

**COUNCIL OF THE TOWN OF BLADENSBURG
WORK SESSION AGENDA - DRAFT**

October 3, 2022 @ 5:30PM

**Public Access Virtual via live stream on the Town's Facebook and YouTube pages
Or Zoom (access info below).**

This meeting will be entirely virtual (Zoom)

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|-------------|-------------------------------------------------------------------|---------|
| I. | CALL TO ORDER | 1 min |
| II. | APPROVAL OF AGENDA | 1 min |
| III. | APPROVAL OF MINUTES | 1 min |
| | September 12, 2022 Work Session Minutes | |
| IV. | APPEARANCES | |
| | a. Suellen Ferguson, Town Attorney: Rent Stabilization Program | 30 mins |
| V. | OLD BUSINESS | |
| VI. | NEW BUSINESS | |
| | a. Candidate search for Town Administrator position | 5 mins |
| | b. Legislative Priorities | 10 mins |
| | i. Bladensburg Priorities | |
| | ii. PGCMA Priorities | |
| | c. Growing Green with Pride Event on October 15 | 5 mins |
| | d. Resilience Hubs | 5 mins |
| | e. ARPA Food Assistance: Partnership with Non-Profit Organization | 5 mins |
| VII. | ADJOURNMENT | |

Meeting Access Information

<https://zoom.us/j/97463669358?pwd=QkNNKzRDNFJUK3pWL0ZGc0E0NDdGZz09>

Meeting ID: 974 6366 9358 Passcode: 930725

Join by phone: One tap mobile

+13017158592,,97463669358#,,,,*930725# US (Washington D.C)

Calendar Link: [https://zoom.us/meeting/tJMpcequqDlpH9ytHXCuoJtxlyirS-](https://zoom.us/meeting/tJMpcequqDlpH9ytHXCuoJtxlyirS-4fnxy1/ics?icsToken=98tyKuCvqj0pHNKcsxyPRowEBo_ob-7wplhegvpEiDfdIDVcSBfuH_tLIIEyRN7e)

[4fnxy1/ics?icsToken=98tyKuCvqj0pHNKcsxyPRowEBo_ob-7wplhegvpEiDfdIDVcSBfuH_tLIIEyRN7e](https://zoom.us/meeting/tJMpcequqDlpH9ytHXCuoJtxlyirS-4fnxy1/ics?icsToken=98tyKuCvqj0pHNKcsxyPRowEBo_ob-7wplhegvpEiDfdIDVcSBfuH_tLIIEyRN7e)

**COUNCIL OF THE TOWN OF BLADENSBURG
DRAFT COUNCIL MEETING AGENDA**

October 3, 2022 7:00pm

**Public Access Virtual via live stream on the Town's Facebook and YouTube pages
Or Zoom (access info below).**

This meeting will be entirely virtual (Zoom)

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|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| I. | CALL TO ORDER | 1 min |
| II. | OPENING PRAYER | 2 min |
| III. | PLEDGE OF ALLEGIANCE | 1 min |
| IV. | APPROVAL OF AGENDA | 1 min |
| V. | APPEARANCES | |
| | A. Mohamed Sheikh, Outreach and Engagement Coordinator with Prince George's County Park and Planning: Health and wellness program presentation | 5 mins |
| | B. Outstanding Business Owner Recognition: Eloisa Guzman for 25 years of exemplary service in the Bladensburg community | 5 mins |
| VI. | APPROVAL OF MINUTES | |
| | September 12, 2022 Regular Meeting Minutes | |
| VII. | PUBLIC COMMENTS | |
| | Written comments can be submitted prior to meeting to be read into the record. Comments can be submitted to Clerk@BladensburgMD.gov and DGriffin@BladensburgMD.gov | |
| VIII. | UNFINISHED BUSINESS | |
| | A. MDOT 769C: Quincy Street | 5 mins |
| | B. 57 th Avenue Project | 5 mins |
| | C. Rain Barrel PILOT Program | 5 mins |
| IX. | FINANCIAL BUSINESS | |
| | A. ARPA Funding Update | 10 mins |
| | B. Candidate Search for Town Administrator Position | 5 mins |

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,
AMENDING CITY CODE, CHAPTER 15 "BOARDS, COMMISSIONS AND
COMMITTEES" TO ADD ARTICLE IX TO CREATE A RENT STABILIZATION
BOARD, ENACTING CITY CODE, CHAPTER 127 "RENT STABILIZATION" TO
ESTABLISH A RENT STABILIZATION PROGRAM IN THE CITY OF COLLEGE
PARK, AND AMENDING CITY CODE, CHAPTER 110 "FEES AND PENALTIES" TO
ESTABLISH THE FEES AND PENALTIES ASSOCIATED WITH THE RENT
STABILIZATION PROGRAM.

WHEREAS, pursuant to Md. Code Ann., Art. 23A, §2, the City of College Park, Maryland (hereinafter, the "City") has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality; and

WHEREAS, on June 10, 2003, the Mayor and Council of the City of College Park approved the City of College Park Housing Plan (the "Housing Plan"); and

WHEREAS, according to the Housing Plan, the City of College Park had a total of 6,245 housing units in 2000 (not including 8,420 beds in University of Maryland dormitories, another 1,740 beds in public/private partnership housing on University of Maryland owned land, and 1,386 beds in fraternity and sorority houses); and

WHEREAS, 4,204 of those units, or 67.3%, are single-family detached homes, while 152 units or 2.4% are single family attached houses (townhouses), 268 units, or 4.2%, are located within structures containing 2-4 units, and 1,613 units, or 25.8%, are within structures containing 5 units or more; and

WHEREAS, the 2000 United States Census reported an owner occupancy rate of 57.2% for College Park, a decline of 9.8% from 1980; and

CAPS : Indicate matter added to existing law.

Asterisks * * * : Indicate matter remaining unchanged in existing law but not set Forth in Ordinance.

WHEREAS, the current rental market in the City poses a threat to the public health, safety and welfare of the citizens of the City of College Park; and

WHEREAS, the Mayor and City Council deem the protection of the City’s stock of owner occupied housing to be a legitimate public purpose; and

WHEREAS, the Mayor and City Council deem it to be in the best interest of the City to adopt a rent stabilization program in order to ensure the availability and maintenance of affordable housing in the City, to protect the standard of living of all City residents, and finally to strengthen and stabilize the City’s neighborhoods.

