



Legislation Details (With Text)

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Type: Ordinance **Status:** Withdrawn

File created: 5/11/2023 **In control:** City Council

On agenda: 10/23/2023 **Final action:** 10/23/2023

Title: Landlord-Tenant Relations - Relocation Expenses - For the purpose of requiring a landlord to pay a tenant a relocation payment if the tenant’s housing is condemned as unfit for human habitation under certain circumstances; requiring a landlord to provide a tenant with a right of first refusal to re-occupy rental housing under certain circumstances; and generally related to landlord-tenant relations.

Sponsors: Dajuan K. Gay

Indexes: Housing and Human Welfare Committee

Code sections:

Attachments: 1. O-21-23 First Reader, 2. O-21-23 Legislative Summary, 3. O-21-23 Fiscal Impact Note, 4. O-21-23 Staff Report, 5. O-21-23 Maryland Judicial Conference Review, 6. O-21-23 Office of Law Legal Opinion - Preemption and Landlord Tenant Matters

Date	Ver.	Action By	Action	Result
10/23/2023	1	City Council	withdrawn without objection	Pass
10/16/2023	1	Housing and Human Welfare Committee	recommend favorably	Pass
9/26/2023	1	City Council	refer to Annapolis Education Commission	Pass
9/18/2023	1	Housing and Human Welfare Committee	postpone	Pass
6/12/2023	1	City Council	declare the public hearing closed	
6/7/2023	1	Housing and Human Welfare Committee	postpone	Pass
5/22/2023	1	City Council	presented	
5/22/2023	1	City Council	adopt on first reader	Pass
5/22/2023	1	City Council	refer to Annapolis Education Commission	

Landlord-Tenant Relations - Relocation Expenses - For the purpose of requiring a landlord to pay a tenant a relocation payment if the tenant’s housing is condemned as unfit for human habitation under certain circumstances; requiring a landlord to provide a tenant with a right of first refusal to re-occupy rental housing under certain circumstances; and generally related to landlord-tenant relations.

CITY COUNCIL OF THE
City of Annapolis

Ordinance 21-23

Introduced by: Alderman Gay
Co-sponsored by:

Referred to
Housing and Human Welfare Committee

AN ORDINANCE concerning

Landlord-Tenant Relations - Relocation Expenses

FOR the purpose of requiring a landlord to pay a tenant a relocation payment if the tenant's housing is condemned as unfit for human habitation under certain circumstances; requiring a landlord to provide a tenant with a right of first refusal to re-occupy rental housing under certain circumstances; and generally related to landlord-tenant relations.

BY reenacting with amendments the following portions of the Code of the City of Annapolis, 2022 Edition
18.08.010

BY enacting with amendments the following portions of the Code of the City of Annapolis, 2022 Edition
18.08.020
18.08.030

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:

Title 18 - LANDLORD AND TENANT RELATIONS

Chapter 18.08 - ESSENTIAL SERVICES

Chapter 18.08.010 - Service and facilities essential to health and safety. Definitions.

- A. ~~All residentially leased buildings or dwelling units shall be maintained, by the landlord, in full compliance with the residential housing standards as enumerated in Chapter 17.40 of this code and applicable provisions of the Annotated Code of Maryland. A tenant shall have the remedies specified in Subsection B of this section when the landlord is in material compliance with Chapter 17.40.~~
- B. ~~If, after actual notice to the landlord by the tenant, the landlord fails to take reasonable steps to supply or repair facilities and to restore services required under Subsection A of this section within a reasonable time, not exceeding forty eight hours, the tenant may:~~
- ~~1. Bring an action to recover actual damages resulting from the landlord's violation of this section and, if the landlord has willfully violated this section, to recover treble damages;~~
 - ~~2. Cite this section as a defense in actio by the landlord for unpaid rent;~~
 - ~~3. File a verified petition in the district court stating the nature of the essential service or facility lacking, the date of its interruption, that the landlord has notice of the lack of service or facility, and that the landlord has failed to take reasonable steps to restore or provide such service or repair such facility and asking the court to immediately order the landlord to show cause why the landlord should not be ordered to correct immediately the alleged violation of this section;~~
 - ~~4. Recover costs and attorney's fees in any action under this section.~~
- C. ~~1. A hearing shall be scheduled at the next available court date after service of a show cause order under Subsection (B)(3) of this section on the landlord.~~
- ~~2. For purposes of this section, service of the show cause order on any person or entity authorized to accept rent on behalf of a landlord or authorized to accept service of housing or health code violation notices, shall constitute service on the landlord.~~

D. Subsections A through C of this section do not apply to:

1. An interruption or lack of service that is caused by a deliberate or negligent action by the tenant, a member of the tenant's family, or a person who is on the leased premises with the consent of the tenant;
2. An interruption or lack of service that is caused by the failure of the tenant to pay the utility bill for that service; if, under the terms of the rental agreement, the bill is the responsibility of the tenant; or
3. The interruption of service by the landlord, after notice to the tenant, for a reasonable period of time necessary for the purpose of making repairs or performing required maintenance.

E. This section does not preclude or limit any other rights, obligations, and remedies otherwise authorized by the applicable law and may not be waived by agreement of the parties.

For the purposes of this chapter, the following words and phrases have the meanings indicated:

1. "Bedroom" means any room of at least 100 square feet used principally for sleeping purposes, including an "all-purpose room," a study or a den.
2. "City Manager" means the Annapolis City Manager or their designee, which may be a city department or department director.
3. "Condemned" means dwellings unfit for human habitation, as designated in Title 17 § 40.850.
4. "Dwelling" means a building or structure, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants, as designed in Title 17§ 40.100.
5. "Dwelling unit" means a room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used or intended for living, sleeping, cooking and eating, as designed in Title 17§ 40.100.
6. "Permanently displaced tenant" means a tenant that must vacate rental housing for 30 days or more because the rental housing is condemned, as defined as unfit for human habitation through no fault of the tenant.
7. "Temporarily displaced tenant" means a tenant must vacate rental housing for less than 30 days because the rental housing is condemned as unfit for human habitation.
8. "Tenant" means a person who pays rent or other consideration for the temporary use or occupation of another's premises under a lease or similar arrangement, as designed in Title 17§ 40.110.

