

**Department of Legislative Services**  
Maryland General Assembly  
2000 Session

**FISCAL NOTE**

House Bill 1401 (Delegate Franchot)

Economic Matters

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

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This bill provides that an ordinance or resolution adopted by a municipal corporation concerning specified retaliatory eviction actions supercedes the State retaliatory action provision, if the ordinance or resolution is comparable in subject matter to the State retaliatory action provision.

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**Fiscal Summary**

**State Effect:** The bill would not substantively change State activities or operations.

**Local Effect:** Minimal effect on municipal corporations that enact retaliatory eviction ordinances or resolutions.

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** A landlord may not evict a tenant of residential property, arbitrarily increase the tenant's rent, or decrease the services to which the tenant has been entitled if: (1) the tenant has filed a good faith complaint with the landlord or with a public agency against the landlord; (2) the tenant has filed a lawsuit against the landlord; or (3) the tenant is a member or organizer of any tenants' organization. If a tenant prevails in an eviction proceeding because of the above defenses, the court may enter judgement for reasonable attorney fees and court costs against the landlord. If in an eviction proceeding a court finds that the tenant's assertions were in bad faith, the court may enter judgement for reasonable attorney fees and court costs against the tenant.

In the event that any county or Baltimore City has enacted an ordinance comparable in subject matter to the above State retaliatory action provision, the ordinance supercedes the

State provision.

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**Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Office of the Attorney General, Harford County, Town of Leonardtown, Department of Legislative Services

**Fiscal Note History:** First Reader - March 14, 2000

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