

Introduced by: Councilmember Burnett, *Jaworski, DORSEY, Scott, Bullock, Harry, Purbell*

Prepared by: Department of Legislative Reference

Date: January 9, 2018

Referred to: HOUSING AND URBAN AFFAIRS Committee

*middle,
Cohen,
Stokes,
Speed,
Reising*

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 18-0179

A BILL ENTITLED

AN ORDINANCE concerning

Residential Lease Requirements – Required Disclosures

FOR the purpose of requiring that certain disclosures be made to tenants signing residential leases; clarifying and conforming related provisions; setting a special effective date; and generally relating to the regulation of residential landlords.

BY repealing and reordaining, with amendments
Article 13 - Housing and Urban Renewal
Section(s) 7-3
Baltimore City Code
(Edition 2000)

Paul Jones
DORSEY
Scott
Bullock
Harry
Purbell
Jaworski
Stokes
Speed
Reising
Cohen
middle

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

_____	Baltimore City Public School System
_____	Baltimore Development Corporation
_____	City Solicitor
_____	Comptroller's Office
_____	Department of Audits
_____	Department of Finance
_____	Department of General Services
_____	Department of Housing and Community Development
_____	Department of Human Resources
_____	Department of Planning
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Department of Public Works
_____	Department of Real Estate
_____	Department of Recreation and Parks
_____	Department of Transportation
_____	Fire Department
_____	Health Department
_____	Mayor's Office of Employment Development
_____	Mayor's Office of Human Services
_____	Mayor's Office of Information Technology
_____	Office of the Mayor
_____	Police Department
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Environmental Control Board
_____	Fire & Police Employees' Retirement System
_____	Labor Commissioner
_____	Parking Authority Board
_____	Planning Commission
_____	Wage Commission
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Board of Estimates
_____	Board of Ethics
_____	Board of Municipal and Zoning Appeals
_____	Comm. for Historical and Architectural Preservation
_____	Commission on Sustainability
_____	Employees' Retirement System
_____	Other: _____
_____	Other: _____
_____	Other: _____

Boards and Commissions

CITY OF BALTIMORE
ORDINANCE **18-137**
Council Bill 18-0179

Introduced by: Councilmember Burnett, President Young, Councilmembers Dorsey, Scott,
Bullock, Henry, Pinkett, Middleton, Cohen, Stokes, Sneed, Reisinger
Introduced and read first time: January 22, 2018
Assigned to: Housing and Urban Affairs Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: April 30, 2018

AN ORDINANCE CONCERNING

1 **Residential Lease Requirements – Required Disclosures**

2 FOR the purpose of requiring that certain disclosures be made to tenants signing residential
3 leases; clarifying and conforming related provisions; setting a certain penalty; setting a
4 special effective date; and generally relating to the regulation of residential landlords.

5 BY repealing and reordaining, with amendments
6 Article 13 - Housing and Urban Renewal
7 Section(s) 7-3 and 7-7
8 Baltimore City Code
9 (Edition 2000)

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

12 **Baltimore City Code**

13 **Article 13. Housing and Urban Renewal**

14 *Division II. Dwellings and Vacant Structures*

15 **Subtitle 7. Residential Lease Requirements**

16 **§ 7-3. Information required.**

17 (a) *In general.*

18 (1) Each residential lease [shall] **MUST** contain the following information:

- 19 (i) the name, residence address, and residence telephone number or the name,
20 business address, and business telephone number of the owner of the property,
21 or

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 18-0179

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

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

(b) *Changes.*

(1) Within 10 days of a change in any information required by SUBSECTION (A) OF this section to be contained in a lease, the property owner [shall] MUST notify the tenant of the change.

(2) The notice [shall] MUST be sent to THE tenant by first class mail.

(C) *ADDITIONAL REQUIRED DISCLOSURES.*

(1) ALONG WITH THE COPY OF THE LEASE REQUIRED TO BE GIVEN TO THE TENANT BY § 7-2 OF THIS SUBTITLE, THE TENANT MUST BE GIVEN A COPY OF A TENANTS RIGHTS BROCHURE APPROVED BY THE HOUSING COMMISSIONER THAT DISCUSSES:

(I) FREE OR REDUCED PRICE LEGAL REPRESENTATION AVAILABLE TO TENANTS;

(II) PRE-TRIAL AND DAY OF TRIAL MEDIATION PROGRAMS AVAILABLE TO RESOLVE LANDLORD-TENANT DISPUTES; AND

(III) A TENANT'S RIGHT TO KNOW THE AMOUNT OF RENT THAT IS IN ARREARS.

