

COUNTY LOCAL LAWS

a. Basic rent increases for holdover tenants. Upon the effective date of this Act, a landlord may enter into a new lease (including month to month leases) for a dwelling unit with a holdover tenant, after notice as provided by Section 29-64 of this Chapter, which provides for a basic increase not in excess of four (4) percent of the base rent for the said dwelling unit. The provisions of this subsection apply to lease agreements wherein the rent payment includes the cost of all utilities except telephone service which is provided by direct contract between the tenant and the telephone utility company.

b. Extraordinary rent increases for holdover tenants. When the basic rent increase would result in a hardship to the landlord, a new lease may be entered into which provides for an increase in rent in excess of four (4) percent of the base rent if the following procedures have been followed:

(1) The landlord proposing the rent increase filed with the Montgomery County Office of Landlord-Tenant Affairs a request for permission to offer the rent increase. The said request shall be filed with the Office at least thirty (30) days prior to the effective date of the proposed rent increase, and shall be accompanied with an affidavit containing the following information:

(a) The actual operating expenses by category for the rental facility for a two-year period ending no more than four (4) months before the proposed effective date of the increase; (b) the anticipated expenses for the rental facility for the twelve-month period of the proposed increase, including details of changes in tax and utility rates and other cost elements; (c) the current and proposed rent schedule for each type of dwelling unit in the rental facility in which the affected dwelling unit is located, including number of dwelling units in each type; (d) a schedule of other fees and income for the rental facility; (e) the vacancy rates for each type of dwelling unit in the rental facility during the preceding two-year period; (f) the schedule of current leases for dwelling units of the type affected by the proposed increase extending beyond the effective date of the increase, showing number of leases expiring each month; (g) details of any other factors affecting the need for the proposed rent increase. The said request shall also be accompanied with a copy of the notice of the proposed rent increase given to the holdover tenant as provided by Section 29-64 of this Chapter.

(2) Notice of the proposed rent increase must be given to the holdover tenant by the landlord