

SENATE BILL 454

N1, D1, D3

1lr1853
CF HB 52

By: **Senator Sydnor**

Introduced and read first time: January 20, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Alterations in Actions for Repossession and Establishment of**
3 **Eviction Diversion Program**

4 FOR the purpose of establishing the Eviction Diversion Program; providing for the purpose
5 and activities of the Program; requiring the Chief Judge of the District Court to
6 establish a Program in a District Court sitting in a county under certain
7 circumstances; authorizing the Chief Judge of the District Court to establish a
8 Program in the District Court sitting a county under certain circumstances;
9 requiring that a landlord provide a certain statement to the tenant within a certain
10 period of time after receiving a certain request from the tenant; authorizing a
11 landlord to provide a certain statement in a certain manner under certain
12 circumstances; establishing that certain procedural notice requirements must be
13 fulfilled prior to the filing of a complaint by a landlord or a landlord's duly qualified
14 agent for the repossession of residential rental property for failure to pay rent;
15 repealing the requirement that a certain constable or sheriff notify certain
16 individuals to appear at certain trials; requiring the court to direct a certain
17 constable or sheriff to notify certain individuals to appear at certain status
18 conferences under certain circumstances; requiring that, before a landlord may file
19 a complaint to repossess property for the failure to pay rent, the landlord deliver
20 certain written notice containing certain information to a tenant in a certain manner;
21 requiring a landlord to make certain efforts to resolve a claim for past due rent prior
22 to filing a complaint in court; requiring that certain efforts to resolve a claim of past
23 due rent be complete before a landlord may file a complaint to repossess property for
24 the failure to pay rent; providing that certain requirements are deemed satisfied
25 under certain circumstances; requiring a landlord to file a certain statement
26 containing certain information with a complaint to repossess property for the failure
27 to pay rent; authorizing a tenant to challenge assertions made in a certain statement
28 by a landlord in a certain manner; repealing the authorization for a court to adjourn
29 a certain trial for a certain period of time under certain circumstances; requiring a
30 court to grant a continuance under certain circumstances; authorizing the court to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 grant further continuances under certain circumstances; requiring a landlord and a
 2 tenant to appear before the court for a status conference within a certain period of
 3 time following the filing of a complaint to repossess property for the failure to pay
 4 rent; providing for the procedures of a certain status conference; repealing a certain
 5 provision of law prohibiting certain information from being an issue of fact; repealing
 6 a certain provision of law authorizing a court to adjourn a trial for a certain purpose;
 7 repealing the requirement that a court enter a certain judgment under certain
 8 circumstances; altering the number of days after a trial that a court is required to
 9 order that the repossession of certain premises be given to the landlord or the
 10 landlord's duly authorized agent or attorney; repealing the requirement that a
 11 certain certificate be presented before the court may make a certain order;
 12 authorizing the court to delay returning possession of residential rental property to
 13 a landlord or a landlord's duly authorized agent or attorney for a certain number of
 14 days under certain circumstances; altering the number of days during which a tenant
 15 has to comply with a certain order before the court is required to issue a certain
 16 warrant; authorizing the court to order an emergency stay of execution of a certain
 17 warrant under certain circumstances; altering the number of days during which the
 18 tenant or the landlord may appeal from a certain judgement; making certain
 19 conforming changes; defining certain terms; and generally relating to actions for
 20 repossession of residential rental property and the Eviction Diversion Program.

21 BY adding to

22 Article – Courts and Judicial Proceedings

23 Section 4–501 through 4–503 to be under the new subtitle “Subtitle 5. Eviction
 24 Diversion Program”

25 Annotated Code of Maryland

26 (2020 Replacement Volume)

27 BY repealing and reenacting, with amendments,

28 Article – Real Property

29 Section 8–208.3 and 8–401

30 Annotated Code of Maryland

31 (2015 Replacement Volume and 2020 Supplement)

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

34 **Article – Courts and Judicial Proceedings**

35 **SUBTITLE 5. EVICTION DIVERSION PROGRAM.**

36 **4–501.**

37 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
 38 **INDICATED.**

1 **(B) “EVICTION PREVENTION SERVICE PROVIDER” MEANS A**
2 **GOVERNMENTAL, NONPROFIT, OR CHARITABLE ORGANIZATION THAT PROVIDES**
3 **THE FOLLOWING SERVICES FOR THE PURPOSE OF PREVENTING HOUSING**
4 **INSECURITY, EVICTION, OR HOMELESSNESS:**

