

SENATE BILL 592

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EMERGENCY BILL

2lr1991
CF HB 932

By: **Senators Lee, Smith, and Kramer**

Introduced and read first time: February 2, 2022

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 2022

CHAPTER _____

1 AN ACT concerning

2 **Landlord and Tenant – Right to Redemption of Leased Premises – Form of**
3 **Payment**

4 FOR the purpose of providing that, in an action of summary ejectment for failure to pay
5 rent where a landlord or park owner is awarded a judgment giving restitution of the
6 leased premises, a tenant or resident who has the right to redemption of the leased
7 premises by tendering a certain amount of money may tender that amount in a check
8 issued by a political subdivision or on behalf of a governmental entity; and generally
9 relating to the right of redemption by a tenant or resident in an action of summary
10 ejectment for failure to pay rent.

11 BY repealing and reenacting, with amendments,
12 Article – Real Property
13 Section 8–401(g) and 8A–1701(e)
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2021 Supplement)

16 BY repealing and reenacting, with amendments,
17 The Public Local Laws of Baltimore City
18 Section 9–5(b)
19 Article 4 – Baltimore City
20 (1979 Edition and 1997 Supplement and 2000 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.



1 **Article – Real Property**

2 8–401.

3 (g) (1) Subject to paragraph ~~(2)~~ **(3)** of this subsection, in any action of
 4 summary ejectment for failure to pay rent where the landlord is awarded a judgment giving
 5 the landlord restitution of the leased premises, the tenant shall have the right to
 6 redemption of the leased premises by tendering in cash, certified check [or], **OR** money
 7 order, ~~OR ELECTRONIC CHECK OR WRITTEN CHECK ISSUED BY A POLITICAL~~
 8 ~~SUBDIVISION OR ON BEHALF OF A GOVERNMENTAL ENTITY~~ to the landlord or the
 9 landlord's agent all past due amounts, as determined by the court under subsection (e) of
 10 this section, plus all court awarded costs and fees, at any time before actual execution of
 11 the eviction order.

12 (2) AN ELECTRONIC OR WRITTEN CHECK ISSUED BY A POLITICAL
 13 SUBDIVISION OR ON BEHALF OF A GOVERNMENTAL ENTITY SHALL HAVE THE SAME
 14 LEGAL EFFECT AS A PAYMENT MADE BY THE TENANT UNDER PARAGRAPH (1) OF
 15 THIS SUBSECTION.

16 (3) This subsection does not apply to any tenant against whom 3 judgments
 17 of possession have been entered for rent due and unpaid in the 12 months prior to the
 18 initiation of the action to which this subsection otherwise would apply.

19 8A–1701.

20 (e) (1) [In] ~~EXCEPT AS PROVIDED IN~~ SUBJECT TO PARAGRAPH ~~(2)~~ (3) OF
 21 THIS SUBSECTION, in any action of summary ejectment for failure to pay rent where the
 22 park owner is awarded a judgment giving [him] **THE PARK OWNER** restitution of the
 23 leased premises, the resident shall have the right to redemption of the leased premises by
 24 tendering in cash, certified check, [or] money order, ~~OR ELECTRONIC CHECK OR~~
 25 ~~WRITTEN CHECK ISSUED BY A POLITICAL SUBDIVISION OR ON BEHALF OF A~~
 26 ~~GOVERNMENTAL ENTITY~~ to the park owner or [his] **THE PARK OWNER'S** agent all past
 27 due rent and late fees, plus all court awarded costs and fees, at any time before actual
 28 execution of the eviction order.

29 (2) AN ELECTRONIC OR WRITTEN CHECK ISSUED BY A POLITICAL
 30 SUBDIVISION OR ON BEHALF OF A GOVERNMENTAL ENTITY SHALL HAVE THE SAME
 31 LEGAL EFFECT AS A PAYMENT MADE BY THE RESIDENT UNDER PARAGRAPH (1) OF
 32 THIS SUBSECTION.

33 (3) This subsection does not apply to any resident against whom 3
 34 judgments of possession have been entered for rent due and unpaid in the 12 months prior
 35 to the initiation of the action to which this subsection otherwise would apply.

1 Article 4 – Baltimore City

2 9–5.

3 (b) (1) [In] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IN any
 4 action of summary ejection for failure to pay rent where the landlord is awarded a
 5 judgment giving [him] THE LANDLORD restitution of the leased premises, the tenant [has]
 6 SHALL HAVE the right to redemption of the leased premises by tendering in cash, certified
 7 check or money order to the landlord or [his] THE LANDLORD’S agent all past due rent
 8 and late fees, plus all court awarded costs and fees, at any time before actual execution of
 9 the eviction order.

10 (2) AN ELECTRONIC OR WRITTEN CHECK ISSUED BY A POLITICAL
 11 SUBDIVISION OR ON BEHALF OF A GOVERNMENTAL ENTITY SHALL HAVE THE SAME
 12 LEGAL EFFECT AS A PAYMENT MADE BY THE TENANT UNDER PARAGRAPH (1) OF
 13 THIS SUBSECTION.

14 (3) The right of redemption is not available to a tenant if the landlord
 15 alleges and shows that more than three judgments of restitution were issued against the
 16 tenant in the 12 months preceding the filing of the landlord’s complaint.

17 ~~[(3)]~~ (4) Nothing in this section shall preclude a tenant in any summary
 18 ejection action from raising any defense available under the Public Local Laws of
 19 Baltimore City. If a tenant prevails on any of these defenses, the judgment, whether or not
 20 it includes a judgment of restitution against the tenant, shall not be considered a judgment
 21 of restitution for purposes of paragraph ~~[(2)]~~ (3) of this subsection.

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 ye 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.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.