

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 20-0526

Introduced by: President Scott, Councilmembers Henry, Cohen, Dorsey, Burnett, Pinkett,
Bullock, Clarke, Middleton, Reisinger, Costello, Sneed, Stokes, Schleifer

Introduced and read first time: April 27, 2020

Assigned to: Land Use Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: May 11, 2020

AN ORDINANCE CONCERNING

Baltimore City COVID-19 ~~Renter Relief~~ Rent Increase Protection Act

FOR the purpose of prohibiting the increase of rent during and after certain declared emergencies; prohibiting certain notices to tenants; requiring certain notices to tenants; prohibiting certain late fees; defining certain terms; ~~providing for a date of termination of the prohibitions;~~ providing that an environmental citation and certain fines may be issued for violations of these provisions; providing for a special effective date; providing for retroactive application of certain provisions; and generally relating to protecting Baltimore City tenants.

BY adding

Article 13 - Housing and Urban Renewal
Section(s) 8-4 and 8-7
Baltimore City Code
(Edition 2000)

BY repealing and re-ordaining current

Article 13 - Housing and Urban Renewal
Section 8-5
Baltimore City Code
(Edition 2000)

BY renumbering current

Article 13 - Housing and Urban Renewal
Sections 8-4 and 8-5, respectively, to 8-5 and 8-6, respectively
Baltimore City Code
(Edition 2000)

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.

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1 BY repealing and re-ordaining

2 Article 1 - Mayor, City Council, and Municipal Agencies

3 Section 40-14(e)(1)

4 Baltimore City Code

5 (Edition 2000)

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

8 **Baltimore City Code**

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

10 **Subtitle 8. Rent Increases**

11 **§ 8-4. RENT INCREASES BARRED – DURING STATES OF EMERGENCY.**

12 (A) *“EMERGENCY” DEFINED.*

13 IN THIS SECTION, “EMERGENCY” MEANS THE CATASTROPHIC HEALTH EMERGENCY
14 DECLARED BY THE GOVERNOR OF MARYLAND ON MARCH 5, 2020, AS AMENDED OR
15 EXTENDED BY THE GOVERNOR, UNDER STATE PUBLIC SAFETY ARTICLE, § 14-3A-02.

16 (B) *SCOPE.*

17 THIS SECTION ONLY APPLIES TO RENTAL FEE INCREASES ON EXISTING TENANTS DURING AN
18 EMERGENCY. NOTHING IN THIS SECTION MAY BE CONSTRUED AS APPLYING TO LEASES FOR
19 NEW TENANTS. FURTHER, NOTHING IN THIS SECTION WITH RESPECT TO AN INCREASE IN
20 THE TENANT’S PORTION OF A RENTAL FEE APPLIES TO ANY PUBLIC HOUSING AUTHORITY
21 WHO MUST COMPLY WITH FEDERAL LAWS, REGULATIONS, OR OTHER FEDERAL
22 REQUIREMENTS TO DETERMINE A TENANT’S RENTAL FEE.

23 (C) *IN GENERAL.*

24 A LANDLORD MAY NOT INCREASE A TENANT’S RENTAL FEE IF:

25 (1) THE INCREASE WOULD TAKE EFFECT DURING AN EMERGENCY; OR

26 (2) NOTICE OF THE INCREASE IS NOT IN COMPLIANCE WITH SUBSECTION (D) OF THIS
27 SECTION.

28 (D) *NOTICE OF RENT ADJUSTMENT.*

29 (1) *IN GENERAL.*

30 DURING AN EMERGENCY AND WITHIN 90 DAYS AFTER THE EXPIRATION OF AN
31 EMERGENCY, A LANDLORD MAY NOT NOTIFY A TENANT OF A RENTAL FEE INCREASE.

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1 (2) *PRE-EMERGENCY RENT INCREASE NOTICES.*

2 A LANDLORD MUST INFORM A TENANT IN WRITING TO DISREGARD ANY NOTICE OF A
3 RENTAL FEE INCREASE IF:

4 (I) THE LANDLORD PROVIDED THE NOTICE TO THE TENANT PRIOR TO AN
5 EMERGENCY; AND

6 (II) THE EFFECTIVE DATE OF THE INCREASE WOULD OCCUR ON OR AFTER THE DATE
7 THE EMERGENCY BEGAN.

