

Landlord-Tenant Commission

**Meeting of October 25,2022 at 4:00 PM
Rockville City Hall Virtual Meeting**

Cisco WebEx Conference Room

Landlord-Tenant Commission called at - 4:00 p.m.

Meeting Minutes:

Commissioners Present:

Joseph Tirrell-Chairperson, At large Representative

Mitchell Shapiro – Landlord Representative

Edward Gonzague – Landlord Representative

Danielle Munro –Tenant Representative

Stuart Graff –Tenant Representative

Michael Kluk -- Tenant Representative

City of Rockville Staff Present:

Niambi Powell –Housing Programs Manager

Punam Thukral – Housing Specialist

Trevor Stephens – Housing and Landlord-Tenant Specialist

Ashley McFarland – Senior Assistant City Attorney

Members of Public Present: None

Convene Commission Session 4:00 p.m.:

The meeting was conducted virtually via WebEx. Chair Tirrell opened the meeting at 4:06 p.m. announcing that the meeting would be brief to discuss process parameters for the City's investigation and mediation of formal landlord-tenant complaints. Chair Tirrell introduced the sole agenda item to the commission of determining a set amount of time to allow complainants to respond to Housing and Community Development (HCD) staff requests for information and supporting documentation.

Chair Tirrell asked Ashley McFarland to discuss equitable tolling procedures by the District court for landlord-tenant matters and the statute of limitations during the emergency period throughout the pandemic. Ms. McFarland confirmed that the courts did have a tolling on statute of limitations during the period of emergency and provided a timeframe for when that would end after the state emergency was lifted. Ms. McFarland suggested that the Commission focus on a general discussion of procedure moving forward, as to whether there would be instances of administrative case closure due to lack of communication from the complainant. Ms. McFarland further suggested that the commission determine what the timeline would be for administrative case closure given the 2-year statute of limitations on security deposit complaints.

Commissioner Shapiro inquired as to whether it should be left to the discretion of clerks to

Landlord-Tenant Commission

shelve a complaint after three months.

Commissioner Graff added that HCD staff should communicate a judgment timeframe at the initial contact with complainants to be ahead of the 6-month statute. He further suggested that staff should allow for 30 days to receive a response from a complainant before proceeding with administrative case closure.

Commissioner Munro asked whether there should be an exception made for emergency situations. Chairman Tirrell suggested that the Commission follow the tolling of the courts during a declared emergency. The question was then posited as to which courts should be followed for tolling guidelines.

Commissioner Shapiro added that 60 days should be enough time for communication following initial contact. He further added that if the complainant doesn't respond within 60 days timeline, the complaint will be dismissed and if the respondent doesn't respond with the timeline based on ex party evidence, the respondent may lose their opportunity to present a challenge to the case and might be subject to a judgement entered against them.

Commissioner Gonzague expressed the need to be sure that the commission's decision is thoroughly considered and suggested that 60 days may be too short a timeframe. Chairman Tirrell stipulated that HCD staff could send a certified mailing to the complainant giving them 15 days to respond before the case was closed. The Commission proceeded to explore clarifying the City's obligation regarding communication and notice to the client. Chairman Tirrell posed a 45-day period for HCD staff to reach out and then send a letter giving 15 days to respond before closure. Commissioner Shapiro opposed this measure, stating that as this is on the complainant to make their case, HCD staff should not be expected to provide additional notice before case closure.

Ms. Shapiro addressed a question from Ms. Powell stating that tenants have two years to lodge a complaint following the termination of tenancy, but the complaint does not have to be adjudicated in that time.

Chair Tirrell made a motion to vote for a 60-day time period for complainants and respondents to respond to HCD staff inquiries while investigating and mediating a case. The motion carried unanimously to approve the 60-day time period.

An official vote was approved for a 60-day response time frame. The commissioners agreed to leave some discretion for HCD staff once the 60 days are up to close the case.

The public is invited to attend any future meetings.

Adjournment

There being no further business to come before the commission, the meeting was adjourned at

Landlord-Tenant Commission

4:29 p.m.

This was a unanimous decision of the Rockville Commission of Landlord-Tenant Affairs.

Respectfully Submitted by: *Nambi Powell*
Niambi Powell, Commission Liaison, City of Rockville Date

Approved by: *Joseph Tirrell*
Joseph Tirrell, Chairperson Date