
By: **Delegates Weir and McConkey**

Introduced and read first time: February 18, 2005

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Residential Leases - Defective Conditions - Inspection and**
3 **Repair**

4 FOR the purpose of requiring a landlord of residential property to inspect a dwelling
5 unit for certain defective conditions under certain circumstances; requiring a
6 landlord to give certain annual notice to a tenant relating to the reporting of
7 defective conditions and the right to request a certain inspection of the dwelling
8 unit; requiring a landlord to repair certain defective conditions within a certain
9 amount of time; establishing a certain rebuttable presumption; requiring a
10 tenant to give the landlord certain access to the dwelling unit under certain
11 circumstances and establishing that refusal to provide certain access relieves
12 the landlord of certain obligations under this Act; providing that a landlord is
13 liable for certain harms caused by defective conditions only under certain
14 circumstances; providing that this Act does not alter certain rights or obligations
15 and does not prohibit a tenant from reporting certain defective conditions or
16 prohibit certain officials from enforcing certain State or local laws; and
17 generally relating to defective conditions in a residential dwelling unit.

18 BY adding to
19 Article - Real Property
20 Section 8-211.2
21 Annotated Code of Maryland
22 (2003 Replacement Volume and 2004 Supplement)

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

25 **Article - Real Property**

26 8-211.2.

27 (A) A LANDLORD, OR THE LANDLORD'S AGENT, SHALL VISUALLY INSPECT A
28 DWELLING UNIT FOR DANGEROUS OR DEFECTIVE CONDITIONS THAT ARE IN
29 VIOLATION OF STATE OR LOCAL LAW:

1 (1) PRIOR TO INITIAL OCCUPANCY OF A DWELLING UNIT BY A TENANT;
2 AND

3 (2) DURING THE TERM OF THE LEASE OF A DWELLING UNIT IF THE
4 TENANT REQUESTS THE INSPECTION AS PROVIDED UNDER SUBSECTION (B) OF THIS
5 SECTION.

6 (B) (1) A LANDLORD ANNUALLY SHALL PROVIDE WRITTEN NOTICE TO THE
7 TENANT THAT:

8 (I) THE TENANT MAY REPORT DEFECTIVE CONDITIONS IN THE
9 DWELLING UNIT TO THE LANDLORD WITHIN 20 DAYS OF THE DATE OF THE NOTICE;

10 (II) INFORMS THE TENANT OF THE TENANT'S RIGHT, WITHIN 20
11 DAYS OF THE DATE OF THE NOTICE, TO REQUEST AN ANNUAL INSPECTION OF THE
12 DWELLING UNIT BY THE LANDLORD; AND

13 (III) INCLUDES A FORM ON WHICH TO REPORT DEFECTIVE
14 CONDITIONS AND TO REQUEST AN INSPECTION.

15 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
16 PARAGRAPH, IF A DEFECTIVE CONDITION IS OBSERVED BY THE LANDLORD OR THE
17 LANDLORD'S AGENT DURING A PREOCCUPANCY INSPECTION, THE DEFECTIVE
18 CONDITION SHALL BE REPAIRED BEFORE THE TENANT TAKES POSSESSION OF THE
19 DWELLING UNIT.

20 (II) IF THE DEFECTIVE CONDITION IS NOT A THREAT TO THE LIFE,
21 HEALTH, OR SAFETY OF THE OCCUPANTS AND THE TENANT GIVES THE LANDLORD
22 WRITTEN CONSENT, A LANDLORD MAY REPAIR THE DEFECTIVE CONDITION WITHIN
23 15 DAYS AFTER THE TENANT TAKES POSSESSION OF THE DWELLING UNIT.

24 (III) 1. IF A DEFECTIVE CONDITION IN A DWELLING UNIT IS
25 DISCOVERED DURING AN ANNUAL INSPECTION REQUESTED UNDER PARAGRAPH (1)
26 OF THIS SUBSECTION, THE LANDLORD SHALL REPAIR THE DEFECTIVE CONDITION
27 WITHIN A REASONABLE TIME AFTER THE DATE OF THE INSPECTION.

28 2. THERE IS A REBUTTABLE PRESUMPTION THAT A PERIOD
29 IN EXCESS OF 30 DAYS OF THE DATE OF THE INSPECTION IS UNREASONABLE.

30 (C) (1) THE TENANT SHALL GIVE THE LANDLORD OR THE LANDLORD'S
31 AGENT ACCESS TO THE DWELLING UNIT AT A REASONABLE TIME TO PERFORM
32 INSPECTIONS AND REPAIRS UNDER THIS SECTION.

33 (2) IF A TENANT REFUSES TO ALLOW ACCESS AS PROVIDED UNDER THIS
34 SUBSECTION:

35 (I) THE FAILURE OF THE LANDLORD TO INSPECT OR REPAIR THE
36 DWELLING UNIT IS NOT A VIOLATION OF THIS SECTION OR ANY OTHER PROVISION
37 OF STATE OR LOCAL LAW; AND

1 (II) NOTICE OF A DEFECTIVE CONDITION WILL NOT BE
2 CONSIDERED TO HAVE BEEN GIVEN TO THE LANDLORD.

3 (D) A LANDLORD IS LIABLE FOR INJURY OR DAMAGE CAUSED BY A DEFECTIVE
4 CONDITION IN THE DWELLING UNIT, INCLUDING A DEFECTIVE CONDITION THAT IS A
5 VIOLATION OF STATE OR LOCAL LAW, ONLY IF THE LANDLORD KNEW OR HAD
6 REASON TO KNOW OF THE DEFECTIVE CONDITION AND HAD A REASONABLE
7 OPPORTUNITY TO REPAIR THE DEFECTIVE CONDITION.

8 (E) (1) NOTHING IN THIS SECTION MAY BE INTERPRETED TO ALTER A
9 TENANT'S RIGHTS UNDER § 8-203.1(A)(1) OF THIS SUBTITLE OR TO LIMIT A
10 LANDLORD'S OBLIGATIONS UNDER SUBTITLE 8 OF THE ENVIRONMENT ARTICLE.

11 (2) NOTHING IN THIS SECTION PROHIBITS:

12 (I) A TENANT FROM NOTIFYING A LOCAL OFFICIAL OF DEFECTIVE
13 CONDITIONS IN A DWELLING UNIT; OR

14 (II) A LOCAL OFFICIAL FROM CONDUCTING INSPECTIONS, ISSUING
15 VIOLATION NOTICES, OR ENGAGING IN ANY OTHER ENFORCEMENT ACTIVITY
16 PERMITTED UNDER STATE OR LOCAL LAW.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2005.