

CITY OF BALTIMORE
ORDINANCE **21.014**
Council Bill 21-0021

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

Introduced and read first time: January 11, 2021

Assigned to: Economic and Community Development Committee

Committee Report: Favorable

Council action:

Read second time: March 22, 2021

AN ORDINANCE CONCERNING

Late Fees for Past Due Rent

FOR the purpose of requiring a lease to have a provision regarding a 10-day grace period; and
requiring a lease to have provisions regarding ~~the amount of money landlords may charge for~~
~~late fees, when landlords may charge tenants receiving public assistance for late fees; late~~
~~fees as a condition precedent to the tenant's right to redeem, and the types of fees landlords~~
~~may recover; and prohibiting this section from altering other remedies available to a landlord.~~

BY adding

Article 13 - Housing and Urban Renewal
Sections 7-3(a-2)
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 13. Housing and Urban Renewal

Subtitle 7. Residential Lease Requirements

§ 7-3. Information required.

....

(A-2) *LATE FEES.*

(1) "GOVERNMENT BENEFIT" DEFINED.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

Council Bill 21-0021

1 IN THIS SUBSECTION, "GOVERNMENT BENEFIT" MEANS:

2 (I) TEMPORARY CASH ASSISTANCE OR OTHER ASSISTANCE DESCRIBED IN TITLE 5
3 OF THE STATE HUMAN SERVICES ARTICLE;

4 (II) SUPPLEMENTAL SECURITY INCOME;

5 (III) SOCIAL SECURITY DISABILITY INCOME;

6 (IV) UNEMPLOYMENT INSURANCE BENEFITS;

7 (V) VETERAN'S ADMINISTRATION BENEFITS;

8 (VI) SOCIAL SECURITY BENEFITS; OR

9 (VII) ASSISTANCE FROM ANY OTHER SIMILAR FEDERAL, STATE, OR CITY
10 GOVERNMENT BENEFITS PROGRAM.

11 (2) SCOPE OF SUBSECTION.

12 THIS SUBSECTION DOES NOT APPLY TO LEASES FOR PUBLIC HOUSING ADMINISTERED BY
13 THE HOUSING AUTHORITY OF BALTIMORE CITY.

14 (3) (1) IN GENERAL.

15 A RESIDENTIAL LEASE SHALL INCLUDE A PROVISION THAT THE LANDLORD MAY NOT
16 APPLY LATE FEES TO THE RENT UNTIL THE TENANT IS MORE THAN 10 DAYS PAST DUE
17 WITH THE RENT.

18 (4) (2) ADDITIONAL LATE FEE PROVISIONS.

19 IN ADDITION, A RESIDENTIAL LEASE SHALL INCLUDE A PROVISION THAT:

20 (I) THE LANDLORD MAY CHARGE A LATE FEE OF NOT MORE THAN 1% OF THE
21 TOTAL MONTHLY RENTAL PAYMENT PER DAY FOR EACH DAY THE TENANT IS
22 LATE, COMMENCING WITH THE 11TH DAY OF THE PERIOD FOR WHICH RENT IS
23 DUE, NOT TO EXCEED A TOTAL OF 5% OF THE TOTAL MONTHLY RENTAL
24 PAYMENT;

25 (II) THE LANDLORD MAY CHARGE THE LATE FEE COMMENCING ON THE 11TH DAY
26 AFTER THE DAY A PUBLIC ASSISTANCE CHECK WAS ACTUALLY MAILED OR AN
27 ELECTRONIC FUNDS TRANSFER WAS MADE IF THE TENANT:

28 (A) RECEIVES PUBLIC ASSISTANCE UNDER THE FOOD SUPPLEMENT
29 PROGRAM, WOMEN, INFANTS, AND CHILDREN PROGRAM, OR THE
30 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM; AND

31 (B) HAS NOT RECEIVED THE PUBLIC ASSISTANCE CHECK OR ELECTRONIC
32 FUND TRANSFER ON OR BEFORE THE DATE THE RENT IS DUE, IF THE
33 TENANT:

Council Bill 21-0021

1 1. ~~INFORMS THE LANDLORD, IN WRITING, THAT THE PUBLIC~~
2 ~~ASSISTANCE CHECK WAS MAILED OR THE ELECTRONIC FUNDS~~
3 ~~TRANSFER WAS MADE LATER THAN THE DAY ON WHICH THE~~
4 ~~RENT WAS DUE; AND~~

5 2. ~~THE TENANT PROVIDES REASONABLE, SATISFACTORY EVIDENCE~~
6 ~~TO ESTABLISH THAT THE PUBLIC ASSISTANCE CHECK WAS~~
7 ~~MAILED OR THE ELECTRONIC FUNDS TRANSFER WAS MADE~~
8 ~~LATER THAN THE DAY UPON WHICH THE RENT WAS DUE;~~

