

ORDINANCE NO. 2663

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 15.26 RENTAL OF RESIDENTIAL PREMISES OF THE SALISBURY CITY CODE BY DELETING SUBSECTION 15.26.035 RENT INCREASES BARRED DURING STATES OF EMERGENCY.

RECITALS

WHEREAS, the Mayor and Council of the City of Salisbury desire to update the City of Salisbury Municipal Code; and,

WHEREAS, a State of Emergency was declared by Governor Hogan on March 5, 2020 due to the pandemic known as COVID-19; and,

WHEREAS, Governor Hogan has issued multiple executive orders in an attempt to reduce the spread of COVID-19, resulting in the shut-down or slow-down of multiple businesses in the State of Maryland; and,

WHEREAS, due to the high unemployment rate which was in effect during the COVID-19 pandemic, the Council of the City of Salisbury enacted Ordinance No. 2599 which amended Chapter 15.26 of the City of Salisbury Municipal Code to add provisions prohibiting landlords from increasing rent and rental fees during a State of Emergency; and,

WHEREAS, since Ordinance No. 2599 was enacted, economic conditions in the City of Salisbury have improved and the City of Salisbury has not taken any action to enforce the prohibition on increases to rent and/or rental fees provided in Chapter 15.26.035 of the City of Salisbury Municipal Code; and,

WHEREAS, the Mayor and Council of the City of Salisbury has concluded that it is in the best interests of the City of Salisbury to rescind the amendments to Chapter 15.26 of the City of Salisbury Municipal Code enacted under Ordinance No. 2599, by deleting the provisions contained in Chapter 15.26.035 of the City of Salisbury Municipal Code, for the purpose of removing the prohibition on increases to rent and/or rental fees during a State of Emergency; and,

NOW, THEREFORE, be it enacted and ordained by the Council of the City of Salisbury, that Chapter 15.26 of the City of Salisbury Municipal Code be and is hereby amended by repealing Chapter 15.26.035 in its entirety by deleting the crossed-out language as follows:

Section 1.

~~15.26.035 — Rent increases barred during states of emergency.~~

- ~~A. — "Emergency" defined. In this section, "Emergency" means the catastrophic health emergency declared by the Governor of Maryland on March 5, 2020, as amended or extended by the Governor, under State Public Safety Article, § 14-3A-02, and such other emergencies as are declared by the Governor or the Mayor pursuant to SC17-4 of the City Charter and sections 2.08.020 and 9.08.220 of the Salisbury Municipal Code.~~
- ~~B. — Scope. This section only applies to rental fee increases on existing tenants during an Emergency. Nothing in this section may be construed as applying to leases for new tenants. Further, nothing in this section with respect to an increase in the tenant's portion of a rental fee applies to any public housing authority who must comply with federal laws, regulations, or other federal requirements to determine a tenant's rental fee.~~

~~C. In General. A Landlord may not increase a tenant's rental fee if:~~

- ~~1. The increase would take effect during an Emergency; or~~
- ~~2. Notice of the increase is not in compliance with subsection (D) of this section.~~

~~D. Notice of Rent Adjustment.~~

- ~~1. During an Emergency and within ninety (90) days after the expiration of an Emergency, a landlord may not increase or notify a tenant of an increase in rent or a rental fee. Rental fees shall include any fee for service, a product or commodity provided by the landlord or by a third party to a tenant prior to the declaration of an Emergency.~~
- ~~2. Pre Emergency rent increase notices. A landlord must inform a tenant in writing to disregard any notice of a rental fee increase if:~~
 - ~~a. The landlord provided the notice to the tenant prior to an Emergency; and~~
 - ~~b. The effective date of the increase would occur on or after the date the Emergency began.~~

~~E. Late fees prohibited.~~

~~1. "Late Fee" defined:~~

~~a. In this subsection, "Late Fee" means any additional charge or fee imposed because a rental fee is not made when the rental fee is due under the terms of a lease.~~

~~b. "Late Fee" includes a fee imposed:~~

- ~~i. As a flat rate;~~
- ~~ii. As a percentage of the rental fee due; or~~
- ~~iii. In any other terms.~~

~~2. In general. A landlord may not charge, assess, or otherwise seek to collect a late fee from a tenant for nonpayment or the late payment of a rental fee that comes due during an Emergency.~~

~~F. Payment Plans:~~

- ~~1. Landlords shall offer payment plans to tenants for the payment of rent and rental fees to be in effect for no less than one year after the expiration of the Emergency.~~
- ~~2. Upon request of the tenant, landlords shall work with tenants, on an individual basis, to arrange payment plans for the payment of rent and rental fees in installments which will continue for no less than one year after the expiration of the Emergency.~~
- ~~3. All payment plans shall be in writing and signed by the landlord and tenant.~~

~~G. Notice to and Protection of Tenants.~~

- ~~1. The Housing and Community Development Department must post on its website information regarding the requirements of this section, including the date that an Emergency expires and the date that is ninety (90) days after the expiration of the Emergency.~~
- ~~2. During an Emergency, the Mayor is hereby authorized to issue any and all executive orders necessary to protect tenants from being victimized or misled by the actions of unscrupulous landlords. Violations of such executive orders will constitute violations under this chapter and be subject to arrest and misdemeanor charge under 9.08.220 of the Municipal Code of Salisbury.~~

H. ~~Landlord's right of review. The provisions of this subsection do not limit a landlord's right, under the applicable provisions of the Salisbury Municipal Code, to an administrative review of a violation notice.~~

I. ~~Enforcement by tenant. In addition to enforcement action by city officials, tenants may seek relief from an appropriate court to restrain or enjoin any violation of 15.26.035 of this subsection in accordance with State Law.~~

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, as follows:

Section 2. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 3. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 4. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.

Section 5. This Ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 26th day of April, 2021 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the 10th day of May, 2021.

ATTEST:

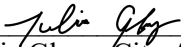


Kimberly R. Nichols, City Clerk



John R. Heath, City Council President

Approved by me, this 11 day of May, 2021.



Julia Glanz, City Administrator
for and at the direction of Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

To: City Council

From: Julia Glanz, City Administrator

Subject: Repeal Rental Increase Freeze During State of Emergency

Date: April 14, 2021

A State of Emergency was declared by Governor Hogan on March 5, 2020 due to the COVID-19 pandemic. On June 1, 2020, Ordinance 2599 was passed into law prohibiting increases to rent and rental fees during the length of the State of Emergency in the City of Salisbury. After discussion with City Council, Administration is recommending to rescind the prohibition on increases to rent and rental fees during a State of Emergency. Economic and health conditions have improved and it is now in the best interest of the City to allow for this protection to be removed.

Please let me know if you have any questions.