18.10.020 - Service and facilities essential to health and safety.

A. **Dwelling Maintenance.** All residentially leased buildings or dwelling units shall be maintained, by the landlord, in full compliance with the residential housing standards as enumerated in Title 17 § 40 of this Code and applicable provisions of the Annotated Code of Maryland.

B. **Consequences for Lack of Maintenance.** If, after actual notice to the landlord by the tenant, the

landlord fails to take reasonable steps to supply or repair facilities and to restore services required under Subsection A of this Section within a reasonable time, not exceeding 48 hours, the tenant may:

1. Bring an action to recover actual damages resulting from the landlord's violation of this section and, if the landlord has willfully violated this section, to recover treble damages;
2. Cite this section as a defense in an action by the landlord for unpaid rent;
3. File a verified petition in the district court stating the nature of the essential service or facility lacking, the date of its interruption, that the landlord has notice of the lack of service or facility, and that the landlord has failed to take reasonable steps to restore or provide such service or repair such facility and asking the court to immediately order the landlord to show cause why the landlord should not be ordered to correct immediately the alleged violation of this section;
4. Recover costs and attorney's fees in any action under this section.
5. A hearing shall be scheduled at the next available court date after service of a show cause order under Subsection (B)(3) of this Section on the landlord.
6. For purposes of this section, service of the show cause order on any person or entity authorized to accept rent on behalf of a landlord or authorized to accept service of housing or health code violation notices, shall constitute service on the landlord.

C. **Exceptions.** Subsections A through B of this section do not apply to:

1. An interruption or lack of service that is caused by a deliberate or negligent action by the tenant, a member of the tenant's family, or a person who is on the leased premises with the consent of the tenant;
2. An interruption or lack of service that is caused by the failure of the tenant to pay the utility bill for that service, if, under the terms of the rental agreement, the bill is the responsibility of the tenant; or
3. The interruption of service by the landlord, after notice to the tenant, for a reasonable period of time necessary for the purpose of making repairs or performing required maintenance.

E. **Other Rights.** This section does not preclude or limit any other rights, obligations, and remedies otherwise authorized by the applicable law and may not be waived by agreement between tenant and landlord.

18.10.030 - Tenant relocation due to condemnation.

A. Relocation payment required. Except as provided in Subsection (B)(4) of this Section, a landlord shall pay relocation expenses to tenant(s) who are permanently or temporarily displaced by a City condemnation per Title 17 § 40.850.

- 1. Permanently displaced tenant.** The landlord must, within 72 hours of the posting of the condemnation,
 - a. Return to the permanently displaced tenant the tenant's security deposit with required interest; and
 - b. Pay to the permanently displaced tenant any prorated rent for the remainder of the month; and
 - c. Pay to the permanently displaced tenant the greater of:
 - i. Three months' fair market value rent for a unit of comparable size, as established

by the most current Federal Department of Housing and Urban Development schedule of fair market rents for the City of Annapolis zip code of the rental housing being vacated.

ii. Three months of the tenant's actual rent under the lease at the time of relocation.

2. **Temporarily displaced tenant.** The landlord must, within 24 hours of the posting of the condemnation:

- a. Provide alternative, safe, legal, comparable housing, as determined by the City Manager for the temporarily displaced tenant and the tenant's belongings for the displacement period; and
- b. Pay for the immediate relocation of the temporarily displaced tenant and the tenant's belongings, including moving costs and transportation.

3. **Replacement dwelling accommodations.** The replacement housing provided shall:

- a. Have a comparable number of bedrooms to the dwelling unit that was declared uninhabitable; or
- b. The landlord must pay an approved allowance determined by the City Manager.

4. **Short notice of displacement.** If a tenant is required to vacate the rental housing with less than 30 days' notice, the relocation payment must also include either:

- a. One additional month's fair market value rent for a unit of comparable size, as established by the most current Federal Department of Housing and Urban Development schedule of fair market rents for the City of Annapolis area; or
- b. Provide alternative, safe, and legal housing for 30 days after the tenant vacates the damaged unit.

5. **Alternate arrangement.** A landlord and tenant may agree to an alternative arrangement if it is of equal benefit to the tenant and the tenant agrees.

B. Returning tenants after property remediation.

1. **First right of return.** Tenant(s) required to move out shall be offered the first right to occupy the remediated dwelling unit.

2. **Moving costs.** At the end of the displacement period, the landlord shall pay the costs to move the tenant and the tenant's belongings by a licensed and insured moving company back to the tenant's original rental housing.

3. **Lease after remediation.** A landlord shall ensure that the lease in effect at the time of a temporarily displaced tenant's return to the tenant's original rental housing contains lease provisions substantially similar to the lease in effect at the time of displacement, including requirements regarding the length of the lease term and the amount of rent due.

4. **Exception.** A permanently displaced tenant may waive the right to reoccupy the rental housing after displacement.

C. **Exception.** A landlord is not required to provide a relocation payment or the right to reoccupy rental housing if the City Manager determines the rental housing is condemned due to events beyond the landlord's control.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY

COUNCIL the Department of Planning and Zoning or their designee shall, within 90 days of the effective date of this legislation, promulgate any rules or regulations necessary to implement the intent of this legislation.

SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect upon passage.