



MEMORANDUM

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

From: Alice Kennedy, Acting Housing Commissioner

Date: April 20, 2021

Re: City Council Bill 21-0031 Landlord-Tenant - Lease Renewals

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 21-0031 for the purpose of requiring, absent certain good cause circumstances, landlords to offer tenants a reasonable opportunity renew leases; providing for the manner of notice for which a landlord must send renewal notices or decline-to-renew notices; establishing a presumption of offer and acceptance, absent certain circumstances; providing for the effect of the subtitle; providing for certain administrative and criminal penalties; and providing for a special effective date.

If enacted, City Council Bill 21-0031 would require that a landlord offer an existing tenant the ability to renew the lease by legislating that “at least 75 days but no more than 100 days prior to the end of a term lease or periodic tenancy, a landlord shall offer a tenant a reasonable opportunity to renew the lease subject to a reasonable, non-retaliatory increase in the rent or a change in lease terms.”

DHCD recognizes that many Baltimore renters struggle to pay for housing, leaving their families at risk of instability and even homelessness. This Bill may provide additional housing stability for Baltimore’s renters, however as drafted, it is in conflict with State Law.

Additionally, Council Bill 21-0031 provides for enforcement by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 - Environmental Control Board. It is unclear if this type of enforcement would be practical, or possible by any City employee who is authorized by his or her agency head to issue environmental citations. Should this legislation be amended to meet form and legal sufficiency an amendment should be considered to delete lines 27 to 31, on page 4 of the Bill to remove enforcement by citation, and renumber the section to make it clear that this ordinance does not preclude any other civil or criminal remedy authorized by law.

Baltimore’s renters—are housing cost-burdened, meaning they spend more than 30 percent of their income on housing. During the ongoing COVID-19 pandemic it is especially important to look to ways to provide additional housing stability for Baltimore’s renters. This legislation is part of a larger tenant protection package aimed at promoting housing security through various local laws such as City Council Bill 21-0021 (Late Fees for Past Due Rent) and City Council Bill

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21-0022 (Security Deposit Alternatives.) DHCD supports the administrations efforts around this issue and should the Bill be amended to meet legal sufficiency would welcome the opportunity to continue the conversation with sister agencies around the passage of this legislation.

DHCD **defers to Law** on the passage of City Council Bill 21-0031.

AK/sm

cc: Ms. Themelis, Nina, *Mayor's Office of Government Relations*

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