

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Environment and Transportation Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 744
Landlord and Tenant – Residential Leases – Tenant Rights and
Protections (Tenant Protection Act)
DATE: February 5, 2020
(2/18)
POSITION: Oppose as drafted

The Maryland Judiciary opposes House Bill 744 as drafted. The Judiciary has concerns about the proposed changes to Real Property Article, § 8-211(j)-(k). Under the bill, § 8-211(j)-(k) requires that, when a court orders termination of a lease in a rent escrow proceeding based on a landlord’s failure to correct a serious defect in the subject property, the court “shall” (i) order the landlord to pay the tenant’s relocation expenses and, (ii) “award damages equal to 1 month of rent at the market rate for the jurisdiction.” Those requirements are vague and will likely be difficult for courts to implement appropriately and uniformly. Determining a tenant’s actual relocation expenses would likely require an evidentiary hearing after the order is issued terminating the lease. In addition, “market rate [of rent] for the jurisdiction” is a vague term because rent can vary greatly within a jurisdiction and it is unclear how the market rate would be determined. Finally, the bill provides that the court may appoint a special administrator. It is unclear who this special administrator would be or the process for appointing him or her.

cc. Hon. Vaughn Stewart
Judicial Council
Legislative Committee
Kelley O’Connor