SENATE BILL 241

N1   6lr0427

By: **Senators Kelley, Benson, Conway, Currie, Madaleno, McFadden, Nathan–Pulliam, Rosapepe, and Young**
Introduced and read first time: January 22, 2016
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 23, 2016

CHAPTER _____

1   AN ACT concerning

2   **Real Property – Senior Apartment Facilities – Conversion**

3   FOR the purpose of requiring a landlord to provide written notice to a certain tenant at
4   least a certain number of days before converting a senior apartment facility into an
5   apartment facility for the general population; specifying the contents of the written
6   notice; requiring a landlord to allow a certain tenant to terminate the tenant's lease
7   after giving at least 1 month's written notice to the landlord, notwithstanding the
8   terms of the lease; prohibiting a landlord from withholding any portion of a certain
9   tenant's security deposit for a certain purpose; ~~requiring a landlord to reimburse the~~
10   ~~moving expenses of a certain tenant, up to a certain amount and under certain~~
11   ~~circumstances; authorizing the Secretary of Housing and Community Development~~
12   ~~to adopt regulations necessary to carry out the provisions of this Act; authorizing the~~
13   ~~Secretary to impose a certain civil penalty for violations of this Act, beginning on a~~
14   ~~certain date;~~ providing for the enforcement of certain provisions of this Act by the
15   Division of Consumer Protection of the Office of the Attorney General; ~~providing for~~
16   ~~the enforcement of this Act by each unit of the State;~~ defining certain terms; and
17   generally relating to senior apartment facilities.

18   BY adding to
19   Article – Real Property
20   Section 8–217
21   Annotated Code of Maryland
22   (2015 Replacement Volume)

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

3   **Article – Real Property**

4   **8–217.**

5   **(A)   (1)   IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
6   INDICATED.

7   **(2)   "LANDLORD" MEANS THE OWNER OF A SENIOR APARTMENT**
8   FACILITY.

9   ~~**(3)   "MOVING EXPENSES" MEANS COSTS INCURRED TO:**~~

10   ~~**(I)   PACK AND UNPACK PERSONAL PROPERTY;**~~

11   ~~**(II)   DISCONNECT AND INSTALL PERSONAL PROPERTY;**~~

12   ~~**(III)   INSURE PERSONAL PROPERTY TO BE MOVED; OR**~~

13   ~~**(IV)   DISCONNECT AND RECONNECT UTILITIES, SUCH AS**~~
14   ~~TELEPHONE SERVICE, GAS, WATER, AND ELECTRICITY.~~

15   ~~**(4)   "SECRETARY" MEANS THE SECRETARY OF HOUSING AND**~~
16   ~~COMMUNITY DEVELOPMENT.~~

17   ~~**(5)**~~ **(3)   (I)   "SENIOR APARTMENT FACILITY" MEANS AN**
18   APARTMENT BUILDING OR COMPLEX THAT:

19   **1.   CONTAINS FOUR OR MORE INDIVIDUAL DWELLING**
20   UNITS; AND

21   **2.   IS HOUSING FOR OLDER PERSONS AS DEFINED IN 42**
22   U.S.C. § 3607.

23   **(II)   "SENIOR APARTMENT FACILITY" DOES NOT INCLUDE A**
24   NURSING HOME OR AN ASSISTED LIVING FACILITY.

25   **(B)   (1)   AT LEAST 180 DAYS BEFORE CONVERTING A SENIOR APARTMENT**
26   FACILITY INTO AN APARTMENT FACILITY FOR THE GENERAL POPULATION, THE
27   LANDLORD SHALL PROVIDE EACH TENANT OF THE SENIOR APARTMENT FACILITY
28   WITH WRITTEN NOTICE OF THE CONVERSION.

29   **(2)   THE NOTICE SHALL INCLUDE:**

1   **(I)**   A STATEMENT THAT THE SENIOR APARTMENT FACILITY
2 WILL BE CONVERTED INTO AN APARTMENT FACILITY FOR THE GENERAL
3 POPULATION;

4   **(II)**   THE DATE ON WHICH THE CONVERSION WILL TAKE PLACE;
5 AND

6   **(III)**   A STATEMENT THAT~~:~~

7   **1.**   ~~THE~~ THE TENANT HAS THE RIGHT TO TERMINATE THE
8 LEASE AT ANY TIME BEFORE THE CONVERSION DATE, PROVIDED THAT THE TENANT
9 GIVES THE LANDLORD AT LEAST 1 MONTH'S WRITTEN NOTICE~~; AND~~

10   ~~**2.**~~   ~~IF THE TENANT CHOOSES TO TERMINATE THE LEASE~~
11 ~~BEFORE THE CONVERSION DATE, THE LANDLORD IS REQUIRED TO REIMBURSE THE~~
12 ~~TENANT FOR MOVING EXPENSES UP TO $1,000~~.