(2) A TENANT MUST ALSO BE GIVEN A COPY OF THE BROCHURE REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION AT THE TIME THAT ~~EVICTON PROCEEDINGS ARE COMMENCED~~ AGAINST:

(I) A LAWSUIT IS COMMENCED BY THE OWNER OR LANDLORD AGAINST THE TENANT; AND

(II) IF THE BALTIMORE CITY SHERIFF'S OFFICE IS USED TO SERVE A SUMMARY EJECTMENT NOTICE, AT THE TIME THAT NOTICE IS SENT TO THE TENANT.

§ 7-7. Penalties

Any property owner OR LANDLORD who leases residential property under a written lease which does not conform to the provisions of this subtitle, or who fails to give a tenant a copy of the lease AS PROVIDED IN § 7-2 OF THIS SUBTITLE AND THE TENANTS RIGHTS BROCHURE as provided in § 7-3(C) OF this subtitle, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of up to \$100 for each violation.

Council Bill 18-0179

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

4 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 180th
5 day after the date it is enacted.

Certified as duly passed this _____ day of MAY 07 2018, 20



President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of MAY 07 2018



Chief Clerk

Approved this 18 day of May, 2018



Mayor, Baltimore City

Approved For Form and Legal Sufficiency

This 18th Day of May 2018



Chief Solicitor



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AMENDMENTS TO COUNCIL BILL 18-0179
(1st Reader Copy)

By: The Housing and Urban Affairs Committee
{To be offered on the Council Floor}

ADOPTED

Amendment No. 1

On page 2, in lines 22 and 23, strike “EVICITION PROCEEDINGS ARE COMMENCED AGAINST” and substitute “:

- (I) A LAWSUIT IS COMMENCED BY THE OWNER OR LANDLORD AGAINST THE TENANT;
AND
- (II) IF THE BALTIMORE CITY SHERIFF’S OFFICE IS USED TO SERVE A SUMMARY EJECTMENT NOTICE, AT THE TIME THAT NOTICE IS SENT TO”.

Amendment No. 2

On page 1, in line 4, after “provisions;” insert “setting a certain penalty;”; and on that same page, in line 8, after “7-3” insert “and 7-7”; and, on page 2, after line 23, insert:

“§ 7-7. Penalties

Any property owner OR LANDLORD who leases residential property under a written lease which does not conform to the provisions of this subtitle, or who fails to give a tenant a copy of the lease AS PROVIDED IN § 7-2 OF THIS SUBTITLE AND THE TENANTS RIGHTS BROCHURE as provided in § 7-3(C) OF this subtitle, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of up to \$100 for each violation.”.

BALTIMORE CITY COUNCIL
Housing And Urban Affairs Committee
VOTING RECORD

DATE: 4-24-18

BILL#CC: 18- 0179 BILL TITLE: Ordinance – Residential Lease Requirements – Required Disclosures

MOTION BY: Burnett SECONDED BY: Dorsey

- FAVORABLE FAVORABLE WITH AMENDMENTS
 UNFAVORABLE WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Bullock, J. Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schleifer, I. Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Burnett, K.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry, B.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sneed ,S.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cohen, Z	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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TOTALS	<u>5</u>	<u>3</u>		

CHAIRPERSON: [Signature]
 COMMITTEE STAFF: Richard G. Krummerich, Initials: R G

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

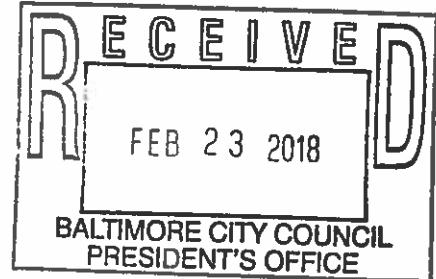


DEPARTMENT OF LAW

ANDRE M. DAVIS, CITY SOLICITOR
100 N. Holliday Street
Suite 101, City Hall
Baltimore, Maryland 21202

February 23, 2018

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202



Re: City Council Bill 18-0179 – Residential Lease Requirements – Required Disclosures

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0179 for form and legal sufficiency. The bill would require that residential tenants be given a copy of a brochure on tenant's rights approved by the Housing Commissioner. Proposed Section 7-3(c)(2) also requires that tenants be given the same brochure "at the time eviction proceedings are commenced by the tenant."

