

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 826

(Senator Conway)(By Request - Baltimore City
Administration)

Judicial Proceedings

Environment and Transportation

Baltimore City - Landlord and Tenant - False Representations and Unlawful Evictions

This bill clarifies and expands provisions of landlord tenant law applicable in Baltimore City related to the offenses of false representation and unlawful eviction. The bill defines specified terms and makes various other clarifying, technical, and stylistic changes. The bill also specifies prohibited actions related to unlawful evictions and applies the prohibitions in current law against making false representations to specified provisions of the Baltimore City Code related to repossession of a premises and notices of pending disposition.

Fiscal Summary

State Effect: The bill is not anticipated to materially impact State operations or finances.

Local Effect: The bill is not anticipated to materially impact Baltimore City operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill specifies that an agent, a landlord, or an operator may not *intentionally* interrupt, terminate, or diminish any utility service provided to the tenant, including, but not limited to water, heat, light, electricity, gas, elevator, or similar services to which the tenant may be entitled under the expressed or implied terms of the tenancy. Similarly, an agent, a landlord, or an operator may not (1) remove furnishings, cooking

facilities, appliances, or similar items to which, under the express or implied terms of the tenancy, the tenant may be entitled; (2) prevent the tenant from gaining access to the property by changing the locks and failing to provide the tenant with new keys; (3) remove outside doors or windows; or (4) remove the tenant's personal property, furnishings, or any other items.

Current Law: Generally, a person may not make false statements in any notice, proceeding, or any other circumstance related to (1) a tenant carrying over; (2) a tenancy by sufferance; (3) other specified tenancies; (4) a misrepresentation or other prohibited act; or (5) required notices.

A person may not, in an attempt to circumvent the protection accorded tenants by specified provisions of law, willfully prevent a tenant from access to his or her dwelling, or diminish essential services, such as gas, electricity, water, heat, light, furniture, furnishings, or similar services, to which the tenant may be entitled under the terms of the tenancy.

A person who violates these prohibitions is guilty of a misdemeanor and, on conviction, subject to a fine of up to \$500 and/or imprisonment for up to 10 days for each offense.

Repossession of Premises

If a landlord seeks to regain possession of a leased premises, the landlord must file a written complaint in the District Court of Baltimore City, under oath or affirmation.

Notice of Pending Disposition

Whenever a judgment is entered in favor of the landlord for possession of a dwelling, the landlord must notify the tenant of the date on which the warrant of restitution is scheduled to be executed by the sheriff. Effectively, the landlord is responsible for telling the tenant of the date that he or she is required to vacate the leased premises.

Background: The Administrative Office of the Courts advises that, in fiscal 2017, there were a total of 144,058 landlord/tenant cases filed in Baltimore City.

Additional Information

Prior Introductions: None.

Cross File: HB 1553 (Delegate Anderson) (By Request - Baltimore City Administration) - Environment and Transportation.

Information Source(s): Baltimore City; Office of the Attorney General (Consumer Protection Division); Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2018
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