8 (E) *LATE FEES PROHIBITED.*

9 ~~A LANDLORD MAY NOT CHARGE OR OTHERWISE ASSESS A TENANT FOR NONPAYMENT OR~~
10 ~~LATE PAYMENT OF A RENTAL FEE DURING AN EMERGENCY OR WITHIN 90 DAYS AFTER THE~~
11 ~~EXPIRATION OF AN EMERGENCY.~~

12 (1) "LATE FEE" DEFINED.

13 (I) IN THIS SUBSECTION, "LATE FEE" MEANS ANY ADDITIONAL CHARGE OR FEE
14 IMPOSED BECAUSE A RENTAL FEE IS NOT MADE WHEN THE RENTAL FEE IS DUE
15 UNDER THE TERMS OF A LEASE.

16 (II) "LATE FEE" INCLUDES A FEE IMPOSED:

17 (A) AS A FLAT RATE;

18 (B) AS A PERCENTAGE OF THE RENTAL FEE DUE; OR

19 (C) IN ANY OTHER TERMS.

20 (2) IN GENERAL.

21 A LANDLORD MAY NOT CHARGE, ASSESS, OR OTHERWISE SEEK TO COLLECT A LATE FEE
22 FROM A TENANT FOR THE NONPAYMENT OR THE LATE PAYMENT OF A RENTAL FEE
23 THAT COMES DUE DURING AN EMERGENCY.

24 (F) *CITY TO POST NOTICE.*

25 THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT MUST POST ON ITS
26 WEBSITE INFORMATION REGARDING THE REQUIREMENTS OF THIS SECTION, INCLUDING THE
27 DATE THAT AN EMERGENCY EXPIRES AND THE DATE THAT IS 90 DAYS AFTER THE
28 EXPIRATION OF THE EMERGENCY.

29 **§ 8-5. [§ 8-4.] Landlord's right of review.**

30 The provisions of this subtitle do not limit a landlord's right, under the applicable provisions
31 of the City Building, Fire, and Related Codes Article, to an administrative review of a
32 violation notice.

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§ 8-6. [§ 8-5.] Enforcement by tenant.

A tenant may seek relief from an appropriate court to restrain or enjoin any violation of ~~the provisions of this law~~ § 8-2 AND § 8-3 OF THIS SUBTITLE IN ACCORDANCE WITH STATE LAW.

§ 8-7. ENFORCEMENT BY CITATION.

(A) IN GENERAL.

THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}.

(B) PROCESS NOT EXCLUSIVE.

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

(C) EACH DAY A SEPARATE OFFENSE.

EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

(1) Article 13. Housing and Urban Renewal

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SUBTITLE 8: RENT INCREASES \$1,000

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 date it is enacted. It will remain effective through the 121st day following the expiration of the catastrophic health emergency declared by the Governor on March 5, 2020, as amended or extended by the Governor; and, immediately after that date, with no further action by the Mayor and City Council, this Ordinance will be abrogated and of no further effect.~~

SECTION 3. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the

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1 invalidity does not affect any other provision or any other application of this Ordinance, and for
2 this purpose the provisions of this Ordinance are declared severable.

3 **SECTION 4. AND BE IT FURTHER ORDAINED,** That City Code Article 13, § 8-4 {“Rent
4 increases barred – during states of emergency”}, as enacted by this Ordinance, is effective
5 retroactively from March 5, 2020.

6 **SECTION 5. AND BE IT FURTHER ORDAINED,** That, notwithstanding Section 4 of this
7 Ordinance, City Code Article 13, § 8-7 {“Enforcement by citation”} as enacted by this Ordinance
8 and City Code Article 1, § 40-14(e)(1) as amended by this Ordinance take effect on the date of
9 enactment and may only be applied to violations of this Ordinance committed after the date of its
10 enactment.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City