The wording of proposed Section 7-3(c)(2) is vague because there is no court process called "eviction proceedings." Rather, Maryland law has several actions that can result in judgments for repossession of the premises. Md. Code, Real Prop., §8-401, *et. seq.* In Maryland District Court, where most landlord-tenant cases are brought, the Court must order a Warrant of Restitution before a residential tenant can be evicted. Md. Code, Real Prop., §8-401. Thus, it is unclear what is required by the language in proposed Section 7-3(c)(2). It is also unclear how that section would be enforced since it is not referenced in the penalty Section 7-7 of the Subtitle. Finally, Section 7-5 of the Subtitle places "primary responsibility for compliance with the provisions of this Subtitle" on the property owner. However, landlords do not need to own a property to rent it. For example, landlords can be tenants of the property owner and sublease the property to another tenant. For these reasons, the language in Proposed Section 7-3(c)(2) is vague. See, e.g., *A.B. Small Co. v. American Sugar Refining Co.*, 267 U.S. 233, 238-239 (1925)(courts have held a civil "provision invalid as contravening the due process of law clause of the Fifth Amendment, among others, because it required that the transactions named should conform to a rule or standard which was so vague and indefinite that no one could know what it was")(citations omitted). The Law Department is happy to work with the City Council to rephrase Section 7-3(c)(2) to accomplish its intended purpose.

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Subject to the necessary rephrasing of Proposed Section 7-3(c)(2), the Law Department approves the bill for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Avery Aisenstark

The Baltimore City Department of
HOUSING & COMMUNITY
DEVELOPMENT

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner *MB*

Date: February 16, 2018

Re: City Council Bill 18-0179 - Residential Lease Requirements – Required Disclosures

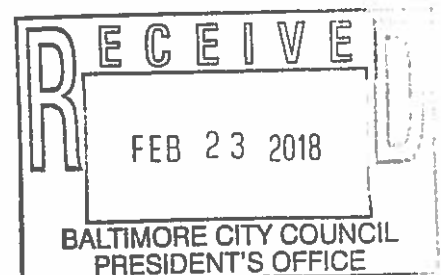
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0179, for the purpose of requiring that certain disclosures be made to tenants signing residential leases; clarifying and conforming related provisions; setting a special effective date; and generally relating to the regulation of residential landlords.

If enacted, this bill would amend Article 13 - Housing and Urban Renewal, Section(s) 7-3 of Baltimore City Code to require that a property owner provide an informational brochure to the tenant at the time of lease signing and at the start of the eviction process. The brochure must contain information on programs for legal representation and mediation and the tenant's rights concerning the amount of rent that is in arrears.

The Department of Housing and Community Development has no objection to the passage of City Council Bill 18-0179.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyrone Banks, *Mayor's Office of Government Relations*






Baltimore
Development Corporation

MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna Austin, Executive Secretary

FROM: William H. Cole, President and CEO 

DATE: February 8, 2018

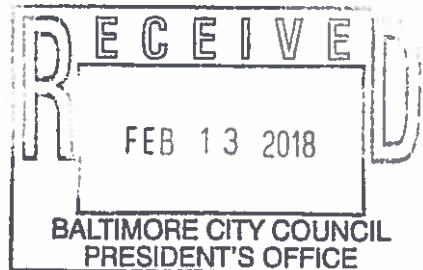
SUBJECT: City Council Bill No. 18-0179
Residential Lease Requirements – Required Disclosures

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill 18-0179, for the purpose of requiring that certain disclosures be made to tenants signing residential leases and other related provisions.

As this bill relates to a rental housing issue, BDC defers to the Department of Housing and Community Development's recommendation on Bill No. 18-0179.

cc: Kyrn Banks

*Defers to
HCD*



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Housing and Urban Affairs Committee

Tuesday, March 27, 2018

2:00 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0179

Rescheduled from 2-27-18

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Member John T. Bullock, Member Isaac "Yitzy" Schleifer, Member Kristerfer Burnett, Member Bill Henry, Member Shannon Sneed, Member Zeke Cohen, and Member Ryan Dorsey

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0179

Residential Lease Requirements - Required Disclosures

For the purpose of requiring that certain disclosures be made to tenants signing residential leases; clarifying and conforming related provisions; setting a special effective date; and generally relating to the regulation of residential landlords.