5 **(1) SOCIAL WORK SERVICES;**

6 **(2) COUNSELING;**

7 **(3) FINANCIAL ASSISTANCE FOR RENT OR RELOCATION;**

8 **(4) ALTERNATIVE DISPUTE RESOLUTION; OR**

9 **(5) CIVIL LEGAL AID.**

10 **(C) “PROGRAM” MEANS THE EVICTION DIVERSION PROGRAM.**

11 **4-502.**

12 **(A) THERE IS AN EVICTION DIVERSION PROGRAM IN THE DISTRICT**
13 **COURT.**

14 **(B) THE PURPOSE OF THE PROGRAM IS TO REDUCE THE INCIDENCE OF**
15 **JUDGMENTS FOR REPOSSESSION OF RESIDENTIAL PROPERTY AND TO PROMOTE**
16 **CONTINUITY OF HOUSING.**

17 **4-503.**

18 **(A) (1) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ESTABLISH A**
19 **PROGRAM FOR EACH COUNTY THAT PROCESSED 10,000 OR MORE CLAIMS FOR THE**
20 **REPOSSESSION OF RESIDENTIAL PROPERTY IN FISCAL YEAR 2019.**

21 **(2) THE CHIEF JUDGE OF THE DISTRICT COURT MAY ESTABLISH A**
22 **PROGRAM FOR A COUNTY THAT PROCESSED FEWER THAN 10,000 CLAIMS FOR THE**
23 **REPOSSESSION OF RESIDENTIAL PROPERTY IN FISCAL YEAR 2019.**

24 **(B) EACH PROGRAM SHALL:**

25 **(1) FACILITATE AT-COURT OR REMOTE SCREENING OF TENANTS AND**
26 **THE PROVISION OF EVICTION PREVENTION SERVICE PROVIDER SERVICES AS**
27 **APPROPRIATE; AND**

28 **(2) OPERATE IN SUPPORT OF THE DISTRICT COURT’S DOCKET**

1 **MANAGEMENT FOR ACTIONS UNDER TITLE 8, SUBTITLE 4 OF THE REAL PROPERTY**
2 **ARTICLE.**

3 **Article – Real Property**

4 8–208.3.

5 (A) Every landlord shall maintain a records system showing the dates and
6 amounts of rent paid to the landlord by the tenant or tenants and showing also the fact
7 that a receipt of some form was given to each tenant for each cash payment of rent.

8 (B) (1) **WITHIN 5 DAYS AFTER RECEIVING A REQUEST FROM A TENANT, A**
9 **LANDLORD SHALL PROVIDE THE TENANT WITH A WRITTEN STATEMENT THAT:**

10 (I) **LISTS ALL DEBTS AND CREDITS MADE DURING THE**
11 **TENANCY; AND**

12 (II) **IDENTIFIES ANY PAST DUE RENT THAT THE TENANT MUST**
13 **PAY IN ORDER TO MAINTAIN THE TENANCY.**

14 (2) **IF A TENANT HAS PROVIDED AN E-MAIL ADDRESS TO THE**
15 **LANDLORD, THE LANDLORD MAY PROVIDE THE WRITTEN STATEMENT UNDER**
16 **PARAGRAPH (1) OF THIS SUBSECTION VIA E-MAIL.**

17 8–401.

18 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
19 **INDICATED.**

20 (2) **“EVICITION DIVERSION PROGRAM” MEANS AN EVICITION**
21 **DIVERSION PROGRAM ESTABLISHED UNDER TITLE 4, SUBTITLE 5 OF THE COURTS**
22 **ARTICLE.**

23 (3) **“SERVICE PROVIDER” MEANS AN EVICITION PREVENTION SERVICE**
24 **PROVIDER AS DEFINED IN § 4–501 OF THE COURTS ARTICLE.**

25 [(a)] (B) Whenever the tenant or tenants fail to pay the rent when due and
26 payable, it shall be lawful for the landlord to have again and repossess the premises **IN**
27 **ACCORDANCE WITH THIS SECTION.**

28 [(b)] (C) (1) Whenever any landlord shall desire to repossess any premises to
29 which the landlord is entitled under the provisions of subsection [(a)] (B) of this section,
30 the landlord or the landlord’s duly qualified agent or attorney shall **ENSURE THAT THE**
31 **LANDLORD HAS COMPLETED THE PROCEDURES REQUIRED UNDER SUBSECTION (D)**

