

# HOUSE BILL 768

L2, N1

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By: ~~Delegate Attar~~ **Delegates Attar, Rosenberg, Wells, and Ciliberti**

Introduced and read first time: January 31, 2020

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Baltimore City – Repossession for Failure to Pay Rent – Registration and**  
3 **License Information**

4 FOR the purpose of requiring a landlord, at the time of filing a certain complaint in an  
5 action for repossession for failure to pay rent in Baltimore City, ~~to submit for~~  
6 ~~inspection by the clerk of the District Court certain records demonstrating that the~~  
7 ~~property is compliant with or exempt from~~ to be in compliance with certain local  
8 license requirements and certain lead-based paint abatement laws; providing that a  
9 landlord has the burden of proving, by a certain standard of evidence, that a property  
10 is in compliance with certain local license requirements and certain lead-paint  
11 abatement laws; prohibiting a court from issuing a warrant of restitution under  
12 certain circumstances; authorizing a landlord to provide an electronic copy of a  
13 license as proof of compliance with certain local license requirements; prohibiting a  
14 judge from entering a judgment in favor of a landlord who fails to prove that a  
15 property is in compliance with certain local license requirements; and generally  
16 relating to actions for repossession for failure to pay rent in Baltimore City.

17 BY repealing and reenacting, with amendments,

18 The Public Local Laws of Baltimore City

19 Section 9-3 and 9-5

20 Article 4 – Public Local Laws of Maryland

21 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

23 That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article 4 – Baltimore City**

2 9–3.

3 (A) Whenever any lessor shall desire to have again and repossess any premises to  
 4 which he is entitled under the provisions of the preceding section, he or his duly qualified  
 5 agent or attorney, shall make his written complaint under oath or affirmation, in the  
 6 District Court of Baltimore City, and describing therein in general terms the property  
 7 sought to be had again and repossessed as aforesaid, and also setting forth the name of the  
 8 tenant to whom the same is rented, or his assignee or under tenant or tenants, with the  
 9 amount of rent thereon due and unpaid; and praying by warrant to have again and  
 10 repossess the premises, together with judgment for the amount of rent due and costs; and  
 11 it shall thereupon be the duty of said District Court of Baltimore City forthwith to issue  
 12 summons directed to a Constable of said court, ordering him to notify said tenant, assignee  
 13 or under tenant forthwith to appear before the said District Court at trial to held on the  
 14 fifth day after the filing of said complaint, except as hereinafter provided, to show cause  
 15 why the prayer of said lessor should not be granted as aforesaid, and the said Constable  
 16 shall forthwith proceed to serve said summons on or before the third day after the filing of  
 17 said complaint, upon said tenant, assignee or under tenant in said premises, or upon his or  
 18 their known or authorized agent, or said Constable shall affix an attested copy of said  
 19 summons conspicuously upon said premises, and such affixing of said summons shall, for  
 20 the purposes of this subheading of this article, be deemed and construed a sufficient service  
 21 upon all persons whomsoever.

22 ~~(B) (1) AT THE TIME OF FILING A WRITTEN COMPLAINT UNDER THIS~~  
 23 ~~SECTION, IF THE PROPERTY IS SUBJECT TO THE REQUIREMENTS OF ARTICLE 13, §~~  
 24 ~~5-4 OF THE BALTIMORE CITY CODE OR TITLE 6, SUBTITLE 8, PART III OF THE~~  
 25 ~~ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, THE LESSOR OR~~  
 26 ~~THE LESSOR'S AGENT SHALL SUBMIT FOR INSPECTION BY THE CLERK OF THE~~  
 27 ~~DISTRICT COURT OF BALTIMORE CITY RECORDS DEMONSTRATING THAT THE~~  
 28 ~~PROPERTY IS COMPLIANT WITH OR EXEMPT FROM THE REQUIREMENTS OF:~~

29 ~~(i) ARTICLE 13, § 5-4 OF THE BALTIMORE CITY CODE, BY~~  
 30 ~~PROVIDING A CURRENT AND VALID RENTAL LICENSE ISSUED BY THE BALTIMORE~~  
 31 ~~CITY DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND~~

32 ~~(ii) TITLE 6, SUBTITLE 8, PART III OF THE ENVIRONMENT~~  
 33 ~~ARTICLE OF THE ANNOTATED CODE OF MARYLAND, BY PROVIDING PROOF OF A~~  
 34 ~~CURRENT AND VALID FORM 330 INSPECTION CERTIFICATE RECORDED WITH THE~~  
 35 ~~MARYLAND DEPARTMENT OF THE ENVIRONMENT.~~

36 **(B) AT THE TIME OF FILING A WRITTEN COMPLAINT UNDER THIS SECTION,**  
 37 **THE LESSOR MUST BE IN COMPLIANCE WITH THE REQUIREMENTS OF ARTICLE 13, §**

1 5-4 OF THE BALTIMORE CITY CODE AND TITLE 6, SUBTITLE 8, PART III OF THE  
 2 ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

3 9-5.

