

ENHANCING TENANTS' RIGHTS

EXPLAINING BILL 19-15

MONTGOMERY COUNTY
DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS



THE BASICS

- Modifying Standard Documents
- Enhancing Tenant's Rights
- Improving Data Reporting and Communications
- Implementing Intensive Code Enforcement Inspection Program

MODIFYING STANDARD DOCUMENTS

- Update Landlord Tenant Handbook
 - Include new tenant's rights
 - Provide in English, Spanish, French, Chinese, Korean and Vietnamese
- Update Standard Lease
 - Include new tenant's rights
 - Provide in English, Spanish, French, Chinese, Korean and Vietnamese
- Summary of Tenant's Rights / Lease Cover Page

ENHANCING TENANT'S RIGHTS

- CONCERNING LEASES -

- Housing providers must offer a minimum initial 2- year term for lease **and also at renewal.** Resident can decline.
- Resident can convert 1-year lease to 2-year lease **within 30 days of signing** unless 2-year lease was initially offered
- Upon signing / renewing a lease, tenants will be made aware that:
 - They are entitled to a hard copy of Handbook and that it is available on County website.
 - Information / assistance is available from DHCA regarding questions about any lease addenda.
 - Tenant's may correct violations under specific circumstances by selecting from DHCA-list and deduct cost up to maximum amount from rent.
- Housing providers must provide a tenant 90 days' notice prior to any rent increase

ENHANCING TENANT'S RIGHTS

- *LEASE TERMINATION* -

- **Early termination** – A tenant may provide 30 days notice to terminate lease for reasons beyond resident's control, including:
 - **Domestic violence:** Tenant/child is domestic violence victim.
 - **Senior living:** tenant or spouse is at least 62 years of age, can no longer live independently *and* must move to nursing home/other senior citizen housing.
 - Resident incarcerated or declared mentally incompetent.
 - Housing provider harassing resident or violates resident's privacy.
- Landlord must provide 60 days notice of intent to terminate tenancy

ENHANCING TENANT'S RIGHTS

- *INSPECTIONS AND REPAIRS* -

- **Notice to Tenants:** Minimum **72** hours notice to resident by housing provider of a DHCA scheduled inspection
- **Tenant Repairs:** If housing provider doesn't correct violation within a specified time (varies based on type of violation), DHCA Director may authorize resident to:
 - Have violation corrected by licensed contractor from DHCA maintained list; **and**
 - Deduct reasonable cost of repair (**Maximum:** One month's rent).
- Authorizes Commission on Landlord Tenant Affairs (COLTA) upon a finding that a housing provider caused a defective tenancy to issue an order permitting a resident to correct the condition and abate their rent for reasonable costs incurred by the resident.

ENHANCING TENANT'S RIGHTS

- GENERAL INFORMATION -

- For each unit in a **building constructed before July 1, 1978**, and for which units are not individually metered, housing providers must provide tenants with all information required under the Public Utilities Article of the Maryland Code and applicable COMAR provisions governing: (A) electric and gas sub-metered; and (B) all energy allocation systems.
- Housing providers must display in the lobby, vestibule, rental office, or other prominent public place on the premises a sign in a form **approved by the DHCA Director** that includes information in English, Spanish, French, Chinese, Korean, Vietnamese, and other languages as determined necessary by the Director about filing a complaint, and prohibiting retaliatory practices.
- Free meeting for Tenant Organizations
 - Housing providers **must not charge a tenant organization** or a group of tenants seeking to form a tenant organization a fee **for the first meeting of each month** held to discuss landlord-tenant issues,
 - Housing providers may charge a reasonable fee for other uses of the meeting rooms or common areas. The charge must not exceed the regular schedule of fees for the facility to other groups.

IMPROVING DATA REPORTING AND COMMUNICATIONS

- DHCA will provide an Annual Report to County Council that includes:
 - Address of properties inspected in prior fiscal year; scheduled inspections for current year.
 - Summary of violations including number violations found, corrected and type.
 - Status of any incomplete inspections.
 - For properties subject to annual inspections and required to have a corrective action plan
 - Summary of violations found and corrected
 - Status of corrective action plan
 - Number of citations and fines levied
 - Number of calls with rental housing complaints by language.

IMPROVING DATA REPORTING AND COMMUNICATIONS

- DHCA must publish rental housing data survey online unless prohibited by state law including a table listing all rental housing with more than 2-units and **average** rent increases by unit and building type.
- Voluntary Rent Guidelines
 - DHCA must publish guidelines in Register **and website**
 - Maintain reference to residential rent component and current law **unless an alternative standard better reflecting the costs of rental housing in the County is established by regulation**

IMPLEMENTING INTENSIVE CODE ENFORCEMENT INSPECTION PROGRAM

- **TWO-YEAR INSPECTION SURGE**
 - By July 1, 2019, DHCA must inspect a sample of each multifamily rental properties.
 - **Scope:** Multifamily rental properties with Certificates of Occupancy issued before Jan. 1, 2015.
- **DHCA Inspection Plan:** By **Jan. 1, 2017**, DHCA must submit to the Council a plan that provides a(n):
 - Means of prioritizing inspections
 - Standardized inspections for all units
 - Estimate for cost of conducting inspections
- **Reinspection costs:** Housing providers must pay cost of third and subsequent inspections if violation not corrected by second inspection.

IMPLEMENTING INTENSIVE CODE ENFORCEMENT INSPECTION PROGRAM

PROPERTIES WILL BE ANNUALLY INSPECTED IF DHCA FINDS:

- Rodent or insect infestation affecting 20% or more units in building; or
- Extensive and visible mold growth on interior walls or surfaces exposed to the occupied space; or
- Windows that do not permit a safe means of egress; or
- Pervasive and recurring water leaks that result in chronic dampness, mold growth, or personal property damage in more than one unit; or
- Lack of one or more working utilities not shut off due to tenant non-payment, including; natural gas, electricity, water, sewage disposal; or
- Identified as troubled property under method established by regulation that classifies violation types by severity; and rates properties by severity and quantity of violations.

PROPERTIES SUBJECT TO ANNUAL INSPECTIONS...

- Must develop and implement corrective action plan (Plan)
- Are subject to annual inspections until DHCA finds successful completion of Plan.
- Will provide quarterly updates to DHCA of **all** maintenance requests from tenants.



QUESTIONS?

