

**CITY OF BALTIMORE
COUNCIL BILL 21-0031
(First Reader)**

Introduced by: Councilmember Glover, President Mosby, Councilmembers Middleton, Ramos,
Stokes, Bullock

Introduced and read first time: January 25, 2021

Assigned to: Economic and Community Development Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 style="text-align:center">**Landlord-Tenant - Lease Renewals**

3 FOR the purpose of requiring, absent certain good cause circumstances, landlords to offer tenants
4 a reasonable opportunity renew leases; providing for the manner of notice for which a
5 landlord must send renewal notices or decline-to-renew notices; establishing a presumption
6 of offer and acceptance, absent certain circumstances; providing for the effect of the subtitle;
7 providing for certain administrative and criminal penalties; and providing for a special
8 effective date.

9 BY adding

10 Article 13 - Housing and Urban Renewal
11 Sections 8C-1 through 8C-9, to be under the new subtitle,
12 "Subtitle 8C. Lease Renewals"
13 Baltimore City Code
14 (Edition 2000)

15 BY repealing and re-ordaining, with amendments

16 Article 1 - Mayor, City Council, and Municipal Agencies
17 Section(s) 40-14(e)(1)
18 Baltimore City Code
19 (Edition 2000)

20 style="text-align:center">**Recitals**

21 **Whereas**, Baltimore City faces a housing crisis related to the devastating impact of COVID-
22 19;

23 **Whereas**, this housing crisis has had and will continue to have a disparate impact on the
24 City's Black and Latinx families who have served as "essential workers" during the pandemic
25 and who, as a result, have higher rates of COVID-19 infection and mortality, and who have also
26 been more likely to be laid off in the service sector economy and thereby face uncertainty when it
27 comes time to pay rent;

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

Council Bill 21-0031

1 **Whereas**, keeping families in their housing serves a critical public health purpose both
2 during the current pandemic and after; and

3 **Whereas**, a refusal to offer lease renewal without good cause further undermines the housing
4 security of Baltimore residents and the public health.

5 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the
6 Laws of Baltimore City read as follows:

Baltimore City Code

Article 13. Housing and Urban Renewal

SUBTITLE 8C. LEASE RENEWALS

§ 8C-1. DEFINITIONS.

11 (A) *IN GENERAL*.

12 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS SPECIFIED.

13 (B) *DWELLING UNIT*.

14 “DWELLING UNIT” HAS THE MEANING STATED IN § 202.2 OF THE PROPERTY
15 MAINTENANCE CODE OF BALTIMORE CITY.

16 (C) *LANDLORD*.

17 (1) *IN GENERAL*.

18 “LANDLORD” MEANS AN OWNER, LESSOR, SUBLESSOR, ASSIGNEE, OR AGENT OF ANY
19 OTHER PERSON RECEIVING OR ENTITLED TO RECEIVE RENTS OR BENEFITS FOR THE USE
20 OR OCCUPANCY OF ANY DWELLING UNIT.

21 (2) *INCLUSIONS*.

22 “LANDLORD” INCLUDES ANY PERSON WHO HAS AN OPTION TO BUY OR WHO HAS
23 ENTERED INTO A CONTRACT TO BUY ANY DWELLING WITH THE INTENT TO OFFER THE
24 DWELLING UNIT FOR RENT.

25 (D) *PERSON*.

26 (1) *IN GENERAL*.

27 “PERSON” MEANS:

28 (I) AN INDIVIDUAL;

29 (II) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
30 KIND; OR

Council Bill 21-0031

1 (III) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY,
2 OR REPRESENTATIVE OF ANY KIND.

3 (2) *INCLUSIONS.*

4 "PERSON" INCLUDES, EXCEPT AS USED IN § 8C-9 {"PENALTIES"} OF THIS SUBTITLE, A
5 GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL
6 ENTITY.

7 **§ 8C-2. LEASE RENEWAL REQUIRED.**

8 (A) *IN GENERAL.*

9 EXCEPT FOR GOOD CAUSE DESCRIBED IN SUBSECTION (B) OF THIS SECTION, AT LEAST 75
10 DAYS BUT NO MORE THAN 100 DAYS PRIOR TO THE END OF A TERM LEASE OR PERIODIC
11 TENANCY, A LANDLORD SHALL OFFER A TENANT A REASONABLE OPPORTUNITY TO RENEW
12 THE LEASE SUBJECT TO A REASONABLE, NON-RETALIATORY INCREASE IN THE RENT OR
13 CHANGE IN LEASE TERMS.

14 (B) *GOOD CAUSE EXCEPTIONS.*

15 (1) *IN GENERAL.*

16 THE REQUIREMENT SET FORTH IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY
17 IF:

18 (I) THE TENANT HAS CAUSED A SUBSTANTIAL BREACH OF THE LEASE THAT
19 WARRANTS NON-RENEWAL, AND AFTER RECEIVING WRITTEN NOTICE TO CURE
20 OR CORRECT THE BREACH, THE TENANT HAS FAILED TO COMPLY WITHIN 45
21 DAYS;

22 (II) THE LANDLORD SEEKS TO RECOVER POSSESSION OF THE LEASED PREMISES FOR
23 USE BY THE LANDLORD OR THE LANDLORD'S SPOUSE, CHILD, PARENT, OR
24 GRANDPARENT AS THEIR PRIMARY RESIDENCE;

25 (III) THE LANDLORD SEEKS TO PERMANENTLY REMOVE THE LEASED PREMISES FROM
26 THE RENTAL MARKET;

27 (IV) THE LANDLORD, AFTER HAVING OBTAINED ALL NECESSARY PERMITS, SEEKS TO
28 UNDERTAKE SUBSTANTIAL REPAIRS OR RENOVATIONS THAT CANNOT BE
29 COMPLETED WHILE THE LEASED PREMISES IS OCCUPIED; OR

30 (V) THE LEASED PREMISES ARE OWNER-OCCUPIED AND THE LANDLORD LEASES OUT
31 A SINGLE RENTAL UNIT ON THE PREMISES.

