

**CITY OF BALTIMORE
COUNCIL BILL 20-0625
(First Reader)**

Introduced by: President Scott, Councilmembers Clarke, Henry, Bullock, Dorsey, Pinkett,
Reisinger, Cohen, Stokes

Introduced and read first time: October 5, 2020

Assigned to: Housing and Urban Affairs Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and Community
Development, Housing Authority of Baltimore City, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Landlord-Tenant – Right to Counsel in Eviction Cases**

3 FOR the purpose of establishing a mechanism to provide to counsel for individuals in certain
4 matters involving eviction; providing that the Commissioner of the Department of Housing
5 and Community Development oversee the provision of counsel for individuals in certain
6 matters involving eviction in Baltimore City; setting forth certain additional duties of the
7 Commissioner of the Department of Housing and Community Development and the
8 Affordable Housing Trust Fund Commission; providing for an additional member of the
9 Affordable Housing Trust Fund Commission as permitted by the City Charter; defining
10 certain terms; requiring an annual report to the Mayor and City Council regarding certain
11 metrics; providing for the severability of certain provisions; requiring licensed landlords to
12 disclose to their tenants certain information regarding the right to counsel in eviction matters.

13 BY adding

14 Article 13 - Housing and Urban Renewal
15 Section(s) 6A-1 through 6A-6, to be under the new subtitle,
16 “Tenant’s Right to Counsel in Eviction Cases”
17 Baltimore City Code
18 (Edition 2000)

19 BY repealing and re-ordaining, with amendments

20 Article 13 - Housing and Urban Renewal
21 Section 7-3
22 Baltimore City Code
23 (Edition 2000)

24 **Recitals**

25 **Whereas**, approximately 140,000 eviction cases are filed each year in a City with only
26 125,000 renter households yielding an eviction filing rate of over 100% for Baltimore City
27 renters;

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 20-0625

1 (C) *COMMISSIONER.*

2 “COMMISSIONER” MEANS COMMISSIONER OF THE DEPARTMENT OF HOUSING AND
3 COMMUNITY DEVELOPMENT OR THE COMMISSIONER’S DESIGNEE.

4 (D) *COVERED INDIVIDUAL.*

5 (1) *IN GENERAL.*

6 “COVERED INDIVIDUAL” MEANS ANY INDIVIDUAL WHO OCCUPIES A DWELLING WITHIN
7 THE CITY OF BALTIMORE UNDER A CLAIM OF LEGAL RIGHT OTHER THAN THE OWNER.

8 (2) *INCLUSION.*

9 “COVERED INDIVIDUAL” INCLUDES ANY TENANT IN A BUILDING OWNED, OPERATED, OR
10 MANAGED BY THE HOUSING AUTHORITY OF BALTIMORE CITY.

11 (E) *COVERED PROCEEDING.*

12 (1) *IN GENERAL.*

13 “COVERED PROCEEDING” MEANS:

14 (I) ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING TO EVICT OR TERMINATE THE
15 TENANCY OR HOUSING SUBSIDY OF A COVERED INDIVIDUAL;

16 (II) ANY PROCEEDING DEEMED BY A DESIGNATED ORGANIZATION AS THE
17 FUNCTIONAL EQUIVALENT OF A PROCEEDING DESCRIBED IN SUBPARAGRAPH (I);
18 OR

19 (III) ANY FIRST APPEAL OF SUCH A PROCEEDING WHERE THE DESIGNATED
20 ORGANIZATION DETERMINES THAT THERE ARE GOOD GROUNDS FOR AN
21 APPEAL.

22 (2) *INCLUSIONS.*

23 “COVERED PROCEEDING” INCLUDES ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING
24 TO REMEDY A VIOLATION OF:

25 (I) CITY PUBLIC LOCAL LAWS § 9-9 {“RENT ESCROW LAW: IN GENERAL”};

26 (II) CITY PUBLIC LOCAL LAWS § 9-9A {“RENT ESCROW LAW: LANDLORD’S
27 NON-COMPLIANCE WITH LEASE”};

28 (III) CITY PUBLIC LOCAL LAWS § 9-10 {“RENT ESCROW LAW: RETALIATORY
29 ACTIONS”};

30 (IV) STATE REAL PROPERTY ARTICLE § 8-208.1 {“RETALIATORY ACTIONS DUE TO
31 REPORTING VIOLATIONS OR COMPLAINTS PROHIBITED”}; AND

Council Bill 20-0625

1 (V) STATE REAL PROPERTY ARTICLE § 8-216 {"RESTRICTIONS RELATING TO
2 TAKING OR THREATENING TO TAKE POSSESSION OF DWELLING UNIT"}.

