COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

(1) [[make permanent]] continue 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:
Montgomery County Code
Chapter 29, Landlord-Tenant Relations
Section 29-27

<table>
<thead>
<tr>
<th>Boldface</th>
<th>Heading or defined term.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Underlining</td>
<td>Added to existing law by original bill.</td>
</tr>
<tr>
<td>[Single boldface brackets]</td>
<td>Deleted from existing law by original bill.</td>
</tr>
<tr>
<td>Double underlining</td>
<td>Added by amendment.</td>
</tr>
<tr>
<td>[[Double boldface brackets]]</td>
<td>Deleted from existing law or the bill by amendment.</td>
</tr>
<tr>
<td>* * *</td>
<td>Existing law unaffected by bill.</td>
</tr>
</tbody>
</table>

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Section 29-27 is amended as follows:

29-27. Contents of lease.

Each lease for rental housing located in the County must:

* * *

(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 need not be paid to redeem the premises in 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 the date when it becomes law.

Sec. 3. Expiration. This Act expires on August 1, 2008.
Approved:

Thomas E. Perez, President, County Council  
July 28, 2005  
Date

Approved:

Douglas M. Duncan, County Executive  
6/3/05  
Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council  
8/8/05  
Date