32 (2) *NOTICE TO TENANT.*

33 IF A LANDLORD DECLINES TO OFFER TO RENEW THE LEASE FOR GOOD CAUSE AS
34 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE LANDLORD SHALL SEND A
35 NOTICE AT LEAST 75 DAYS BUT NO MORE THAN 100 DAYS PRIOR TO THE END OF THE

Council Bill 21-0031

1 LEASE TERM TO THE TENANT ADVISING THE TENANT THAT THE LANDLORD IS
2 DECLINING TO OFFER A RENEWAL AND STATING WITH SPECIFICITY THE FACTS RELATED
3 TO THE GOOD CAUSE FOR DECLINING TO OFFER A RENEWAL, INCLUDING, IF A
4 SUBSTANTIAL BREACH OF THE LEASE IS ALLEGED, THE SPECIFIC FACTS RELATED TO
5 THE BREACH.

6 **§ 8C-3. METHOD OF NOTICE.**

7 A LANDLORD’S OFFER TO RENEW THE LEASE OR NOTICE DECLINING TO OFFER A RENEWAL
8 MUST BE IN WRITING AND DELIVERED TO THE TENANT BY FIRST-CLASS MAIL WITH
9 CERTIFICATE OF MAILING OR BY ELECTRONIC MEANS IF CONSENTED TO IN ADVANCE BY THE
10 TENANT IN THE WRITING.

11 **§ 8C-4. PRESUMPTION OF OFFER AND ACCEPTANCE.**

12 (A) *IN GENERAL.*

13 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION, THERE SHALL BE A
14 PRESUMPTION THAT THE LANDLORD’S OFFER OF A LEASE RENEWAL IS ON THE SAME TERMS
15 AND CONDITIONS AS THE CURRENT LEASE AND THE TENANT’S ACCEPTANCE OF THAT
16 OFFER.

17 (B) *EXCEPTIONS.*

18 THE PRESUMPTION DESCRIBED IN SUBSECTION (A) OF THIS SECTION DOES NOT EXIST IF:

- 19 (1) THE LANDLORD PROVIDES TIMELY NOTICE DECLINING TO RENEW FOR GOOD CAUSE
20 AS SPECIFIED IN § 8C-2(B) OF THIS SUBTITLE;
- 21 (2) THE TENANT FAILS TO RESPOND TO A TIMELY NOTICE OFFERING TO RENEW THE
22 LEASE AS SPECIFIED IN § 8C-2(A) OF THIS SUBTITLE; OR
- 23 (3) A NOTICE DECLINING TO RENEW THE LEASE IS PROVIDED BY THE TENANT TO THE
24 LANDLORD UNDER THE TERMS OF THE LEASE OR OTHER APPLICABLE LAW.

25 **§ 8C-5. {RESERVED}.**

26 **§ 8C-6. ENFORCEMENT BY CITATION.**

27 (A) *IN GENERAL.*

28 IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE,
29 THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF AN ENVIRONMENTAL CITATION AS
30 AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 40 {“ENVIRONMENTAL CONTROL
31 BOARD”}.

Council Bill 21-0031

1 (B) *PROCESS NOT EXCLUSIVE.*

2 THE ISSUANCE OF AN ENVIRONMENTAL CITATION TO ENFORCE THIS SUBTITLE DOES NOT
3 PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION
4 AUTHORIZED BY LAW.

5 **§ 8C-7. PENALTIES.**

6 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR ANY PROVISION OF A RULE,
7 REGULATION, OR ORDER ADOPTED OR ISSUED UNDER THIS SUBTITLE IS GUILTY OF A
8 MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR
9 EACH OFFENSE.

10 **§ 8C-8. {RESERVED}**

11 **§ 8C-9. EFFECT OF SUBTITLE.**

12 A LANDLORD’S OBLIGATION TO OFFER A RENEWAL UNDER THIS SECTION EXTENDS TO ANY
13 TENANCY OR LEASE IN EXISTENCE AT THE TIME THAT THE CATASTROPHIC HEALTH
14 EMERGENCY DECLARED BY THE GOVERNOR OF MARYLAND ON MARCH 5, 2020, PROVIDED
15 THAT THE TENANT CONTINUES TO OCCUPY THE PROPERTY AS OF _____, 2021
16 *{When codified, the Department of Legislative Reference shall insert the effective date of*
17 *this Subtitle 8C}.*

18 **Article 1. Mayor, City Council, and Municipal Agencies**

19 **Subtitle 40. Environmental Control Board**

20 **§ 40-14. Violations to which subtitle applies.**

21 (e) *Provisions and penalties enumerated.*

22 (1) *Article 13. Housing and Urban Renewal*

23 . . .

24 SUBTITLE 8C. LEASE RENEWALS \$1,000

25 . . .

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

29 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
30 enacted.