1 OF THIS SECTION.

2 (2) AFTER COMPLETING THE PROCEDURES REQUIRED UNDER
3 SUBSECTION (D) OF THIS SECTION, A LANDLORD OR THE LANDLORD'S DULY
4 QUALIFIED AGENT OR ATTORNEY MAY file the landlord's written complaint under oath
5 or affirmation, in the District Court of the county wherein the property is situated:

6 (i) Describing in general terms the property sought to be
7 repossessed;

8 (ii) Setting forth the name of each tenant to whom the property is
9 rented or any assignee or subtenant;

10 (iii) Stating the amount of rent and any late fees due and unpaid, less
11 the amount of any utility bills, fees, or security deposits paid by a tenant under § 7-309 of
12 the Public Utilities Article;

13 (iv) Requesting to repossess the premises and, if requested by the
14 landlord, a judgment for the amount of rent due, costs, and any late fees, less the amount
15 of any utility bills, fees, or security deposits paid by a tenant under § 7-309 of the Public
16 Utilities Article;

17 (v) If applicable, stating that, to the best of the landlord's knowledge,
18 the tenant is deceased, intestate, and without next of kin; and

19 (vi) If the property to be repossessed is an affected property as
20 defined in § 6-801 of the Environment Article, stating that the landlord has registered the
21 affected property as required under § 6-811 of the Environment Article and renewed the
22 registration as required under § 6-812 of the Environment Article and:

23 1. A. If the current tenant moved into the property on or
24 after February 24, 1996, stating the inspection certificate number for the inspection
25 conducted for the current tenancy as required under § 6-815(c) of the Environment Article;
26 or

27 B. On or after February 24, 2006, stating the inspection
28 certificate number for the inspection conducted for the current tenancy as required under
29 § 6-815(c), § 6-817(b), or § 6-819(f) of the Environment Article; or

30 2. Stating that the owner is unable to provide an inspection
31 certificate number because:

32 A. The owner has requested that the tenant allow the owner
33 access to the property to perform the work required under Title 6, Subtitle 8 of the
34 Environment Article;

35 B. The owner has offered to relocate the tenant in order to

1 allow the owner to perform work if the work will disturb the paint on the interior surfaces
2 of the property and to pay the reasonable expenses the tenant would incur directly related
3 to the relocation; and

4 C. The tenant has refused to allow access to the owner or
5 refused to vacate the property in order for the owner to perform the required work.

6 (2) For the purpose of the court's determination under subsection [(c)] **(F)**
7 of this section the landlord shall also specify the amount of rent due for each rental period
8 under the lease, the day that the rent is due for each rental period, and any late fees for
9 overdue rent payments.

10 (3) The District Court shall issue its summons, directed to any constable or
11 sheriff of the county entitled to serve process, and ordering the constable or sheriff to notify
12 the tenant, assignee, or subtenant by first-class mail:

13 (i) To appear before the District Court at the [trial to be held on the
14 fifth day after the filing of the complaint] **STATUS CONFERENCE UNDER SUBSECTION**
15 **(F) OF THIS SECTION**; and

16 (ii) To answer the landlord's complaint to show cause why the
17 demand of the landlord should not be granted.

18 (4) (i) The constable or sheriff shall proceed to serve the summons upon
19 the tenant, assignee, or subtenant or their known or authorized agent as follows:

20 1. If personal service is requested and any of the persons
21 whom the sheriff shall serve is found on the property, the sheriff shall serve any such
22 persons; or

23 2. If personal service is requested and none of the persons
24 whom the sheriff is directed to serve shall be found on the property and, in all cases where
25 personal service is not requested, the constable or sheriff shall affix an attested copy of the
26 summons conspicuously upon the property.

27 (ii) The affixing of the summons upon the property after due
28 notification to the tenant, assignee, or subtenant by first-class mail shall conclusively be
29 presumed to be a sufficient service to all persons to support the entry of a default judgment
30 for possession of the premises, together with court costs, in favor of the landlord, but it shall
31 not be sufficient service to support a default judgment in favor of the landlord for the
32 amount of rent due.

