

SENATE BILL 100

N1
SB 563/22 – JPR

(PRE-FILED)

3lr0645
CF HB 36

By: **Senator Hettleman**

Requested: October 31, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Actions to Repossess – Proof of Rental Licensure**

3 FOR the purpose of requiring, in certain actions to repossess residential rental property, a
4 landlord to submit to the clerk of the court evidence of compliance with certain local
5 rental property licensure requirements and demonstrate that the landlord is
6 compliant with the licensure requirements; and generally relating to actions to
7 repossess property.

8 BY repealing and reenacting, without amendments,

9 Article – Real Property

10 Section 8–401(a) and (b)(1)

11 Annotated Code of Maryland

12 (2015 Replacement Volume and 2022 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Real Property

15 Section 8–401(b)(2), 8–402(b)(1)(i), and 8–402.1(a)(1)(i)

16 Annotated Code of Maryland

17 (2015 Replacement Volume and 2022 Supplement)

18 BY adding to

19 Article – Real Property

20 Section 8–406

21 Annotated Code of Maryland

22 (2015 Replacement Volume and 2022 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

24 That the Laws of Maryland read as follows:

25 **Article – Real Property**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8-401.

2 (a) Whenever the tenant or tenants fail to pay the rent when due and payable, it
3 shall be lawful for the landlord to have again and repossess the premises in accordance
4 with this section.

5 (b) (1) Whenever any landlord shall desire to repossess any premises to which
6 the landlord is entitled under the provisions of subsection (a) of this section, the landlord
7 or the landlord's duly qualified agent or attorney shall ensure that the landlord has
8 completed the procedures required under subsection (c) of this section.

9 (2) [After] **SUBJECT TO § 8-406 OF THIS SUBTITLE AND AFTER**
10 completing the procedures required under subsection (c) of this section, a landlord or the
11 landlord's duly qualified agent or attorney may file the landlord's written complaint under
12 oath or affirmation, in the District Court of the county wherein the property is situated:

13 (i) Describing in general terms the property sought to be
14 repossessed;

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

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

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

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

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

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

1 B. On or after February 24, 2006, stating the inspection
2 certificate number for the inspection conducted for the current tenancy as required under
3 § 6–815(c), § 6–817(b), or § 6–819(f) of the Environment Article; or

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

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

9 B. The owner has offered to relocate the tenant in order to
10 allow the owner to perform work if the work will disturb the paint on the interior surfaces
11 of the property and to pay the reasonable expenses the tenant would incur directly related
12 to the relocation; and

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

15 8–402.

16 (b) (1) (i) **[Where] SUBJECT TO § 8–406 OF THIS SUBTITLE AND WHERE**
17 any tenancy is for any definite term or at will, and the landlord shall desire to repossess
18 the property after the expiration of the term for which it was leased and shall give notice
19 as required under subsection (c) of this section to the tenant or to the person actually in
20 possession of the property to remove from the property at the end of the term, and if the
21 tenant or person in actual possession shall refuse to comply, the landlord may make
22 complaint in writing to the District Court of the county where the property is located.

23 8–402.1.

24 (a) (1) (i) **[Where] SUBJECT TO § 8–406 OF THIS SUBTITLE AND WHERE**
25 an unexpired lease for a stated term provides that the landlord may repossess the premises
26 prior to the expiration of the stated term if the tenant breaches the lease, the landlord may
27 make complaint in writing to the District Court of the county where the premises is located
28 if:

29 1. The tenant breaches the lease;

30 2. A. The landlord has given the tenant 30 days' written
31 notice that the tenant is in violation of the lease and the landlord desires to repossess the
32 leased premises; or

33 B. The breach of the lease involves behavior by a tenant or a
34 person who is on the property with the tenant's consent, which demonstrates a clear and
35 imminent danger of the tenant or person doing serious harm to themselves, other tenants,
36 the landlord, the landlord's property or representatives, or any other person on the property

1 and the landlord has given the tenant or person in possession 14 days' written notice that
2 the tenant or person in possession is in violation of the lease and the landlord desires to
3 repossess the leased premises; and

4 3. The tenant or person in actual possession of the premises
5 refuses to comply.

6 **8-406.**

7 (A) (1) THIS SECTION APPLIES ONLY IN A COUNTY, A MUNICIPALITY, OR
8 ANY OTHER JURISDICTION THAT REQUIRES A LICENSE FOR THE LAWFUL
9 OPERATION OF RESIDENTIAL RENTAL PROPERTY.

10 (2) THIS SECTION DOES NOT APPLY TO AN ACTION UNDER § 8-402 OR
11 § 8-402.1 OF THIS SUBTITLE WHERE THE LANDLORD SHOWS THAT THE ACTIONS OF
12 THE TENANT CAUSED THE LICENSING AUTHORITY TO SUSPEND, REVOKE, OR
13 REFUSE TO GRANT OR RENEW THE RENTAL LICENSE.

14 (B) IF A LANDLORD ASSERTS THAT RENTAL PROPERTY IS NOT LICENSED IN
15 COMPLIANCE WITH APPLICABLE LOCAL RENTAL LICENSING REQUIREMENTS DUE TO
16 THE ACTIONS OF A TENANT, THE LANDLORD MAY FILE AN ACTION UNDER § 8-402 OR
17 § 8-402.1 OF THIS SUBTITLE ONLY AFTER THE LANDLORD PROVIDES THE TENANT
18 WITH WRITTEN NOTICE OF THE ASSERTION THAT THE TENANT CAUSED THE
19 LICENSING AUTHORITY TO SUSPEND, REVOKE, OR REFUSE TO GRANT OR RENEW THE
20 RENTAL LICENSE AT LEAST 30 DAYS BEFORE FILING THE ACTION.

21 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
22 ON THE FILING OF A WRITTEN COMPLAINT TO REPOSSESS RESIDENTIAL PROPERTY
23 UNDER § 8-401, § 8-402, OR § 8-402.1 OF THIS SUBTITLE OR UNDER SUBTITLE 9 OF
24 THE CODE OF PUBLIC LOCAL LAWS OF BALTIMORE CITY, THE LANDLORD SHALL
25 PLEAD AND DEMONSTRATE THAT THE PROPERTY IS:

26 (I) LICENSED IN COMPLIANCE WITH APPLICABLE LOCAL
27 RENTAL LICENSING REQUIREMENTS; OR

28 (II) EXEMPT FROM APPLICABLE LOCAL RENTAL LICENSING
29 REQUIREMENTS.

30 (2) THIS SUBSECTION DOES NOT APPLY TO AN ACTION TO REPOSSESS
31 FOR BREACH OF LEASE UNDER § 8-402.1(A)(1)(I)2B OF THIS SUBTITLE.

32 (D) (1) AT TRIAL, THE LANDLORD MUST DEMONSTRATE TO THE
33 SATISFACTION OF THE COURT THAT THE PROPERTY LISTED IN THE WRITTEN

1 COMPLAINT IS LICENSED WITH THE JURISDICTION OR IS EXEMPT FROM APPLICABLE
2 LICENSING REQUIREMENTS.

3 (2) TO SATISFY THE REQUIREMENTS OF THIS SUBSECTION, A
4 LANDLORD MAY PROVIDE ELECTRONIC PROOF OF LICENSURE.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2023.