3 (F) *DESIGNATED ORGANIZATION.*

4 "DESIGNATED ORGANIZATION" MEANS ANY NOT-FOR-PROFIT ORGANIZATION OR
5 ASSOCIATION THAT IS DESIGNATED BY THE DIRECTOR UNDER THIS SUBTITLE THAT:

6 (1) HAS THE CAPACITY TO PROVIDE LEGAL REPRESENTATION TO COVERED
7 INDIVIDUALS FACING EVICTION; AND

8 (2) AGREES TO ADHERE TO THE STANDARDS OF PRACTICE ESTABLISHED IN RULES AND
9 REGULATIONS ADOPTED UNDER THIS SUBTITLE.

10 (G) *DESIGNATED COMMUNITY GROUP.*

11 "DESIGNATED COMMUNITY GROUP" MEANS A NOT-FOR-PROFIT COMMUNITY
12 ORGANIZATION OR ASSOCIATION DESIGNATED BY THE COMMISSIONER THAT HAS THE
13 CAPACITY TO CONDUCT TENANT OUTREACH, ENGAGEMENT, EDUCATION, AND
14 INFORMATION REGARDING THIS SUBTITLE.

15 (H) *INCLUDES; INCLUDING.*

16 "INCLUDES" OR "INCLUDING" MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF
17 LIMITATION.

18 (I) *LEGAL REPRESENTATION.*

19 (1) *IN GENERAL.*

20 "LEGAL REPRESENTATION" MEANS ONGOING LEGAL REPRESENTATION PROVIDED BY A
21 DESIGNATED ORGANIZATION TO A COVERED INDIVIDUAL AND ALL LEGAL ADVICE,
22 ADVOCACY, AND ASSISTANCE ASSOCIATED WITH THAT REPRESENTATION.

23 (2) *INCLUSIONS.*

24 "LEGAL REPRESENTATION" INCLUDES THE FILING OF A NOTICE OF APPEARANCE ON
25 BEHALF OF THE COVERED INDIVIDUAL IN A COVERED PROCEEDING.

26 **§ 6A-2. RULES AND REGULATIONS.**

27 (A) *IN GENERAL.*

28 THE COMMISSIONER, WITH THE ADVICE AND CONSULTATION OF THE COMMISSION, SHALL
29 ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE, INCLUDING PROVIDING
30 TENANT EDUCATION REGARDING THEIR RIGHTS UNDER THIS SUBTITLE.

Council Bill 20-0625

1 (B) *FILING WITH LEGISLATIVE REFERENCE.*

2 A COPY OF ALL RULES AND REGULATIONS SHALL BE FILED WITH THE DEPARTMENT OF
3 LEGISLATIVE REFERENCE PRIOR TO TAKING EFFECT.

4 **§ 6A-3. RIGHT TO COUNSEL IN EVICTION-RELATED PROCEEDINGS.**

5 (A) *IN GENERAL.*

6 (1) SUBJECT TO PROVISIONS OF THIS SUBTITLE INCLUDING ANY RULES AND REGULATIONS
7 AND WITH THE ADVICE AND CONSULTATION OF THE COMMISSION, THE COMMISSIONER
8 SHALL ENSURE THAT ALL COVERED INDIVIDUALS RECEIVE LEGAL REPRESENTATION
9 FROM A DESIGNATED ORGANIZATION IN A COVERED PROCEEDING AS SOON AS
10 PRACTICABLE AFTER THE INITIATION OF THAT PROCEEDING, BUT NO LATER THAN AT
11 THE TIME OF THE COVERED INDIVIDUAL'S FIRST SCHEDULED APPEARANCE IN A
12 COVERED PROCEEDING IF POSSIBLE.

13 (2) THE COMMISSIONER SHALL PRIORITIZE THE PROVISION OF LEGAL REPRESENTATION
14 BASED ON MEDIAN INCOME WITH COVERED INDIVIDUALS HAVING THE LOWEST MEDIAN
15 INCOME RECEIVING THE HIGHEST PRIORITY.

16 (B) *LIMITATION.*

17 COVERED INDIVIDUALS SHALL RECEIVE LEGAL REPRESENTATION UNLESS CIRCUMSTANCES
18 SPECIFIC TO THE INDIVIDUAL OR CASE, SUCH AS A CONFLICT WITH THE MARYLAND
19 ATTORNEYS' RULES OF PROFESSIONAL CONDUCT, MAKE LEGAL REPRESENTATION
20 INFEASIBLE TO RENDER AS DETERMINED BY A DESIGNATED ORGANIZATION.

