

HOUSE BILL 971

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1999 Regular Session
9r2135

By: **Delegate Kach**

Introduced and read first time: February 12, 1999

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 1999

CHAPTER _____

1 AN ACT concerning

2 **Real Property - Landlord and Tenant - Back Rent**

3 FOR the purpose of limiting the amount of back rent a certain person may recover in
4 a suit, action, or proceeding for back rent of certain leased property; prohibiting
5 the recovery of attorney's fees in a certain claim for back rent of certain leased
6 property unless expressly provided in a lease or by a court order; providing for
7 the application of this Act; and generally relating to a suit, action, or proceeding
8 for back rent of certain leased property.

9 BY adding to
10 Article - Real Property
11 Section 8-111.1
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1998 Supplement)

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

16 **Article - Real Property**

17 8-111.1.

18 (A) THIS SECTION APPLIES TO ALL RESIDENTIAL LEASES OR SUBLEASES IN
19 EFFECT ON OR AFTER OCTOBER 1, 1999, WHICH HAVE AN INITIAL TERM OF 99 YEARS
20 AND WHICH CREATE A LEASEHOLD ESTATE, OR SUBLEASEHOLD ESTATE, SUBJECT
21 TO THE PAYMENT OF AN ANNUAL GROUND RENT.

1 (B) IN ANY SUIT, ACTION, OR PROCEEDING BY A LANDLORD, OR THE
2 TRANSFEREE OF THE REVERSION IN LEASED PROPERTY, TO RECOVER BACK RENT,
3 THE LANDLORD, OR THE TRANSFEREE OF THE REVERSION IN LEASED PROPERTY:

4 (1) IS ENTITLED TO DEMAND OR RECOVER NOT MORE THAN 3 YEARS
5 BACK RENT; AND

6 (2) UNLESS EXPRESSLY PROVIDED IN THE LEASE OR ORDERED BY A
7 COURT, IS NOT ENTITLED TO RECOVER ATTORNEY'S FEES FROM THE TENANT OR
8 ASSIGNEE OF A LEASE.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
10 construed only prospectively and may not be applied or interpreted to have any effect
11 on or application to any suit, action, or proceeding for back rent before the effective
12 date of this Act.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 1999.