AN EXPEDITED ACT to:

(1) extend a temporary provision of law governing the payment of attorney’s fees in certain landlord-tenant matters; and

(2) generally amend the law regarding the payment of attorney’s fees in landlord-tenant matters.

By amending

Laws of Montgomery County 2000
Chapter 32

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Section 5 of Chapter 32 of the Laws of Montgomery County 2000 is amended as follows:

Sec. 5. Amendment. Section 29-27, as amended by Section 1 of this Act, is further amended, effective April 1, [2003] 2005, as follows:

* * *

(n) Contain no agreement by a tenant to:

(1) waive the right to a trial by jury;

(2) pay court costs that exceed actual costs awarded by a court; or

(3) pay legal costs or attorney fees [[other than those awarded by a court after the court finds that the fees and costs are reasonable]].

[[In addition, any agreement obligating a tenant to pay a landlord's attorney's fees must:

(4) provide that attorney's fees are not part of the tenant's rent and [cannot be collected] need not be paid to redeem the premises in [an action for] a nonpayment of rent action; and

(5) obligate the landlord to pay the tenant's attorney's fees if the tenant is the prevailing party in the legal action and fees are awarded by a court.]]

* * *

Sec. 2. Expedited Effective Date.

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect [[on]] as of April 1, 2003.

Approved:

Michael L. Subin, President, County Council

April 10, 2003

Date
This is a correct copy of Council action.

Mary A. Edgar, CMC, Clerk of the Council

Date