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By: **Delegate Franchot**

Introduced and read first time: February 29, 2000

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Retaliatory Evictions - Municipal Corporations**

3 FOR the purpose of providing that an ordinance or resolution adopted by a municipal  
4 corporation concerning certain retaliatory evictions of tenants supersedes  
5 certain provisions of State law.

6 BY repealing and reenacting, with amendments,  
7 Article - Real Property  
8 Section 8-208.1  
9 Annotated Code of Maryland  
10 (1996 Replacement Volume and 1999 Supplement)

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

13 **Article - Real Property**

14 8-208.1.

15 (a) No landlord shall evict a tenant of any residential property or arbitrarily  
16 increase the rent or decrease the services to which the tenant has been entitled for  
17 any of the following reasons:

18 (1) Solely because the tenant or the tenant's agent has filed a good faith  
19 written complaint, or complaints, with the landlord or with any public agency or  
20 agencies against the landlord;

21 (2) Solely because the tenant or the tenant's agent has filed a lawsuit, or  
22 lawsuits, against the landlord; or

23 (3) Solely because the tenant is a member or organizer of any tenants'  
24 organization.

25 (b) Evictions described in subsection (a) of this section shall be called  
26 "retaliatory evictions".

1 (c) (1) If in any eviction proceeding the judgment be in favor of the tenant  
2 for any of the aforementioned defenses, the court may enter judgment for reasonable  
3 attorney fees and court costs against the landlord.

4 (2) If in any eviction proceeding the court finds that a tenant's assertion  
5 of a retaliatory eviction defense was in bad faith or without substantial justification,  
6 the court may enter judgment for reasonable attorney fees and court costs against the  
7 tenant.

8 (d) The relief provided under this section is conditioned upon:

9 (1) In the case of tenancies measured by a period of one month or more,  
10 the court having not entered against the tenant more than 3 judgments of possession  
11 for rent due and unpaid in the 12-month period immediately prior to the initiation of  
12 the action by the tenant or by the landlord.

13 (2) In the case of tenancies requiring the weekly payment of rent, the  
14 court having not entered against the tenant more than 5 judgments of possession for  
15 rent due and unpaid in the 12-month period immediately prior to the initiation of the  
16 action by the tenant or by the landlord, or, if the tenant has lived on the premises 6  
17 months or less, the court having not entered against the tenant 3 judgments of  
18 possession for rent due and unpaid.

19 (e) No eviction shall be deemed to be a "retaliatory eviction" for purposes of  
20 this section upon the expiration of a period of 6 months following the determination of  
21 the merits of the initial case by a court (or administrative agency) of competent  
22 jurisdiction.

23 (f) Nothing in this section may be interpreted to alter the landlord's or the  
24 tenant's rights to terminate or not renew a tenancy governed by a written lease for a  
25 stated term of greater than 1 month at the expiration of the term or at any other time  
26 as the parties may specifically agree.

27 (g) In the event any county or Baltimore City OR MUNICIPAL CORPORATION  
28 shall have enacted an ordinance OR RESOLUTION comparable in subject matter to this  
29 section, that ordinance OR RESOLUTION shall supercede the provisions of this section.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2000.