

September 29, 2020

Re: OPPOSITION OF Council Bill 95-20

Dear Chairwoman Bevins and Members of the Baltimore County Council:

The Maryland Building Industry Association (MBIA), representing 100,000 employees of the building industry across the State of Maryland, writes in opposition of Council Bill 95-20 which mandates additional requirements and restrictions for Baltimore County landlords during an “emergency.” If adopted, this measure would apply retroactively to the date of Maryland’s current State of Emergency, March 5, 2020.

The retroactivity provision would render illegal any rent increase which was agreed upon or went into effect since March 5, 2020. This is a significant infringement on countless contracts that were fairly negotiated in the last six months, and could result in litigation against Baltimore County. We urge the Council to consider the pending suit filed by property owners in the U.S. District Court of Maryland against the City of Baltimore, Howard County, and the City of Salisbury challenging similar retroactivity provisions.

Indeed, many of the new and cumbersome regulations proposed in this bill may be subject to legal challenges. MBIA echoes the Maryland Multi-Housing Association (MMHA)’s concerns regarding public notices, rental assistance notices, Failure to Pay Rent prohibitions, rent increases, and the proposed definition of “emergency.” These proposed provisions undermine existing leases and the rights of property owners and tenants to freely enter into mutually-beneficial contracts. Further, many of the proposed requirements placed exclusively on property owners are opaque or overly burdensome, ensuring that compliance will be difficult or even impossible.

We understand the unique challenges posed by the COVID-19 pandemic, and appreciate the Sponsors’ intent to help tenants during these uncertain times. However, this bill imposes too much on property owners, many of whom are private individuals who rely on rental income for their own financial security.

For these reasons, MBIA opposes this bill and respectfully urges the Council to vote no on Council Bill 95-20. If you have any questions about these comments and would like to discuss MBIA’s position further, please do not hesitate to contact me at abailey@marylandbuilders.org or (202) 815-4445.

Best regards,

Angelica Bailey, Esq., Vice President of Government Affairs
Maryland Building Industry Association

Cc: Councilman Izzy Patoka Councilman Tom Quirk
 Councilman Wade Kach Councilman Todd Crandell
 Councilman Julian Jones County Executive Johnny Olszewski
 Councilman David Marks