Section 1. **NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland that Chapter 15 “Boards, Commissions and Committees”, Article IX “Rent Stabilization Board” be, and is hereby, enacted to read as follows:

CHAPTER 15

BOARDS, COMMISSIONS AND COMMITTEES

ARTICLE IX RENT STABILIZATION BOARD

§ 15-39.	ESTABLISHMENT.
§ 15-40.	COMPOSITION.
§ 15-41.	TERMS OF OFFICE.
§ 15-42.	COMPENSATION.
§ 15-43.	CONFLICT OF INTEREST.
§ 15-44.	MEETINGS.
§ 15-45.	OFFICERS.
§ 15-46.	CONSULTANTS.
§ 15-47.	BYLAWS.
§ 15-48.	POWERS AND DUTIES.
§ 15-49.	RULES AND REGULATIONS.
§ 15-50.	QUORUM.
§ 15-51.	VOTING.
§ 15-52.	EXPENSES.

§ 15-41. TERMS OF OFFICE.

APPOINTMENT TO THE RENT STABILIZATION BOARD SHALL BE FOR THREE-YEAR TERMS. HOWEVER, INITIALLY, THREE OF THE MEMBERS SHALL BE GIVEN TWO-YEAR TERMS, AND THE OTHER FOUR SHALL BE GIVEN THREE-YEAR TERMS, TO ALLOW FOR STAGGERED TERMS AMONG THE MEMBERSHIP.

§ 15-42. COMPENSATION.

MEMBERS SHALL RECEIVE COMPENSATION IN AN AMOUNT SET BY THE MAYOR AND CITY COUNCIL IN THE CITY BUDGET.

§ 15-43. CONFLICT OF INTEREST.

MEMBERS OF THE BOARD SHALL DISCLOSE TO THE BOARD ANY CONFLICT OF INTEREST, AS THAT TERM IS UNDERSTOOD IN THE MARYLAND COMMON LAW, §15-801 ET. SEQ. OF THE STATE GOVERNMENT ARTICLE OF THE MARYLAND CODE, AS AMENDED, AND THE COLLEGE PARK ETHICS CODE, AND SHALL REFRAIN FROM VOTING OR TAKING ACTION ON ANY SUCH MATTER. MEMBERS SHALL NOT BE DISQUALIFIED FROM EXERCISING ANY OF THEIR POWERS AND DUTIES ON THE GROUNDS OF A CONFLICT OF INTEREST SOLELY ON THE BASIS OF THEIR STATUS AS A LANDLORD OR TENANT. HOWEVER, A MEMBER SHALL BE DISQUALIFIED FROM RULING ON A PETITION FOR AN INDIVIDUAL ADJUSTMENT OF A RENT CEILING UNDER

MAY AGREE UPON.

§ 15-46. CONSULTANTS.

THE BOARD MAY RECOMMEND TO THE MAYOR AND CITY COUNCIL THE HIRING OF SUCH TECHNICAL CONSULTANTS, AS MAY BE NECESSARY FROM TIME TO TIME TO CARRY OUT ITS DUTIES. SUCH RECOMMENDATIONS SHALL FOLLOW NORMAL CITY PROCEDURES FOR THE HIRING OF CONSULTANTS.

§ 15-47. BYLAWS.

THE BOARD SHALL PROMPTLY ADOPT WRITTEN BYLAWS, SUBJECT TO THE APPROVAL OF THE MAYOR AND CITY COUNCIL.

§ 15-48. POWERS AND DUTIES.

THE DUTIES OF THE RENT STABILIZATION BOARD ARE AS FOLLOWS:

A. TO CARRY OUT THE PROVISIONS OF THIS CHAPTER AND TO PROMULGATE SUCH POLICIES, RULES, AND REGULATIONS AS WILL FUTHER THE PURPOSES AND PROVISIONS OF THIS CHAPTER. THE BOARD SHALL PUBLICIZE ITS RULES AND REGULATIONS PRIOR TO PROMULGATION IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF COLLEGE PARK. ALL SUCH POLICIES, RULES AND REGULATIONS SHALL BE FORWARDED TO THE MAYOR

SUBJECT TO THIS CHAPTER.

G. REQUIRE REGISTRATION OF ALL RENTAL UNITS SUBJECT TO THIS CHAPTER.

H. MAKE ADJUSTMENTS IN THE RENT CEILING IN ACCORDANCE WITH CHAPTER 127.

I. SET RENTS AT FAIR AND EQUITABLE LEVELS IN VIEW OF AND IN ORDER TO ACHIEVE THE PURPOSES OF CHAPTER 127.

J. REPORT ANNUALLY TO THE MAYOR AND CITY COUNCIL ON THE STATUS OF RENTAL HOUSING UNITS COVERED BY CHAPTER 127.

K. REQUEST THE CITY COUNCIL TO REMOVE RENT CONTROLS.

L. OTHER POWERS CONFERRED ON THE BOARD BY THE MAYOR AND CITY COUNCIL THAT ARE NECESSARY TO CARRY OUT THE PURPOSES OF CITY CODE, CHAPTER 127 WHICH ARE NOT INCONSISTENT WITH THE TERMS OF THIS CHAPTER.

§ 15-49. RULES AND REGULATIONS.

ALL RULES AND REGULATIONS, DECISIONS, ORDERS, AND POLICIES OF THE BOARD SHALL BE KEPT IN THE CITY CLERK'S OFFICE AND SHALL BE AVAILABLE TO THE PUBLIC FOR INSPECTION AND COPYING. THE BOARD SHALL ALSO MAINTAIN AND KEEP IN THE CITY CLERK'S OFFICE ALL HEARING DOCKETS, WHICH SHALL BE AVAILABLE FOR PUBLIC INSPECTION.

APPROPRIATE RESOURCE MATERIALS, KEEPING THE MINUTES OF THE BOARD, AND SHALL HAVE CUSTODY AND CONTROL OVER ALL OF THE DOCUMENTS GENERATED BY THE BOARD.

§ 15-54. REGISTRATION.

THE BOARD SHALL REQUIRE THE REGISTRATION OF ALL RENTAL UNITS COVERED BY THIS CHAPTER AS PROVIDED FOR IN §127-5. THE BOARD MAY ALSO REQUIRE LANDLORDS TO PROVIDE CURRENT INFORMATION SUPPLEMENTING THEIR REGISTRATION STATEMENTS.

Section 2. NOW, THEREFORE, BE IT FURTHER ORDAINED AND ENACTED,
by the Mayor and Council of the City of College Park, Maryland that Chapter 127 “Rent Stabilization” be, and is hereby, enacted to read as follows:

CHATER 127

RENT STABILIZATION

- § 127-1. PURPOSE.**
- § 127-2. APPLICABILITY.**
- § 127-3. DEFINITIONS.**
- § 127-4. ESTABLISHMENT OF RENT CEILING.**
- § 127-5. REGISTRATION.**
- § 127-6. RENT STABILIZATION ALLOWANCE.**
- § 127-7. INDIVIDUAL ADJUSTMENTS OF RENT CEILINGS.**
- § 127-8. MUNICIPAL INFRACTION.**
- § 127-9. HARDSHIP EXEMPTION.**
- § 127-10. PARTIAL INVALIDITY.**
- § 127-11. NONWAIVERABILITY.**
- § 127-12. JUDICIAL REVIEW.**
- § 127-13. EXPIRATION DATE.**

THE EXISTING HOUSING STOCK IN THE CITY HAS INCREASED IN RECENT YEARS. THE COLLEGE PARK CITY COUNCIL FURTHER FINDS THAT THIS SITUATION POSES A THREAT TO THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF COLLEGE PARK.

