

<b>Subject:</b> Bill 18-19, Landlord-Tenant Relations – Relocation Expenses	
<b>Purpose:</b> Public Hearing – no vote expected	
<b>Analyst:</b> Amanda Mihill, Legislative Attorney <i>A. Mihill</i>	<b>Committee:</b> PHED
<b>Keywords:</b> #MoCoTenantRights Other Search Terms: Relocation payments, rental housing, health and safety	

**EXPECTED ATTENDEES**

None

**COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATIONS**

None

**DESCRIPTION/ISSUE**

Bill 18-19 would require a landlord to pay to a tenant a relocation payment if the tenant's housing is condemned as unfit for human habitation under certain circumstances. It would also require a landlord to provide a tenant with a right of first refusal to re-occupy rental housing under certain circumstances.

**SUMMARY OF KEY DISCUSSION POINTS**

None

**This report contains:**

Staff Report  
Bill 18-19  
Legislative Request Report

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**MEMORANDUM**

July 11, 2019

TO: County Council

FROM: Amanda Mihill, Legislative Attorney *A. Mihill*

SUBJECT: Bill 18-19, Landlord-Tenant Relations – Relocation Expenses

PURPOSE: Public Hearing – no Council vote required

Bill 18-19, Landlord-Tenant Relations – Relocation Expenses, sponsored by Lead Sponsor Councilmember Jawando, was introduced on June 18. A Planning, Housing and Economic Development Committee worksession is tentatively scheduled for September 9.<sup>1</sup>

Bill 18-19 would require a landlord to pay to a tenant a relocation payment if the tenant's housing is condemned as unfit for human habitation under certain circumstances. It would also require a landlord to provide a tenant with a right of first refusal to re-occupy rental housing under certain circumstances.

This packet contains:	<u>Circle #</u>
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<sup>1</sup> #MoCoTenantRights

Bill No. 18-19  
Concerning: Landlord-Tenant Relations – Relocation Expenses  
Revised: 6/4/2019 Draft No. 1  
Introduced: June 18, 2019  
Expires: December 18, 2020  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Jawando

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**AN ACT to:**

- (1) require a landlord to pay to a tenant a relocation payment if the tenant's housing is condemned as unfit for human habitation under certain circumstances;
- (2) require a landlord to provide a tenant with a right of first refusal to re-occupy rental housing under certain circumstances; and
- (3) generally amend County law on landlord-tenant relations.

By adding

Montgomery County Code  
Chapter 29, Landlord-Tenant Relations  
Section 29-35B

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<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 29-35B is added as follows:**

2    **29-35B. Relocation Expenses.**

3           (a)    Definitions. As used in this Section, displaced tenant means a tenant that  
4                    is required to vacate rental housing because the rental housing is  
5                    condemned as unfit for human habitation under Section 26-13 through no  
6                    fault of the tenant.

7           (b)    Relocation payment required. Except as provided in paragraph (f), a  
8                    landlord must pay a relocation payment to a displaced tenant.

9           (c)    Relocation amount.

10           (1)    The relocation payment is the greater of:

11                    (A)   3 months' fair market value rent for a unit of comparable  
12                            size, as established by the most current Federal Department  
13                            of Housing and Urban Development schedule of fair market  
14                            rents for the Washington-Arlington-Alexandria area; or

15                    (B)   3 months' of the tenant's actual rent at the time of  
16                            relocation.

17           (2)    If a tenant is required to vacate the rental housing with less than 30  
18                    days' notice, the relocation payment must also include either:

19                    (A)   1 additional month's fair market value rent for a unit of  
20                            comparable size, as established by the most current Federal  
21                            Department of Housing and Urban Development schedule  
22                            of fair market rents for the Washington-Arlington-  
23                            Alexandria area; or

24                    (B)   the provision of alternative, safe, and legal housing for 30  
25                            days after the tenant vacates.

26           (3)    The landlord must pay directly to a displaced tenant the relocation  
27                    payment within with 72 hours of the posting of the condemnation.

- 28           (d) Proof of compliance. Within 5 days after the displaced tenant vacates the  
29           rental housing, a landlord must provide the Department with a copy of  
30           the check or money order provided to the displaced tenant and a receipt  
31           signed by the tenant.
- 32           (e) Right of first refusal.
- 33           (1) A landlord must provide a displaced tenant with the right of first  
34           refusal to reoccupy rental housing on the site once the rental  
35           housing becomes habitable
- 36           (2) The landlord must provide the tenant with written notice of the  
37           tenant's right of first refusal. The notice must include the  
38           landlord's current address and telephone number which the tenant  
39           can use to contact the landlord.
- 40           (3) It is the tenant's responsibility to provide the landlord with the  
41           tenant's current address and/or telephone number to be used for  
42           future notification.
- 43           (4) When the rental housing becomes habitable, the landlord must give  
44           written notice by certified mail to the tenant informing the tenant  
45           that the housing is ready for occupancy.
- 46           (5) If the landlord cannot locate a previous tenant after 2 attempts over  
47           a 2 week period, the landlord is deemed to be in compliance with  
48           the right of first refusal requirement and the tenant's right of first  
49           refusal is forfeited.
- 50           (f) Exception. A landlord is not required to provide a relocation payment or  
51           right of first refusal to any displaced tenant if the rental housing is  
52           condemned due to events that are beyond the control of the landlord.

LEGISLATIVE REQUEST REPORT  
Bill 18-19

*Landlord-Tenant Relations – Relocation Expenses*

**DESCRIPTION:** Bill 18-19 would require a landlord to pay to a tenant a relocation payment if the tenant's housing is condemned as unfit for human habitation under certain circumstances. It would also require a landlord to provide a tenant with a right of first refusal to re-occupy rental housing under certain circumstances.

**PROBLEM:** Tenants who are required to vacate rental housing that is condemned through not fault of the tenant can have challenges in finding temporary or other permanent affordable housing.

**GOALS AND OBJECTIVES:** To ensure that tenants can find safe, affordable housing when their rental housing is condemned through no fault of the tenant.

**COORDINATION:** Housing and Community Affairs

**FISCAL IMPACT:** To be requested

**ECONOMIC IMPACT:** To be requested

**EVALUATION:** To be requested

**EXPERIENCE ELSEWHERE:** To be researched

**SOURCES OF INFORMATION:** Amanda Mihill, Legislative Attorney, 240-777-7815

**APPLICATION WITHIN MUNICIPALITIES:** To be researched

**PENALTIES:** n/a