21 (C) *ENGAGEMENT AND EDUCATION.*

22 IN ADDITION TO OVERSEEING THE ADMINISTRATION OF THIS SUBTITLE, THE
23 COMMISSIONER, WITH THE ADVICE AND CONSULTATION OF THE COMMISSION, SHALL
24 ENGAGE DESIGNATED COMMUNITY GROUPS TO ENGAGE AND EDUCATE TENANTS ABOUT
25 THEIR RIGHTS, INCLUDING:

26 (1) HOSTING KNOW-YOUR-RIGHTS TRAININGS AND OTHER WORKSHOPS FOR TENANTS;

27 (2) DISTRIBUTING WRITTEN INFORMATION TO TENANTS;

28 (3) ASSISTING TENANTS TO FORM AND MAINTAIN TENANT ASSOCIATIONS;

29 (4) REFERRING TENANTS TO DESIGNATED COMMUNITY GROUPS; AND

30 (5) ENGAGING IN ANY OTHER ACTIVITY DESIGNED TO ENGAGE, EDUCATE OR INFORM
31 TENANTS ABOUT THEIR RIGHTS.

32 (D) *AVAILABILITY OF FUNDS.*

33 LEGAL REPRESENTATION UNDER THIS SECTION IS SUBJECT TO THE APPROPRIATION OF
34 FUNDS IN ACCORDANCE WITH THE CITY CHARTER.

Council Bill 20-0625

§ 6A-4. ADDITIONAL COMMISSION MEMBER.

(A) *IN GENERAL.*

IN ADDITION TO THOSE COMMISSION MEMBERS SPECIFIED IN ARTICLE I, § 14(D)(2) OF THE CITY CHARTER, THE MAYOR SHALL APPOINT AN ADDITIONAL COMMISSIONER IN ACCORDANCE WITH ARTICLE IV, § 6 OF THE CITY CHARTER.

(B) *QUALIFICATIONS.*

(1) *“EXTREMELY LOW-INCOME HOUSEHOLD” DEFINED.*

IN THIS SUBSECTION, “EXTREMELY-LOW INCOME HOUSEHOLD” MEANS A HOUSEHOLD WHOSE AGGREGATE GROSS INCOME DOES NOT EXCEED 30% OF THE AREA MEDIAN INCOME, AS ADJUSTED FOR THE SIZE OF THE HOUSEHOLD.

(2) *IN GENERAL.*

THE COMMISSION MEMBER APPOINTED UNDER THIS SECTION SHALL BE:

(1) A TENANT RESIDING IN BALTIMORE CITY; AND

(2) A MEMBER OF AN EXTREMELY LOW-INCOME HOUSEHOLD.

§ 6A-5. ANNUAL REPORT.

(A) *IN GENERAL.*

NO LATER THAN AUGUST 31 OF EACH YEAR, THE COMMISSIONER, WITH THE ADVICE AND CONSULTATION OF THE COMMISSION, SHALL SUBMIT A REPORT TO THE MAYOR AND CITY COUNCIL, WHICH SHALL INCLUDE INFORMATION FROM THE PRIOR FISCAL YEAR REGARDING:

(1) THE NUMBER OF COVERED INDIVIDUALS SERVED;

(2) THE EXTENT OF LEGAL REPRESENTATION PERFORMED;

(3) METRICS ON EVALUATING OUTCOMES; AND

(4) THE ENGAGEMENT AND EDUCATION OF TENANTS.

(B) *POSTING.*

THE COMMISSIONER SHALL PROMINENTLY POST THE REPORT REQUIRED BY THIS SECTION ON THE CITY’S WEBSITE.

Council Bill 20-0625

1 (C) *HEARING.*

2 NO LATER THAN SEPTEMBER 30 OF EACH YEAR, THE CITY COUNCIL OR AN APPROPRIATE
3 COMMITTEE OF THE CITY COUNCIL SHALL CONDUCT A HEARING ON THE REPORT REQUIRED
4 BY THIS SECTION.

5 **§ 6A-6. SEVERABILITY.**

6 ALL PROVISIONS OF THIS SUBTITLE ARE SEVERABLE. IF A COURT DETERMINES THAT A WORD,
7 PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, SECTION, OR OTHER PROVISION IS
8 INVALID OR THAT THE APPLICATION OF ANY PART OF THE PROVISION TO ANY PERSON OR
9 CIRCUMSTANCES IS INVALID, THE REMAINING PROVISIONS AND THE APPLICATION OF THOSE
10 PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES ARE NOT AFFECTED BY THAT DECISION.