C. THE PURPOSES OF THIS CHAPTER ARE TO REGULATE RESIDENTIAL RENT INCREASES IN THE CITY OF COLLEGE PARK AND TO PROTECT TENANTS FROM UNWARRANTED RENT INCREASES, IN ORDER TO HELP MAINTAIN THE DIVERSITY OF THE COMMUNITY. THIS CHAPTER IS DESIGNED TO PRESERVE THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE AND TO ADVANCE THE HOUSING POLICIES OF THE CITY.

§ 127-2. APPLICABILITY.

THIS CHAPTER SHALL APPLY TO ALL REAL PROPERTY THAT IS BEING RENTED OR IS AVAILABLE FOR RENT FOR RESIDENTIAL USE, IN WHOLE OR IN PART, EXCEPT FOR THE FOLLOWING:

A. PROPERTY OWNED BY THE STATE OF MARYLAND OR THE FEDERAL GOVERNMENT.

B. RENTAL UNITS THAT ARE RENTED PRIMARILY TO TRANSIENT GUESTS FOR USE OR OCCUPANCY FOR FEWER THAN FOURTEEN CONSECUTIVE DAYS IN ESTABLISHMENTS SUCH AS HOTELS, MOTELS, INNS, TOURIST HOMES, AND ROOMING AND BOARDING HOUSES; HOWEVER, THE

E. “DWELLING UNIT” MEANS ANY ROOM OR GROUP OF ROOMS LOCATED WITHIN A STRUCTURE AND FORMING A SINGLE HABITABLE UNIT, WITH FACILITIES WHICH ARE USED OR INTENDED TO BE USED FOR LIVING, SLEEPING, COOKING AND EATING PURPOSES.

F. “HOUSING SERVICES” INCLUDE, BUT ARE NOT LIMITED TO, REPAIRS; MAINTENANCE; PAINTING; PROVIDING LIGHT, HOT AND COLD WATER, ELEVATOR SERVICE, WINDOW SHADES AND SCREENS, AND STORAGE; PROVIDING KITCHEN, BATH AND LAUNDRY FACILITIES AND/OR PRIVILEGES; JANITORIAL SERVICES; REFUSE REMOVAL; FURNISHINGS; TELEPHONE; PARKING FACILITIES AND ANY OTHER BENEFIT, PRIVILEGE OR FACILITY CONNECTED WITH THE USE OR OCCUPANCY OF ANY RENTAL UNIT. SERVICES TO A RENTAL UNIT SHALL INCLUDE A PROPORTIONATE PART OF SERVICES PROVIDED TO COMMON FACILITIES OF THE BUILDING IN WHICH THE RENTAL UNIT IS CONTAINED.

G. “LANDLORD” MEANS AN OWNER OF RECORD, LESSOR, SUBLESSOR OR ANY OTHER PERSON OR ENTITY ENTITLED TO RECEIVE RENT FOR THE USE OR OCCUPANCY OF ANY RENTAL UNIT, OR AN AGENT, REPRESENTATIVE OR SUCCESSOR OF ANY OF THE FOREGOING.

H. “PROPERTY” MEANS A PARCEL OF REAL PROPERTY WHICH IS ASSESSED AND TAXED AS AN UNDIVIDED WHOLE.

I. “RENT” MEANS THE CONSIDERATION, INCLUDING ANY DEPOSIT, BONUS, BENEFIT, SERVICE RENDERED, OR GRATUITY DEMANDED OR

OCCUPANCY OF SUCH RENTAL UNIT.**§ 127-4. ESTABLISHMENT OF RENT CEILING.**

A. NO LANDLORD SHALL CHARGE RENT FOR ANY CONTROLLED RENTAL UNIT IN AN AMOUNT MORE THAN THE FAIR MARKET RENT LEVEL ESTABLISHED ANNUALLY BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE WASHINGTON METROPOLITAN STATISTICAL AREA OR 1% OF THE PROPERTY'S ASSESSED VALUE FOR PROPERTY TAXES IN A GIVEN YEAR, WHICHEVER IS GREATER. EXCEPT THAT IN THE CASE OF DUPLEXES, TRIPLEXES AND QUADRAPLEXES, THE COMBINED MONTHLY RENT FOR ALL RENTAL UNITS LOCATED THEREIN SHALL NOT EXCEED 1.5% OF THE PROPERTY'S ASSESSED VALUE FOR PROPERTY TAXES IN A GIVEN YEAR, WHICHEVER IS GREATER, EXCEPT AS MAY BE PROVIDED IN § 127- 6 OR § 127-7. MAXIMUM RENTS OF ALL CONTROLLED RENTAL UNITS SHALL BE ADJUSTED FURTHER TO ESTABLISH BASE RENT LEVELS CONSISTENT WITH PRINCIPLES OF FAIR RENTS BASED ON COSTS OF OPERATING EACH CONTROLLED RENTAL UNIT, WHILE ASSURING THE OWNER A FAIR NET OPERATING INCOME.

**TO PERIODIC RENT DEMANDED OR RECEIVED BY THE LANDLORD IN
CONNECTION WITH THE USE OR OCCUPANCY OF THE RENTAL UNIT;
AND**

8. WHETHER THE RENTAL UNIT IS VACANT OR OCCUPIED.

**C. ALL RENT REGISTRATION STATEMENTS PROVIDED BY
LANDLORDS IN ACCORDANCE WITH THIS CHAPTER SHALL INCLUDE AN
AFFIDAVIT SIGNED BY THE LANDLORD DECLARING UNDER PENALTY OF
PERJURY THAT THE INFORMATION PROVIDED IN THE RENT REGISTRATION
STATEMENT IS TRUE AND CORRECT.**

**D. THE FIRST ANNUAL REGISTRATION FEE SHALL BE PAID BY THE
LANDLORDS TO THE BOARD NO LATER THAN DECEMBER 1, 2005.
SUBSEQUENT ANNUAL REGISTRATION FEES SET IN ACCORDANCE WITH THIS
CHAPTER SHALL BE PAID NO LATER THAN JULY 1 OF EACH YEAR.**

**E. THE BOARD SHALL PROVIDE FORMS FOR THE REGISTRATION
INFORMATION REQUIRED BY THIS SECTION AND SHALL MAKE OTHER
REASONABLE EFFORTS TO FACILITATE THE FULFILLMENT OF THE
REQUIREMENTS SET FORTH IN THIS SECTION.**

**F. EVERY ANNUAL REGISTRATION FEE REQUIRED BY THIS
CHAPTER WHICH IS NOT PAID ON OR BEFORE JULY 1 IS DECLARED
DELINQUENT. ANY ANNUAL REGISTRATION FEE REQUIRED BY THIS
CHAPTER WHICH IS NOT PAID BY JULY 1 SHALL BE INCREASED BY ONE
HUNDRED PERCENT OF THE FEE SO DELINQUENT. EVERY SIX MONTHS THAT**

PROPERTY IN EFFECT AT THE TIME OF CONVERSION, SUBJECT TO ADJUSTMENT AS DEEMED APPROPRIATE BY THE BOARD.

