

HOUSE BILL 101

N1, L2

2lr0306

(PRE-FILED)

By: **Delegate Rosenberg**

Requested: July 26, 2021

Introduced and read first time: January 12, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant – Repossession for Failure to Pay Rent – Lead Risk**
3 **Reduction Compliance**

4 FOR the purpose of requiring as part of a complaint for repossession for failure to pay rent
5 that a landlord provide registration or licensing information for a property for which
6 registration or licensing is required under local law and to state whether a property
7 is an affected property under certain lead-based paint abatement laws; altering
8 provisions relating to evidentiary requirements in a trial for repossession for failure
9 to pay rent; requiring a rental property in Baltimore City to be in compliance with
10 lead-based paint abatement requirements before a landlord may file a complaint for
11 repossession of the property for failure to pay rent; and generally relating to actions
12 for repossession for failure to pay rent.

13 BY repealing and reenacting, without amendments,
14 Article – Real Property
15 Section 8-401(a)
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2021 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Real Property
20 Section 8-401(b) and (e)
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2021 Supplement)

23 BY repealing and reenacting, with amendments,
24 The Public Local Laws of Baltimore City
25 Section 9-2 and 9-5(a)
26 Article 4 – Public Local Laws of Maryland
27 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Real Property**

4 8–401.

5 (a) Whenever the tenant or tenants fail to pay the rent when due and payable, it
6 shall be lawful for the landlord to have again and repossess the premises in accordance
7 with this section.

8 (b) (1) Whenever any landlord shall desire to repossess any premises to which
9 the landlord is entitled under the provisions of subsection (a) of this section, the landlord
10 or the landlord's duly qualified agent or attorney shall ensure that the landlord has
11 completed the procedures required under subsection (c) of this section.

12 (2) After completing the procedures required under subsection (c) of this
13 section, a landlord or the landlord's duly qualified agent or attorney may file the landlord's
14 written complaint under oath or affirmation, in the District Court of the county wherein
15 the property is situated:

16 (i) Describing in general terms the property sought to be
17 repossessed;

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

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

23 (iv) Requesting to repossess the premises and, if requested by the
24 landlord, a judgment for the amount of rent due, costs, and any late fees, less the amount
25 of any utility bills, fees, or security deposits paid by a tenant under § 7–309 of the Public
26 Utilities Article;

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

29 **(VI) IF THE PROPERTY TO BE REPOSSESSED IS REQUIRED BY**
30 **LOCAL LAW OR REGULATION TO OPERATE UNDER A VALID REGISTRATION OR**
31 **LICENSE ISSUED BY A STATE, COUNTY, OR MUNICIPAL ORGANIZATION, STATING**
32 **THAT THE PROPERTY IS REGISTERED OR LICENSED AND STATING THE**
33 **REGISTRATION OR LICENSE NUMBER FOR THE PROPERTY TO BE REPOSSESSED; AND**

1 [(vi)] (VII) If the property to be repossessed is an affected property as
2 defined in § 6–801 of the Environment Article, stating that the **PROPERTY IS AN**
3 **AFFECTED PROPERTY AND THAT THE** landlord has registered the affected property as
4 required under § 6–811 of the Environment Article and renewed the registration as
5 required under § 6–812 of the Environment Article and:

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

10 B. On or after February 24, 2006, stating the inspection
11 certificate number for the inspection conducted for the current tenancy as required under
12 § 6–815(c), § 6–817(b), or § 6–819(f) of the Environment Article; or

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

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

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

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

24 (3) For the purpose of the court’s determination under subsection (e) of this
25 section the landlord shall also specify the amount of rent due for each rental period under
26 the lease, the day that the rent is due for each rental period, and any late fees for overdue
27 rent payments.

28 (4) The District Court shall issue its summons, directed to any constable or
29 sheriff of the county entitled to serve process, and ordering the constable or sheriff to notify
30 the tenant, assignee, or subtenant by first–class mail:

31 (i) To appear before the District Court at the trial to be held on the
32 fifth day after the filing of the complaint; and

33 (ii) To answer the landlord’s complaint to show cause why the
34 demand of the landlord should not be granted.

35 (5) (i) The constable or sheriff shall proceed to serve the summons upon
36 the tenant, assignee, or subtenant or their known or authorized agent as follows:

1 1. If personal service is requested and any of the persons
2 whom the sheriff shall serve is found on the property, the sheriff shall serve any such
3 persons; or

4 2. If personal service is requested and none of the persons
5 whom the sheriff is directed to serve shall be found on the property and, in all cases where
6 personal service is not requested, the constable or sheriff shall affix an attested copy of the
7 summons conspicuously upon the property.

