFORMATION FROM**
9 **THE CLERK OF THE MONTGOMERY COUNTY DISTRICT COURT AND THE**
10 **MONTGOMERY COUNTY SHERIFF'S OFFICE:**

11 **(1) THE NUMBER OF COMPLAINTS FILED BY A LANDLORD DURING**
12 **THE PRECEDING CALENDAR YEAR TO REPOSSESS THE PREMISES BECAUSE:**

13 **(I) THE TENANT FAILED TO PAY RENT UNDER § 8-401 OF THIS**
14 **SUBTITLE;**

15 **(II) THE TENANT WAS HOLDING OVER BEYOND THE EXPIRATION**
16 **OF THE LEASE UNDER THIS SECTION; AND**

17 **(III) THE TENANT BREACHED THE LEASE UNDER § 8-402.1 OF**
18 **THIS SUBTITLE;**

19 **(2) (I) THE NUMBER OF WARRANTS OF RESTITUTION ISSUED BY**
20 **THE SHERIFF DURING THE PRECEDING CALENDAR YEAR BECAUSE:**

21 **1. THE TENANT FAILED TO PAY RENT UNDER § 8-401 OF**
22 **THIS SUBTITLE;**

23 **2. THE TENANT WAS HOLDING OVER BEYOND THE**
24 **EXPIRATION OF THE LEASE UNDER THIS SECTION; AND**

25 **3. THE TENANT BREACHED THE LEASE UNDER § 8-402.1**
26 **OF THIS SUBTITLE; AND**

27 **(II) THE NUMBER OF WARRANTS OF RESTITUTION THAT**
28 **RESULTED IN EVICTION DURING THE PRECEDING CALENDAR YEAR BECAUSE:**

29 **1. THE TENANT FAILED TO PAY RENT UNDER § 8-401 OF**
30 **THIS SUBTITLE;**

1 **2. THE TENANT WAS HOLDING OVER BEYOND THE**
2 **EXPIRATION OF THE LEASE UNDER THIS SECTION; AND**

3 **3. THE TENANT BREACHED THE LEASE UNDER § 8-402.1**
4 **OF THIS SUBTITLE; AND**

5 **(3) THE NUMBER OF TENANTS WHO WERE EVICTED DURING THE**
6 **PRECEDING CALENDAR YEAR CATEGORIZED BY THE BASIS FOR JUST CAUSE LISTED**
7 **UNDER SUBSECTION (D) OF THIS SECTION.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be
9 construed to apply:

10 (1) to any residential lease in Montgomery County executed on or after
11 October 1, 2021; and

12 (2) beginning October 1, 2021, to any residential lease in Montgomery
13 County that:

14 (i) was executed before October 1, 2021; and

15 (ii) has expired and resulted in a holdover tenancy after October 1,
16 2021.

17 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General
18 Assembly that:

19 (1) the Montgomery County Executive shall update all information
20 provided by the Montgomery County Executive concerning the rights of residential tenants
21 to include the rights provided under Section 1 of this Act; and

22 (2) a landlord of residential property in Montgomery County shall provide
23 a current or prospective tenant with information concerning the rights of tenants under
24 this Act when any residential lease is executed or renewed on or after the effective date of
25 this Act.

26 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2021.