

**Department of Legislative Services**  
Maryland General Assembly  
2021 Session

**FISCAL AND POLICY NOTE**  
**Enrolled - Revised**

Senate Bill 401

(Senator Carter)

Judicial Proceedings

Environment and Transportation

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**Landlord-Tenant - Nonrenewal of Lease - Notice Requirements**

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This bill alters statutory provisions that specify the amount of time prior to the expiration of a tenancy (lease) that a landlord is required to provide written notice to a tenant of the intent to repossess the property. The bill generally has statewide application and applies to (1) any residential lease that is executed on or after the bill's October 1, 2021 effective date and (2) residential leases that were executed prior to October 1, 2021, that have expired and resulted in a tenancy created under specified provisions of § 8-402 of the Real Property Article, on or after the bill's effective date.

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**Fiscal Summary**

**State Effect:** The bill is not anticipated to materially affect State government finances or operations.

**Local Effect:** The bill is not anticipated to materially affect local government finances or operations.

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary:** A landlord that wishes to repossess a property must provide the following written notice prior to the expiration of the tenancy/current year of the tenancy, as specified:

**Lease/Agreement**

**Period of Time Required**

Landlord-tenant have a written lease for a stated term in excess of one week or a tenancy from month to month.	60 Days
Landlord-tenant agreements for a periodic term of year to year, including <i>tobacco</i> farm tenancies from year to year.	90 Days
Landlord-tenant agreements for all other farm tenancies for a periodic term of year to year.	180 Days
Landlord-tenant have a written lease for a periodic term of week to week.	7 Days
Landlord-tenant do not have a written lease for a periodic term of week to week.	21 Days

The bill repeals statutory provisions that restricted specified requirements related to notice from applicability in Baltimore City. The bill also repeals statutory requirements specific to Montgomery County. The requirements are not applicable if a tenant has given specified notice to the landlord or the landlord's agent or representative of the tenant's intention to surrender possession of the property, as specified.

The bill establishes an exception to the notice requirements specified above if a landlord receives a notice of intent to foreclose on the property and desires to terminate a tenancy. Under such circumstances, the landlord must provide written notice of the intent to terminate a tenancy (1) at least 30 days before the expiration of the lease in cases of tenancies from month to month or tenancies from week to week or (2) at least 60 days before the expiration of the lease in cases of tenancies from year to year. However, this exception does not apply to a property that is:

- located within Baltimore City or Montgomery County;
- owned by a landlord who offers five or more residential dwelling units for rent in the State; or
- subject to an order to docket under specified foreclosure proceedings.

The bill also makes stylistic changes to existing statutory provisions.

**Current Law:** A landlord that seeks to repossess leased property under a tenancy at will or after the expiration of the term of tenancy (under a tenancy for a definite term) must give notice to the tenant or person actually in possession of the property one month before (1) the expiration of the term of the tenancy or (2) the time the landlord seeks to repossess the property if it is a tenancy at will. However, with the exception of specified farm tenancies, in the case of tenancies from year to year, the notice must be given three months before the expiration of the current year of the tenancy; in monthly or weekly tenancies, a notice in writing of one month or one week, respectively, must be given. In Montgomery County, except in the case of single-family dwellings, the notice by the landlord must be two months in the case of residential tenancies with a term of at least month to month but less than from year to year. Properties in Baltimore City are also subject to alternate notice provisions (generally at least 60 days' notice).

Statutory provisions set forth a process by which a landlord may initiate an action to evict a tenant that refuses to comply after receiving proper notice of a landlord's intent to repossess the property (*i.e.*, tenant holding over actions).

Pursuant to provisions under § 8-402 of the Real Property Article, unless stated otherwise in the written lease and initialed by the tenant, when a landlord consents to a holdover tenant remaining on the premises, the holdover tenant becomes a periodic week-to-week tenant (if the tenant was formerly a week-to-week tenant) and a periodic month-to-month tenant in all other cases.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** HB 104 (Delegate Stewart) - Environment and Transportation.

**Information Source(s):** Baltimore City; Caroline, Howard, Montgomery, and Prince George's counties; Office of the Attorney General (Consumer Protection Division); Judiciary (Administrative Office of the Courts); Department of Housing and Community Development; Department of Legislative Services

**Fiscal Note History:** First Reader - January 25, 2021  
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