

# SENATE BILL 174

N1  
SB 407/13 – JPR

4lr1540

---

By: **Senator Brochin**

Introduced and read first time: January 15, 2014

Assigned to: Judicial Proceedings

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Right to Redemption of Leased Premises – Forms of Payment**

3 FOR the purpose of authorizing a landlord or mobile home park owner to require a  
4 tenant or mobile home park resident to tender certain forms of payment in  
5 order to exercise the tenant's or resident's right to redemption of leased  
6 premises under certain circumstances; prohibiting a landlord or mobile home  
7 park owner from prohibiting a certain form of payment if certain notice  
8 requirements are not met; providing for a delayed effective date; making  
9 stylistic and conforming changes; and generally relating to the right to  
10 redemption of leased premises.

11 BY repealing and reenacting, with amendments,  
12 Article – Real Property  
13 Section 8–401(e) and 8A–1701(e)  
14 Annotated Code of Maryland  
15 (2010 Replacement Volume and 2013 Supplement)

16 BY repealing and reenacting, with amendments,  
17 The Public Local Laws of Baltimore City  
18 Section 9–5(b)(1)  
19 Article 4 – Public Local Laws of Maryland  
20 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Real Property**

24 8–401.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (e) (1) Subject to [paragraph (2)] PARAGRAPHS (2) AND (3) of this  
2 subsection, in any action of summary ejection for failure to pay rent where the  
3 landlord is awarded a judgment giving the landlord restitution of the leased premises,  
4 the tenant shall have the right to redemption of the leased premises by tendering in  
5 cash, certified check, or money order to the landlord or the landlord's agent all past  
6 due amounts, as determined by the court under subsection (c) of this section, plus all  
7 court awarded costs and fees, at any time before actual execution of the eviction order.

8 (2) (I) A LANDLORD MAY REQUIRE A PAYMENT MADE UNDER  
9 PARAGRAPH (1) OF THIS SUBSECTION TO BE TENDERED BY CERTIFIED CHECK  
10 OR MONEY ORDER IF THE LANDLORD:

11 1. PROVIDES NOTICE OF THE PAYMENT  
12 REQUIREMENT IN THE LEASE, SET APART FROM ANY OTHER PROVISION OF THE  
13 LEASE AND SEPARATELY SIGNED OR INITIALED BY THE TENANT;

14 2. POSTS NOTICE OF THE PAYMENT REQUIREMENT  
15 IN ALL LOCATIONS WHERE RENT IS ACCEPTED FROM TENANTS BY THE  
16 LANDLORD OR THE LANDLORD'S AGENT;

17 3. INCLUDES NOTICE OF THE PAYMENT  
18 REQUIREMENT IN THE WARRANT OF RESTITUTION ORDERED BY THE LANDLORD  
19 UNDER SUBSECTION (D) OF THIS SECTION;

20 4. A. EXCEPT AS PROVIDED IN ITEM B OF THIS  
21 ITEM, AT LEAST 14 DAYS IN ADVANCE OF THE FIRST DATE ON WHICH THE  
22 WARRANT OF RESTITUTION IS SCHEDULED TO BE EXECUTED, SENDS NOTICE TO  
23 THE TENANT, BY FIRST-CLASS MAIL, OF THE PAYMENT REQUIREMENT AND THE  
24 DATE OF EVICTION; AND

25 B. IN BALTIMORE CITY, INCLUDES NOTICE OF THE  
26 PAYMENT REQUIREMENT AND THE DATE OF EVICTION IN THE NOTICE OF  
27 PENDING DISPOSITION REQUIRED UNDER ARTICLE B, § 8-A2 OF THE  
28 BALTIMORE CITY CODE;

29 5. IF A NOTICE OF EVICTION IS REQUIRED UNDER  
30 LOCAL LAW, INCLUDES NOTICE OF THE PAYMENT REQUIREMENT IN THE NOTICE  
31 OF EVICTION; AND

32 6. CREDITS \$4 AGAINST THE REDEMPTION AMOUNT  
33 DETERMINED BY THE COURT UNDER SUBSECTION (C) OF THIS SECTION.

34 (II) IF THE LANDLORD FAILS TO PROVIDE ANY NOTICE OF  
35 THE PAYMENT REQUIREMENT REQUIRED UNDER SUBPARAGRAPH (I) OF THIS

1 **PARAGRAPH, THE LANDLORD MAY NOT PROHIBIT A TENANT FROM REDEEMING**  
2 **THE LEASED PREMISES BY TENDERING CASH.**

3 **[(2)] (3)** This subsection does not apply to any tenant against whom 3  
4 judgments of possession have been entered for rent due and unpaid in the 12 months  
5 prior to the initiation of the action to which this subsection otherwise would apply.

6 8A-1701.

7 (e) **(1) [In] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN** any  
8 action of summary ejectment for failure to pay rent where the park owner is awarded  
9 a judgment giving him restitution of the leased premises, the resident shall have the  
10 right to redemption of the leased premises by tendering in cash, certified check, or  
11 money order to the park owner or his agent all past due rent and late fees, plus all  
12 court awarded costs and fees, at any time before actual execution of the eviction order.  
13 This subsection does not apply to any resident against whom 3 judgments of  
14 possession have been entered for rent due and unpaid in the 12 months prior to the  
15 initiation of the action to which this subsection otherwise would apply.