33 (5) Notwithstanding the provisions of paragraphs (1) through (4) of this
34 subsection:

35 (i) In an action to repossess nonresidential property under this
36 section, service of process on a tenant:

1 1. Shall be directed to the sheriff of the appropriate county
2 or municipality; and

3 2. On plaintiff's request, may be directed to any person
4 authorized under the Maryland Rules to serve process; and

5 (ii) In Wicomico County, in an action to repossess any premises
6 under this section, service of process on a tenant may be directed to any person authorized
7 under the Maryland Rules to serve process.

8 (6) (i) Notwithstanding the provisions of paragraphs (3) through (5) of
9 this subsection, if the landlord certifies to the court in the written complaint required under
10 paragraph (1) of this subsection that, to the best of the landlord's knowledge, the tenant is
11 deceased, intestate, and without next of kin, the District Court shall issue its summons,
12 directed to any constable or sheriff of the county entitled to serve process, and ordering the
13 constable or sheriff to notify the occupant of the premises or the next of kin of the deceased
14 tenant, if known, by personal service:

15 1. To appear before the District Court at the [trial to be held
16 on the fifth day after the filing of the complaint] **STATUS CONFERENCE UNDER**
17 **SUBSECTION (F) OF THIS SECTION**; and

18 2. To answer the landlord's complaint to show cause why the
19 demand of the landlord should not be granted.

20 (ii) 1. The constable or sheriff shall proceed to serve the
21 summons upon the occupant of the premises or the next of kin of the deceased tenant, if
22 known, as follows:

23 A. If any of the persons whom the sheriff is directed to serve
24 are found on the property or at another known address, the sheriff shall serve any such
25 persons; or

26 B. If none of the persons whom the sheriff is directed to serve
27 are found on the property or at another known address, the constable or sheriff shall affix
28 an attested copy of the summons conspicuously upon the property.

29 2. The affixing of the summons upon the property shall
30 conclusively be presumed to be a sufficient service to all persons to support the entry of a
31 default judgment for possession of the premises, together with court costs, in favor of the
32 landlord, but it shall not be sufficient service to support a default judgment in favor of the
33 landlord for the amount of rent due.

34 **(D) (1) BEFORE A LANDLORD MAY FILE A COMPLAINT UNDER THIS**
35 **SECTION, THE LANDLORD SHALL DELIVER TO THE TENANT WRITTEN NOTICE THAT**

1 INCLUDES:

2 (I) THE FOLLOWING HEADING AND SUBHEADING IN 16 POINT
3 TYPE AND 14 POINT TYPE, RESPECTIVELY:

4 “NOTICE OF DELINQUENCY AND LEGAL RIGHTS
5 THIS IS NOT AN EVICTION NOTICE”;

6 (II) THE DATE OF THE NOTICE AND A DESCRIPTION OF THE
7 MANNER OF DELIVERY OF THE NOTICE;

8 (III) A DESCRIPTION OF THE PAST DUE RENT IN DISPUTE,
9 INCLUDING:

10 1. THE AMOUNTS OF RENT AND LATE FEES DUE TO THE
11 LANDLORD, EXCLUDING CHARGES RELATED TO UTILITIES, SERVICES, OTHER FEES,
12 FINES, OR COURT COSTS; AND

13 2. THE SPECIFIC PERIODS OF TIME TO WHICH THE PAST
14 DUE RENT AND FEES CORRESPOND;

15 (IV) A STATEMENT INFORMING THE TENANT THAT, ON REQUEST
16 OF THE TENANT, THE LANDLORD WILL PROMPTLY PROVIDE AN ITEMIZED
17 ACCOUNTING OF DEBITS AND CREDITS;

18 (V) A REQUEST THAT THE TENANT APPLY FOR FINANCIAL
19 ASSISTANCE FROM A SERVICE PROVIDER OR THAT THE TENANT NEGOTIATE A
20 PAYMENT PLAN THROUGH:

21 1. THE DISTRICT COURT ALTERNATIVE DISPUTE
22 RESOLUTION OFFICE; OR

23 2. THE EVICTION DIVERSION PROGRAM;

24 (VI) THE CONTACT INFORMATION OF THE LANDLORD IN BOLD,
25 14 POINT TYPE;

26 (VII) A STATEMENT THAT THE LANDLORD MAY INITIATE AN
27 ACTION FOR REPOSSESSION IN THE DISTRICT COURT IF THE TENANT DOES NOT
28 RESPOND WITHIN 10 DAYS AFTER DELIVERY OF THE WRITTEN NOTICE AND THAT
29 THE TENANT HAS THE LEGAL RIGHT TO DISPUTE THE CHARGES;

