

HOUSE BILL 1346

N1

EMERGENCY BILL

1lr2913

By: **Delegate Clippinger**

Introduced and read first time: February 12, 2021

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant – Eviction Proceedings – Catastrophic Health**
3 **Emergencies**

4 FOR the purpose of establishing that a substantial loss of income due to a declared
5 catastrophic health emergency is an affirmative defense to certain eviction
6 proceedings for the failure to pay rent under certain circumstances; prohibiting a
7 court from entering a judgment for possession or repossession against a tenant if the
8 tenant can demonstrate a substantial loss of income under certain circumstances;
9 defining certain terms; providing for the application of this Act; making this Act an
10 emergency measure; and generally relating to eviction proceedings during
11 catastrophic health emergencies.

12 BY repealing and reenacting, without amendments,
13 Article – Public Safety
14 Section 14–3A–01(a) through (d)
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2020 Supplement)

17 BY adding to
18 Article – Real Property
19 Section 8–901 and 8–902 to be under the new subtitle “Subtitle 9. Eviction
20 Proceedings and Catastrophic Health Emergencies”
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2020 Supplement)

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

25 **Article – Public Safety**

26 14–3A–01.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this subtitle the following words have the meanings indicated.

2 (b) “Catastrophic health emergency” means a situation in which extensive loss of
3 life or serious disability is threatened imminently because of exposure to a deadly agent.

4 (c) “Deadly agent” means:

5 (1) anthrax, ebola, plague, smallpox, tularemia, or other bacterial, fungal,
6 rickettsial, or viral agent, biological toxin, or other biological agent capable of causing
7 extensive loss of life or serious disability;

8 (2) mustard gas, nerve gas, or other chemical agent capable of causing
9 extensive loss of life or serious disability; or

10 (3) radiation at levels capable of causing extensive loss of life or serious
11 disability.

12 (d) “Exposure to a deadly agent” means a threat to human health caused by the
13 release, distribution, or transmission of a deadly agent in:

14 (1) this State; or

15 (2) another jurisdiction because of movement into the State of the deadly
16 agent or of individuals exposed to the deadly agent.

17 Article – Real Property

18 SUBTITLE 9. EVICTION PROCEEDINGS AND CATASTROPHIC HEALTH 19 EMERGENCIES.

20 8–901.

21 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

23 (B) “CATASTROPHIC HEALTH EMERGENCY” HAS THE MEANING STATED IN §
24 14–3A–01 OF THE PUBLIC SAFETY ARTICLE.

25 (C) “SUBSTANTIAL LOSS OF INCOME” MEANS:

26 (1) WITH RESPECT TO AN INDIVIDUAL, A SUBSTANTIAL LOSS OF
27 INCOME RESULTING FROM A CATASTROPHIC HEALTH EMERGENCY PROCLAMATION,
28 INCLUDING A SUBSTANTIAL LOSS OF INCOME DUE TO JOB LOSS, REDUCTION IN
29 COMPENSATED HOURS OF WORK, CLOSURE OF PLACE OF EMPLOYMENT, OR THE
30 NEED TO MISS WORK TO CARE FOR A HOME–BOUND, SCHOOL–AGE CHILD; AND

1 **(2) WITH RESPECT TO AN ENTITY, A SUBSTANTIAL LOSS OF INCOME**
2 **RESULTING FROM A CATASTROPHIC HEALTH EMERGENCY PROCLAMATION,**
3 **INCLUDING A SUBSTANTIAL LOSS OF INCOME DUE TO LOST OR REDUCED BUSINESS,**
4 **REQUIRED CLOSURE, OR TEMPORARY OR PERMANENT LOSS OF EMPLOYEES.**

5 **(D) “TENANT” INCLUDES ANY INDIVIDUAL OR ENTITY OCCUPYING LAND OR**
6 **PROPERTY RENTED FROM A LANDLORD.**

7 **8–902.**

8 **(A) THIS SECTION APPLIES ONLY DURING A CATASTROPHIC HEALTH**
9 **EMERGENCY.**

10 **(B) (1) A SUBSTANTIAL LOSS OF INCOME IS AN AFFIRMATIVE DEFENSE TO**
11 **A COMPLAINT AGAINST A TENANT OF RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL**
12 **REAL PROPERTY FOR FAILURE TO PAY RENT.**

13 **(2) A COURT MAY NOT GIVE A JUDGMENT FOR POSSESSION OR**
14 **REPOSSESSION, OR ISSUE A WARRANT FOR RESTITUTION OF POSSESSION OR**
15 **REPOSSESSION OF RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL REAL PROPERTY**
16 **UNDER § 8–401 OR § 8–402.1 OF THIS TITLE IF THE TENANT CAN DEMONSTRATE TO**
17 **THE COURT, THROUGH DOCUMENTATION OR OTHER OBJECTIVELY VERIFIABLE**
18 **MEANS, THAT THE TENANT SUFFERED A SUBSTANTIAL LOSS OF INCOME.**

19 **(C) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, §§ 8–401**
20 **AND 8–402.1 OF THIS TITLE SHALL OTHERWISE REMAIN IN FULL FORCE AND EFFECT**
21 **DURING A DECLARED CATASTROPHIC HEALTH EMERGENCY.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
23 measure, is necessary for the immediate preservation of the public health or safety, has
24 been passed by a yea and nay vote supported by three–fifths of all the members elected to
25 each of the two Houses of the General Assembly, and shall take effect from the date it is
26 enacted.