Sponsors: Kristerfer Burnett, President Young, Ryan Dorsey, Brandon M. Scott, John T. Bullock, Bill Henry, Leon F. Pinkett, III, Sharon Green Middleton, Zeke Cohen, Robert Stokes, Sr., Shannon Sneed, Edward Reisinger

The Chair took testimony and continued the Hearing until a later date.

ADJOURNMENT

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Housing and Urban Affairs Committee

Tuesday, April 24, 2018

1:50 PM

Du Burns Council Chamber, 4th floor, City Hall

Work Session: 18-0179

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

- Present** 5 - Member John T. Bullock, Member Isaac "Yitzy" Schleifer, Member Kristerfer Burnett, Member Zeke Cohen, and Member Ryan Dorsey
- Absent** 2 - Member Bill Henry, and Member Shannon Sneed

ITEMS SCHEDULED FOR VOTING SESSIONS

18-0179

Residential Lease Requirements - Required Disclosures

For the purpose of requiring that certain disclosures be made to tenants signing residential leases; clarifying and conforming related provisions; setting a special effective date; and generally relating to the regulation of residential landlords.

Sponsors: Kristerfer Burnett, President Young, Ryan Dorsey, Brandon M. Scott, John T. Bullock, Bill Henry, Leon F. Pinkett, III, Sharon Green Middleton, Zeke Cohen, Robert Stokes, Sr., Shannon Sneed, Edward Reisinger

A motion was made by Member Burnett, seconded by Member Dorsey, that this Ordinance be Recommended Favorably with Amendment. The motion carried by the following vote:

- Yes:** 5 - Member Bullock, Member "Yitzy" Schleifer, Member Burnett, Member Cohen, and Member Dorsey
- Absent:** 2 - Member Henry, and Member Sneed

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

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Housing and Urban Affairs Committee

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Sponsors: Kristerfer Burnett, President Young, Ryan Dorsey, Brandon M. Scott, John T. Bullock, Bill Henry, Leon F. Pinkett, III, Sharon Green Middleton, Zeke Cohen, Robert Stokes, Sr., Shannon Sneed, Edward Reisinger

The Chair took testimony and continued the Hearing until a later date.

ADJOURNMENT

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: CC 18-0179

Ordinance – Residential Loan Requirements – Required Disclosures -

Committee: Housing and Urban Affairs
Chaired By: Councilmember John Bullock

Hearing Date: March 27, 2018
Time (Beginning): 2:00 PM
Time (Ending): 2:55 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: 23
Committee Members in Attendance:
John Bullock Zeke Cohen
Isaac "Yitzy" Schleifer Ryan Dorsey
Kristerfer Burnett
Bill Henry
Sharon Sneed

Form with checkboxes for: Bill Synopsis in the file?, Attendance sheet in the file?, Agency reports read?, Hearing televised or audio-digitally recorded?, Certification of advertising/posting notices in the file?, Evidence of notification to property owners?, Final vote taken at this hearing?, Motioned by, Seconded by, Final Vote.

Major Speakers

(This is not an attendance record.)

- Matt Hill - Public Justice Center
• Kathy Howard - Property Owners Association
• Hilary Ruley - Law Department

Major Issues Discussed

1. The Chair convened the Hearing and welcomed the assembled guests. He then recognized the sponsor of the legislation.
2. Councilmember Burnett explained that this bill will give information to tenants that can help prevent evictions.
3. Tenant's advocates supported the Legislation because it gives information to renters at an earlier point in the process.
4. Landlords oppose the bill because it will burden them with undue expense.
5. Hillary Ruley testified The Law Department is concerned with some ambiguities in language in the Bill.
6. Chair Bullock announced that there would be a future session to consider amendments to the Bill. He then adjourned the Hearing.

Further Study

Was further study requested?

Yes No

If yes, describe.

Committee Vote:

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Richard G. Krummerich, Committee Staff

Date: 3-27-18

cc: Bill File
OCS Chrono File



CITY OF BALTIMORE CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: * Housing and Urban Affairs Chairperson: * John Bullock

Date: March 28, 2018 Time: 2:00 PM Place: *Council Chambers

Subject: * - Ordinance – Residential Lease Requirements – Required Disclosures CC Bill Number: 18-0179

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	WHAT IS YOUR POSITION ON THIS BILL?		LOBBYIST: ARE YOU REGISTERED IN THE CITY (*)
						FOR	AGAINST	
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Matt	Hill	200	Public Justice Ctr., NW Charles St	21201	hillme@publicjustice.org	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amy	Jones	2100	365 Charles St	2101	ajones@baltimoredevelopment.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kathy	Howard	2100	119 Fayette St	"	khoward@regionalmgmt.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ari	Plant	2108	2002 Clipper Road	21211	Fdb3law@aol.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Melissa	Evans					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sharon	Dobson		Housing			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hilary	Rule		Law			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kyron	Bunks		Music			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kara	Furss		Res			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.

