

**Department of Legislative Services**  
 Maryland General Assembly  
 2023 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

Senate Bill 770

(Senator Carter)(By Request - Baltimore City  
 Administration)

Judicial Proceedings

Rules and Executive Nominations

**Baltimore City - Holding Over - Landlord Restrictions and Tenant Remedies**

This bill explicitly establishes that the District Court has exclusive original jurisdiction over petitions seeking injunctive relief under Baltimore City local laws governing the evictions of residential tenants. The bill alters the Public Local Laws of Baltimore City to authorize a landlord in Baltimore City to take possession of a dwelling from a tenant or tenant holding over only under specified circumstances. Furthermore, the bill specifies that: (1) certain provisions of the Public Local Laws of Baltimore City may not be construed to prevent a landlord from taking temporary measures to secure an unsecured residential property, as specified, under certain conditions and (2) a tenant’s rights under certain provisions may be enforced by injunctive relief. Finally, the bill requires the Judiciary, by January 1, 2025, to report to the Governor and the General Assembly on related case information for the 12-month period beginning October 1, 2023, through September 30, 2024, as specified. Provisions regarding the reporting requirement terminate March 31, 2025.

**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$48,900 in FY 2024 only for one-time programming costs for the Judiciary. Otherwise, any operational impact is not anticipated to affect State expenditures. Revenues are not affected.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	48,900	0	0	0	0
Net Effect	(\$48,900)	\$0	\$0	\$0	\$0

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

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

**Small Business Effect:** Potential meaningful.

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## Analysis

**Bill Summary/Current Law:** Generally, under current law, the District Court has exclusive original jurisdiction in actions involving landlord and tenant; statute also explicitly affords jurisdiction over petitions of injunction filed by tenants in specified actions under the Real Property Article, including those related to the repair of serious and dangerous defects. The bill explicitly establishes that the District Court has exclusive original jurisdiction in a petition of injunction filed by a tenant in an action for injunctive relief under Baltimore City local law governing the evictions of residential tenants.

Pursuant to Article 4, Section 9-15 of the Public Laws of Baltimore City, an agent, landlord, or operator is prohibited from taking specified actions, including those related to (1) the intentional interruption, termination, or diminishment of specified utility services without the consent of the tenant or (2) an attempt to circumvent specified tenant protections by willfully depriving a tenant access to and from the dwelling. A violator is guilty of a misdemeanor and subject to maximum penalties of a \$500 fine and/or 10 days' imprisonment, in the discretion of the court, for each offense. The bill also (1) authorizes a tenant's rights under specified provisions to be enforced by injunctive relief and (2) requires the court to schedule a hearing on a petition filed for injunctive relief within seven days after the tenant files the petition.

The bill specifies that a landlord may take possession of a dwelling from a tenant or tenant holding over only in accordance with a warrant of restitution issued by a court and executed by a sheriff or constable or if the tenant has abandoned or surrendered possession of the dwelling unit. The bill specifies that the provisions of § 9-15 may not be construed to prevent a landlord from taking temporary measures, including changing the locks, to secure an unsecured residential property, if the landlord makes a good faith attempt to provide reasonable notice to the tenant and promptly restores possession of the property to the tenant.

**Small Business Effect:** The bill's provisions specifically authorize a tenant to seek injunctive relief against a landlord in specified circumstances and specify certain temporary measures that may be taken by a landlord to secure unsecured residential property.

## **Additional Information**

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** HB 882 (Delegate Smith) - Judiciary and Environment and Transportation.

**Information Source(s):** Maryland Association of Counties; Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - February 26, 2023  
km/jkb Third Reader - April 10, 2023  
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