I. NO LANDLORD SHALL BE DEEMED TO BE IN COMPLIANCE WITH THIS SECTION WITH RESPECT TO A GIVEN UNIT UNTIL THE LANDLORD HAS COMPLETED REGISTRATION FOR ALL COVERED UNITS IN THE SAME PROPERTY. REGISTRATION SHALL BE DEEMED COMPLETE WHEN ALL REQUIRED INFORMATION HAS BEEN PROVIDED AND ALL OUTSTANDING FEES HAVE BEEN PAID.

J. REGISTRATION FEES SHALL NOT BE PASSED ALONG TO THE TENANTS WITHOUT THE EXPRESS, PRIOR APPROVAL OF THE BOARD. UNDER NO CIRCUMSTANCES SHALL PENALTIES BE PASSED ALONG TO TENANTS.

§ 127-6. RENT STABILIZATION ALLOWANCE. ADJUSTMENTS TO BASE RENTS.

AN ANNUAL RENT STABILIZATION ALLOWANCE SHALL BE ESTABLISHED, EFFECTIVE ON JULY 1 OF EACH YEAR. THIS RENT STABILIZATION ALLOWANCE SHALL EQUAL ONE HUNDRED PERCENT (100%) OF THE CONSUMER PRICE INDEX, AS SPECIFIED IN THE DEPARTMENT OF PUBLIC SERVICES' REGULATIONS, APPLIED TO THE GREATER OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S FAIR MARKET RENT OR ONE PERCENT (1%) OF THE PROPERTY'S ASSESSED VALUE FOR PROPERTY TAXES. THE RENT STABILIZATION ALLOWANCE SHALL APPLY TO

AFFIRMATIONS.

2. NOTICE. THE BOARD SHALL NOTIFY THE LANDLORD IF THE PETITION WAS FILED BY THE TENANT, OR THE TENANT, IF THE PETITION WAS FILED BY THE LANDLORD, OF THE RECEIPT OF SUCH A PETITION AND A COPY THEREOF.

3. TIME OF HEARING. THE BOARD SHALL NOTIFY ALL PARTIES AS TO THE TIME, DATE AND PLACE OF THE HEARING.

4. RECORDS. THE BOARD MAY REQUIRE EITHER PARTY TO AN INDIVIDUAL RENT CEILING ADJUSTMENT HEARING TO PROVIDE IT WITH ANY BOOKS, RECORDS AND PAPERS DEEMED PERTINENT IN ADDITION TO THAT INFORMATION CONTAINED IN REGISTRATION STATEMENTS. THE BOARD SHALL REQUEST THE CITY TO CONDUCT A CURRENT BUILDING INSPECTION IF THE BOARD FINDS GOOD CAUSE TO BELIEVE THE BOARD'S CURRENT INFORMATION DOES NOT REFLECT THE CURRENT CONDITION OF THE CONTROLLED RENTAL UNIT. THE TENANT MAY REQUEST THE BOARD TO ORDER SUCH AN INSPECTION PRIOR TO THE DATE OF THE HEARING. ALL DOCUMENTS REQUIRED UNDER THIS SECTION SHALL BE MADE AVAILABLE TO THE PARTIES INVOLVED PRIOR TO THE HEARING AT THE OFFICE OF THE BOARD. IN CASES WHERE INFORMATION FILED IN A PETITION FOR AN INDIVIDUAL RENT CEILING ADJUSTMENT OR IN ADDITIONAL SUBMISSIONS FILED AT THE REQUEST OF THE BOARD IS INADEQUATE

AT THE HEARING. ALL PARTIES TO A HEARING SHALL BE SENT A NOTICE OF THE DECISION AND A COPY OF THE FINDINGS OF FACT AND LAW UPON WHICH SAID DECISION IS BASED. AT THE SAME TIME, PARTIES TO THE PROCEEDINGS SHALL ALSO BE NOTIFIED OF THEIR RIGHT TO APPEAL AND/OR SEEK JUDICIAL REVIEW OF THE DECISION.

8. CONSOLIDATION. ALL LANDLORD PETITIONS PERTAINING TO TENANTS IN THE SAME BUILDING SHALL BE CONSOLIDATED FOR HEARING, AND ALL PETITIONS FILED BY TENANTS OCCUPYING THE SAME BUILDING SHALL BE CONSOLIDATED FOR HEARING UNLESS THERE IS A SHOWING OF GOOD CAUSE NOT TO CONSOLIDATE SUCH PETITIONS.

9. APPEAL. ANY PERSON AGGRIEVED BY THE DECISION OF THE BOARD MAY APPEAL THE DECISION TO THE MAYOR AND CITY COUNCIL. AN APPEAL TO THE MAYOR AND CITY COUNCIL SHALL BE FILED NO LATER THAN THIRTY DAYS FROM THE NOTICE OF THE DECISION OF THE BOARD.

ALL SUCH APPEALS TO THE MAYOR AND CITY COUNCIL SHALL BE ON THE RECORD MADE BEFORE THE BOARD. ON APPEAL, THE MAYOR AND CITY COUNCIL SHALL AFFIRM, REVERSE, REMAND, OR MODIFY THE DECISION OF THE BOARD.

THE MAYOR AND CITY COUNCIL MAY SET A REASONABLE APPEAL FEE TO BE PAID BY THE APPELLANT AT THE TIME OF FILING

- 1. INCREASES OR DECREASES IN PROPERTY TAXES;**
- 2. UNAVOIDABLE INCREASES OR ANY DECREASES IN MAINTENANCE AND OPERATING EXPENSES;**
- 3. THE COST OF PLANNED OR COMPLETED CAPITAL IMPROVEMENTS TO THE RENTAL UNIT (AS DISTINGUISHED FROM ORDINARY REPAIR, REPLACEMENT AND MAINTENANCE) WHERE SUCH CAPITAL IMPROVEMENTS ARE NECESSARY TO BRING THE PROPERTY INTO COMPLIANCE OR MAINTAIN COMPLIANCE WITH APPLICABLE LOCAL CODE REQUIREMENTS AFFECTING HEALTH AND SAFETY, AND WHERE SUCH CAPITAL IMPROVEMENT COSTS ARE PROPERLY AMORTIZED OVER THE LIFE OF THE IMPROVEMENT;**
- 4. INCREASES OR DECREASES IN THE NUMBER OF TENANTS OCCUPYING THE RENTAL UNIT, LIVING SPACE, FURNITURE, FURNISHINGS, EQUIPMENT, OR OTHER HOUSING SERVICES PROVIDED, OR OCCUPANCY RULES;**
- 5. SUBSTANTIAL DETERIORATION OF THE CONTROLLED RENTAL UNIT OTHER THAN AS A RESULT OF NORMAL WEAR AND TEAR;**
- 6. FAILURE ON THE PART OF THE LANDLORD TO PROVIDE ADEQUATE HOUSING SERVICES, OR TO COMPLY SUBSTANTIALLY WITH APPLICABLE STATE RENTAL HOUSING LAWS, LOCAL HOUSING, HEALTH AND SAFETY CODES, OR THE RENTAL AGREEMENT;**