City of Baltimore

City Council
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21202

Meeting Agenda - Final

Housing and Urban Affairs Committee

Tuesday, April 24, 2018

1:50 PM

Du Burns Council Chamber, 4th floor, City Hall

Work Session: 18-0179

CALL TO ORDER

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ATTENDANCE

ITEMS SCHEDULED FOR VOTING SESSIONS

18-0179

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THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Housing and Urban Affairs

Bill CC 18-0179

Ordinance – Residential Lease Requirements - Required Disclosures

Sponsor: Councilmember Burnett, et al

Introduced: January 22, 2018

Purpose:

For the purpose of requiring that certain disclosures be made to tenants signing residential leases; clarifying and conforming related provisions; and generally relating to the regulation of residential landlords.

Effective: 180 days after enactment

Hearing Date/Time/Location: March 27, 2018 at 2PM in the Council Chambers

Agency Reports

Baltimore Development Corporation	Defers to HCD
Department of Housing and Community Development	No Objection
Department of Law	Favorable

Analysis

Current Law

Article 13 of the Baltimore City Code regulates the rental of dwelling units in Baltimore.

Background

The market for rental housing in Baltimore City has significantly tightened in recent years particularly in the low and moderate income markets. Advocates have complained that tenants are not adequately informed of the legal rights they may have.

CC 18-0179 amends the Baltimore City Code to require that tenants be given a brochure explaining their rights at the time a lease is signed. Among the Highlights:

1. The brochure must be approved by the Housing Commissioner.
2. The tenant must be informed of available mediation programs.
3. A list of available free and reduced legal representation must be provided in the brochure.

Note: Although the Law Department Report is Favorable there are comments about the problematic nature of some language which may need to be changed.

Additional Information

Fiscal Note: Not Available

Information Source(s): Bill File

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Analysis Date: 3-23-18

**CITY OF BALTIMORE
COUNCIL BILL 18-0179
(First Reader)**

Introduced by: Councilmember Burnett, President Young, Councilmembers Dorsey, Scott,
Bullock, Henry, Pinkett, Middleton, Cohen, Stokes, Sneed, Reisinger

Introduced and read first time: January 22, 2018

Assigned to: Housing and Urban Affairs Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Residential Lease Requirements – Required Disclosures**

3 FOR the purpose of requiring that certain disclosures be made to tenants signing residential
4 leases; clarifying and conforming related provisions; setting a special effective date; and
5 generally relating to the regulation of residential landlords.

6 BY repealing and reordaining, with amendments
7 Article 13 - Housing and Urban Renewal
8 Section(s) 7-3
9 Baltimore City Code
10 (Edition 2000)

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

13 **Baltimore City Code**

14 **Article 13. Housing and Urban Renewal**

15 ***Division II. Dwellings and Vacant Structures***

16 **Subtitle 7. Residential Lease Requirements**

17 **§ 7-3. Information required.**

18 (a) *In general.*

19 (1) Each residential lease [shall] MUST contain the following information:

20 (i) the name, residence address, and residence telephone number or the name,
21 business address, and business telephone number of the owner of the property,
22 or

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

Council Bill 18-0179

1 (ii) the name, residence address, and residence telephone number or the name,
2 business address, and business telephone number of an agent of the owner
3 who is authorized to receive court process on behalf of the owner in
4 connection with the property.

5 (2) Any owner who is not customarily present in an office in the metropolitan Baltimore
6 area [shall] MUST include in the lease the information required above for an agent
7 authorized to receive court process on behalf of the owner.

8 (b) *Changes.*

9 (1) Within 10 days of a change in any information required by SUBSECTION (A) OF this
10 section to be contained in a lease, the property owner [shall] MUST notify the tenant of
11 the change.

12 (2) The notice [shall] MUST be sent to THE tenant by first class mail.

