

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

Senate Bill 80 (Senator Stone)  
Judicial Proceedings

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**Landlord and Tenant - Consumer Protection - Complaints as Matter of Public Record**

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This bill prohibits the Consumer Protection Division of the Office of the Attorney General from making a complaint filed under Maryland's Consumer Protection Act by a tenant against a landlord a matter of public record unless the division has given the landlord 15 days to respond to the complaint in writing.

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**Fiscal Summary**

**State Effect:** Potential general fund expenditure of \$10,000 in FY 2005 for one-time reprogramming costs for the computer complaint database system maintained by the Consumer Protection Division within the Office of the Attorney General. Revenues would not be affected.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** A consumer who is subjected to a violation of the Consumer Protection Act may file a written complaint with the Consumer Protection Division stating: (1) the name and address of the person alleged to have committed the violation; (2) the particulars of the violation; and (3) any other information required by the division. After a complaint is filed, the division must investigate the allegations and, if appropriate, must refer the complaint to the Federal Trade Commission.

If after its investigation the division determines that the complaint lacks reasonable grounds on which to base a violation of the Consumer Protection Act, the division may either dismiss the complaint or conduct further investigation. Generally, if the division determines that there are reasonable grounds to believe that a violation did occur, the division must attempt to conciliate the matter between the parties. The division may also issue cease and desist orders, or seek action in court, including an injunction, to enforce the Consumer Protection Act.

Complaints made to the division fall within the definition of a public record under the Maryland Public Records Act. Under the Act, a custodian of a public record must permit inspection of a public record unless inspection of the record is otherwise restricted. There is no provision under the Public Records Act for restriction of inspection of complaints made to the division.

**State Expenditures:** Complaints logged with the Consumer Protection Division are entered into the division's complaint database when received for processing and monitoring. Records in the database are public records and accessible within the division upon entry. In turn, the information is made available to the public by volunteer and paid staff who answer calls to the complaint hotline. To prevent complaints against landlords from appearing in the database until 15 days after being received would require reprogramming the database software. Contractual services to reprogram the database could be approximately \$10,000 in fiscal 2005.

The Department of Legislative Services advises that if other legislation is passed requiring computer reprogramming changes, economies of scale could be realized. This would reduce the costs associated with this bill and other legislation affecting the Attorney General's Office.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Office of the Attorney General (Consumer Protection Division), Department of Legislative Services

**Fiscal Note History:** First Reader - January 23, 2004  
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