THE RENTAL UNIT IF, AT THE TIME THE LANDLORD REFINANCED, THE LANDLORD COULD REASONABLY HAVE FORESEEN THAT SUCH INCREASED EXPENSES COULD NOT BE COVERED BY THE RENT SCHEDULE THEN IN EXISTENCE, EXCEPT WHERE SUCH REFINANCING IS NECESSARY FOR THE LANDLORD TO MAKE CAPITAL IMPROVEMENTS. THIS PARAGRAPH SHALL ONLY APPLY TO THAT PORTION OF THE INCREASED EXPENSES RESULTING FROM THE REFINANCING THAT WERE REASONABLY FORESEEABLE AT THE TIME OF THE REFINANCING OF THE RENTAL UNIT AND SHALL ONLY APPLY TO RENTAL UNITS REFINANCED AFTER THE DATE OF ADOPTION OF THIS CHAPTER.

E. EXCEPT FOR CASES OF INDIVIDUAL HARDSHIP, NO INDIVIDUAL UPWARD ADJUSTMENT OF A RENT CEILING SHALL BE AUTHORIZED BY THE BOARD BECAUSE OF THE LANDLORD'S INCREASED INTEREST OR OTHER EXPENSES RESULTING FROM THE SALE OF THE PROPERTY, IF AT THE TIME THE LANDLORD ACQUIRED THE PROPERTY, THE LANDLORD COULD HAVE REASONABLY FORESEEN THAT SUCH INCREASED EXPENSES WOULD NOT BE COVERED BY THE RENT SCHEDULE THEN IN EFFECT. THIS SUBSECTION SHALL ONLY APPLY TO RENTAL UNITS ACQUIRED AFTER THE DATE OF ADOPTION OF THIS CHAPTER.

F. NO UPWARD ADJUSTMENT OF AN INDIVIDUAL RENT CEILING SHALL BE AUTHORIZED BY THE BOARD UNDER THIS SECTION IF THE LANDLORD:

1. WHENEVER THE PUBLIC SERVICES DIRECTOR DETERMINES THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THERE HAS BEEN A VIOLATION OF ANY PROVISION OF THIS ARTICLE OR OF ANY RULE OR REGULATION ADOPTED PURSUANT THERETO, HE/SHE SHALL GIVE NOTICE OF SUCH ALLEGED VIOLATION TO THE PERSON OR PERSONS RESPONSIBLE THEREFOR, AS HEREINAFTER PROVIDED. SUCH NOTICE SHALL:

- (A) BE PUT IN WRITING.**
- (B) INCLUDE A STATEMENT OF THE REASONS WHY IT IS BEING ISSUED.**
- (C) STATE A REASONABLE TIME FOR THE PERFORMANCE OF ANY ACT IT REQUIRES.**
- (D) SERVED UPON THE OWNER OR HIS/HER AGENT OR THE BE OCCUPANT OR THE OPERATOR, AS THE CASE MAY REQUIRE, PROVIDED THAT SUCH NOTICE SHALL BE DEEMED TO BE PROPERLY SERVED UPON SUCH OWNER OR AGENT OR UPON SUCH OCCUPANT OR OPERATOR IF A COPY THEREOF IS SENT BY CERTIFIED MAIL TO HIS/HER LAST KNOWN ADDRESS OR IF A COPY IS POSTED IN A CONSPICUOUS PLACE IN OR ABOUT THE RENTAL UNIT AFFECTED BY THE NOTICE OR IF HE/SHE SERVED WITH SUCH NOTICE BY ANY OTHER METHOD AUTHORIZED OR**

**THE IMPOSITION OF AN ADDITIONAL
NONCOMPLIANCE CHARGE AS SET FORTH IN
CHAPTER 110, FEES AND PENALTIES. FOR EACH
SUCCESSIVE THIRTY-DAY PERIOD IN WHICH HE/SHE
ELECTS NOT TO STAND TRIAL FOR THE VIOLATION
AND THE VIOLATION IS NOT FULLY CORRECTED, AN
ADDITIONAL CITATION SHALL BE DELIVERED TO
HIM/HER ADVISING HIM/HER OF THE IMPOSITION OF
AN ADDITIONAL NONCOMPLIANCE CHARGE AS SET
FORTH IN CHAPTER 110, FEES AND PENALTIES.**

**2. THE PUBLIC SERVICES DEPARTMENT IS AUTHORIZED TO
SEEK INJUNCTIVE RELIEF WHEN THE SITUATION SO WARRANTS.**

**B. ANY PERSON AFFECTED BY ANY NOTICE OR ORDER WHICH HAS
BEEN ISSUED IN CONNECTION WITH THE ENFORCEMENT OF ANY PROVISION
OF THIS ARTICLE MAY REQUEST AND SHALL BE GRANTED A HEARING ON
THE MATTER BY THE BOARD, PROVIDED THAT SUCH PERSON SHALL, WITHIN
10 DAYS AFTER SERVICE OF A NOTICE OR ORDER, FILE IN THE OFFICE OF
THE PUBLIC SERVICES DIRECTOR A SIGNED, WRITTEN NOTICE OF APPEAL,
REQUESTING A HEARING AND SETTING FORTH A BRIEF STATEMENT OF THE
REASONS THEREFOR. UPON RECEIPT OF SUCH NOTICE OF APPEAL, THE
PUBLIC SERVICES DIRECTOR SHALL FORTHWITH NOTIFY THE BOARD, AND
THE BOARD SHALL SET A TIME AND PLACE FOR SUCH HEARING AND SHALL**

WOULD OTHERWISE EXPERIENCE EXTREME FINANCIAL HARDSHIP BECAUSE OF MORTGAGE OR FINANCIAL OBLIGATIONS RELATED TO/THE PROPERTY INCURRED BEFORE THE EFFECTIVE DATE OF THIS ACT.

B. A TEMPORARY EXEMPTION UNDER THIS SECTION MAY BE GRANTED FOR A PERIOD NOT TO EXCEED TWO YEARS, RENEWABLE UPON PETITION.

