

HOUSE BILL 143

Unofficial Copy
N1

1998 Regular Session
8lr0690

By: **Delegates Branch, Fulton, Opara, Harrison, Marriott, and C. Davis**
Introduced and read first time: January 19, 1998
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Leases - Eviction - Drugs**

3 FOR the purpose of requiring that all residential leases contain a provision enabling
4 a landlord to evict a tenant arrested for drug activities while on the leased
5 premises; providing for criminal penalties against a landlord who fails to evict a
6 tenant arrested for drug activities; and generally relating to residential leases.

7 BY adding to
8 Article - Real Property
9 Section 8-215
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1997 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Real Property
14 Section 14-120
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1997 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 8-215.

21 EACH RESIDENTIAL LEASE SHALL INCLUDE A PROVISION ENABLING A
22 LANDLORD TO EVICT A TENANT IF:

23 (1) THE TENANT IS ARRESTED FOR THE SALE, MANUFACTURE,
24 DISTRIBUTION, STORAGE, OR CONCEALMENT OF:

25 (I) A CONTROLLED DANGEROUS SUBSTANCE; OR

1 (II) CONTROLLED PARAPHERNALIA, AS DEFINED IN ARTICLE 27, §
2 287(D) OF THE CODE; AND

3 (2) THE ARREST WAS A RESULT OF DRUG-RELATED ACTIVITIES
4 CONDUCTED ON THE LEASED PREMISES.

5 14-120.

6 (a) (1) In this section the following words have the meanings indicated.

7 (2) "Community association" means:

8 (i) A nonprofit association, corporation, or other organization that
9 is:

10 1. Comprised of residents of a community within which a
11 nuisance is located;

12 2. Operated exclusively for the promotion of social welfare
13 and general neighborhood improvement and enhancement; and

14 3. Exempt from taxation under § 501(c)(3) or (4) of the
15 Internal Revenue Code; or

16 (ii) A nonprofit association, corporation, or other organization that
17 is:

18 1. Comprised of residents of a contiguous community that is
19 defined by specific geographic boundaries, within which a nuisance is located; and

20 2. Operated for the promotion of the welfare, improvement
21 and enhancement of that community.

22 (3) "Controlled dangerous substances" has the meaning stated in Article
23 27, § 279(a) and (b) of the Code.

24 (4) "Nuisance" means a property that is used:

25 (i) By persons who assemble for the specific purpose of illegally
26 administering a controlled dangerous substance;

27 (ii) For the illegal manufacture, or distribution of:

28 1. A controlled dangerous substance; or

29 2. Controlled paraphernalia, as defined in Article 27, §
30 287(d) of the Code; or

31 (iii) For the illegal storage or concealment of a controlled dangerous
32 substance in sufficient quantity to reasonably indicate under all the circumstances an
33 intent to manufacture, distribute, or dispense:

1 (2) The notice shall indicate:
2 (i) The nature of the proceedings;
3 (ii) The time and place of the hearing; and
4 (iii) The name and telephone number of the person to contact for
5 additional information.

6 (e) The court may issue an injunction or order other equitable relief whether
7 or not an adequate remedy exists at law.

8 (f) (1) Notwithstanding any other provision of law, and in addition to or as a
9 component of any remedy ordered under subsection (e) of this section, the court, after
10 a hearing, may order a tenant with knowledge of the existence of the nuisance to
11 vacate the property within 72 hours.

12 (2) The court, after a hearing, may grant a judgment of restitution or the
13 possession of the property to the owner if:

14 (i) The owner and lessee are parties to the action; and

15 (ii) A tenant has failed to obey an order under subsection (e) of this
16 section or paragraph (1) of this subsection.

17 (3) If the court orders restitution of the possession of the property under
18 paragraph (2) of this subsection, the court shall immediately issue its warrant to the
19 sheriff or constable commanding execution of the warrant within 5 days after
20 issuance of the warrant.

21 (4) The court may order the owner of the property to submit for court
22 approval a plan of correction to ensure, to the extent reasonably possible, that the
23 property will not again be used for a nuisance if:

24 (i) The owner is a party to the action; and

25 (ii) The owner knew of the existence of the nuisance.

26 (G) (1) THE OWNER OF A LEASED PROPERTY SHALL INITIATE A SUMMARY
27 EJECTMENT PROCEEDING AGAINST A TENANT WHO HAS BEEN ARRESTED FOR THE
28 THE SALE, MANUFACTURE, DISTRIBUTION, STORAGE, OR CONCEALMENT OF:

29 (I) A CONTROLLED DANGEROUS SUBSTANCE; OR

30 (II) CONTROLLED PARAPHERNALIA, AS DEFINED IN ARTICLE 27, §
31 287(D) OF THE CODE.

32 (2) A LANDLORD WHO FAILS TO INITIATE A SUMMARY EJECTMENT
33 PROCEEDING WITHIN 30 DAYS AFTER THE TENANT IS ARRESTED IS GUILTY OF A
34 MISDEMEANOR AND, ON CONVICTION, SHALL BE SUBJECT TO A FINE OF NOT MORE
35 THAN \$500 OR BE IMPRISONED FOR NOT MORE THAN 60 DAYS, OR BOTH.

1 [(g)] (H) Except as provided in subsection (f)(1) and (4) of this section, the
2 court may order appropriate relief under subsections (e) and (f) of this section without
3 proof that a defendant knew of the existence of the nuisance.

4 [(h)] (I) In any action brought under this section:

5 (1) Evidence of the general reputation of the property is admissible to
6 corroborate testimony based on personal knowledge or observation, or evidence seized
7 during the execution of a search and seizure warrant, but shall not, in and of itself, be
8 sufficient to establish the existence of a nuisance under this section; and

9 (2) Evidence that the nuisance had been discontinued at the time of the
10 filing of the complaint or at the time of the hearing does not bar the imposition of
11 appropriate relief by the court under subsections (e) and (f) of this section.

12 [(i)] (J) The court may award court costs and reasonable attorney's fees to a
13 community association that is the prevailing plaintiff in an action brought under this
14 section.

15 [(j)] (K) An action under this section shall be heard within 14 days after
16 service of process on the parties.

17 [(k)] (L) This section does not abrogate any equitable or legal right or remedy
18 under existing law to abate a nuisance.

19 [(l)] (M) (1) An appeal from a judgment or order under this section shall be
20 filed within 10 days after the date of the order or judgment.

21 (2) (i) Upon motion of either party, the circuit court shall set a
22 date for the hearing of the appeal, which shall be not less than 5 or more than 15 days
23 after the date the motion is filed.

24 (ii) Notice of the order for a hearing shall be served on the opposite
25 party or the party's attorney at least 20 days before the hearing.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
27 construed only prospectively and may not be applied or interpreted to have any effect
28 on or application to any leases entered into or renewed before the effective date of this
29 Act.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1998.