9 (III) ~~IN THE CASE OF LEASES REQUIRING WEEKLY RENTAL INSTALLMENTS, THE~~
10 ~~LANDLORD MAY CHARGE A \$3 PENALTY FOR THE LATE PAYMENT OF RENT BUT~~
11 ~~MAY NOT CHARGE MORE THAN A TOTAL OF PENALTIES EXCEEDING \$12 PER~~
12 ~~MONTH;~~

13 (IV) ~~THE LANDLORD MAY NOT DEMAND THE PAYMENT OF ANY FEES OR OTHER~~
14 ~~CHARGES, EXCEPT RENT, COURT FILING FEES, AND COURT AWARDED COSTS, AS~~
15 ~~A CONDITION PRECEDENT TO ALLOWING THE TENANT TO EXERCISE THE~~
16 ~~TENANT'S RIGHT TO REDEEM THE LEASED DWELLING UNIT AS PROVIDED FOR BY~~
17 ~~THE STATE REAL PROPERTY ARTICLE;~~

18 (V) ~~IF THE TENANT HAS HAD 3 JUDGMENTS FOR POSSESSION IN FAVOR OF THE~~
19 ~~LANDLORD FOR RENT DUE IN THE 12 MONTHS PRIOR TO WHEN THE TENANT~~
20 ~~EXERCISED THE TENANT'S RIGHT TO REDEEM THE LEASED DWELLING UNIT, THE~~
21 ~~LANDLORD MAY DEMAND THE PAYMENT OF FEES AND CHARGES BEYOND RENT,~~
22 ~~COURT FILING FEES, AND COURT AWARDED COSTS AS A CONDITION PRECEDENT~~
23 ~~TO ALLOWING THE TENANT TO EXERCISE THE TENANT'S RIGHT TO REDEEM THE~~
24 ~~LEASED DWELLING UNIT AS PROVIDED FOR BY THE STATE REAL PROPERTY~~
25 ~~ARTICLE;~~

26 (VI) ~~A LANDLORD MAY RECOVER ONLY THOSE COSTS AND FILING FEES ACTUALLY~~
27 ~~INCURRED;~~

28 (VII) ~~IF REQUESTED IN WRITING, A LANDLORD SHALL PROVIDE A TENANT WITH A~~
29 ~~WRITTEN STATEMENT OF CHARGES ACTUALLY INCURRED, TO INCLUDE THE~~
30 ~~DISTRICT COURT CASE NUMBER AND A COPY OF THE COMPLAINT FORM; AND~~

31 (VIII) ~~A REQUEST BY A TENANT FOR A WRITTEN STATEMENT OF CHARGES~~
32 ~~ACTUALLY INCURRED MUST BE MADE WITHIN 30 DAYS OF THE COSTS BEING~~
33 ~~ASSESSED AND MAY NOT COVER ANY OTHER REQUEST FOR FILING COSTS~~
34 ~~ASSESSED IN OVER 180 DAYS.~~

35 (3) ~~OTHER REMEDIES NOT PRECLUDED.~~

36 NOTHING IN THIS SECTION MAY BE CONSTRUED TO ALTER A LANDLORD'S REMEDIES TO
37 RECOVER DAMAGES FROM A TENANT ARISING FROM BREACH OF A LEASE OR ANY
38 OTHER RELEVANT PROVISION OF LAW.

39 IN ADDITION, A RESIDENTIAL LEASE THAT INCLUDES A PROVISION PERMITTING A
40 LANDLORD TO APPLY A PENALTY FOR THE LATE PAYMENT OF RENT MUST INCLUDE A

Council Bill 21-0021

1 PROVISION THAT PROHIBITS A LANDLORD FROM APPLYING A PENALTY FEE FOR LATE
2 PAYMENT OF RENT UNTIL:

3 (I) THE TENANT'S PAYMENT OF THE RENT IS MORE THAN 10 DAYS LATE; OR

4 (II) THE TENANT HAS RECEIVED THE TENANT'S REGULARLY SCHEDULED
5 GOVERNMENT BENEFIT DISBURSEMENT IF THE TENANT HAS PREVIOUSLY
6 PROVIDED THE LANDLORD WITH WRITTEN NOTICE THAT SHOWS THE DAY OF
7 THE MONTH THE GOVERNMENT BENEFIT IS NORMALLY ISSUED OR MAILED IS
8 LATER THAN THE DAY ON WHICH THE RENT IS DUE.


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

12 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance shall only apply
13 prospectively to new leases and shall have no retroactive effect on leases entered into prior to the
14 effective date of this Ordinance.

15 **SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
16 after the date it is enacted.


Council Bill 21-0021

Certified as duly passed this 22 day of March, 2021



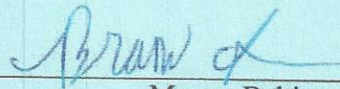
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this 22 day of March, 2021




Chief Clerk

Approved this 21 day of March, 2021



Mayor, Baltimore City

Approved for form and legal sufficiency
This 24th Day of March, 2021.



Chief Solicitor