

THE LANDLORD IS IN RETALIATION FOR THE TENANT WITHHOLDING RENT WHICH THE COURT DETERMINES A PROPER EXERCISE OF RIGHTS UNDER SECTION 459A OF THE CODE OF THE PUBLIC LOCAL LAWS OF BALTIMORE CITY (1949 EDITION, AS ENACTED BY CHAPTER 459 OF THE ACTS OF 1968).

(2) IF NOTICE OF EVICTION, INCREASE IN RENT, OR DECREASE IN SERVICES WAS GIVEN WITHIN SIX MONTHS FROM THE WITHHOLDING OF THE RENT AS PROVIDED IN SUBSECTION (B) (1) HEREOF, THERE SHALL BE A REBUTTABLE PRESUMPTION THAT THE LANDLORD ACTED IN RETALIATION.

*(c) Protection of the Landlord's Rights.*

*Notwithstanding the exercise by the tenant of any of the actions enumerated in subsection (b) hereof, the landlord may take action to recover possession or to increase the rent, as the case may be, if he can show that any of the following conditions exists:*

NOTWITHSTANDING SUBSECTION (B) HEREOF, THE LANDLORD MAY TAKE ACTION TO RECOVER POSSESSION OR TO INCREASE THE RENT, AS THE CASE MAY BE, IF HE CAN SHOW THAT ANY OF THE FOLLOWING CONDITIONS EXIST:

*(1) The conditions which formed the basis of the tenant's action enumerated under subsection (b) hereof were caused by an act or omission of the tenant or members of his family, or any invitee or assignee thereof, beyond those acts of omissions constituting ordinary wear and tear; or*

*(2) The landlord seeks in good faith to recover possession of the property for his immediate and personal use as a dwelling; or*

*(3) The landlord has contracted in good faith, in writing, to sell the property for immediate personal use and occupancy as a dwelling by the purchaser; or*

*(4) The landlord must increase the rent due to a substantial increase in taxes or a substantial increase in other maintenance or operating costs not associated with his complying with the Housing Code of Baltimore City, or the landlord has completed a substantial capital improvement of the leased premises or the property of which the leased premises are a part and which improvement benefits the leased premises; or*

(4) THE LANDLORD MUST INCREASE THE RENT DUE TO A SUBSTANTIAL INCREASE IN TAXES OR A SUBSTANTIAL INCREASE IN MAINTENANCE OR OPERATING COSTS NOT ASSOCIATED WITH THE CONDITION OR CONDITIONS FOR WHICH RENT WAS PROPERLY WITHHELD UNDER SECTION 459A OF THE CODE OF THE PUBLIC LOCAL LAWS OF BALTIMORE CITY, OR THE LANDLORD HAS COMPLETED A SUBSTANTIAL CAPITAL IMPROVEMENT OF THE LEASED PREMISES OR THE PROPERTY OF WHICH THE LEASED PREMISES ARE A PART AND WHICH IMPROVEMENT BENEFITS THE LEASED PREMISES; OR