

COURT OF APPEALS OF MARYLAND

Heubeck v. Mayor and City Council of Baltimore, 205 Md. 203

107 A.2d 99 (1954) · No. No. 10, October Term, 1954 (Adv.) · Decided October 10, 2001

SUMMARY

The Maryland Court of Appeals held that Baltimore City had authority under its police power to enact rent-control legislation, even after the expiration of the state enabling statute, provided the ordinance did not conflict with the Maryland Constitution or a Public General Law. The court determined that the ordinance's restriction on evictions conflicted with state law permitting eviction of holdover tenants and was therefore invalid. Because the eviction provisions were integral to the rent-control scheme, the court held that the entire ordinance had to fall.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Horney, J., by special assignment; Brune, C.J.; Delaplaine, J.; Collins, J.; Horney, J., Chief Judge of the Second Judicial Circuit, specially assigned; Byrnes, J., Associate Judge of the Eighth Judicial Circuit, specially assigned
JURISDICTION	Maryland
DECIDED	October 10, 2001
DOCKET	No. 10, October Term, 1954 (Adv.)
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a declaratory decree of Circuit Court No. 2 of Baltimore City dismissing Heubeck's bill seeking to invalidate Baltimore's rent-control ordinance and enjoin its enforcement.
STANDARD OF REVIEW	De novo review of the validity of a municipal ordinance and its conformity with the Maryland Constitution and Public General Laws.
PRECEDENTIAL VALUE	Published precedential opinion of the Court of Appeals of Maryland
PARTIES	George F. Heubeck v. Mayor and City Council of Baltimore

TOPICS

- rent control
- eviction
- ordinances
- home rule
- statutory interpretation

PRACTICE AREAS

municipal law

landlord-tenant law

constitutional law

statutory interpretation

QUESTIONS PRESENTED

1. Whether Baltimore City retained authority under its police power to enact rent-control legislation after the expiration of Maryland's rent-control enabling statute.
2. Whether the ordinance's eviction restrictions conflicted with Maryland's Public General Laws governing eviction of holdover tenants.
3. Whether the invalid eviction provision could be severed from the ordinance so that the remaining rent-control provisions would survive.

HOLDINGS

1. Baltimore City had power under its police power to enact rent-control legislation even in the absence of an effective enabling act, provided the legislation did not conflict with the Maryland Constitution or any Public General Law.
2. The ordinance's provision barring landlords from recovering possession after a lease expired conflicted with the Public General Laws permitting eviction of holdover tenants and was therefore invalid.
3. The entire rent-control ordinance had to fall because its rent-regulation provisions were impractical and ineffective without the invalid eviction restrictions, notwithstanding the ordinance's separability clause.

KEY QUOTATIONS

“The City of Baltimore has the power to enact rent control legislation, even in the absence of an enabling act, provided such legislation is not in conflict with the Constitution of the State or any Public General Law thereof.” (205 Md. at 206-207)

“If a local law or ordinance conflicts in any manner with the Constitution or a Public General Law, then the local law or ordinance is invalid.” (205 Md. at 210)

“The Rent Control Ordinance, therefore, prohibits an action which the Public General Law permits, that is, the eviction of a tenant upon the expiration of his lease.” (205 Md. at 211)

“As the valid portions of the ordinance are impractical and useless without the invalid portions, the entire ordinance must fall.” (205 Md. at 212)

FACTUAL BACKGROUND

Maryland's rent-control enabling statute, Article 44C, had expired on June 1, 1953, after a later attempted extension was held invalid. Baltimore had enacted Ordinance No. 716 before that expiration, relying partly on Article 44C and partly on the City's police power. The ordinance restricted rent increases and prohibited landlords from recovering possession from tenants whose leases had expired so long as the tenants continued paying the prescribed rent.

PROCEDURAL HISTORY

Baltimore enacted Ordinance No. 716 on May 21, 1953, under Maryland's rent-control enabling statute and the City's police power. Heubeck filed a bill for declaratory and injunctive relief in the Circuit Court of Baltimore City. The chancellor dismissed the bill, and Heubeck appealed. The Court of Appeals reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for entry of a decree conforming to the opinion.

CASES CITED

- Marcus Brown Holding Co. v. Feldman, 256 U.S. 170, 65 L. Ed. 877
- R.B. Const. Co. v. Jackson, 152 Md. 671, 137 A. 278
- Rossberg v. State, 111 Md. 394, 74 A. 581
- Levering v. Park Commissioners, 134 Md. 48, 106 A. 176
- Herman v. Mayor & City Council of Baltimore, 189 Md. 191, 55 A.2d 491
- Schneider v. Duer, 170 Md. 326, 184 A. 914
- F.T.B. Corporation v. Goodman, 300 N.Y. 140, 89 N.E.2d 865