



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject Relocation Expenses – Regulations	Number 10-20
Originating Department Housing and Community Affairs	Effective Date

Montgomery County Regulation on:

## RELOCATION EXPENSES DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Issued by: County Executive  
Regulation No. 10-20  
COMCOR No. 29.35B.01

Authority: Code Section 29-35B  
Council Review: Method (2) under Code Section 2A-15  
Register Vol. 37 No. 6

Comment Deadline: 06/31/2020  
Effective Date: \_\_\_\_\_  
Sunset Date: None

**Summary:** This regulation implements County Code Section 29-35B, which requires a landlord to compensate a tenant that has been displaced if the tenant’s housing is condemned as unfit for human habitation.

This regulation also appears on the Department of Housing and Community Affairs website at the following web address: <https://montgomerycountymd.gov/DHCA/housing/landlordtenant>.

**Staff Contact:** For further information or to obtain a copy of this regulation, contact Rosie McCray-Moody at [rosie.mccray-moody@montgomerycountymd.gov](mailto: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, 4<sup>th</sup> Floor  
Rockville, MD 20852



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## 29.35B.01.01 General Provisions

- A. Authority. In accordance with the authority conferred under Chapter 29, Section 29-35B of the Montgomery County Code, 2014, as amended (hereinafter referred to as the “Code”), the County Executive hereby promulgates this regulation to implement County law pertaining to the rights of tenants who are displaced as a result of their housing being condemned as unfit for human habitation.
- B. Applicability. This regulation applies to all licensed or licensable rental housing in Montgomery County.

## 29.35B.01.02 Determination of Violation

If after inspecting a property the Director identifies a life and safety violation that warrants condemnation of the property under Section 26-13(b) of the County Code and determines that the violation cannot be cured within 30 days from the date of inspection, the Director must notify the landlord and the tenant of the Director’s determination in writing within 24 hours after the inspection. The tenant must vacate the premises within 72 hours after the Director’s posting of the condemnation. As used in this regulation, “life and safety violation” means any violation listed under County Code Section 29-22(b)(1) or any condition that satisfies the standards for condemnation under County Code Section 26-13(a).

## 29.35B.01.03 Permanent Displacement Compliance

- A. Within 72 hours after the posting of the condemnation, the landlord must :
  - 1. Return a permanently displaced tenant’s security deposit with required interest;
  - 2. Pay any pro rata rent for the remainder of the month of relocation to the permanently displaced tenant; and
  - 3. Pay to the permanently displaced tenant the greater of:
    - a) 3 months fair market value rent for a unit of comparable quality and size as established by the most current Federal Department of Housing and Urban Development schedule of fair market rents for the zip code of the rental housing being vacated; or
    - b) 3 months of the tenant’s rent under the lease in force at the time of relocation.
- B. If the Department receives a complaint from the tenant, the Director must determine whether the payments made by the landlord comply with the requirements of subsection A.
- C. If the Director subsequently certifies the property as habitable, the landlord must immediately



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inform the previous tenant by written notice that the tenant has a first right to reoccupy the rental housing under the terms and conditions, including the term of the tenancy, in effect under the lease at the time of the posting.