4 (a) (1) If, at the trial aforesaid, the judge shall be satisfied the interest of  
 5 justice will be better served by an adjournment, he may adjourn the trial for a period not  
 6 exceeding seven days, except by consent of the parties, and if at said trial or due  
 7 adjournment, as aforesaid, it shall appear to the satisfaction of the judge before whom said  
 8 complaint has been tried as aforesaid, that the rent or any part of the rent for said premises  
 9 is actually due and unpaid, then the said judge shall give judgment in favor of said lessor  
 10 for the amount of rent found due, with costs of suit, and shall order that said tenant and  
 11 all persons claiming or holding by or under said tenant shall yield and render up possession  
 12 of said premises unto said lessor, or unto his duly qualified agent or attorney within 4 days  
 13 thereafter; provided, however, that upon presentation of certificate signed by a practicing  
 14 physician certifying that surrender of said premises within said period of 4 days would  
 15 endanger the health or life of any occupant thereof, said judge may, at the trial or  
 16 subsequent thereto, extend the time for such surrender of the premises upon such terms  
 17 and for such period or periods as he shall deem necessary and just. If the interval between  
 18 the filing of the landlord's complaint and the trial of the cause shall be more than three  
 19 days, any order or judgment of said court with respect to the payment of rent shall include  
 20 all rent due and unpaid up to and including the day of trial; and the proceedings amended  
 21 to set forth the basis of said judgment or order.

22 (2) DURING TRIAL, THE LANDLORD SHALL HAVE THE BURDEN OF  
 23 PROVING, BY A PREPONDERANCE OF THE EVIDENCE, THAT THE PROPERTY IS IN  
 24 COMPLIANCE WITH ARTICLE 13, § 5-4 OF THE BALTIMORE CITY CODE. ~~AND TITLE~~  
 25 ~~6, SUBTITLE 8, PART III OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED~~  
 26 ~~CODE OF MARYLAND~~ THE LESSOR MAY PRESENT AN ELECTRONIC COPY OF THE  
 27 LICENSE AS PROOF OF COMPLIANCE WITH ARTICLE 13, § 5-4 OF THE BALTIMORE  
 28 CITY CODE. IF THE LESSOR FAILS TO PROVIDE PROOF THAT THE PROPERTY IS IN  
 29 COMPLIANCE WITH ARTICLE 13, § 5-4 OF THE BALTIMORE CITY CODE, A JUDGE  
 30 MAY NOT ENTER A JUDGMENT IN FAVOR OF THE LESSOR.

31 (b) (1) In any action of summary ejection for failure to pay rent where the  
 32 landlord is awarded a judgment giving him restitution of the leased premises, the tenant  
 33 has the right to redemption of the leased premises by tendering in cash, certified check or  
 34 money order to the landlord or his agent all past due rent and late fees, plus all court  
 35 awarded costs and fees, at any time before actual execution of the eviction order.

36 (2) The right of redemption is not available to a tenant if the landlord  
 37 alleges and shows that more than three judgments of restitution were issued against the  
 38 tenant in the 12 months preceding the filing of the landlord's complaint.

39 (3) ~~(H)~~ Nothing in this section shall preclude a tenant in any summary  
 40 ejection action from raising any defense available under the Public Local Laws of

1 Baltimore City. If a tenant prevails on any of these defenses, the judgment, whether or not  
2 it includes a judgment of restitution against the tenant, shall not be considered a judgment  
3 of restitution for purposes of paragraph (2) of this subsection.

4 ~~(H) IF A TENANT DEMONSTRATES THROUGH OFFICIAL~~  
5 ~~RECORDS THAT THE LANDLORD HAS FAILED TO REGISTER AND LICENSE THE~~  
6 ~~RENTAL PROPERTY IN ACCORDANCE WITH ARTICLE 13, § 5-4 OF THE BALTIMORE~~  
7 ~~CITY CODE, THE JUDGE SHALL NOT ISSUE A WARRANT UNDER § 9-6 OF THIS~~  
8 ~~SUBTITLE.~~

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2020.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.