

HOUSE BILL 861

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11r0728
CF SB 691

By: **Delegate Palakovich Carr**

Introduced and read first time: January 29, 2021

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2021

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Landlord and Tenant – Reusable Tenant Screening Reports**

3 FOR the purpose of requiring that a reusable tenant screening report contain certain
4 information regarding a prospective tenant of residential property; ~~requiring a~~
5 ~~landlord that does not accept a reusable tenant screening report to notify prospective~~
6 ~~tenants in a certain manner; requiring a landlord that maintains a website for~~
7 ~~certain purposes to state on the homepage of the website whether the landlord~~
8 ~~accepts reusable tenant screening reports; requiring a landlord to provide certain~~
9 notice to prospective tenants regarding whether or not the landlord accepts reusable
10 tenant screening reports; prohibiting a landlord that accepts a reusable tenant
11 screening report from a prospective tenant from assessing certain fees to the
12 prospective tenant; authorizing a landlord to require a prospective tenant to make a
13 certain certification; authorizing a landlord to reject an application for tenancy under
14 certain circumstances; defining a certain term; and generally relating to reusable
15 tenant screening reports.

16 BY adding to

17 Article – Real Property

18 Section ~~8-119~~ 8-218

19 Annotated Code of Maryland

20 (2015 Replacement Volume and 2020 Supplement)

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

22 That the Laws of Maryland read as follows:

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.



Article – Real Property

~~§ 119, 8-218.~~

(A) IN THIS SECTION, “REUSABLE TENANT SCREENING REPORT” MEANS A REPORT PREPARED WITHIN THE PREVIOUS 30 DAYS BY A CONSUMER REPORTING AGENCY AT THE REQUEST AND EXPENSE OF A PROSPECTIVE TENANT AND MADE DIRECTLY AVAILABLE TO A PROSPECTIVE LANDLORD AT NO CHARGE FOR USE IN THE RENTAL APPLICATION PROCESS.

(B) A REUSABLE TENANT SCREENING REPORT SHALL CONTAIN THE FOLLOWING INFORMATION REGARDING A PROSPECTIVE TENANT:

~~(1) A CONSUMER CREDIT REPORT PREPARED BY A CONSUMER REPORTING AGENCY WITHIN THE PREVIOUS 30 DAYS;~~

(2) FOR EACH JURISDICTION INDICATED AS A PRIOR RESIDENCE OF THE PROSPECTIVE TENANT, REGARDLESS OF WHETHER THE RESIDENCE IS REPORTED BY THE PROSPECTIVE TENANT OR BY A CONSUMER REPORTING AGENCY PREPARING A CONSUMER REPORT:

(I) A COMPREHENSIVE CRIMINAL HISTORY RECORDS ~~CHECK;~~ CHECK FOR ALL FEDERAL, STATE, AND LOCAL CHARGES AGAINST AND CONVICTIONS OF THE PROSPECTIVE TENANT OVER THE PREVIOUS 7 YEARS; AND

~~(3)~~ (II) ANY A COMPREHENSIVE EVICTION HISTORY FOR ALL STATE AND LOCAL JURISDICTIONS FOR THE PREVIOUS 7 YEARS;

~~(4)~~ (3) VERIFICATION OF EMPLOYMENT AND INCOME; AND

~~(5)~~ (4) CURRENT ADDRESS AND RENTAL HISTORY.

(C) (1) A LANDLORD ~~THAT DOES NOT ACCEPT A REUSABLE TENANT SCREENING REPORT~~ SHALL NOTIFY PROSPECTIVE TENANTS REGARDING WHETHER OR NOT THE LANDLORD ACCEPTS REUSABLE TENANT SCREENING REPORTS.

(2) NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE IN WRITING OR BY POSTING NOTICE IN A CONSPICUOUS MANNER, INCLUDING:

(I) A STATEMENT POSTED ON A RENTAL HOUSING LISTING;

(II) NOTICE POSTED ON THE HOMEPAGE OF A WEBSITE;

1 (III) INFORMATION PROVIDED IN THE RENTAL APPLICATION
2 PAGE FOR A RENTAL PROPERTY ONLINE; OR

3 (IV) ANY OTHER MANNER REASONABLY CALCULATED TO
4 PROVIDE POTENTIAL TENANTS WITH NOTICE.

5 ~~(2) A LANDLORD THAT MAINTAINS A WEBSITE TO ADVERTISE RENTAL~~
6 ~~PROPERTY OR PROVIDE GENERAL INFORMATION TO A CURRENT OR PROSPECTIVE~~
7 ~~TENANT SHALL INCLUDE A STATEMENT ON THE HOMEPAGE OF THE WEBSITE~~
8 ~~INDICATING WHETHER THE LANDLORD ACCEPTS REUSABLE TENANT SCREENING~~
9 ~~REPORTS.~~

10 (D) IF A PROSPECTIVE TENANT PROVIDES A REUSABLE TENANT SCREENING
11 REPORT TO A LANDLORD THAT ACCEPTS REUSABLE TENANT SCREENING REPORTS,
12 THE LANDLORD MAY NOT CHARGE THE PROSPECTIVE TENANT:

13 (1) A FEE FOR THE LANDLORD TO ACCESS THE REPORT; OR

14 (2) AN APPLICATION FEE.

15 (E) A LANDLORD THAT ACCEPTS A REUSABLE TENANT SCREENING REPORT
16 UNDER THIS SECTION MAY REQUIRE A PROSPECTIVE TENANT TO CERTIFY THAT
17 THERE HAS NOT BEEN A MATERIAL CHANGE TO THE TENANT’S NAME, ADDRESS,
18 BANKRUPTCY STATUS, CRIMINAL HISTORY, OR EVICTION HISTORY SINCE THE DATE
19 THAT THE REPORT WAS GENERATED.

20 (F) PRIOR TO THE EXECUTION OF A LEASE AGREEMENT, A LANDLORD MAY
21 REJECT AN APPLICATION FOR TENANCY IF A PROSPECTIVE TENANT MADE A
22 MATERIAL CHANGE TO A REUSABLE TENANT SCREENING REPORT.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.