13 (C) *ADDITIONAL REQUIRED DISCLOSURES.*

14 (1) ALONG WITH THE COPY OF THE LEASE REQUIRED TO BE GIVEN TO THE TENANT BY § 7-2
15 OF THIS SUBTITLE, THE TENANT MUST BE GIVEN A COPY OF A TENANTS RIGHTS
16 BROCHURE APPROVED BY THE HOUSING COMMISSIONER THAT DISCUSSES:

17 (I) FREE OR REDUCED PRICE LEGAL REPRESENTATION AVAILABLE TO TENANTS;

18 (II) PRE-TRIAL AND DAY OF TRIAL MEDIATION PROGRAMS AVAILABLE TO RESOLVE
19 LANDLORD-TENANT DISPUTES; AND

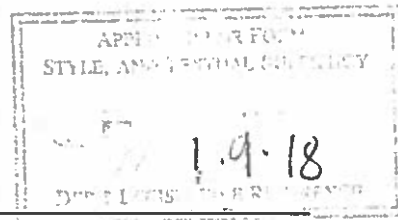
20 (III) A TENANT'S RIGHT TO KNOW THE AMOUNT OF RENT THAT IS IN ARREARS.

21 (2) A TENANT MUST ALSO BE GIVEN A COPY OF THE BROCHURE REQUIRED BY PARAGRAPH
22 (1) OF THIS SUBSECTION AT THE TIME THAT EVICTION PROCEEDINGS ARE COMMENCED
23 AGAINST THE TENANT.

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

27 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 180th
28 day after the date it is enacted.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: Councilmember Burnett

A BILL ENTITLED

AN ORDINANCE concerning

Residential Lease Requirements – Required Disclosures

FOR the purpose of requiring that certain disclosures be made to tenants signing residential leases; clarifying and conforming related provisions; setting a special effective date; and generally relating to the regulation of residential landlords.

BY repealing and reordaining, with amendments
Article 13 - Housing and Urban Renewal
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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

Division II. Dwellings and Vacant Structures

Subtitle 7. Residential Lease Requirements

§ 7-3. Information required.

(a) *In general.*

(1) Each residential lease [shall] **MUST** contain the following information:

- (i) the name, residence address, and residence telephone number or the name, business address, and business telephone number of the owner of the property,
or
- (ii) the name, residence address, and residence telephone number or the name,

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

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

business address, and business telephone number of an agent of the owner who is authorized to receive court process on behalf of the owner in connection with the property.

- (2) Any owner who is not customarily present in an office in the metropolitan Baltimore area [shall] MUST include in the lease the information required above for an agent authorized to receive court process on behalf of the owner.

