

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
Enrolled - Revised

House Bill 174

(Delegate Lehman)

Environment and Transportation

Judicial Proceedings

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**Landlord and Tenant - Repossession for Failure to Pay Rent - Registration of  
Affected Property**

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This bill establishes that in an action to repossess a property for failure to pay rent, specified information related to the status of the rental property as an affected property (under lead-based paint abatement laws) may be an issue of fact at trial. **The bill takes effect October 1, 2023.**

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**Fiscal Summary**

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

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

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** An “affected property” is one that is at risk for lead paint contamination, as specified and defined in the Environment Article. If the property to be repossessed is an affected property, the complaint (in a failure to pay rent action) is required to affirm that the landlord has registered the affected property as required under the Environment Article and registration is valid. The complaint must also indicate the inspection certificate number for the inspection conducted for the current tenancy, or declare that the owner is unable to provide an inspection certificate number because:

- the owner has requested that the tenant allow the owner access to the property to perform the work required under the Environment Article;
- the owner has offered to relocate the tenant in order to allow the owner to perform work if the work will disturb the paint on the interior surfaces of the property and to pay the reasonable expenses the tenant incurs directly related to the relocation; and
- the tenant has refused to allow access to the owner or refused to vacate the property in order for the owner to perform the required work.

The required information may *not* be an issue of fact in a trial (in a failure to pay rent action).

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Baltimore City; Baltimore, Cecil, Harford, Montgomery, Queen Anne's, and St. Mary's counties; Office of the Attorney General (Consumer Protection Division); Judiciary (Administrative Office of the Courts); Maryland Department of the Environment; Department of Legislative Services

**Fiscal Note History:** First Reader - January 14, 2022  
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Analysis by: Donovan A. Ham

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510