8 (ii) The affixing of the summons upon the property after due
9 notification to the tenant, assignee, or subtenant by first-class mail shall conclusively be
10 presumed to be a sufficient service to all persons to support the entry of a default judgment
11 for possession of the premises, together with court costs, in favor of the landlord, but it shall
12 not be sufficient service to support a default judgment in favor of the landlord for the
13 amount of rent due.

14 (6) Notwithstanding the provisions of paragraphs (1) through [(4)] **(5)** of
15 this subsection:

16 (i) In an action to repossess nonresidential property under this
17 section, service of process on a tenant:

18 1. Shall be directed to the sheriff of the appropriate county
19 or municipality; and

20 2. On plaintiff's request, may be directed to any person
21 authorized under the Maryland Rules to serve process; and

22 (ii) In Wicomico County, in an action to repossess any premises
23 under this section, service of process on a tenant may be directed to any person authorized
24 under the Maryland Rules to serve process.

25 (7) (i) Notwithstanding the provisions of paragraphs [(3) through (5)]
26 **(4) THROUGH (6)** of this subsection, if the landlord certifies to the court in the written
27 complaint required under paragraph [(1)] **(2)** of this subsection that, to the best of the
28 landlord's knowledge, the tenant is deceased, intestate, and without next of kin, the District
29 Court shall issue its summons, directed to any constable or sheriff of the county entitled to
30 serve process, and ordering the constable or sheriff to notify the occupant of the premises
31 or the next of kin of the deceased tenant, if known, by personal service:

32 1. To appear before the District Court at the trial to be held
33 on the fifth day after the filing of the complaint; and

34 2. To answer the landlord's complaint to show cause why the
35 demand of the landlord should not be granted.

1 (ii) 1. The constable or sheriff shall proceed to serve the
2 summons upon the occupant of the premises or the next of kin of the deceased tenant, if
3 known, as follows:

4 A. If any of the persons whom the sheriff is directed to serve
5 are found on the property or at another known address, the sheriff shall serve any such
6 persons; or

7 B. If none of the persons whom the sheriff is directed to serve
8 are found on the property or at another known address, the constable or sheriff shall affix
9 an attested copy of the summons conspicuously upon the property.

10 2. The affixing of the summons upon the property shall
11 conclusively be presumed to be a sufficient service to all persons to support the entry of a
12 default judgment for possession of the premises, together with court costs, in favor of the
13 landlord, but it shall not be sufficient service to support a default judgment in favor of the
14 landlord for the amount of rent due.

15 (e) (1) If, at the trial on the fifth day indicated in subsection (b) of this section,
16 the court is satisfied that the interests of justice will be better served by an adjournment to
17 enable either party to procure their necessary witnesses **OR TO OBTAIN DOCUMENTS OR**
18 **OTHER PROOF OF CLAIM OR DEFENSE**, the court may adjourn the trial for a period not
19 exceeding [1 day] **10 DAYS**, except with the consent of all parties, the trial may be
20 adjourned for a longer period of time.

21 (2) (i) [The] **IN A PROCEEDING UNDER THIS SECTION, THE**
22 **LANDLORD SHALL PROVIDE DIRECT EVIDENCE OF THE** information required under
23 subsection [(b)(1)(vi)] **(B)(2)(VI) AND (VII)** of this section [may not be an issue of fact in a
24 trial under this section].

25 (ii) If, when the trial occurs, it appears to the satisfaction of the
26 court, that **THE LANDLORD HAS MET THE BURDEN OF PROVIDING DIRECT EVIDENCE**
27 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AND THAT** the rent, or any part of the
28 rent and late fees are actually due and unpaid, the court shall determine the amount of
29 rent and late fees due as of the date the complaint was filed less the amount of any utility
30 bills, fees, or security deposits paid by a tenant under § 7–309 of the Public Utilities Article,
31 if the trial occurs within the time specified by subsection [(b)(3)] **(B)(4)** of this section.

32 (iii) 1. If the trial does not occur within the time specified in
33 subsection [(b)(3)(i)] **(B)(4)(I)** of this section and the tenant has not become current since
34 the filing of the complaint, the court, if the complaint so requests, shall enter a judgment
35 in favor of the landlord for possession of the premises and determine the rent and late fees
36 due as of the trial date.

37 2. The determination of rent and late fees shall include the
38 following:

- 1 A. Rent claimed in the complaint;
- 2 B. Rent accruing after the date of the filing of the complaint;
- 3 C. Late fees accruing in or prior to the month in which the
4 complaint was filed; and
- 5 D. Credit for payments of rent and late fees and other fees,
6 utility bills, or security deposits paid by a tenant under § 7–309 of the Public Utilities
7 Article after the complaint was filed.

