

HOUSE BILL 1547

N1

6lr3723

By: **Delegate Conaway**

Introduced and read first time: February 19, 2016

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Residential Leases – Notice About Rent Escrow Laws**

3 FOR the purpose of requiring the landlord of any residential rental property to include in
4 a written lease a certain notice to the tenant about the tenant's rights and remedies
5 regarding certain conditions or defects in the property; and generally relating to
6 residential leases.

7 BY repealing and reenacting, with amendments,

8 Article – Real Property

9 Section 8–210

10 Annotated Code of Maryland

11 (2015 Replacement Volume)

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

14 **Article – Real Property**

15 8–210.

16 (a) (1) The landlord of any residential rental property shall include in a
17 written lease or post a sign in a conspicuous place on that property listing the name,
18 address, and telephone number of:

19 (i) The landlord; or

20 (ii) The person, if any, authorized to accept notice or service of
21 process on behalf of the landlord.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) If a landlord fails to comply with paragraph (1) of this subsection, notice
2 or service of process shall be deemed to be proper if the tenant sends notice or service of
3 process by any of the following means:

4 (i) To the person to whom the rent is paid;

5 (ii) To the address where the rent is paid; or

6 (iii) To the address where the tax bill is sent.

7 **(B) THE LANDLORD OF ANY RESIDENTIAL RENTAL PROPERTY SHALL**
8 **INCLUDE IN A WRITTEN LEASE A NOTICE TO THE TENANT THAT:**

9 **(1) (I) IF THE TENANT GIVES NOTICE TO THE LANDLORD OF A**
10 **CONDITION OR DEFECT IN THE RESIDENTIAL DWELLING UNIT THAT CONSTITUTES A**
11 **FIRE HAZARD OR A SERIOUS OR SUBSTANTIAL THREAT TO THE LIFE, HEALTH, OR**
12 **SAFETY OF THE OCCUPANTS AND THE LANDLORD FAILS TO MAKE REPAIRS OR**
13 **CORRECT THE CONDITION WITHIN A REASONABLE TIME, THE TENANT MAY BRING A**
14 **RENT ESCROW ACTION IN THE DISTRICT COURT OF MARYLAND FOR THE DISTRICT**
15 **IN WHICH THE PROPERTY IS LOCATED TO PAY RENT INTO COURT, OR MAY REFUSE**
16 **TO PAY RENT AND RAISE THE EXISTENCE OF THE CONDITION OR DEFECT AS AN**
17 **AFFIRMATIVE DEFENSE TO AN ACTION BROUGHT BY THE LANDLORD TO RECOVER**
18 **RENT OR THE POSSESSION OF THE LEASED PREMISES; AND**

19 **(II) IF THE LANDLORD FAILS TO COMPLY WITH THE**
20 **APPLICABLE RISK REDUCTION STANDARD FOR LEAD PAINT, THE TENANT MAY**
21 **DEPOSIT THE RENT WITH THE DISTRICT COURT OF MARYLAND FOR THE DISTRICT**
22 **IN WHICH THE PROPERTY IS LOCATED; AND**

23 **(2) INFORMATION ABOUT HOW TO BRING A RENT ESCROW ACTION**
24 **AND A FORM FOR FILING A RENT ESCROW ACTION IN THE DISTRICT COURT ARE**
25 **AVAILABLE ON THE WEB SITE OF THE MARYLAND JUDICIARY.**

26 **[(b)] (C) (1) This subsection applies only in Montgomery County.**

27 (2) In this subsection, “development” has the meaning provided in §
28 11B-101 of this article.

29 (3) (i) Before execution by a tenant of a lease for an initial term of 125
30 days or more, the owner of any residential rental property within any condominium or
31 development shall provide to the prospective tenant, to the extent applicable, a copy of the
32 rules, declaration, and recorded covenants and restrictions that limit or affect the use and
33 occupancy of the property or common areas and to which the owner is obligated.

1 (ii) The written lease shall include a statement, if applicable, that
2 the obligations of the owner that limit or affect the use and occupancy of the property are
3 enforceable against the owner's tenant.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2016.