30 (VIII) CONTACT INFORMATION FOR A SERVICE PROVIDER AND

1 CORRESPONDING INFORMATION REGARDING FINANCIAL AND LEGAL AID; AND

2 (IX) CONTACT INFORMATION FOR THE FOLLOWING RESOURCES
3 OF THE COURT:

4 1. IF ESTABLISHED AT THE DISTRICT COURT OF THE
5 COUNTY WHERE THE PROPERTY IS SITUATED, THE EVICTION DIVERSION PROGRAM;

6 2. THE ALTERNATIVE DISPUTE RESOLUTION OFFICE;
7 AND

8 3. THE SELF-HELP CENTER.

9 (2) THE WRITTEN NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS
10 SUBSECTION SHALL BE:

11 (I) DELIVERED BY FIRST-CLASS MAIL AND AFFIXED TO THE
12 DOOR OF THE PREMISES; OR

13 (II) IF ELECTED BY THE TENANT, DELIVERED BY E-MAIL.

14 (3) ON DELIVERY OF THE NOTICE REQUIRED UNDER PARAGRAPH (1)
15 OF THIS SUBSECTION AND FOR 10 DAYS AFTER THE DATE OF DELIVERY, THE
16 LANDLORD SHALL MAKE AFFIRMATIVE, GOOD-FAITH EFFORTS TO RESOLVE THE
17 CLAIM, INCLUDING:

18 (I) IF APPLICABLE, COOPERATING WITH OR FACILITATING THE
19 TENANT'S APPLICATION FOR FINANCIAL ASSISTANCE FOR RENT FROM A
20 GOVERNMENTAL, NONPROFIT, OR CHARITABLE ENTITY; AND

21 (II) NEGOTIATING A PAYMENT PLAN OR OTHER AGREEMENT
22 THROUGH THE LOCAL COURT'S EVICTION DIVERSION PROGRAM OR ALTERNATIVE
23 DISPUTE RESOLUTION OFFICE.

24 (4) (I) ALL EFFORTS REQUIRED UNDER PARAGRAPH (3) OF THIS
25 SUBSECTION TO CURE LATE RENT SHALL BE COMPLETED BEFORE A COMPLAINT TO
26 REPOSSESS MAY BE FILED UNDER SUBSECTION (C) OF THIS SECTION.

27 (II) THE REQUIREMENTS OF THIS SUBSECTION SHALL BE
28 DEEMED SATISFIED IF THE TENANT:

29 1. DOES NOT RESPOND TO THE NOTICE UNDER
30 PARAGRAPH (1) OF THIS SUBSECTION WITHIN 10 DAYS AFTER DELIVERY OF THE

1 NOTICE;

2 **2. FAILS OR REFUSES TO PARTICIPATE IN THE**
3 **COMPLETION OF AN APPLICATION FOR FINANCIAL ASSISTANCE FOR RENT, THE**
4 **NEGOTIATION OF A PAYMENT PLAN, OR OTHER AGREEMENT UNDER PARAGRAPH (3)**
5 **OF THIS SUBSECTION; OR**

6 **3. MATERIALLY BREACHES THE TERMS OF A PAYMENT**
7 **PLAN OR OTHER AGREEMENT MADE UNDER PARAGRAPH (3) OF THIS SUBSECTION.**

8 **(5) (I) A COMPLAINT FOR REPOSSESSION FILED IN ACCORDANCE**
9 **WITH THIS SECTION SHALL INCLUDE A STATEMENT ON A FORM PROVIDED BY THE**
10 **COURT THAT:**

11 **1. AFFIRMS AND STATES THE DATE THAT THE**
12 **LANDLORD DELIVERED THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS**
13 **SUBSECTION;**

14 **2. CERTIFIES THAT THE LANDLORD MADE AN**
15 **AFFIRMATIVE, GOOD-FAITH EFFORT IN ACCORDANCE WITH PARAGRAPH (3) OF THIS**
16 **SUBSECTION TO RESOLVE THE LANDLORD'S CLAIM THROUGH THE APPLICATION OF**
17 **FINANCIAL ASSISTANCE OR NEGOTIATION OF A PAYMENT PLAN OR OTHER**
18 **AGREEMENT, AND THAT THESE EFFORTS ARE COMPLETE;**