16 **(2) (I) A PARK OWNER MAY REQUIRE A PAYMENT MADE UNDER**  
17 **PARAGRAPH (1) OF THIS SUBSECTION TO BE TENDERED BY CERTIFIED CHECK**  
18 **OR MONEY ORDER IF THE PARK OWNER:**

19 **1. PROVIDES NOTICE OF THE PAYMENT**  
20 **REQUIREMENT IN THE LEASE, SET APART FROM ANY OTHER PROVISION OF THE**  
21 **LEASE AND SEPARATELY SIGNED OR INITIALED BY THE RESIDENT;**

22 **2. POSTS NOTICE OF THE PAYMENT REQUIREMENT**  
23 **IN ALL LOCATIONS WHERE RENT IS ACCEPTED FROM RESIDENTS BY THE PARK**  
24 **OWNER OR THE PARK OWNER'S AGENT;**

25 **3. INCLUDES NOTICE OF THE PAYMENT**  
26 **REQUIREMENT IN THE WARRANT OF RESTITUTION ORDERED BY THE PARK**  
27 **OWNER UNDER SUBSECTION (D) OF THIS SECTION;**

28 **4. A. EXCEPT AS PROVIDED IN ITEM B OF THIS**  
29 **ITEM, AT LEAST 14 DAYS IN ADVANCE OF THE FIRST DATE ON WHICH THE**  
30 **WARRANT OF RESTITUTION IS SCHEDULED TO BE EXECUTED, SENDS NOTICE TO**  
31 **THE RESIDENT, BY FIRST-CLASS MAIL, OF THE PAYMENT REQUIREMENT AND**  
32 **THE DATE OF EVICTION; AND**

33 **B. IN BALTIMORE CITY, INCLUDES NOTICE OF THE**  
34 **PAYMENT REQUIREMENT AND THE DATE OF EVICTION IN THE NOTICE OF**

1 PENDING DISPOSITION REQUIRED UNDER ARTICLE B, § 8-A2 OF THE  
2 BALTIMORE CITY CODE;

3 5. IF A NOTICE OF EVICTION IS REQUIRED UNDER  
4 LOCAL LAW, INCLUDES NOTICE OF THE PAYMENT REQUIREMENT IN THE NOTICE  
5 OF EVICTION; AND

6 6. CREDITS \$4 AGAINST THE REDEMPTION AMOUNT  
7 DETERMINED BY THE COURT UNDER SUBSECTION (C) OF THIS SECTION.

8 (II) IF THE PARK OWNER FAILS TO PROVIDE ANY NOTICE OF  
9 THE PAYMENT REQUIREMENT REQUIRED UNDER SUBPARAGRAPH (I) OF THIS  
10 PARAGRAPH, THE PARK OWNER MAY NOT PROHIBIT A RESIDENT FROM  
11 REDEEMING THE LEASED PREMISES BY TENDERING CASH.

12 Article 4 – Baltimore City

13 9-5.

14 (b) (1) (I) [In] SUBJECT TO SUBPARAGRAPH (II) OF THIS  
15 PARAGRAPH, IN any action of summary ejection for failure to pay rent where the  
16 landlord is awarded a judgment giving him restitution of the leased premises, the  
17 tenant has the right to redemption of the leased premises by tendering in cash,  
18 certified check, or money order to the landlord or his agent all past due rent and late  
19 fees, plus all court awarded costs and fees, at any time before actual execution of the  
20 eviction order.

21 (II) A LANDLORD MAY REQUIRE A PAYMENT MADE UNDER  
22 SUBPARAGRAPH (I) OF THIS PARAGRAPH TO BE TENDERED BY CERTIFIED  
23 CHECK OR MONEY ORDER IF THE LANDLORD:

24 1. PROVIDES NOTICE OF THE PAYMENT  
25 REQUIREMENT IN THE LEASE, SET APART FROM ANY OTHER PROVISION OF THE  
26 LEASE AND SEPARATELY SIGNED OR INITIALED BY THE TENANT;

27 2. POSTS NOTICE OF THE PAYMENT REQUIREMENT  
28 IN ALL LOCATIONS WHERE RENT IS ACCEPTED FROM TENANTS BY THE  
29 LANDLORD OR THE LANDLORD'S AGENT;

30 3. INCLUDES NOTICE OF THE PAYMENT  
31 REQUIREMENT IN THE WARRANT OF RESTITUTION ORDERED BY THE LANDLORD  
32 UNDER § 9-6 OF THIS SUBTITLE;

1                   4.    INCLUDES NOTICE OF THE PAYMENT  
2 REQUIREMENT IN THE NOTICE OF PENDING DISPOSITION REQUIRED UNDER  
3 ARTICLE 13, § 8A-2 OF THE BALTIMORE CITY CODE; AND

4                   5.    CREDITS \$4 AGAINST THE REDEMPTION AMOUNT  
5 DETERMINED BY THE COURT UNDER SUBSECTION (A) OF THIS SECTION.

6                   (III) IF THE LANDLORD FAILS TO PROVIDE ANY NOTICE OF  
7 THE PAYMENT REQUIREMENT REQUIRED UNDER SUBPARAGRAPH (II) OF THIS  
8 PARAGRAPH, THE LANDLORD MAY NOT PROHIBIT A TENANT FROM REDEEMING  
9 THE LEASED PREMISES BY TENDERING CASH.

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 January 1, 2015.