

# HOUSE BILL 729

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CF SB 530

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By: **The Speaker (By Request – Office of the Attorney General)**

Introduced and read first time: January 26, 2021

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant – Eviction Actions – Filing Surcharge and Prohibited**  
3 **Lease Provisions**

4 FOR the purpose of increasing the surcharge that the District Court is required to assess  
5 for filing a civil case for summary ejection, tenant holding over, or breach of lease  
6 that seeks a judgement for possession of residential property against a residential  
7 tenant; requiring the District Court to assess the surcharge against a landlord and  
8 prohibiting the court from awarding or assigning the surcharge against a residential  
9 tenant; prohibiting a landlord from including in a residential lease a provision that  
10 provides that a tenant is responsible for, or requires a tenant to agree to be  
11 responsible for, payment of the surcharge; prohibiting a landlord from seeking the  
12 surcharge in the landlord's written complaint to repossess residential property filed  
13 in the District Court; and generally relating to court surcharges for eviction filings.

14 BY repealing and reenacting, with amendments,  
15 Article – Courts and Judicial Proceedings  
16 Section 7–301(c)  
17 Annotated Code of Maryland  
18 (2020 Replacement Volume)

19 BY repealing and reenacting, with amendments,  
20 Article – Real Property  
21 Section 8–208(d)(7) and (8) and 8–401(b)(1)  
22 Annotated Code of Maryland  
23 (2015 Replacement Volume and 2020 Supplement)

24 BY adding to  
25 Article – Real Property  
26 Section 8–208(d)(9)  
27 Annotated Code of Maryland  
28 (2015 Replacement Volume and 2020 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,  
2 Article – Real Property  
3 Section 8–401(a)  
4 Annotated Code of Maryland  
5 (2015 Replacement Volume and 2020 Supplement)

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

8 **Article – Courts and Judicial Proceedings**

9 7–301.

10 (c) (1) The filing fees and costs in a civil case are those prescribed by law  
11 subject to modification by law, rule, or administrative regulation.

12 (2) The Chief Judge of the District Court shall assess a surcharge that:

13 (i) 1. May not be [more than:

14 1. \$8 per summary ejectment case] **LESS THAN \$120 PER**  
15 **CASE FOR SUMMARY EJECTMENT, TENANT HOLDING OVER, OR BREACH OF LEASE**  
16 **THAT SEEKS A JUDGMENT FOR POSSESSION OF RESIDENTIAL PROPERTY AGAINST A**  
17 **RESIDENTIAL TENANT; and**

18 2. **MAY NOT BE MORE THAN \$18 per case for all other civil**  
19 **cases; [and]**

20 (ii) **IF ASSESSED UNDER ITEM (I)1 OF THIS PARAGRAPH, SHALL**  
21 **BE ASSESSED AGAINST A LANDLORD AND MAY NOT BE AWARDED OR ASSIGNED BY**  
22 **THE DISTRICT COURT AS A FEE OR COST AGAINST A RESIDENTIAL TENANT; AND**

23 (iii) Shall be deposited into the Maryland Legal Services Corporation  
24 Fund established under § 11–402 of the Human Services Article.

25 (3) (i) In addition to the surcharge assessed under paragraph (2) of this  
26 subsection, the Chief Judge of the District Court shall assess a surcharge that may not be  
27 more than \$10 per case for the following cases filed in Baltimore City:

28 1. Summary ejectment;

29 2. Tenant holding over;

30 3. Breach of lease; and

4. Warrant of restitution.

(ii) The revenue generated from the surcharge on filing fees collected by the District Court in Baltimore City under subparagraph (i) of this paragraph shall be:

1. Remitted quarterly to the Baltimore City Director of Finance; and

2. Used to fund the enhancement of sheriff benefits and the increase in sheriff personnel to enhance the service of domestic violence orders.