19 **3. DESCRIBES WHEN EFFORTS UNDER ITEM 2 OF THIS**
20 **SUBPARAGRAPH WERE INITIATED AND COMPLETED; AND**

21 **4. STATES THAT ALL EFFORTS MADE UNDER THIS**
22 **SUBSECTION FAILED TO SATISFY THE LANDLORD'S CLAIM.**

23 **(II) A TENANT MAY CHALLENGE ASSERTIONS MADE BY A**
24 **LANDLORD UNDER THIS PARAGRAPH, AND THE COURT MAY DISMISS THE**
25 **LANDLORD'S COMPLAINT ON A SHOWING OF SUFFICIENT CAUSE.**

26 **[(b-1)] (E) (1) This subsection applies only to an action for the repossession of**
27 **residential property for failure to pay rent due during a government shutdown.**

28 **(2) Notwithstanding any other law, the court shall stay the proceeding if**
29 **the tenant or an occupant of the property that is the subject of the proceeding presents**
30 **evidence satisfactory to the court that the occupant:**

31 **(i) Uses the property as the individual's primary residence;**

32 **(ii) Is an employee of the federal or State government or an employee**

1 of a local government in the State; and

2 (iii) Is involuntarily furloughed from work without pay because of a
3 government shutdown, regardless of whether the employee is required to report to work
4 during the furlough.

5 (3) (i) Subject to subparagraph (ii) of this paragraph, a stay under this
6 subsection shall be granted for a time that the court considers reasonable.

7 (ii) A stay under this subsection may not be granted for a period that
8 ends more than 30 days after the end of the government shutdown without a showing of
9 sufficient cause by a party to the action.

10 **[(c)] (F) (1) (I) [If, at the trial on the fifth day indicated in subsection (b)**
11 **of this section, the court is satisfied that the interests of justice will be better served by an**
12 **adjournment to enable either party to procure their necessary witnesses, the court may**
13 **adjourn the trial for a period not exceeding 1 day, except with the consent of all parties, the**
14 **trial may be adjourned for a longer period of time] ON REQUEST OF A PARTY MADE AT**
15 **ANY TIME AFTER THE FILING OF A COMPLAINT UNDER THIS SECTION AND UNTIL THE**
16 **COMMENCEMENT OF A TRIAL ON THE MERITS OF THE COMPLAINT, THE COURT**
17 **SHALL GRANT A CONTINUANCE TO ALLOW TIME FOR THE REQUESTING PARTY TO**
18 **SEEK ATTORNEY REPRESENTATION.**

19 **(II) AFTER THE GRANTING OF A CONTINUANCE UNDER THIS**
20 **PARAGRAPH, THE COURT MAY GRANT FURTHER CONTINUANCES IN ACCORDANCE**
21 **WITH THIS SECTION OR AS JUSTICE REQUIRES.**

22 **(2) (I) NOT LESS THAN 10 DAYS AND NOT MORE THAN 15 DAYS**
23 **AFTER THE DATE THAT A COMPLAINT IS FILED BY A LANDLORD UNDER THIS**
24 **SECTION, THE LANDLORD AND THE TENANT SHALL APPEAR BEFORE THE COURT FOR**
25 **A STATUS CONFERENCE, SUBJECT TO THE REQUIREMENTS OF THIS PARAGRAPH.**

26 **(II) A PARTY MAY REQUEST, AND THE COURT SHALL GRANT, A**
27 **RECESS FOR A REASONABLE TIME TO ALLOW FOR THE IMMEDIATE ON-SITE OR**
28 **REMOTE SCREENING BY AN AVAILABLE SERVICE PROVIDER OR, IF ESTABLISHED**
29 **FOR THE DISTRICT COURT OF THE COUNTY WHERE THE PROPERTY IS LOCATED, THE**
30 **COURT'S EVICTION DIVERSION PROGRAM.**

31 **(III) 1. THE COURT SHALL REVIEW THE COMPLAINT FOR**
32 **SUFFICIENCY AND HEAR FROM EACH PARTY ON THEIR EFFORTS TO RESOLVE THE**
33 **COMPLAINT IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.**

34 **2. THE COURT MAY ORDER THE PARTIES TO**
35 **PARTICIPATE IN MEDIATION OR A SETTLEMENT CONFERENCE THROUGH THE**
36 **COURT'S ALTERNATIVE DISPUTE RESOLUTION OFFICE OR, IF ESTABLISHED IN THE**

