



Legislation Details (With Text)

File #: 21-0021 **Version:** 0 **Name:** Late Fees for Past Due Rent
Type: Ordinance **Status:** Enacted
File created: 1/11/2021 **In control:** Baltimore City Council
On agenda: **Final action:** 3/31/2021
Enactment date: **Enactment #:** 21-014

Title: Late Fees for Past Due Rent
 For the purpose of requiring a lease to have a provision regarding a 10-day grace period; 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.

Sponsors: Robert Stokes, Sr., President Nicholas J. Mosby, Sharon Green Middleton, Odette Ramos, John T. Bullock, Zeke Cohen, Antonio Glover, James Torrence

Indexes: Fees, Past Due Rent

Code sections:

Attachments: 1. DHCD 21-0021, 2. HABC 21-0021, 3. Law 21-0021, 4. 21-0021 Hearing Packet C, 5. Bill 21-0021 Written Testimony, 6. 21-0021 Hearing Notes, 7. Hearing Minutes - 21-0021, 8. Hearing Agenda - 21-0021, 9. 21-0021~1st Reader, 10. Testimony - M. Amster, Jew United for Justice, 11. Testimony - R Jorisch Bill 21-0022, 12. Testimony - 21-0021 - A Ogurick, 13. Agenda Work Session 3-16-21, 14. Work Session Minutes 21-0021, 15. Work Session Notes - 21-0021 3-16-21, 16. 2nd Reader Amendment 21-0021, 17. Signed Ordinance 21-0021

Date	Ver.	Action By	Action	Result
4/5/2021	0	Mayor	Signed by Mayor	
3/22/2021	0	Baltimore City Council	Advanced to 3rd Reader on same day	
3/22/2021	0	Baltimore City Council	Approved and Sent to the Mayor	
3/22/2021	0	Economic and Community Development	Recommended Favorably with Amendment	
3/16/2021	0	Economic and Community Development	Recommended Favorably with Amendment	Pass
2/22/2021	0	Economic and Community Development	Worksession	
1/25/2021	0	Economic and Community Development	Scheduled for a Public Hearing	
1/14/2021	0	Baltimore City Council	Refer to City Solicitor	
1/14/2021	0	Baltimore City Council	Refer to Dept. of Housing and Community Development	
1/14/2021	0	Baltimore City Council	Refer to Housing Authority of Baltimore City	
1/14/2021	0	Baltimore City Council	Refer to Dept. of Real Estate	
1/13/2021	0	Baltimore City Council	Assigned	
1/11/2021	0	Baltimore City Council	Assigned	
1/11/2021	0	Baltimore City Council	Introduced	

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.

Introductory*
City of Baltimore
Council Bill

Introduced by: Councilmember Stokes and Co-Sponsors President Mosby, Councilmember Middleton, and Councilmember Ramos

A Bill Entitled

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; 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 repealing and reordaining, with amendments

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) *In general.*

A residential lease shall include a provision that the landlord may not apply late fees to the rent until the tenant is more than 10 days past due with the rent.

(2) *Additional late fee provisions.*

In addition, a residential lease shall include a provision that:

- (i) the landlord may charge a late fee of not more than 1% of the total monthly rental payment per day for each day the tenant is late, commencing with the 11th day of the period for which rent is due, not to exceed a total of 5% of the total monthly rental payment;
- (ii) the landlord may charge the late fee commencing on the 11th day after the day a public assistance check was actually mailed or an electronic funds transfer was made if the tenant:
 - (A) receives public assistance under the Food Supplement Program, Women, Infants, and Children Program, or the Supplemental Nutrition Assistance Program; and
 - (B) has not received the public assistance check or electronic fund transfer on or before the date the rent is due, if the tenant:
 - 1. informs the landlord, in writing, that the public assistance check was mailed or the electronic funds transfer was made later than the day on which the rent was due; and
 - 2. the tenant provides reasonable, satisfactory evidence to establish that the public assistance check was mailed or the electronic funds transfer was made later than the day upon which the rent was due;
- (iii) in the case of leases requiring weekly rental installments, the landlord may charge a \$3 penalty for the late payment of rent but may not charge more than a total of penalties exceeding \$12 per month;
- (iv) the landlord may not demand the payment of any fees or other charges, except rent, court filing fees, and court-awarded costs, as a condition precedent to allowing the tenant to exercise the tenant's right to redeem the leased dwelling unit as provided for by the State Real Property Article;
- (v) if the tenant has had 3 judgments for possession in favor of the landlord for rent due in the 12 months prior to when the tenant exercised the tenant's right to redeem the leased dwelling unit, the landlord may demand the payment of fees and charges beyond rent, court filing fees, and court-awarded costs as a condition precedent to allowing the tenant to exercise the tenant's right to redeem the leased dwelling unit as provided for by the State Real Property Article;
- (vi) a landlord may recover only those costs and filing fees actually incurred;
- (vii) if requested in writing, a landlord shall provide a tenant with a written statement of charges actually incurred, to include the District Court case number and a copy of the complaint form; and
- (viii) a request by a tenant for a written statement of charges actually incurred must be made within 30 days of the costs being assessed and may not cover any other request for filing costs assessed in over 180 days.

(3) *Other remedies not precluded.*

Nothing in this section may be construed to alter a landlord's remedies to recover damages from a

tenant arising from breach of a lease or any other relevant provision of law.

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 shall only apply prospectively to new leases and shall have no retroactive effect on leases entered into prior to the effective date of this Ordinance.

Section 4. And be it further ordained, That this Ordinance takes effect on the 30th day after the date it is enacted.