

HOUSE BILL 406

N1

71r1687

By: **Delegates Weir, Boteler, and Minnick**
Introduced and read first time: February 5, 2007
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Landlord Liability for Injury or Damage – Requirements**

3 FOR the purpose of establishing that a landlord is not liable for injury or damage
4 caused by a certain condition in a residential rental unit unless the landlord
5 knew or had reason to know of the condition that caused the injury or damage
6 and had a reasonable opportunity to correct the condition; defining certain
7 terms; providing that this Act does not apply to certain matters or activities
8 regulated under certain provisions; providing that this Act does not alter certain
9 rights and remedies and does not prohibit a tenant from reporting certain code
10 violations; and generally relating to requirements for landlord liability for
11 injury or damage.

12 BY adding to
13 Article – Real Property
14 Section 8–211.2
15 Annotated Code of Maryland
16 (2003 Replacement Volume and 2006 Supplement)

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

19 **Article – Real Property**
20 **8–211.2.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
22 **MEANINGS INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) "LANDLORD" MEANS A PERSON THAT OWNS, MANAGES, OR**
2 **OPERATES RENTAL PROPERTY, INCLUDING A LESSOR.**

3 **(3) "TENANT" MEANS A PERSON WITH THE RIGHT TO POSSESS,**
4 **OCCUPY, OR USE A DWELLING UNIT UNDER THE TERMS OF AN ORAL OR**
5 **WRITTEN LEASE AGREEMENT, INCLUDING A LESSEE.**

6 **(B) (1) THIS SECTION DOES NOT APPLY TO MATTERS OR ACTIVITIES**
7 **REGULATED UNDER TITLE 6, SUBTITLE 8 OF THE ENVIRONMENT ARTICLE.**

8 **(2) THIS SECTION DOES NOT ALTER OR OTHERWISE DIMINISH**
9 **THE RIGHTS AND REMEDIES AFFORDED TENANTS AND LANDLORDS UNDER §§**
10 **8-105, 8-203.1, 8-211, AND 8-211.1 OF THIS ARTICLE.**

11 **(3) THIS SECTION DOES NOT PROHIBIT A TENANT FROM**
12 **REPORTING CODE VIOLATIONS EXISTING IN OR ON RENTAL PROPERTY TO**
13 **APPROPRIATE CODE ENFORCEMENT OFFICIALS.**

14 **(C) A LANDLORD IS NOT LIABLE FOR INJURY OR DAMAGE CAUSED BY A**
15 **CONDITION IN A RESIDENTIAL RENTAL UNIT THAT IS A VIOLATION OF STATE OR**
16 **LOCAL LAW UNLESS THE LANDLORD:**

17 **(1) KNEW OR HAD REASON TO KNOW OF THE CONDITION THAT**
18 **CAUSED THE INJURY OR DAMAGE; AND**

19 **(2) HAD A REASONABLE OPPORTUNITY TO REPAIR OR CORRECT**
20 **THE CONDITION.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2007.