1 **DISTRICT COURT SITTING IN THE COUNTY WHERE THE PROPERTY IS LOCATED, THE**
2 **COURT'S EVICTION DIVERSION PROGRAM.**

3 **3. THE COURT MAY CONTINUE THE STATUS**
4 **CONFERENCE IN ORDER TO ACCOMPLISH AN ALTERNATIVE RESOLUTION TO A DATE**
5 **THAT IS NOT MORE THAN 10 DAYS AFTER THE CONTINUANCE IS GRANTED, UNLESS**
6 **THE PARTIES CONSENT TO A LONGER CONTINUANCE.**

7 **(IV) IF THE PARTIES AGREE TO RESOLVE THE LANDLORD'S**
8 **COMPLAINT WITHOUT A TRIAL ON THE MERITS, THEY SHALL SUBMIT AN AGREEMENT**
9 **TO THE JUDGE WHO, IF SATISFIED THAT THE TERMS OF THE AGREEMENT ARE FAIR**
10 **AND EQUITABLE, SHALL DISMISS THE LANDLORD'S COMPLAINT IN ACCORDANCE**
11 **WITH MARYLAND RULE 3-506(B).**

12 **(V) IF THE PARTIES DO NOT AGREE TO RESOLVE THE**
13 **LANDLORD'S COMPLAINT UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH, THE**
14 **COURT:**

15 **1. SHALL ALLOW THE TENANT TO PRESENT:**

16 **A. ANY DEFENSE TO THE LANDLORD'S COMPLAINT; OR**

17 **B. A COUNTERCLAIM AGAINST THE LANDLORD RELATED**
18 **TO THE ISSUE OF THE RENT DUE AND OWING;**

19 **2. SHALL, IF THE COURT IS SATISFIED THAT THE**
20 **TENANT HAS PROFFERED A MERITORIOUS DEFENSE OR COUNTERCLAIM, SCHEDULE**
21 **A TRIAL TO BE HELD NOT MORE THAN 10 DAYS AFTER THE DATE ON WHICH THE**
22 **DEFENSE OR COUNTERCLAIM WAS HEARD AS WELL AS ANY CORRESPONDING DATES**
23 **NECESSARY FOR THE PARTIES TO FILE ADDITIONAL MOTIONS; AND**

24 **3. MAY ORDER A PARTY TO PROVIDE TO THE OTHER**
25 **PARTY A COPY OF ANY WRITTEN INSTRUMENT, NOT PRIVILEGED, ON WHICH A CLAIM**
26 **OR DEFENSE IS BASED IN ADVANCE OF A TRIAL.**

27 **(VI) ON THE FAILURE OF THE LANDLORD OR THE LANDLORD'S**
28 **DULY QUALIFIED AGENT OR ATTORNEY TO APPEAR AT THE STATUS CONFERENCE IN**
29 **ACCORDANCE WITH THIS PARAGRAPH, THE COURT SHALL DISMISS THE COMPLAINT.**

30 **(VII) ON FAILURE OF THE TENANT OR THE ATTORNEY OF THE**
31 **TENANT TO APPEAR AT THE STATUS CONFERENCE IN ACCORDANCE WITH THIS**
32 **PARAGRAPH, THE COURT MAY GRANT JUDGMENT ON THE LANDLORD'S COMPLAINT**
33 **IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION.**

1 ~~[(2)] (3)~~ (i) [The information required under subsection (b)(1)(vi) of
2 this section may not be an issue of fact in a trial under this section.] **IF THE PARTIES ARE**
3 **UNABLE TO REACH A RESOLUTION UNDER PARAGRAPH (2) OF THIS SUBSECTION,**
4 **THE COURT MAY SCHEDULE A TRIAL.**

5 (ii) If, when the trial occurs, it appears to the satisfaction of the
6 court, that the rent, or any part of the rent and late fees are actually due and unpaid, the
7 court shall determine the amount of rent and late fees due as of the date the complaint was
8 filed less the amount of any utility bills, fees, or security deposits paid by a tenant under §
9 7–309 of the Public Utilities Article[, if the trial occurs within the time specified by
10 subsection (b)(3) of this section].

11 (iii) [1. If the trial does not occur within the time specified in
12 subsection (b)(3)(i) of this section and the tenant has not become current since the filing of
13 the complaint, the court, if the complaint so requests, shall enter a judgment in favor of the
14 landlord for possession of the premises and determine the rent and late fees due as of the
15 trial date.