(b) *Changes.*

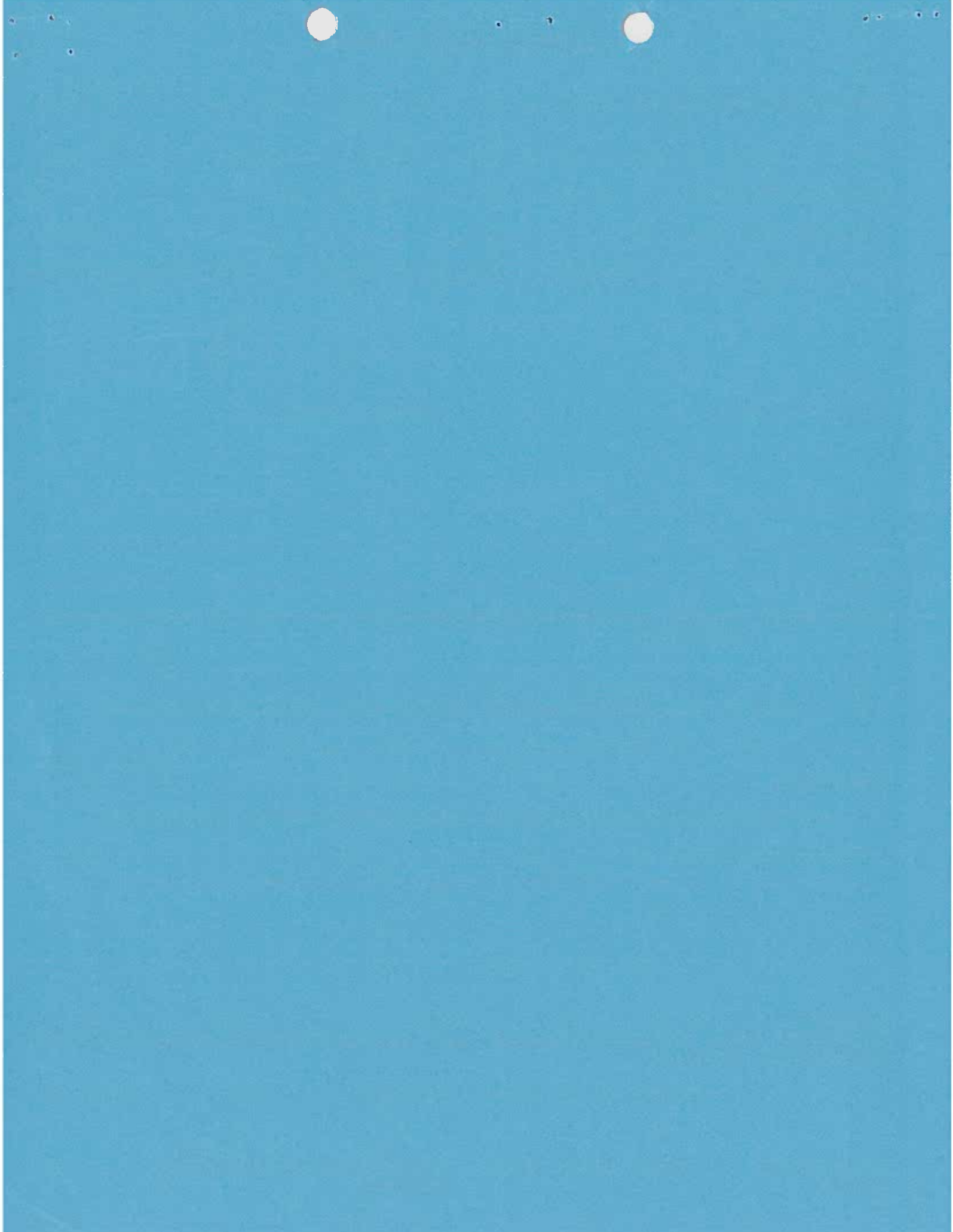
- (1) Within 10 days of a change in any information required by SUBSECTION (A) OF this section to be contained in a lease, the property owner [shall] MUST notify the tenant of the change.
- (2) The notice [shall] MUST be sent to THE tenant by first class mail.

(c) *ADDITIONAL REQUIRED DISCLOSURES .*

- (1) ALONG WITH THE COPY OF THE LEASE REQUIRED TO BE GIVEN TO THE TENANT BY § 7-2 OF THIS SUBTITLE, THE TENANT MUST BE GIVEN A COPY OF A TENANT'S RIGHTS BROCHURE APPROVED BY THE HOUSING COMMISSIONER THAT DISCUSSES :
 - (I) FREE OR REDUCED PRICE LEGAL REPRESENTATION AVAILABLE TO TENANTS ;
 - (II) PRE-TRIAL AND DAY OF TRIAL MEDIATION PROGRAMS AVAILABLE TO RESOLVE LANDLORD-TENANT DISPUTES ; AND
 - (III) A TENANT'S RIGHT TO KNOW THE AMOUNT OF RENT THAT IS IN ARREARS .
- (2) A TENANT MUST ALSO BE GIVEN A COPY OF THE BROCHURE REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION AT THE TIME THAT EVICTION PROCEEDINGS ARE COMMENCED AGAINST THE TENANT .

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

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 180th day after the date it is enacted.



ACTION BY THE CITY COUNCIL

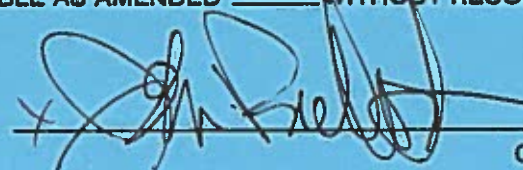
JAN 22 2018

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON 3-27 _____ 20 18

COMMITTEE REPORT AS OF 4-30 _____ 20 18

_____ FAVORABLE _____ UNFAVORABLE FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

 _____
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

APR 30 2018

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

MAY 07 2018

THIRD READING _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.


THIRD READING (ENROLLED) _____ 20 _____

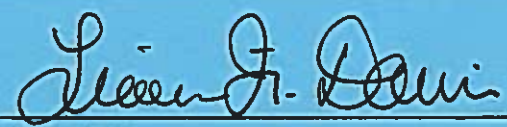
_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

 _____
President

 _____
Chief Clerk