11 **Subtitle 7. Residential Lease Requirements**

12 **§ 7-3. Information required.**

13 (a) *In general.*

14 (1) Each residential lease must contain the following information:

15 (i) the name, residence address, and residence telephone number or the name,
16 business address, and business telephone number of the owner of the property,
17 or

18 (ii) the name, residence address, and residence telephone number or the name,
19 business address, and business telephone number of an agent of the owner
20 who is authorized to receive court process on behalf of the owner in
21 connection with the property.

22 (2) Any owner who is not customarily present in an office in the metropolitan Baltimore
23 area must include in the lease the information required above for an agent authorized
24 to receive court process on behalf of the owner.

25 (a-1) *Payment for water and wastewater services.*

26 (1) Any property owner or managing operator who requires that a tenant pay the costs of
27 water or wastewater services, whether directly to the Department of Public Works or
28 as reimbursement to the owner or managing operator, shall include that requirement
29 in an express provision of a written lease.

30 (2) The lease shall include a provision that the landlord makes the tenant a designee
31 under Maryland's Public Information Act to request and to receive copies of any
32 account records for the water or wastewater account at issue.

33 (3) Whenever a landlord requires the tenant to reimburse the landlord for allocated costs
34 of water or wastewater service, the lease required by this subsection shall also:

Council Bill 20-0625

- 1 (i) describe the calculation method used by the owner or owner’s agent to allocate
2 the cost of water and wastewater services to the tenant; and
- 3 (ii) specify the average monthly allocated costs of water and wastewater services
4 for the leased dwelling unit or rooming unit in the 12 months preceding
5 execution of the lease or renewal of the lease.

6 (b) *Changes.*

- 7 (1) Within 10 days of a change in any information required by subsection (a) of this
8 section to be contained in a lease, the property owner must notify the tenant of the
9 change.
- 10 (2) The notice must be sent to the tenant by first class mail.

11 (c) *Additional required disclosures.*

- 12 (1) Along with the copy of the lease required to be given to the tenant by § 7-2 of this
13 subtitle, the tenant must be given a copy of a tenants rights brochure approved by the
14 Housing Commissioner that discusses:
 - 15 (i) free or reduced price legal representation available to tenants, INCLUDING ANY
16 RIGHT TO REPRESENTATION PURSUANT TO SUBTITLE 6A {“TENANT’S RIGHT TO
17 COUNSEL IN EVICTION CASES”} OF THIS ARTICLE;
 - 18 (ii) pre-trial and day of trial mediation programs available to resolve landlord-
19 tenant disputes; and
 - 20 (iii) a tenant’s right to know the amount of rent that is in arrears.
- 21 (2) A tenant must also be given a copy of the brochure required by paragraph (1) of this
22 subsection:
 - 23 (i) at the time that a lawsuit is commenced by the owner or landlord against the
24 tenant; [and]
 - 25 (ii) if the Baltimore City Sheriff’s Office is used to serve a [summary ejectment
26 notice] SUMMONS AND COMPLAINT BY THE LANDLORD SEEKING EVICTION,
27 INCLUDING FOR SUMMARY EJECTMENT, TENANT HOLDING OVER, AND BREACH
28 OF LEASE, at the time that [notice is sent to] THE SUMMONS AND COMPLAINT
29 ARE SERVED ON the tenant; AND
 - 30 (III) AT THE TIME THAT THE HOUSING AUTHORITY OF BALTIMORE CITY SENDS A
31 NOTICE TO TERMINATE A TENANT’S SUBSIDY OR TENANCY.

32 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
33 are not law and may not be considered to have been enacted as a part of this or any prior
34 Ordinance.

Council Bill 20-0625

SECTION 3. AND BE IT FURTHER ORDAINED, That:

(a) Legal representation to all covered individuals in all covered proceedings, as set forth in this Ordinance, shall be phased-in during a period of time not to exceed 4 years, in a manner that the Commissioner, with the advice and consultation of the Commission determines appropriate based on all relevant factors, including those factors specified in subsection (b) of this Section.

(b) Factors that the Commissioner and the Commission shall consider when phasing-in legal representation to covered individuals include:

(1) the prioritization of individuals over the phase-in period;

(2) the availability of funding from the City, State, and other sources as the case may be;

(3) the availability of trained and qualified attorneys to provide legal representation;

(4) the scope of the need for legal representation; and

(5) any other appropriate logistical consideration.

SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.