C. THE BOARD SHALL INFORM ALL AFFECTED TENANTS OF A LANDLORD'S PETITION FOR EXEMPTION UNDER THIS SECTION. UPON REQUEST OF ONE OR MORE AFFECTED TENANT, THE BOARD OR ITS DESIGNEE SHALL HOLD AN ADMINISTRATIVE HEARING TO DETERMINE THE FACTS OF THE PETITION.

§ 127-10. PARTIAL INVALIDITY.

IF ANY PROVISION OF THIS CHAPTER OR APPLICATION THEREOF IS HELD TO BE INVALID, THIS INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS CHAPTER WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISIONS OR APPLICATIONS, AND TO THIS END THE PROVISIONS AND APPLICATIONS OF THIS CHAPTER ARE SEVERABLE.

§ 127-11. NONWAIVERABILITY.

ANY PROVISION IN A RENTAL AGREEMENT WHICH WAIVES OR

§ 110-1. Fees and interests.

The following enumerations are the current fees, rates, charges and interests applicable in the City of College Park:

<u>Chapter/Section</u>	<u>Description</u>	<u>Fee/Interest</u>
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Ch. 127, RENT STABILIZATION

<u>§ 127-5.</u>	<u>REGISTRATION FEE</u>	<u>\$</u>
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<u>§ 127-8.</u>	<u>FEE FOR PETITIONS FOR INDIVIDUAL ADJUSTMENTS OF RENT CEILINGS</u>	<u>\$</u>
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	<u>FEE FOR APPEAL OF BOARD DECISION TO THE MAYOR AND CITY COUNCIL</u>	<u>\$</u>
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§ 110-2. Penalties.

Unless otherwise noted herein, the violation of a City ordinance or resolution is a municipal infraction. The following fines and/or imprisonment for violations of various ordinances or resolutions are applicable in the City of College Park:

practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on _____, 2005 provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the ____ day of _____ 2005.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the ____ day of _____ 2005.

EFFECTIVE the ____ day of _____, 2005.

ATTEST:

**THE CITY OF COLLEGE PARK,
MARYLAND**

By: _____
Caroline Lightfoot, City Clerk

By: _____
Stephen A. Brayman, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Robert H. Levan, City Attorney

DRAFT

05-O-____
Amended

College Park Sample Ordinance #2

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a.*

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,
AMENDING CITY CODE, CHAPTER 127 "RENT STABILIZATION", SECTION 127-3
"DEFINITIONS" CLARIFYING THE DEFINITIONS OF
"APARTMENT", "DUPLEX" AND "TRIPLEX,"
ADDING A DEFINITION OF "QUADRAPLEX", AND ELIMINATING CERTAIN
EXTRANEIOUS LANGUAGE, AND SECTION 127-4 "ESTABLISHMENT OF RENT
CEILING" TO ADD SUBSECTION (C) CLARIFYING HOW THE RENT CEILING IS
APPLIED.

WHEREAS, pursuant to Md. Code Ann., Art. 23A, §2, the City of College Park, Maryland (hereinafter, the "City") has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality; and

WHEREAS, on May 24, 2005, the Mayor and Council of the City of College Park enacted Ordinance 05-O-02 establishing a rent stabilization program in the City of College Park which became effective on June 14, 2005; and

WHEREAS, inquiries have been raised relating to the effect of said Ordinance on existing rent levels which may exceed the established rent ceiling; and

WHEREAS, it is not the intention of Chapter 127 to cause landlords or their successors in ownership of certain rental properties to reduce rents in effect on or before the effective date of Ordinance 05-O-02, but rather to stabilize future rent increases for such properties, and

WHEREAS, single family residences, duplexes, triplexes and quadriplexes are included within the scope of Chapter 127; and

WHEREAS, certain single family residences, duplexes, triplexes or quadraplexes have been internally subdivided into multi-unit structures; and

WHEREAS, it is the intention of the Mayor and Council of the City of College Park to clarify that included within the scope of Chapter 127 are single family residences, duplexes,

CAPS

Asterisks * * *

[BRACKET]

: Indicate matter added to existing law.

: Indicate matter remaining unchanged in existing law but not set Forth in Ordinance.

: Indicate matter deleted from the law.

having its own separate exterior entrance(s) and designed for use as a principal dwelling [~~with its own plumbing, heating and electrical facilities~~].

3. "QUADRAPLEX" MEANS A SINGLE STRUCTURE BUILT TO CONTAIN FOUR SINGLE-FAMILY DWELLING UNITS SEPARATED BY A VERTICAL OR HORIZONTAL PARTY WALL WITH EACH UNIT HAVING ITS OWN SEPARATE EXTERIOR ENTRANCE(S) AND DESIGNED FOR USE AS A PRINCIPAL DWELLING.

* * * * *

Section 2. NOW, THEREFORE, BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that "Chapter 127 "Rent Stabilization", § 127-4 "Establishment of Rent Ceiling", is hereby repealed and reenacted as follows:

§ 127-4. ESTABLISHMENT OF RENT CEILING.

* * * * *

C. NOTHING CONTAINED IN THIS § 127-4 SHALL BE CONSTRUED TO REQUIRE A LANDLORD OR A SUCCESSOR IN OWNERSHIP TO CHARGE A LESSER MONTHLY RENT FOR ANY RENTAL UNIT THAN THAT IN EFFECT UNDER A VALID LEASE AGREEMENT ENTERED INTO ON OR BEFORE JUNE 14, 2005.

Section 3. NOW, THEREFORE, BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Robert H. Levan, City Attorney

Chapter 6.20 RENT STABILIZATION*

Sections:

6.20.010 Application of rent stabilization—Scope, rent increases, notification requirements, annual reporting.

6.20.020 Buildings exempt from rent stabilization.

6.20.030 Rental facilities and rental units eligible for exemption from rent stabilization pursuant to an application for exemption.

6.20.040 Establishment of base rent for certain units.

6.20.050 Annual rent increases, frequency of rent increases and notification.

6.20.060 Banking of authorized annual rent stabilization increases.

6.20.070 Annual reporting requirements.

6.20.080 Rent increases pursuant to a fair return petition.

* Prior history: Prior code §§ 6-500—6-505 as amended by Ords. 2700, 2716, 2732, 1985-49, 1986-43, 1986-44, 1987-27A, 1987-33, 1987-45, 1988-9, 1989-51, 1990-40, 1992-2, 1992-9, 1992-26, 1995-43, 1997-9, 1999-38, 1999-40, 2003-7, 2006-31 and 2007-28.

6.20.010 Application of rent stabilization—Scope, rent increases, notification requirements, annual reporting.

A. Application of Rent Stabilization. The provisions of this chapter shall apply to all residential rental units except as provided in Sections [6.20.020](#) and [6.20.030](#).

