

HOUSE BILL 628

N1, L2

9lr0571

By: **Montgomery County Delegation**

Introduced and read first time: February 6, 2019

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Residential Leases – Just Cause Eviction**

3 **MC 22–19**

4 FOR the purpose of prohibiting a landlord from evicting a tenant from leased premises in
5 Montgomery County in the absence of just cause under certain circumstances;
6 specifying the circumstances under which just cause exists in certain actions to evict;
7 requiring a certain notice to a tenant to be sent in a certain manner under certain
8 circumstances; authorizing a landlord to evict a tenant only after providing certain
9 notice under certain circumstances; requiring a landlord to plead and prove certain
10 facts concerning just cause under certain circumstances; making certain eviction
11 actions in Montgomery County subject to a certain provision; defining certain terms;
12 providing for the application of this Act; declaring the intent of the General
13 Assembly; and generally relating to just cause evictions in Montgomery County.

14 BY adding to

15 Article – Real Property

16 Section 8–206.1 and 8–402(d)

17 Annotated Code of Maryland

18 (2015 Replacement Volume and 2018 Supplement)

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

21 **Article – Real Property**

22 **8–206.1.**

23 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
24 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “EVICT” MEANS TO TAKE ANY ACTION AGAINST A TENANT TO**
2 **TERMINATE THE TENANCY AGAINST THE TENANT’S WILL.**

3 **(3) “LEASED PREMISES” MEANS A DWELLING UNIT THAT IS SUBJECT**
4 **TO A RESIDENTIAL LEASE.**

5 **(B) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.**

6 **(C) A LANDLORD MAY NOT EVICT A TENANT FROM LEASED PREMISES IN THE**
7 **ABSENCE OF JUST CAUSE.**

8 **(D) FOR PURPOSES OF THIS SECTION, JUST CAUSE EXISTS IF:**

9 **(1) A TENANT HAS CAUSED A SUBSTANTIAL BREACH OF THE LEASE OR**
10 **SUBSTANTIAL DAMAGE TO THE LEASED PREMISES OR ANOTHER AREA OF THE**
11 **PROPERTY AND, AFTER RECEIVING NOTICE TO CURE OR CORRECT THE BREACH OR**
12 **PAY THE REASONABLE COST OF REPAIRING THE DAMAGE, THE TENANT FAILS TO**
13 **COMPLY;**

14 **(2) AFTER RECEIVING NOTICE TO CEASE, A TENANT CONTINUES TO**
15 **ENGAGE IN DISORDERLY CONDUCT SO AS TO DISTURB THE PEACE AND QUIET OF**
16 **OTHER TENANTS;**

17 **(3) A TENANT HAS ENGAGED IN ILLEGAL ACTIVITY ON THE LEASED**
18 **PREMISES OR ON A PUBLIC RIGHT-OF-WAY ABUTTING THE LEASED PREMISES;**

19 **(4) A TENANT, WITHOUT REASONABLE CAUSE, REFUSES TO GRANT**
20 **THE LANDLORD ACCESS TO THE LEASED PREMISES FOR THE PURPOSE OF MAKING**
21 **REPAIRS OR IMPROVEMENTS OR INSPECTING THE LEASED PREMISES, OR AS**
22 **OTHERWISE AUTHORIZED UNDER THE RESIDENTIAL LEASE OR APPLICABLE LAW;**

23 **(5) A LANDLORD, IN GOOD FAITH, SEEKS TO RECOVER POSSESSION**
24 **OF THE LEASED PREMISES FOR USE BY THE LANDLORD OR THE LANDLORD’S**
25 **SPOUSE, CHILD, PARENT, OR GRANDPARENT;**

26 **(6) A LANDLORD, IN GOOD FAITH, SEEKS TO PERMANENTLY REMOVE**
27 **THE LEASED PREMISES FROM THE RENTAL MARKET; OR**

28 **(7) A LANDLORD, AFTER HAVING OBTAINED ALL NECESSARY**
29 **PERMITS, SEEKS TO UNDERTAKE SUBSTANTIAL REPAIRS OR RENOVATIONS THAT**
30 **CANNOT BE COMPLETED WHILE THE LEASED PREMISES ARE OCCUPIED.**

1 **(E) A NOTICE REQUIRED TO BE GIVEN TO A TENANT UNDER SUBSECTION**
2 **(D)(1) OR (2) OF THIS SECTION SHALL BE SENT BY CERTIFIED MAIL, RETURN**
3 **RECEIPT REQUESTED.**

4 **(F) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A LANDLORD**
5 **MAY FILE TO EVICT A TENANT ONLY AFTER PROVIDING THE TENANT WITH NOT LESS**
6 **THAN 60 DAYS' NOTICE, SENT TO THE TENANT BY FIRST-CLASS MAIL WITH A**
7 **CERTIFICATE OF MAILING IN WRITING.**

8 **(2) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL STATE**
9 **THE JUST CAUSE, AS PRESCRIBED UNDER SUBSECTION (D) OF THIS SECTION, ON**
10 **WHICH THE ACTION TO EVICT IS BASED.**

11 **(3) THE BASIS FOR JUST CAUSE SHALL BE INCLUDED IN THE**
12 **COMPLAINT TO EVICT THAT IS FILED IN THE DISTRICT COURT OF MONTGOMERY**
13 **COUNTY.**

14 8-402.

15 **(D) (1) THIS SUBSECTION APPLIES ONLY IN MONTGOMERY COUNTY.**

16 **(2) AN ACTION TO EVICT UNDER THIS SECTION IS SUBJECT TO §**
17 **8-206.1 OF THIS TITLE.**

18 **(3) THE CONTENTS OF THE NOTICE REQUIRED UNDER THIS SECTION**
19 **SHALL INCLUDE THE BASIS FOR JUST CAUSE AS REQUIRED UNDER § 8-206.1 OF THIS**
20 **TITLE.**

21 **(4) THE LANDLORD SHALL PLEAD AND PROVE THE SPECIFIC FACTS**
22 **THAT DEMONSTRATE THE JUST CAUSE ON WHICH THE COMPLAINT IS BASED.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
24 apply only prospectively and may not be applied or interpreted to have any effect on or
25 application to any residential lease executed in Montgomery County before the effective
26 date of this Act.

27 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General
28 Assembly that:

29 (1) the Montgomery County Department of Housing and Community
30 Affairs shall update all information provided by the Department concerning the rights of
31 residential tenants to include the rights provided under this Act; and

32 (2) a landlord of residential property in Montgomery County shall provide

1 a current or prospective tenant with information concerning the rights of tenants under
2 this Act when any residential lease is executed or renewed on or after the effective date of
3 this Act.

4 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2019.