

Expedited Bill No. 21-05
Concerning: Condominiums -
Conversion of Rental Housing -
Extended Tenancies
Revised: July 26, 2005 Draft No. 4
Introduced: July 18, 2005
Enacted: July 26, 2005
Executive: August 4, 2005
Effective: August 4, 2005
Sunset Date: None
Ch. 20, Laws of Mont. Co. 2005

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Denis, Perez, Silverman, Subin, Floreen, Leventhal, Andrews, Knapp, and Praisner

AN EXPEDITED ACT to:

- (1) expand the categories of households that are eligible for certain extended tenancies when certain rental housing is converted to condominiums; ~~[[and]]~~
- (2) clarify the income eligibility requirements for certain extended leases;
- (3) make certain legislative findings; and
- (4) generally amend the law governing conversion of rental housing to condominiums.

By amending

Montgomery County Code
Chapter 11A, Condominiums
Section 11A-5, Extended Leases

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 11A-5 is amended as follows:**

2 **11A. Extended Leases.**

3 (a) In accordance with the legislative findings and declaration of a rental
4 housing emergency caused by conversions of rental housing [of] to
5 condominiums, [the following] this section is enacted pursuant to
6 authority contained in [section 11-140,] §11-140 of the Real Property
7 Article[:].

8 (b) Definitions. In this section the following words have the meanings
9 indicated.

10 (1) [[“Developmentally disabled” has the meaning stated in §7-101
11 of the Health General Article]] “Disabled individual” means an
12 individual who has a physical or mental impairment that
13 substantially limits one or more of the individual’s major life
14 activities.

15 (2) “Handicapped citizen” has the meaning stated in §11-137 of the
16 Real Property Article.

17 (3) “Senior citizen” has the meaning stated in §11-137 of the Real
18 Property Article.

19 ~~[(a)]~~(c) Life tenancies. [Designated families, as defined in section 11-137, Real
20 Property Article, shall be entitled to an extended lease, beyond the
21 three-year period provided by state law, for a period of no less than the
22 lifetime of all household members who meet the definition of "senior
23 citizen" or "handicapped citizen" as contained in section 11-137, Real
24 Property Article] A household that includes a senior ~~[[citizen,~~
25 handicapped citizen, or developmentally disabled individual]] citizen or
26 handicapped citizen is entitled to an extended lease for a period of no
27 less than the lifetime of the senior ~~[[citizen, handicapped citizen, or~~

28 developmentally disabled individual]] citizen or handicapped citizen if
 29 the household meets the income [[limits]] limit established in [[§11-137
 30 of the Real Property Article]] subsection (g) and the senior [[citizen,
 31 handicapped citizen, or developmentally disabled individual]] citizen or
 32 handicapped citizen has been a member of the household for a period of
 33 at least 12 months preceding the giving of notice required by §11-102.1
 34 of the Real Property Article.

35 [(b)] (d) *Three-year tenancies.* The following tenant households, in the
 36 following order of priority, shall be eligible for extended leases of three
 37 (3) years as a "designated family," pursuant to the provisions of [section
 38 11-137,] §11-140 of the Real Property Article, subject to the tenant
 39 households eligible for life tenancies under section 11A-5(a), and
 40 limited to the twenty (20) percent set aside [of section 11-137,]
 41 established in §11-137 of the Real Property Article:

42 (1) [Households which include a senior citizen or handicapped
 43 citizen as defined in section 11-137, Real Property Article and
 44 meet income requirements, as defined by section 11-137, Real
 45 Property Article, where such senior citizen, or handicapped
 46 citizen has been a member of the household for less than twelve
 47 (12) months preceding the notice required in section 11-102.1,
 48 Real Property Article] A household that includes a senior
 49 [[citizen, handicapped citizen, or developmentally]] citizen or
 50 disabled individual and meets the income [[limits]] limit
 51 established in [[§11-137 of the Real Property Article]] subsection
 52 (g), regardless of the length of time that the senior [[citizen,
 53 handicapped citizen, or developmentally]] citizen or disabled
 54 individual has been a member of the household.

55 (2) [Households which include a senior citizen or handicapped
 56 citizen as defined by section 11-137, Real Property Article, but
 57 need not meet the annual income requirements of Real Property
 58 Article or membership in household requirements of that section]
 59 A household that includes a senior [[citizen, handicapped citizen,
 60 or developmentally]] citizen or disabled individual, regardless of
 61 whether the household meets the income [[limits]] limit
 62 established in [[§11-137 of the Real Property Article]] subsection
 63 (g) or the length of time that the senior [[citizen, handicapped
 64 citizen, or developmentally]] citizen or disabled individual has
 65 been a member of the household.

66 (3) [[All other households [which] that meet]] Any other household
 67 that meets the [[annual]] income [[requirements of [section 11-
 68 137,] §11-137 of the Real Property Article]] limit established in
 69 subsection (g).

70 [(c)] (e) *Priority.* In the event all members of a class designated herein cannot
 71 be accommodated within the twenty (20) percent limitation contained in
 72 state law, priority within the class shall be established by seniority in
 73 continuous residency in the rental facility; further allocations of
 74 opportunities for extended tenancies beyond seniority, and continuous
 75 residency may be made by executive regulation.

76 [(d)] (f) *Extended tenancies.* Extended tenancies under this section are subject
 77 to termination rights contained in [section 11-137(f),] §11-137(f) of the
 78 Real Property Article.

79 (g) *Income Limit.* The household income limit under this section is 80% of
 80 the median household income of the metropolitan statistical area in

81 which the County is located, as determined by the Secretary of State
 82 under §11-140 of the Real Property Article.

83 ~~[(e)]~~ ~~[[g)]~~ (h) Regulations. The county executive, by executive regulations
 84 adopted under method (3) of section 2A-15 of this Code, may provide
 85 for implementation of this section, including promulgation and
 86 enforcement of recordation requirements for owners of condominium
 87 units subject to life tenancies under this section and prohibitions against
 88 changes of business or leasing practices to circumvent the giving of
 89 extended tenancies under this section.

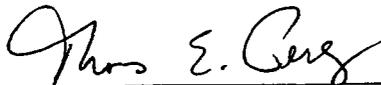
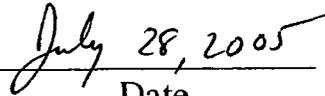
90 **Sec. 2. Legislative Findings.**

91 The County Council reaffirms the findings set forth in Section 11A-1of the
 92 County Code. Specifically, the County Council finds that a rental housing
 93 emergency exists in the County that is caused in part by the conversion of rental
 94 housing to condominiums. The County Council's findings are based on its
 95 understanding of the nature and incidence of condominium conversions that have
 96 occurred or are expected to occur in the County, the hardship experienced by tenants
 97 who are displaced when rental housing is converted to condominiums, and the
 98 scarcity of rental housing in the County.

99 ~~[[Sec. 2.]]~~ **Sec. 3. Expedited Effective Date.**

100 The Council declares that this legislation is necessary for the immediate
 101 protection of the public interest. This Act takes effect on the date on which it
 102 becomes law.

73 *Approved:*

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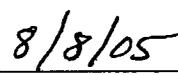
Thomas E. Perez, President, County Council Date

105 *Approved:*

106  

Douglas M. Duncan, County Executive Date

107 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council Date