

Fall 2008

# COLTA Newsletter



The Commission on Landlord-Tenant Affairs , 7500 Maple Avenue, Takoma Park, Maryland  
Established by the City of Takoma Park to adjudicate and mediate complaints for violation of the city's Landlord-Tenant Relations law and to rule on petitions for rent increases above the rent stabilization allowance. (6.24.020 TP Code).  
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## Changes to the Rent Stabilization Law

In December 2007, the City Council adopted an amendment to Chapter 6.20 of the Takoma Park Code ( Rent Stabilization) which significantly changed key portions of the law. Some of the major changes are:

Increased the annual rent stabilization allowance from 70% to 100% of the local CPI. For example, a rent of \$700 would have been increased to \$719 before July of this year, but can now be increased to \$733, given the new law.

Eliminated Hardship and Capital Improvement petitions and instituted the Fair Return Petition Process. This new petition process takes into account the changes in the rental facility's operating costs from a base year

(usually 1990) to the current year. No longer are landlords automatically entitled to rent increases because they have done capital improvements. Instead the improvements are amortized and considered as part of the operating expenses in the Fair Return Petition. So, a landlord would have to show that the net income has not been maintained from the base year to the current year due to escalating operating expenses.

Required that all rented condominium units are now subject to the rent



stabilization law.

All single family houses, no matter how many are owned are exempt from the rent stabilization law.

Staff will begin trainings sessions in January for landlords who are interested in filing a Fair Return Petition.

### Special points of interest:

- \* Changes to the Rent Stabilization Law
- \* COLTA Decisions
- \* Do You Know???
- \* From the Chair
- \* Comments from the Executive Director
- \* A Word From Moses

## COLTA Decisions

07-64T-Mankiewicz v. Ellman/McCoy- (Hill, Wakelyn, Canales) Tenant was awarded security deposit plus interest. (\$1,031.80) Landlord complied on May 22, 2008.

07-45T-Lynott v 8312 Flower Ave. LLC-

(Forrest Doyle, Clennon, Wasser) Tenant was awarded monetary damages (\$649.48) Landlord has not complied and Municipal Infraction (MI) has been issued by DHCD.

07-67T-Somers v. Mendez - (Smith,

O'Brien, Wohl) Tenant awarded an additional \$215 of her security deposit . Request for monetary damages was denied.

08-1T-Negassa v. Lee Ave. Apts. LLC- O'Brien, Forrest Doyle, Clennon) Ten-

## COLTA Decisions

ant awarded security deposit plus interest. Landlord has not complied, so MI has been issued by DHCD.

08-2T Bure v. Ferroe/Scarborough and Marydale Realty- (Canales,

Wakelyn, Hill) Tenant awarded monetary damages for defective tenancy and rent rebate (\$3,893.69)

08-10T Myers v. Mkakile- (Wasser, Wohl, Smith) Tenant awarded security deposit, interest and damages (\$3112.50). Landlord has not complied. MI will be issued.

## From the Chair

Your Chairperson, Jarrett Smith welcomes this new concept of a COLTA Newsletter and invites other Commissioners to submit ideas or topics of interest to be included in future editions. Jarrett has suggested that the city consider revising the subpoena section of the COLTA regulations as COLTA lacks enforcement powers and it does not give COLTA Commissioners time to review requested documents.

## A Word From Moses

Your ongoing willingness to volunteer your time is truly appreciated, not only by me, but by the city council and the community as a whole.

This newsletter is planned as a bi-annual publication, so please feel free to contact me with your suggestions for items you would like to see in the next edition.

Starting in January, we will be offering Fair Return Petition Training to

- The DHCD staff conducts monthly Landlord Certification classes. Landlords must either attend the class or complete a written exam every three years to maintain their rental licenses.
- The City has a Capacity Building Program which contracts with two community organizers. They assist tenants who are interested in forming a tenant association, help tenant groups file COLTA complaints and organize tenants to investigate the purchase of their rental properties when they are for sale.
- The Landlord-Tenant staff conducts periodic "Your Rights as a Tenant" workshops for residents. Recent classes were held on June 10 and September 15. The next class will be on November 18.
- Weekly activities and notices from the city are posted on the Takoma Park website on Fridays at [www.takomaarkmd.gov](http://www.takomaarkmd.gov). Click onto "News" (left side of page) and scroll down.
- Approximately 80% of tenant complaints are mediated.



## The Notice to

### Vacate given by a

tenant is a commonly misunderstood part of the code. The notice must be presented to the landlord prior to the rent due date of the month that the vacating is taking place. Many tenants end up having to pay a landlord an additional month's rent because they gave the notice after the rent due date or vacated in the middle of the month thinking the landlord will prorate the rent. Most landlords will not prorate the rent and the law does not require it.

## Comments From the Executive Director

Over the last few years, fewer and fewer complaints have ended up before the Commission. This can be attributed to two factors: First, Moses, Jean and Linda do an excellent job in helping landlords and tenants understand and comply with the law and have been successful in mediating many disputes. Second, the Commission's history of rendering fair and legally sound decisions causes veteran Takoma Park landlords and tenants

to conform to the law and adhere to their leases and makes them less likely to "take their chances" at a Commission hearing. Most of you have probably noticed that the vast majority of COLTA's hearings involve the same 1 or 2 landlords and that the landlord often does not participate in the process. This is frustrating, but it does not decrease the importance of COLTA's role in promoting the city's landlord-tenant relations policies.

### (continued-Executive Director)

The Housing staff and the City Attorney's Office are now issuing citations and enlisting the assistance of the District Court to ensure compliance with COLTA orders in such cases.

