

Resolution No.: 18-1101
Introduced: May 1, 2018
Adopted: May 1, 2018

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Approval of Executive Regulation 8-17AM, Leases – Tenant Rights and Responsibilities (Department of Housing and Community Affairs)

Background

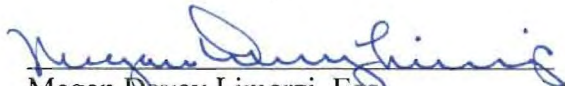
1. On February 16, 2018, the County Council received proposed Regulation 8-17, Leases – Tenant Rights and Responsibilities (Department of Housing and Community Affairs), from the County Executive.
2. The Council must review these regulations under method (2) of Section 2A-15 of the Code.
3. Under method (2), if the Council does not approve or disapprove a regulation within 60 calendar days after the Council receives the regulation, the regulation automatically takes effect.
4. On March 19, 2018, the Planning, Housing, and Economic Development Committee held a worksession on the proposed regulation and recommended two amendments. On April 10, 2018, the Council adopted Resolution 18-1083, extending the time for consideration of Executive Regulation 8-17. On April 12, 2018, the Executive forwarded Executive Regulation 8-17AM which incorporated the Committee's recommendations and corrections recommended by the Department.

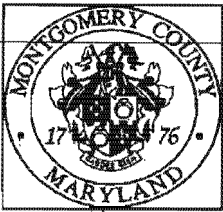
Action

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

Executive Regulation 8-17AM, Leases – Tenant Rights and Responsibilities (Department of Housing and Community Affairs), is approved.

This is a correct copy of Council action.


Megan Davey Limarzi, Esq.,
Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Leases—Tenant Rights and Responsibilities	Number 8-17 AM
Originating Department Housing and Community Affairs	Effective Date May 1, 2018

Montgomery County Regulation on:
LEASES—TENANT RIGHTS AND RESPONSIBILITIES

DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Issued by: County Executive
Regulation No. 8-17
COMCOR No. 29.27.01

Authority: Code Section 29-27 (w)
Council Review: Method (2) under Code Section 2A-15
Register Vol. 34 No. 5

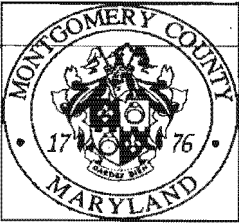
Comment Deadline: 05/31/2017
Effective Date: May 1, 2018
Sunset Date: None

Summary: This regulation establishes the minimum criteria for mandatory inclusion of a plain language summary in rental housing leases to comply with Section 29-27 (w) (Contents of lease) of the Montgomery County Code.

The model lease summary included in this regulation also appears on the Department of Housing and Community Affairs website at the following web address:
<http://montgomerycountymd.gov/DHCA/housing/landlordtenant/index.html>.

Staff Contact: For further information or to obtain a copy of this regulation, contact Rosie McCray-Moody at rosie.mccray-moody@montgomerycountymd.gov or (240) 777-3612.

Address: Written comments on this regulation should be sent to:
Rosie McCray-Moody, Manager
Office of Landlord-Tenant Affairs
Department of Housing and Community Affairs
1401 Rockville Pike, 4th Floor
Rockville, MD 20852



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29.27.01.01 General Provisions

- A. **Authority.** In accordance with the authority conferred under Chapter 29, Section 29-27 of the Montgomery County Code, 2014 (hereinafter referred to as the "Code"), as amended, the County Executive hereby promulgates this regulation to implement County law pertaining to the rights and responsibilities of tenants as set forth in Chapter 29 of the Code.
- B. **Applicability.** This regulation applies to all leases for rental housing in Montgomery County.

29.27.01.02 Lease Summary

A residential lease must include a list of tenant rights and responsibilities that is consistent with the following form:

LEASE SUMMARY

This summary is mandatory under Section 29-27(w) of the Montgomery County Code. It presents key terms of the attached lease and summarizes tenant rights and responsibilities under applicable laws and as described in the lease. It also provides information about services available to tenants from the Montgomery County Department of Housing and Community Affairs and the Commission on Landlord-Tenant Affairs.

*Approved by Montgomery County Office of Landlord-Tenant Affairs, 240-777-0311
www.montgomerycountymd.gov/olta*

Tenant's Name: _____ Landlord's Name _____

Authorized Occupants are: _____

Property Address: _____

Agent's Name _____ Landlord's address: _____

Primary contact's phone number: _____; In case of emergency contact: _____

Lease Date: _____ Term [1yr ☐, 2yr ☐, month-to-month ☐, other ☐

Rent: \$ _____ /mo. 1st year; \$ _____ 2nd year; Total Amount for Lease Term: \$ _____

Term _____ to _____ Pro-Rata \$ _____ Dates _____

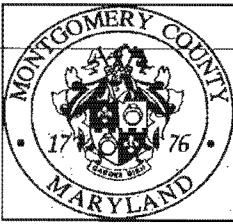
2-Year Lease Offer. I was offered and accepted ☐; rejected ☐ a 2-year lease. If a 2-year lease was not offered, a written explanation as to why is attached to the lease.