16 2.] The determination of rent and late fees shall include the
17 following:

18 [A.] 1. Rent claimed in the complaint;

19 [B.] 2. Rent accruing after the date of the filing of the
20 complaint;

21 [C.] 3. Late fees accruing in or prior to the month in which
22 the complaint was filed; and

23 [D.] 4. Credit for payments of rent and late fees and other
24 fees, utility bills, or security deposits paid by a tenant under § 7–309 of the Public Utilities
25 Article after the complaint was filed.

26 (iv) In the case of a residential tenancy, the court may also give
27 judgment in favor of the landlord for the amount of rent and late fees determined to be due
28 together with costs of the suit if the court finds that the residential tenant was personally
29 served with a summons.

30 (v) In the case of a nonresidential tenancy, if the court finds that
31 there was such service of process or submission to the jurisdiction of the court as would
32 support a judgment in contract or tort, the court may also give judgment in favor of the
33 landlord for:

34 1. The amount of rent and late fees determined to be due;

1 the judgment may not apply for purposes of subsection [(e)(2)] **(H)(2)** of this section.

2 (iii) If the landlord orders a warrant of restitution but takes no action
3 on the warrant within 60 days from the later of the date the court issues the order for the
4 warrant or the date as otherwise extended by the court:

5 1. The warrant of restitution shall expire and the judgment
6 for possession shall be stricken; and

7 2. The judgment shall be applied to the number of judgments
8 necessary to foreclose a tenant's right to redemption of the leased premises as established
9 in subsection [(e)(2)] **(H)(2)** of this section unless the court in its discretion determines that
10 the judgment may not apply for purposes of subsection [(e)(2)] **(H)(2)** of this section.

11 (2) (i) The administrative judge of any district may stay the execution
12 of a warrant of restitution of a residential property, from day to day, in the event of extreme
13 weather conditions.

14 (ii) When a stay has been granted under this paragraph, the
15 execution of the warrant of restitution for which the stay has been granted shall be given
16 priority and completed within 3 days after the extreme weather conditions cease.

17 **(3) THE COURT MAY ORDER AN EMERGENCY STAY OF EXECUTION OF**
18 **A WARRANT OF RESTITUTION FOR A RESIDENTIAL PROPERTY ON A MOTION**
19 **PRESENTING EVIDENCE THAT EVICTION OF THE TENANT WOULD:**

20 **(I) ENDANGER THE HEALTH OR LIFE OF THE TENANT OR ANY**
21 **OTHER OCCUPANT OF THE PREMISES; OR**

22 **(II) IMPEDE AN IMMINENT ACT BY A GOVERNMENTAL OR**
23 **CHARITABLE ORGANIZATION TO PREVENT THE CERTAIN HOMELESSNESS OF THE**
24 **TENANT OR ANY OTHER OCCUPANT OF THE PREMISES.**

25 [(e)] **(H)** (1) Subject to paragraph (2) of this subsection, in any action of
26 summary ejectment for failure to pay rent where the landlord is awarded a judgment giving
27 the landlord restitution of the leased premises, the tenant shall have the right to
28 redemption of the leased premises by tendering in cash, certified check or money order to
29 the landlord or the landlord's agent all past due amounts, as determined by the court under
30 subsection [(c)] **(F)** of this section, plus all court awarded costs and fees, at any time before
31 actual execution of the eviction order.

32 (2) This subsection does not apply to any tenant against whom 3 judgments
33 of possession have been entered for rent due and unpaid in the 12 months prior to the
34 initiation of the action to which this subsection otherwise would apply.

35 [(f)] **(I)** (1) The tenant or the landlord may appeal from the judgment of the

1 District Court to the circuit court for any county at any time within [4] 10 days from the
2 rendition of the judgment.

3 (2) The tenant, in order to stay any execution of the judgment, shall give a
4 bond to the landlord with one or more sureties, who are owners of sufficient property in the
5 State of Maryland, with condition to prosecute the appeal with effect, and answer to the
6 landlord in all costs and damages mentioned in the judgment, and other damages as shall
7 be incurred and sustained by reason of the appeal.

8 (3) The bond shall not affect in any manner the right of the landlord to
9 proceed against the tenant, assignee or subtenant for any and all rents that may become
10 due and payable to the landlord after the rendition of the judgment.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2021.