



Bill No. 18-28
Concerning: Human Trafficking – Landlord-Tenant
Introduced: September 25, 2018
Revised: _____ Draft No. _____
Enacted: _____
Effective: _____
Expires: October 31, 2018
Frederick County Code, Chapter 1-6
Section(s) 66

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Member Jessica Fitzwater

AN ACT: concerning Landlord-Tenants and Human Trafficking/Prostitution, to be codified as Frederick County Code Section 1-6-66.

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

By amending:

Frederick County Code, Chapter, 1-24 Section(s) 66

Other: _____

Boldface

Underlining

[Single boldface brackets]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Existing law unaffected by bill.

Bill No. 18-28

The County Council of Frederick County, Maryland, finds it necessary and appropriate to add Section 1-6-66 to the Frederick County Code for the purpose of making persons, landlords, landlord agents, management staff and/or owners, as well as tenants, liable for the use of apartments for prostitution, including human trafficking; and providing punishment for statutory violators; generally regarding prostitution and human trafficking.

NOW, THEREFORE, BE IT IN ENACTED, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1, to be codified as Frederick County Code Section 1-6-66.

BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation of this Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

Harold F. (Bud) Otis, President
County Council of Frederick County,
Maryland

CHAPTER 1-6: BUILDINGS

Article

- I. IN GENERAL
- II. BUILDING CODE
- III. MINIMUM LIVABILITY CODE
- IV. WELLHEAD PROTECTION CODE
- V. RIGHT TO FARM
- VI. HUMAN TRAFFICKING

§1-6.66. LANDLORD AND TENANT – HUMAN TRAFFICKING/PROSTITUTION

(A) Use of apartment for prostitution, including human trafficking prohibited.

(1) It shall be unlawful for any person, tenant, landlord, landlord agent, management staff and/or property owner to knowingly sublease, assign, transfer possession, or permit use of a room or apartment for the purposes of any violation of the Prostitution laws, including Human Trafficking laws of the State of Maryland or Frederick County, or either.

(2) “Knowingly” means a landlord, landlord agent, management staff, or property owner has been formally notified by law enforcement of facts establishing the existence of a violation as described in section (1) herein and takes no action regarding it.

(3) Anyone who violates this Section shall be guilty of a misdemeanor per apartment, per occurrence and, upon conviction, shall be punished by a fine of One Thousand Dollars (\$1,000.00) or by imprisonment for not more than six (6) months for each offense.

(B) Inquiries, complaints. Any inquiries or complaints regarding prostitution and/or human trafficking to any Frederick County Government personnel shall be directed to the Sheriff’s Office of the County.

(C) It is a defense to any prosecution under this section that the landlord, landlord agent, management staff, or property owner provides evidence that it has taken action to regain possession of the leased premises under the following statutory provisions

(1) MD. Real Property Code Ann. § 8-402 – Tenant hold overs,

(2) § 8-402.1-Proceedings upon breach of lease, or

(3) MD. Real Property Code ann. § 14-132. Wrongful detainer actions and procedures.

Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

*** - indicates existing law unaffected by bill.