Amenity Fee*: (1x only), Amenities _____

Rent Due Date: _____ Late Fee: (after 10 days -5% of rent due) \$ _____; **THIS IS NOT A GRACE**

PERIOD

Returned Check Fee: \$35.00 (or maximum amount allowed by law)



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Utilities. Tenant is responsible for the following utilities: gas ☐; electric ☐; water and sewer ☐; telephone ☐; cable ☐; Other _____.

Security Deposit (including pet deposit): \$ _____.

Pets. The Tenant is not allowed to keep pets on the property without the express written consent of the landlord.

Pets allowed: Yes ☐ No ☐; Type of Pet(s) _____ Weight _____ License No(s) _____

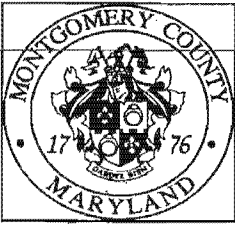
Insurance. Landlord's insurance policy does not provide coverage for a tenant's personal belongings. For this property, Renter's Insurance is: recommended ☐; required ☐.

* An amenity MUST exist for this fee to be charged; Does not apply to MPDU tenants

TENANTS' RIGHTS

Tenants have the right to:

- Receive at least 24 hours-notice prior to a landlord/agent/contractor entering the premises, except in cases of emergency;
- Receive 72 hours-notice prior to annual/biannual or triennial inspections from County Code Enforcement;
- Sublet with written permission from the landlord if it is not prohibited by the home-owner's association;
- Review the proposed lease at any location of your choosing, prior to signing said lease;
- Make repairs with permission of the DHCA Director, after notice to the landlord and DHCA's issuance of a civil citation, and deduct the cost from the rent (up to the equivalent of one month's rent) **if** the landlord fails to make required repairs as ordered by DHCA in the required timeframe**;
- Receive a copy of the current Landlord-Tenant Handbook at move-in unless you decline a copy and accept referral to a copy on the County website;
- Be given all information required under the Public Utilities Article of the Maryland Code and applicable COMAR provisions governing electric and gas sub-meters and energy allocation systems if the tenant(s) is paying for gas and electricity in a building built prior to 1978;
- Receive at least 90 days-notice of any proposed rent increase.
- Form, join, meet, or assist one another within or without tenant organizations; to meet and confer with the landlord with assistance from a representative if the tenant so chooses;
- Have access to meeting rooms and other tenant accessible areas suitable for meetings within the property during reasonable hours and notice to the landlord to hold tenant organization meetings;
- Have the first tenant organization meeting of each month free of any room reservation fees; any meetings after that are subject to the regular fee charged for reserving this area by the property;



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- Distribute freely and post in central locations of the property, literature concerning Landlord-Tenant issues, if the origin of the literature is properly identified;
- Call the Office of Landlord-Tenant Affairs (240-777-0311) should they have any questions regarding Landlord-Tenant law; and
- File complaints with the Office of Landlord-Tenant Affairs (240-777-0311) individually or as a group.

***This pertains to violations that are a threat to health and safety ONLY**

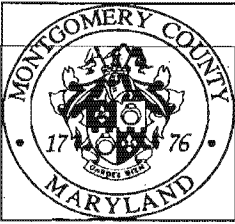
TENANTS' RESPONSIBILITIES

Tenants are responsible for:

- Obtaining prior written approval from the landlord before keeping any pets on the premises;
- Maintaining the property in a clean, safe and sanitary condition;
- Using the property for orderly and lawful purposes by yourself, authorized occupants and guests;
- Reporting any problems requiring repair or replacement to the landlord in writing, in a timely manner, and paying any costs incurred due to abuse or negligence by the tenants, guests or other authorized occupants;
- If renting in a common ownership community, complying with all rules, regulations and notices of the common ownership community. The landlord must furnish a copy of these rules at move-in;
- Obtaining the landlord's prior written approval before subletting the property;
- Requesting to be present during a move-in or move-out inspection;
- Removing all personal property at move-out, leaving the property in broom-clean condition, ordinary wear and tear, and returning all keys.

DHCA SERVICES

- Mediate disputes between landlords and tenants;
- Investigate and resolve formal complaints from tenants and landlords;
- When a resolution is not forthcoming, refer the complaints to the Commission on Landlord-Tenant Affairs (COLTA) for adjudication;
- Approve rental housing licenses;
- Inspect rental properties to ensure compliance with all applicable housing codes;
- Answer questions from the public regarding Landlord-Tenant issues, Licensing and Registration, Housing Code Enforcement, affordable housing and any other housing issues; and



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- Maintain a website that has access to numerous printed and downloadable publications:
www.montgomerycountymd.gov/olta

29.27.01.03 Severability

If a court holds that a portion of this regulation is invalid, the other portions remain in effect.


Isiah Leggett
County Executive

Approved as to Form and Legality
Office of County Attorney

By 
Date 4/3/18
Walter E. Wilson