

Expedited Bill No. 5-05
Concerning: Landlord-Tenant Relations –
Attorney's Fees
Revised: 7-26-05 Draft No. 3
Introduced: April 12, 2005
Enacted: July 26, 2005
Executive: August 3, 2005
Effective: August 3, 2005
Sunset Date: [[None]] August 1, 2008
Ch. 16, Laws of Mont. Co. 2005

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

| | |
|---|--|
| Boldface | <i>Heading or defined term.</i> |
| <u>Underlining</u> | <i>Added to existing law by original bill.</i> |
| [Single boldface brackets] | <i>Deleted from existing law by original bill.</i> |
| <u>Double underlining</u> | <i>Added by amendment.</i> |
| [[Double boldface brackets]] | <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 29-27 is amended as follows:**

2 **29-27. Contents of lease.**

3 Each lease for rental housing located in the County must:

4 * * *

5 (n) Contain no agreement by a tenant to:

- 6 (1) waive the right to a trial by jury;
- 7 (2) pay court costs that exceed actual costs awarded by a court; or
- 8 (3) pay legal costs or attorney fees other than those awarded by a
- 9 court after the court finds that the fees and costs are reasonable.

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

- 12 (4) provide that attorney's fees are not part of the tenant's rent and
- 13 need not be paid to redeem the premises in a nonpayment of rent
- 14 action; and
- 15 (5) obligate the landlord to pay the tenant's attorney's fees if the
- 16 tenant is the prevailing party in the legal action and fees are
- 17 awarded by a court.


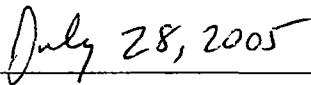
18 * * *

19 **Sec. 2. Expedited Effective Date.**

20 The Council declares that this legislation is necessary for the immediate
21 protection of the public interest. This Act takes effect on the date when it becomes
22 law.


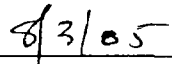
23 **Sec. 3. Expiration. This Act expires on August 1, 2008.**

24 *Approved:*

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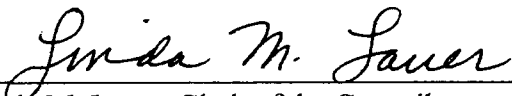
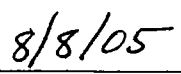
Thomas E. Perez, President, County Council Date

26 *Approved:*

27  

Douglas M. Duncan, County Executive Date

28 *This is a correct copy of Council action.*

29  

Linda M. Lauer, Clerk of the Council Date