B. Rents—Rent Increases, Frequency and Notification Requirements.

1. Rent Increases. Rent increases shall be limited to the rent increase amounts authorized by this chapter for regulated rental units.
2. Frequency of Rent Increases. Rents for any individual rental unit may not be increased more often than permitted by this chapter.
3. Notice of Rent Increases. Notification of any rent increase authorized by this chapter shall be provided in writing to the tenant at least two months

units and rental facilities:

1. Individual rental units leased to tenants assisted under Federal tenant based assistance programs or similar federally funded rent subsidy program.
2. Rental facilities subject to a regulatory agreement with a governmental agency that controls the rent levels of not less than one-half of the rental units in the rental facility and restricts the occupancy of those rental units to low and moderate income tenants.
3. Newly Constructed Rental Facilities. For a period of five years after the issuance of a rental license, any newly constructed rental facility with two or more dwelling units. Renovated or reconfigured rental facilities or combined rental units are not eligible for an exemption from rent stabilization.

B. Termination of Exemption.

1. Exemptions granted pursuant to subsection (A)(1) of this section shall expire after one year or when the conditions entitling the rental unit to an exemption cease to exist, whichever shall first occur. The exemptions are renewable annually upon reapplication.
2. Exemptions granted pursuant to subsection (A)(2) of this section shall expire upon the termination of the agreement with the governmental agency entitling the rental facility to the exemption or when the conditions entitling the rental facility to an exemption cease to exist, whichever shall first occur.
3. Exemptions granted pursuant to subsection (A)(3) of this section shall expire on the fifth anniversary date of the issuance of the rental facilities initial rental housing license, regardless of when the application for an exemption was made by the owner.

C. Rents upon Termination of Exemption.

1. For rental facilities and rental units receiving an exemption pursuant to subsections (A)(1) and (A)(2) of this section, upon the termination of the exemption, the base rent for the units and the reference point from which the rent shall be increased in accordance with this chapter shall be the allowable rent as reported in the annual rent report for each unit at the time the exemption commenced plus the annual rent stabilization allowance for each year that the unit was exempt.
2. For rental facilities receiving an exemption pursuant to subsection (A)(3)

rental unit became vacant plus the annual rent stabilization allowance for each year that the rental unit remained vacant shall be the maximum rent that the owner may charge for the unit when it is first rented to a tenant.

3. If the floor area of a renovated or reconfigured unit is more than 10% smaller or larger than the unit it replaces, then the banked rent reported for the unit in the annual rent report at the time the rental unit became vacant plus the annual rent stabilization allowance for each year that the rental unit remained vacant, reduced or increased by a percentage equal to the reduction or increase in the floor area of the unit prior to its renovation or reconfiguration, shall be the maximum rent that the owner may charge for the unit when it is first rented to a tenant.

4. When two or more rental units are consolidated to create a single rental unit, the base rent for the new unit, and the maximum rent that the owner may charge when the unit is first rented to a tenant, shall be the base rent of the largest unit increased by the percentage increase in the floor area from the largest unit to the resulting unit.

5. Application for Rent Adjustments. Before an owner may increase the rent for a unit in accordance with subsection (C)(3) or (4) of this section, the owner must first obtain approval from the Department. The owner must submit a completed application form and documentation demonstrating the appropriate adjustment to the base rents (which may include, but shall not be limited to, construction plans, photographs and video recordings of the original and reconfigured units), and may be required to undergo an inspection of the property.

D. Rents Following Purchase of an Owner-Occupied Condominium Unit. The new owner of a previously owner-occupied condominium unit, purchased in a bona fide arm's length transaction, may charge market rent for the unit. The rent the owner charges his or her initial tenant shall establish the base rent for the unit and the reference point from which the rent shall be increased in accordance with this chapter.

E. Reset of Base Rent for Owner-Occupied Condominium Units. When the owner of a previously rented condominium unit occupies the unit for at least 12 consecutive months as his or her principal residence, the owner may charge market rent for the unit when the owner next rents the unit to a tenant. The rent the owner charges the tenant shall establish the base rent for the unit until the owner again occupies the unit for at least 12 consecutive months. (Ord. 2013-25 § 1, 2013/Ord. 2007-40 § 1 (part), 2007. Formerly 6.20.050)

2007. Formerly 6.20.060)

6.20.060 Banking of authorized annual rent stabilization increases.

A landlord may increase the rent for a vacant rental unit by the actual dollar amount of any annual rent stabilization allowances that were not charged to the tenant vacating the rental unit. Such increase may be taken if the rental unit became vacant as a result of a voluntary termination of the tenancy by the tenant or a termination of the tenancy by the landlord for cause. This rent increase may be in addition to any rent stabilization allowance increase that the landlord may impose on or after 12 months from the date of the last rent stabilization allowance increase for that rental unit. (Ord. 2013-25 § 1, 2013/Ord. 2007-40 § 1 (part), 2007. Formerly 6.20.070)

6.20.070 Annual reporting requirements.

A. Reporting Requirements. On or before September 30th of each year, each landlord shall complete and submit to the Department a rent report for the 12-month period beginning July 1st and ending on the preceding June 30th on a form provided by and in the manner prescribed by Department regulations.

B. Penalty for Failure to Comply with Reporting Requirements. Failure to file a complete or accurate rent report by September 30th of each year shall constitute a Class A violation of this chapter unless an extension of time for good cause is granted by the Department prior to the due date. (Ord. 2013-25 § 1, 2013/Ord. 2007-40 § 1 (part), 2007. Formerly 6.20.080)

6.20.080 Rent increases pursuant to a fair return petition.

A. Fair Return Rent Increase. Landlords have a right to petition for a rent increase in order to obtain a fair return. A fair return rent increase is intended to protect tenants from unwarranted rent increases, while allowing rent levels that provide landlords with a fair return.

B. Standards for Rent Increases Pursuant to a Fair Return Petition.

1. Fair Return. Fair return is defined as base year net operating income adjusted by 70% of the percentage increase in the Consumer Price Index (CPI) from the base year until 2007, and 100% of the percentage increase in the CPI since 2007.