### 29.35B.01.04 Temporary Displacement Compliance

- A. Within 24 hours after the posting of the condemnation, the landlord must:
  - 1. Provide comparable, safe, alternative housing for the temporarily displaced tenant and the tenant’s belongings, including storage facilities if deemed necessary by the Department; and
  - 2. Pay the costs of the immediate relocation of the tenant and the tenant’s belongings.
- B. If the Department receives a complaint from the tenant, the Director must determine whether the replacement housing provided under this Section is comparable in terms of quality and size to the rental housing.
- C. If the replacement housing is not comparable to the rental housing, the landlord must pay the following allowance to the tenant:
  - 1. The greater of the fair market value rent for a comparable unit in terms of quality and size, as established by the most current United States Department of Housing and Urban Development schedule of fair market rents for the zip code of the rental housing being vacated or the tenant’s rent at the time of displacement; the amount being multiplied by the proportion of 30 days represented by the displacement period and the result reduced by the costs paid for the non-comparable housing.
  - 2. Formulaically, the allowance is calculated by:  $G*(DP/30) - C$ , where G is the greater of the two rent amounts in paragraph 2, DP is the actual length of the displacement period, and C is the cost paid by the landlord for the alternative housing.
- D. At the end of the displacement period, the landlord must pay the cost to return the tenant and the tenant’s belongings to the original rental housing if the tenant chooses to return.
- E. The terms and conditions contained in the lease in effect at the time of the tenant’s return to the original rental housing must be substantially similar to those contained in the lease that was in effect at the time of displacement, including provisions concerning the length of the lease term and the amount of rent due.

### 29.35B.01.05 Proof of Compliance

The landlord must demonstrate its compliance with Section 29-35B of the County Code by providing to the Department a copy of the check or money order provided to the displaced tenant accompanied by a receipt signed by the tenant within 5 days after the displaced tenant vacates the rental housing.

### 29.35B.01.06 Alternative Arrangement



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- A. Instead of the tenant receiving the relocation payments required under Sections 29.35B.01.03 and 29.35B.01.04, the landlord and tenant may agree to an alternative arrangement if the alternative arrangement is:
  - 1. of equal benefit to the tenant; and
  - 2. evidenced by a written agreement voluntarily created between the tenant and the landlord that satisfies the criteria in subsection B.
- B. The written agreement for an alternative arrangement must contain the following:
  - 1. the names of the current occupants of the condemned rental housing;
  - 2. the address of the condemned rental housing;
  - 3. a statement indicating the amount of the relocation payment to which the tenant is entitled under subsection 29.35B.01.03 or 29.35B.01.04;
  - 4. a statement that the tenant has waived the right to the relocation payment;
  - 5. a description of the alternative arrangement; and
  - 6. the address, if known, of the location to which the tenant plans to move.

### 29.35B.01.07 First Right to Reoccupy

- A. If the landlord of a previous tenant that has been permanently displaced tenant cures the life and safety violations that resulted in the condemnation so that the property becomes habitable, has not surrendered its rental license to the Department, and chooses to continue renting the property, the landlord must send written notice by certified mail to the current address of the previous tenant informing the tenant that the rental housing has become habitable and is ready for occupancy and that the previous tenant has a first right to reoccupy the property. The notice must include the landlord’s current address and a telephone number that can be used to contact the landlord. The landlord should also send a copy of the notice to the Department.
- B. The landlord should send a second notice to the previous tenant with a copy to the Department if the landlord does not receive a response to the notice provided under subsection A within 15 after sending the first notice. However, if the landlord is unable to locate the previous tenant after at least 2 attempts over a 2-week period and has provided the Department with a copy of all notices sent to the tenant under this Section, the landlord will be deemed to have fully complied with the requirements of this Section and the tenant’s right to reoccupy will be forfeited..
- C. A permanently displaced tenant must notify the landlord of tenant’s intent to reoccupy the rental housing within 15 days after the landlord notifies the tenant that the rental housing is ready to be reoccupied. The notice should be sent by certified mail to the address provided by the landlord with a copy to the Department. The tenant must then reoccupy the rental housing with 20 days after notifying the landlord of the tenant’s intent to reoccupy the rental housing.



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## 29.35B.01.08 Exception

A landlord is not required to provide a relocation payment or a first right to reoccupy rental housing if the Director determines the rental housing is condemned due to events that are beyond the control of the landlord. The Director will make this determination at the time of the posting of the condemnation.

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Marc Elrich  
County Executive

APPROVED AS TO FORM AND LEGALITY

By: \_\_\_\_\_

Walter E. Wilson  
Associate County Attorney

Date: 5/5/2020  
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