
By: **Delegate Grosfeld**

Introduced and read first time: January 21, 2002

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant Law - Retaliatory Evictions - Municipal Ordinances**

3 FOR the purpose of providing that an ordinance of a municipal corporation
4 concerning retaliatory evictions shall supercede State law under certain
5 circumstances; making a stylistic change; and generally relating to municipal
6 ordinances concerning retaliatory evictions.

7 BY repealing and reenacting, without amendments,
8 Article - Real Property
9 Section 1-101(a) and (b)
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 2001 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Real Property
14 Section 8-208.1
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 2001 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 1-101.

21 (a) In this article the following words have the meanings indicated unless
22 otherwise apparent from context.

23 (b) "County" includes Baltimore City.

1 8-208.1.

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

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

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

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

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

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

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

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

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

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

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

36 (f) Nothing in this section may be interpreted to alter the landlord's or the
37 tenant's rights to terminate or not renew a tenancy governed by a written lease for a

1 stated term of greater than 1 month at the expiration of the term or at any other time
2 as the parties may specifically agree.

3 (g) In the event any county or [Baltimore City] MUNICIPAL CORPORATION
4 shall have enacted an ordinance comparable in subject matter to this section, that
5 ordinance shall supercede the provisions of this section.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2002.