(4) In addition to the surcharge assessed under paragraphs (2) and (3) of this subsection, the Chief Judge of the District Court shall assess a surcharge that:

(i) May not be more than:

1. \$3 per summary ejectment case; and

2. \$8 per case for all other civil cases; and

(ii) Shall be deposited into the Circuit Court Real Property Records Improvement Fund established under § 13-602 of this article.

(5) The Court of Appeals may provide by rule for waiver of prepayment of filing fees and other costs in cases of indigency.

**Article – Real Property**

8-208.

(d) A landlord may not use a lease or form of lease containing any provision that:

(7) Is against public policy and void pursuant to § 8-105 of this title; [or]

(8) Permits a landlord to commence an eviction proceeding or issue a notice to quit solely as retaliation against any tenant for planning, organizing, or joining a tenant organization with the purpose of negotiating collectively with the landlord; **OR**

**(9) PROVIDES THAT A TENANT IS RESPONSIBLE FOR, OR REQUIRES A TENANT TO AGREE TO BE RESPONSIBLE FOR, PAYMENT OF A FILING SURCHARGE ASSESSED AGAINST THE LANDLORD BY THE DISTRICT COURT UNDER § 7-301(C)(2)(I)1 OF THE COURTS ARTICLE.**

8-401.

(a) Whenever the tenant or tenants fail to pay the rent when due and payable, it

1 shall be lawful for the landlord to have again and repossess the premises.

2 (b) (1) Whenever any landlord shall desire to repossess any premises to which  
3 the landlord is entitled under the provisions of subsection (a) of this section, the landlord  
4 or the landlord's duly qualified agent or attorney shall file the landlord's written complaint  
5 under oath or affirmation, in the District Court of the county wherein the property is  
6 situated:

7 (i) Describing in general terms the property sought to be  
8 repossessed;

9 (ii) Setting forth the name of each tenant to whom the property is  
10 rented or any assignee or subtenant;

11 (iii) Stating the amount of rent and any late fees due and unpaid, less  
12 the amount of any utility bills, fees, or security deposits paid by a tenant under § 7-309 of  
13 the Public Utilities Article;

14 (iv) Requesting to repossess the premises and, if requested by the  
15 landlord, a judgment for the amount of rent due, costs, **EXCLUDING ANY SURCHARGE**  
16 **ASSESSED AGAINST THE LANDLORD UNDER § 7-301(C)(2)(I)1 OF THE COURTS**  
17 **ARTICLE**, and any late fees, less the amount of any utility bills, fees, or security deposits  
18 paid by a tenant under § 7-309 of the Public Utilities Article;

19 (v) If applicable, stating that, to the best of the landlord's knowledge,  
20 the tenant is deceased, intestate, and without next of kin; and

21 (vi) If the property to be repossessed is an affected property as  
22 defined in § 6-801 of the Environment Article, stating that the landlord has registered the  
23 affected property as required under § 6-811 of the Environment Article and renewed the  
24 registration as required under § 6-812 of the Environment Article and:

25 1. A. If the current tenant moved into the property on or  
26 after February 24, 1996, stating the inspection certificate number for the inspection  
27 conducted for the current tenancy as required under § 6-815(c) of the Environment Article;  
28 or

29 B. On or after February 24, 2006, stating the inspection  
30 certificate number for the inspection conducted for the current tenancy as required under  
31 § 6-815(c), § 6-817(b), or § 6-819(f) of the Environment Article; or

32 2. Stating that the owner is unable to provide an inspection  
33 certificate number because:

34 A. The owner has requested that the tenant allow the owner  
35 access to the property to perform the work required under Title 6, Subtitle 8 of the  
36 Environment Article;

1                           B.     The owner has offered to relocate the tenant in order to  
2 allow the owner to perform work if the work will disturb the paint on the interior surfaces  
3 of the property and to pay the reasonable expenses the tenant would incur directly related  
4 to the relocation; and

5                           C.     The tenant has refused to allow access to the owner or  
6 refused to vacate the property in order for the owner to perform the required work.

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
8 1, 2021.