2. Base Year. The landlord may select any of the following as the base year when petitioning for a fair return rent increase:

- a. 1979, unless the property contains four or fewer dwelling units;
- b. 1987, if the property contains four or fewer rental units;

- iii. Management fees, whether performed by the landlord or a property management firm; it shall be presumed that management fees increased by the percentage increase in the CPI between the base year and the current year, unless the level of management services either increased or decreased during this period. Management fees shall not exceed 6% of gross income unless the landlord demonstrates by a preponderance of the evidence that a higher percentage is reasonable;
 - iv. Payroll;
 - v. Amortized cost of capital improvements. An interest allowance shall be allowed on the cost of amortized capital expenses; the allowance shall be equal to the interest the landlord would have incurred had the landlord financed the capital improvement with a loan for the amortization period of the improvement, making uniform monthly payments, at an interest rate equal to the Federal Reserve Board bank prime loan rate as of the date of the initial submission of the petition plus 2% per annum;
 - vi. Maintenance related material and labor costs, including self-labor costs computed in accordance with the regulations adopted pursuant to this section;
 - vii. Property taxes;
 - viii. Licenses, government fees and other assessments; and
 - ix. Insurance costs.
- b. Reasonable operating and maintenance expenses do not include the following:
- i. Expenses for which the landlord has been or will be reimbursed by any security deposit, insurance settlement, judgment for damages, agreed-upon payments or any other method;
 - ii. Payments made for mortgage expenses, either principal or interest;
 - iii. Judicial and administrative fines and penalties;
 - iv. Damages paid to tenants as ordered by COLTA or the courts;
 - v. Depreciation;
 - vi. Late fees or service penalties imposed by utility companies, lenders or other entities providing goods or services to the landlord or the rental facility;

4. Adjustments to Petition—Base Year Net Operating Income.

a. Adjustment of Base Year Net Operating Income by Commission. It may be determined that the base year net operating income yielded other than a fair return, in which case the base year net operating income may be adjusted. In order to adjust the base year net operating income, the Commission must make at least one of the following findings:

i. Base year net operating income was abnormally low due to one of the following factors:

(A) The landlord made substantial capital improvements that were not reflected in the base year rents and the landlord did not obtain a rent adjustment for these capital improvements;

(B) Substantial repairs were made due to exceptional circumstances; or

(C) Other expenses were unreasonably high, notwithstanding prudent business practice.

ii. Base year rents did not reflect market transaction(s), due to one or more of the following types of circumstances:

(A) There was a special relationship between the landlord and tenant resulting in abnormally low rent charges (such as a family relationship);

(B) The rents had not been increased for the five years preceding the base year;

(C) The tenant lawfully assumed maintenance responsibilities in exchange for low rent increases or no rent increases; or

(D) Other special circumstances that establish that the rent was not set as the result of an arms-length transaction.

b. Establishment of a New Base Year Net Operating Income—Prior Year Petitions. The net operating income, income, and expenses, determined to be fair and reasonable pursuant to a prior petition for a fair return rent increase, shall constitute the base year income, expenses, and net operating income in the new petition.

5. Consideration of Fair Return Petition by Commission.

a. Issuance of a Decision by the Commission. The Commission shall, in good faith, endeavor to issue its preliminary administrative decision ruling on the

a. Notice of Petition for a Rent Increase. The Department shall provide written notification to each tenant affected by a proposed rent increase within one week after the filing date of the petition. Such notification shall include a copy of the petition form and a listing of all requested rent increases.

b. Notice of a Rent Increase Granted Pursuant to a Rent Increase Petition. The landlord shall provide written notice to each affected tenant of the rent increase that has been authorized by the Commission, no less than two months prior to the date the proposed increase is to take effect. Said increase shall be contingent on the decision of the Commission becoming final in accordance with Sections 6.24.110 and 6.24.130.

8. Rollbacks—Bad Faith Fair Return Petitions.

a. Authority to Require Rollback. If, upon consideration of a fair return petition, the Commission finds that the adjusted base year net operating income included in the petition is less than the landlord's actual petition year net operating income and the fair return petition was filed in bad faith, the Commission may require the landlord to roll back the rents charged on the rental units covered by the petition to result in a net operating income equal to the adjusted base year net operating income.

b. Purpose of Rollbacks. The purpose of the rollback provision in this subsection is to ensure that fair return petitions are filed in good faith, that the landlord reviews the records of the rental property for which rent increases are sought to ensure that a rent increase is justified under this section and to balance both the tenant and the landlord interests in each petition to increase rents above the rent stabilization allowance.

c. Definition of Bad Faith.

i. Bad faith can be found, but is not limited to, instances in which the landlord:

- (A) Listed expenses for repairs or services never performed;
- (B) Materially misrepresented expenses claimed;
- (C) Knowingly filed a false rent report, in whole or in part; or
- (D) Acted in some manner which is a clear abuse of the petition process.

ii. The following shall not constitute bad faith under this provision:

- (A) Miscalculations and simple mathematical errors; or

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Prince George's County will host a Countywide community cleanup program entitled "Growing Green With Pride." This event supports our Beautification Initiative to make our community cleaner by conducting individual community litter collection events, which demonstrates our shared commitment to keeping our communities appealing and attractive. Community organizations and groups are encouraged to participate. Register here.

Message from the County Executive

Angela D. Alsobrooks

Dear Prince Georgians:

Fall is fast approaching, and I am delighted to invite you to participate in our Fall 2022 "Growing Green with Pride Day" community clean-up event.

Please join me on Saturday, October 15, 2022 from 8 a.m. to 12 p.m. for a countywide day of beautification. Communities are invited to help us keep Prince George's County clean and beautiful by planting trees, shrubs, flowers and picking up roadside litter and removing illegal dumping.

Due to the COVID-19 pandemic and out of an abundance of caution, we will utilize the Centers for Disease Control and Prevention's (CDC) best practices by implementing a grab-n-go style pickup of litter supplies and plants. In order to keep our communities clean and aesthetically appealing, we must all work together and do our part. I plan to visit as many sites as possible on the day of the event, and I hope to see you there.

If your community or organization would like to join our efforts by participating in the Fall 2022 Growing Green with Pride Day community clean-up event, I encourage you to please complete the registration form. When completing the application, please provide all of the pertinent information requested, including the name and mailing address of your community or organization's primary contact, the expected number of volunteers, and the area and street name(s) of where your community will be planting and cleaning. The registration deadline for signing up is Friday, October 7, 2022.

Thank you for your continued support as we work together to make the Fall 2022 "Growing Green with Pride Day" a huge success for Prince George's County. Together, we will ensure that Prince George's County remains the Crown Jewel of Maryland.

Sincerely,

Angela Alsobrooks

Prince George's County Executive

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What is a Resilience Hub?

- Resilience Hubs are community facilities that have been enhanced to better “support residents, coordinate communication, distribute resources, and reduce carbon pollution while enhancing quality of life.”

WHAT IS A RESILIENCE HUB?



OFF GRID SOLAR POWER

Designed to provide power during an emergency, and reconnect to the grid once power is restored.



RISK REDUCTION AND DISASTER TRAINING

Access to data provides reconstruction information to be better prepared for future emergencies.

COMMUNICATION HUB

A single point for access to news and information during and after an emergency.

CLEAN WATER

Reinforcing existing water systems so communities have access to safe drinking water.

COMMUNITY GARDEN AND FARMING RESOURCES

To help small farmers recover lost supplies, seed and crops.

EXISTING COMMUNITY CENTER
RESILIENCE HUB

