



Introduced & 1st Reading: October 6, 2020
Second Reading & Adoption: November 3, 2020

City of Mount Rainier, Maryland
Ordinance 07-2020:

Amending the Code of the City of Mount Rainier, Chapter 7, “Licenses and Permits”, to add Section 7-107A, “Illegal Evictions”; and to add subsection (C)(5) to Section 7-109, “Violations; fines,” to provide a fine for a violation of Section 7-107A.

Introduced By: Mayor & City Council

Whereas, the majority of Mount Rainier residents reside in rental properties; and

Whereas, the City of Mount Rainier recognizes the devastating consequences of evictions and homelessness; and

Whereas, state law mandates the process for evictions from residential rental properties; and

Whereas, on occasion the Mayor and Council are aware that rental property owners have evicted or attempted to evict tenants without following the required judicial process; and

Whereas, many tenants are unaware of their legal rights; and

Whereas, the City of Mount Rainier desires to prevent extra-judicial evictions; and

Section 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, that Chapter 7, “Licenses and Permits”, of the City Code, Section 7-107A, “Illegal Evictions”, shall be added to the Mount Rainier Code of Ordinances as follows:

<u>UNDERLINED TEXT IN SMALL CAPS</u>	:	Indicates matter to be added to the City Code
Strikethrough	:	Indicates matter to be deleted from the City Code
Asterisks * * *	:	Indicate matter retained in the Code but omitted herein

SEC. 7-107A. ILLEGAL EVICTIONS.

RESIDENTIAL RENTAL PROPERTY OWNERS AND PROPERTY MANAGERS ARE PROHIBITED FROM EVICTING OR ATTEMPTING TO EVICT ANY TENANT WITHOUT FIRST PROCURING AN ORDER OF EVICTION FROM A COURT OF COMPETENT JURISDICTION IN ACCORDANCE WITH MD. CODE ANN., REAL PROP. ART., TITLE 8, SECTION 8-401.

A TENANT MAY FILE A WRITTEN COMPLAINT WITH THE CITY MANAGER BEFORE, DURING, OR AFTER AN EVICTION OR THREATENED EVICTION THAT VIOLATES THE PROVISIONS OF SUBSECTION A. OF THIS SECTION. THE COMPLAINT NEED NOT BE IN A SPECIFIC FORM BUT MUST BE ACCOMPANIED BY DOCUMENTATION THAT AN EVICTION IS BEING THREATENED OR ATTEMPTED OR HAS OCCURRED. SUCH DOCUMENTATION MAY INCLUDE PHOTOGRAPHS, EMAILS, WRITTEN CORRESPONDENCE, AND/OR AN AFFIDAVIT FROM THE TENANT SETTING FORTH SUFFICIENT FACTS FROM WHICH THE CITY MANAGER MAY CONCLUDE THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT A VIOLATION OF THIS SECTION HAS BEEN THREATENED OR HAS OCCURRED.

IF A THREATENED EVICTION HAS NOT YET OCCURRED, THE CITY MANAGER OR HIS OR HER DESIGNEE WILL PROMPTLY CONTACT THE OWNER OF THE PROPERTY OR HIS OR HER PROPERTY MANAGER, IF ONE HAS BEEN DESIGNATED IN THE LEASE OR RENTAL LICENSE APPLICATION, TO INFORM SUCH PERSON OF THE REQUIREMENT OF STATE AND CITY LAW RELATING TO SUCH EVICTIONS. IF THE CITY MANAGER OR HIS OR HER DESIGNEE IS UNABLE TO CONTACT THE PROPERTY OWNER OR PROPERTY MANAGER AT THE ADDRESS AND/OR TELEPHONE NUMBER PROVIDED IN THE OCCUPANCY LICENSE APPLICATION REQUIRED BY SECTION 7-105 OF THIS CHAPTER, THE CITY MANAGER OR HIS OR HER DESIGNEE SHALL CAUSE A COPY OF THIS SECTION TO BE MAILED TO THE PROPERTY OWNER AT THE ADDRESS GIVEN IN THE RECORDS OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION AND POSTED UPON THE MAIN DOOR OF THE DWELLING UNIT THAT IS THE SUBJECT OF THE EVICTION.

A COPY OF THE TEXT OF THIS SECTION SHALL BE INCLUDED WITH THE CITY RENTAL LICENSE APPLICATION AND SHALL BE PROVIDED BY A LANDLORD OR A PROPERTY MANAGER TO EVERY TENANT PRIOR TO FIRST OCCUPANCY.

Section 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER that Chapter 7, "Licenses and Permits", Section 7-109, "Violations; Fines", be amended as follows:

Section 7-109. - Violations; fines.

A. General. Except as may otherwise be specified herein and in addition to any other provisions for license and permit fees and for occupancy fees and reinstatement fees, any violation of any of the provisions of this Chapter shall be a municipal infraction with the penalty fines as set forth herein.

* * *

C. Occupancy rental licenses.

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NOTWITHSTANDING ANY PROVISION IN THIS CHAPTER TO THE CONTRARY, A VIOLATION OF SECTION 7-107A BY A LANDLORD OR A PROPERTY MANAGER IS A MUNICIPAL INFRACTION, SUBJECT TO A FINE OF \$5,000. EACH EVICTION OR ATTEMPTED EVICTION IN VIOLATION OF SECTION 7-114 IS A SEPARATE MUNICIPAL INFRACTION.

THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER THIS 3rd DAY OF NOVEMBER, 2020, AND SHALL TAKE EFFECT IMMEDIATELY PROVIDED THAT A FAIR SUMMARY SHALL BE POSTED AT CITY HALL FOR AT LEAST TWO WEEKS AFTER IT BECOMES EFFECTIVE AND SHALL BE PUBLISHED AT LEAST ONCE IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE CITY OR OTHERWISE DELIVERED TO EVERY CITY HOUSEHOLD.

Attest:

Yatasha C. Gatling
Yatasha Gatling, City Manager

Malinda Miles
Malinda Miles, Mayor

Luke Cheseck
Luke Cheseck, Councilmember Ward 1

Cecilia Benitez
Cecilia Benitez, Councilmember Ward 1

Bryan Knedler
Bryan Knedler, Councilmember Ward 2

Scott B. Cecil
Scott Cecil, Councilmember Ward 2

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