

Department of Legislative Services  
Maryland General Assembly  
2002 Session

FISCAL NOTE  
Revised

House Bill 246  
Economic Matters

(Delegate Grosfeld)

Judicial Proceedings

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Landlord and Tenant Law - Retaliatory Evictions - Municipal Corporations

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This bill authorizes a municipal corporation that is exempt from a county's superceding retaliatory eviction ordinance to elect to be governed by the ordinance or any part of the ordinance. If a municipal corporation elects to be governed by a county ordinance or any provision of a county ordinance, the county ordinance supercedes State retaliatory eviction provisions within the municipal corporation.

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Fiscal Summary

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

**Local Effect:** Potential minimal increase in enforcement expenditures for counties where municipal corporations elect to be governed by county retaliatory eviction ordinances.

**Small Business Effect:** Minimal.

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Analysis

**Current Law:** State law pertaining to retaliatory evictions provides that 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 solely because: (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 judgment 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 judgment 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:** A similar bill, HB 1401, was introduced in the 2000 session and received an unfavorable report from the House Economic Matters Committee.

**Cross File:** None.

**Information Source(s):** Town of Sykesville, City of Greenbelt, Judiciary (Administrative Office of the Courts), Office of the Attorney General (Consumer Protection Division), Department of Legislative Services

**Fiscal Note History:** First Reader - January 31, 2002  
mam/jr Revised - House Third Reader - March 25, 2002

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