13   **(C)**   NOTWITHSTANDING THE TERMS OF THE LEASE, THE LANDLORD:

14   **(1)**   SHALL ALLOW ANY TENANT WHO REQUESTS TO MOVE BEFORE
15 THE CONVERSION DATE TO TERMINATE THE TENANT'S LEASE AFTER GIVING AT
16 LEAST 1 MONTH'S WRITTEN NOTICE TO THE LANDLORD; AND

17   **(2)**   MAY NOT WITHHOLD ANY PORTION OF A TENANT'S SECURITY
18 DEPOSIT FOR UNPAID RENT ACCRUING AFTER TERMINATION OF THE TENANT'S
19 LEASE.

20   ~~**(D)** **(1)**~~   ~~THE LANDLORD SHALL REIMBURSE A TENANT WHO TERMINATES~~
21 ~~A LEASE IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION FOR MOVING~~
22 ~~EXPENSES UP TO $1,000, ACTUALLY AND REASONABLY INCURRED.~~

23   ~~**(2)**~~   ~~THE TENANT SHALL SUBMIT TO THE LANDLORD A WRITTEN~~
24 ~~REQUEST FOR REIMBURSEMENT, ACCOMPANIED BY REASONABLE EVIDENCE OF THE~~
25 ~~COSTS INCURRED, NO LATER THAN 30 DAYS AFTER MOVING.~~

26   ~~**(3)**~~   ~~THE LANDLORD SHALL REIMBURSE THE TENANT NO LATER THAN~~
27 ~~30 DAYS AFTER RECEIVING THE TENANT'S WRITTEN REQUEST.~~

28   ~~**(E)** **(1)**~~   ~~THE SECRETARY MAY:~~

29   ~~**(I)**~~   ~~ADOPT REGULATIONS NECESSARY TO CARRY OUT THE~~
30 ~~PROVISIONS OF THIS SECTION; AND~~

1   ~~(II)   BEGINNING OCTOBER 1, 2017, IMPOSE A CIVIL PENALTY~~
2 ~~NOT EXCEEDING $5,000 FOR EACH VIOLATION OF THIS SECTION TO BE PAID TO THE~~
3 ~~GENERAL FUND OF THE STATE.~~

4   ~~(2)   IN SETTING THE AMOUNT OF A CIVIL PENALTY UNDER~~
5 ~~PARAGRAPH (1)(II) OF THIS SUBSECTION, THE SECRETARY SHALL CONSIDER:~~

6   ~~(I)   THE SEVERITY OF THE VIOLATION;~~

7   ~~(II)   THE GOOD FAITH OF THE VIOLATOR; AND~~

8   ~~(III)   ANY HISTORY OF PRIOR VIOLATIONS.~~

9   ~~(F)~~   ~~(1)~~ (D)   TO THE EXTENT THAT A VIOLATION OF ANY PROVISION OF
10 THIS SECTION AFFECTS A TENANT OF A SENIOR APARTMENT FACILITY, THAT
11 VIOLATION SHALL BE WITHIN THE SCOPE OF THE ENFORCEMENT DUTIES AND
12 POWERS OF THE DIVISION OF CONSUMER PROTECTION OF THE OFFICE OF THE
13 ATTORNEY GENERAL, AS DESCRIBED IN TITLE 13 OF THE COMMERCIAL LAW
14 ARTICLE.

15   ~~(2)   THE PROVISIONS OF THIS SECTION OTHERWISE SHALL BE~~
16 ~~ENFORCED BY EACH UNIT OF THE STATE WITHIN THE SCOPE OF THE UNIT'S~~
17 ~~AUTHORITY.~~

18   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2016.

Approved:

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                                   Governor.

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                         President of the Senate.

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                      Speaker of the House of Delegates.