

6.04.040 Access to multi-unit residential facilities.

A. Definitions. For the purposes of this section, the following words will have the following meanings:

“City employee” means a City employee or an independent contractor acting on behalf of the City. Elected City officials are not City employees for the purposes of this section.

“Controlled access multi-unit residential facility” means a multi-unit residential facility, the common entrances to which are locked, monitored by the owner or manager of the property, or posted, to prohibit entry into the common areas of the facility by persons other than residents and their guests.

“Multi-unit residential facility” means an apartment or condominium building or complex of apartment or condominium buildings.

“Qualified candidate” means a candidate for a City, County, State, or Federal elected office that is seeking election to an office that represents the residents of the facility to which the candidate seeks access, and:

1. Is seeking election to such office at the next general or special election for that office; and
2. For a candidate for City office, has been nominated in accordance with Section 604 of the Takoma Park City Charter; or
3. For a candidate for Montgomery County, Maryland State, or Federal office, has filed a certificate of candidacy accepted by the applicable Board of Elections.

B. It is unlawful for a person, either directly or indirectly, to deny access to a multi-unit residential facility to the following individuals:

1. A qualified candidate;
2. Campaign volunteers accompanying a qualified candidate into a building when the candidate is present in the building; and
3. City employees.

C. For qualified candidates and accompanying campaign volunteers, access to a facility under this section is required only for the purposes of campaigning for

the candidate or registering voters and only during the 90-day period preceding the next primary, special, or general election for the office sought by the candidate.

D. For City employees, access to a facility under this section is only required for the purposes of collecting information to facilitate the enforcement of City laws, notifying residents of their rights and duties with respect to housing and landlord-matters under City, County, and State law, or promoting the formation of tenant associations in accordance with Section 6.16.030.

E. Candidates to Provide Notice to Residents. Before entering a controlled-access multi-unit residential facility pursuant to this section, candidates must provide 24 hours' notice to the residents, unless the owner, manager, or tenant association of the building elects to post the required notice on behalf of the candidate. Such notice shall be provided by posting, on each exterior entrance to any multi-unit building, a written notice on a form provided by the City that includes the following information:

1. The name of the candidate;
2. The elective office for which the candidate is running; and
3. The date and hours that the candidate will be present at the facility.

F. Distribution of Materials. Qualified candidates and their accompanying campaign volunteers must be permitted to leave campaign materials, and City employees must be permitted to leave notices, surveys, correspondence, and other materials at the doors to residents' units. Materials must be left in an orderly fashion.

G. Attempting to Make Personal Contact with Residents. Individuals accessing a facility pursuant to this section may seek to make personal contact with residents by speaking with residents in a common area of the facility or, unless excluded by a resident under subsection (G)(2) of this section, by knocking on the door or ringing the doorbell of the residents' units.

1. When a resident contacted in a common area indicates that he or she does not wish to speak with the individual, the individual immediately must cease attempting to speak with the resident.
2. Exclusion of Candidates by Residents. Residents of multi-unit residential facilities shall have the right to post a sign provided by the Department on the door to their units that shall prohibit candidates and their campaign

volunteers from attempting to make personal contact with them at their units.

- a. No person other than a resident of the unit or, if the unit is unoccupied, the owner or manager of the facility, may remove or damage such signs.
- b. Landlords shall be responsible for removing such signs between tenancies.

H. Candidate Access to Facilities with Multiple Buildings. For multi-unit residential facilities with multiple buildings, a qualified candidate and accompanying volunteers must be permitted to access as many buildings as is practicable on a single visit, but access is limited to only one building at a time. If multiple qualified candidates are traveling together, each qualified candidate and that candidate's accompanying volunteers are limited to one building at a time, but all of the candidates and accompanying volunteers traveling together must not be restricted to accessing the same building at the same time.

I. Hours of Access. Persons accessing a multi-unit residential building pursuant to this section may do so only between the hours of 9:00 a.m. and 9:00 p.m.

J. Exceptions. This section does not prohibit:

1. A resident from denying the admittance of any person into their unit;
2. Requiring reasonable and proper identification as a necessary prerequisite to admission to a multi-unit residential building;
3. Denial of permission to visit a resident's unit for valid health reasons;
4. A property owner or manager from limiting visits to a reasonable number of persons and reasonable hours;
5. Requiring a prior appointment to grant a qualified candidate and his or her campaign volunteers access to a controlled access multi-unit residential facility; provided, that appointments be scheduled with reasonable promptness and at times when most residents are reasonably likely to be home; or
6. Denial of admittance to an individual qualified candidate and that candidate's volunteers or expulsion of an individual qualified candidate and that candidate's volunteers from a multi-unit residential facility for good cause based on the conduct of the candidate or his or her volunteers,

including, but not limited to, unreasonable disturbance of residents, engaging in activities that do not further the permissible purposes set forth in subsection (C) of this section, failure to distribute materials in an orderly fashion, criminal conduct, failure to provide proof of identification upon request by an agent of the property owner or manager or a resident, failure to make or adhere to an appointment, and entering or remaining in a building between the hours of 9:00 p.m. and 9:00 a.m.

K. The Department shall have the authority to promulgate regulations implementing the provisions of this section.

L. A qualified candidate or a resident, owner, or manager of a multi-unit residential facility aggrieved by a violation of this section may file a civil action in a court of competent jurisdiction seeking temporary and permanent injunctive relief and any other available legal or equitable remedy. (Ord. 2013-25 § 1, 2013)