8 (iv) In the case of a residential tenancy, the court may also give
9 judgment in favor of the landlord for the amount of rent and late fees determined to be due
10 together with costs of the suit if the court finds that the residential tenant was personally
11 served with a summons.

12 (v) In the case of a nonresidential tenancy, if the court finds that
13 there was such service of process or submission to the jurisdiction of the court as would
14 support a judgment in contract or tort, the court may also give judgment in favor of the
15 landlord for:

- 16 1. The amount of rent and late fees determined to be due;
- 17 2. Costs of the suit; and
- 18 3. Reasonable attorney's fees, if the lease agreement
19 authorizes the landlord to recover attorney's fees.

20 (vi) A nonresidential tenant who was not personally served with a
21 summons shall not be subject to personal jurisdiction of the court if that tenant asserts that
22 the appearance is for the purpose of defending an in rem action prior to the time that
23 evidence is taken by the court.

24 (3) The court, when entering the judgment, shall also order that possession
25 of the premises be given to the landlord, or the landlord's agent or attorney, within 4 days
26 after the trial.

27 (4) The court may, upon presentation of a certificate signed by a physician
28 certifying that surrender of the premises within this 4–day period would endanger the
29 health or life of the tenant or any other occupant of the premises, extend the time for
30 surrender of the premises as justice may require but not more than 15 days after the trial.

31 (5) However, if the tenant, or someone for the tenant, at the trial, or
32 adjournment of the trial, tenders to the landlord the rent and late fees determined by the
33 court to be due and unpaid, together with the costs of the suit, the complaint against the
34 tenant shall be entered as being satisfied.

1 Article 4 – Baltimore City

2 9–2.

3 Whenever the tenant under any demise or agreement of rental, express or implied,
4 verbal or written, of lands or tenements, whether real estate or chattels real within the
5 limits of the City of Baltimore, shall fail to pay the rent thereunder when due and payable,
6 it shall be lawful for the lessor to have again and repossess the premises so rented **SO LONG**
7 **AS THE PREMISES COMPLY WITH THE REGISTRATION, PERMIT, OR LICENSE**
8 **REQUIREMENTS SET FORTH IN § 5–4 OF ARTICLE 13 OF THE BALTIMORE CITY CODE**
9 **AND §§ 6–811, 6–812, 6–815, 6–817, AND 6–819 OF THE ENVIRONMENT ARTICLE OF**
10 **THE ANNOTATED CODE OF MARYLAND.** The filing of a complaint in summary ejectment
11 under this subtitle, the trial of said cause and the granting of a judgment of restitution
12 shall not preclude the plaintiff or the owner of said premises from filing and maintaining
13 an independent suit for rent due and unpaid.

14 9–5.

15 (a) If, at the trial aforesaid, the judge shall be satisfied the interest of justice will
16 be better served by an adjournment, [he] **TO ENABLE A PARTY TO PROCURE NECESSARY**
17 **WITNESSES OR OBTAIN DOCUMENTS OR OTHER PROOF OF A CLAIM OR DEFENSE, OR**
18 **FOR OTHER PURPOSES OF THE JUDGE’S DISCRETION, THE JUDGE** may adjourn the
19 trial for a period not exceeding [seven] **10** days, except by consent of the parties, and if at
20 said trial or due adjournment, as aforesaid, it shall appear to the satisfaction of the judge
21 before whom said complaint has been tried as aforesaid, that the rent or any part of the
22 rent for said premises is actually due and unpaid, then the said judge shall give judgment
23 in favor of said lessor for the amount of rent found due, with costs of suit, and shall order
24 that said tenant and all persons claiming or holding by or under said tenant shall yield and
25 render up possession of said premises unto said lessor, or unto [his] **THE LESSOR’S** duly
26 qualified agent or attorney within 4 days thereafter; provided, however, that upon
27 presentation of certificate signed by a practicing physician certifying that surrender of said
28 premises within said period of 4 days would endanger the health or life of any occupant
29 thereof, said judge may, at the trial or subsequent thereto, extend the time for such
30 surrender of the premises upon such terms and for such period or periods as [he] **THE**
31 **JUDGE** shall deem necessary and just. If the interval between the filing of the landlord’s
32 complaint and the trial of the cause shall be more than [three] **3** days, any order or
33 judgment of said court with respect to the payment of rent shall include all rent due and
34 unpaid up to and including the day of trial; and the proceedings amended to set forth the
35 basis of said judgment or order.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
37 1, 2022.