
By: **Delegate Grosfeld**
Introduced and read first time: January 21, 2002
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 26, 2002

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of ~~providing that an ordinance of a municipal corporation~~
5 ~~concerning retaliatory evictions shall supersede State law~~ authorizing a
6 municipal corporation to elect to be governed by a county ordinance with respect
7 to retaliatory evictions under certain circumstances; providing that if a
8 municipal corporation elects to be governed by a certain county ordinance, that
9 ordinance supersedes State law with respect to the municipal corporation;
10 making a stylistic change; and generally relating to municipal ~~ordinances~~
11 ~~concerning corporations and~~ retaliatory evictions.

12 BY repealing and reenacting, without amendments,
13 Article - Real Property
14 Section 1-101(a) and (b) and 8-208.1(a) through (f)
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 2001 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Real Property
19 Section 8-208.1(g)
20 Annotated Code of Maryland
21 (1996 Replacement Volume and 2001 Supplement)

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

1

Article - Real Property

2 1-101.

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

5 (b) "County" includes Baltimore City.

6 8-208.1.

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

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

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

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

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

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

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

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

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

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

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

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

9 (g) (1) In the event any county ~~or~~ [Baltimore City] ~~MUNICIPAL~~
10 ~~CORPORATION~~ shall have enacted an ordinance comparable in subject matter to this
11 section, that ordinance shall supercede the provisions of this section.

12 (2) (I) IF A COUNTY ENACTS AN ORDINANCE AS DESCRIBED IN
13 PARAGRAPH (1) OF THIS SUBSECTION, A MUNICIPAL CORPORATION IN THE COUNTY
14 THAT IS EXEMPT FROM THE ORDINANCE MAY ELECT TO BE GOVERNED BY THAT
15 ORDINANCE OR ANY PROVISION OF THAT ORDINANCE.

16 (II) IF A MUNICIPAL CORPORATION ELECTS TO BE GOVERNED BY A
17 COUNTY ORDINANCE OR ANY PROVISION OF A COUNTY ORDINANCE COMPARABLE IN
18 SUBJECT MATTER TO THIS SECTION, THAT ORDINANCE OR PROVISION SHALL
19 SUPERSEDE THE PROVISIONS OF THIS SECTION WITH RESPECT TO THE MUNICIPAL
20 CORPORATION.

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