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By: **Delegates Weir, McConkey, and Cluster**  
Introduced and read first time: January 26, 2006  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Residential Leases - Defective Conditions - Inspection and**  
3 **Repair**

4 FOR the purpose of requiring a landlord of residential property to inspect a dwelling  
5 unit for certain defective conditions under certain circumstances; requiring a  
6 landlord to give certain annual notice to a tenant relating to the reporting of  
7 defective conditions and the right to request a certain inspection of the dwelling  
8 unit; requiring a landlord to repair certain defective conditions within a certain  
9 amount of time; establishing a certain rebuttable presumption; requiring a  
10 tenant to give the landlord certain access to the dwelling unit under certain  
11 circumstances and establishing that refusal to provide certain access relieves  
12 the landlord of certain obligations under this Act; providing that a landlord is  
13 liable for certain harms caused by defective conditions only under certain  
14 circumstances; providing that this Act does not alter certain rights or obligations  
15 and does not prohibit a tenant from reporting certain defective conditions or  
16 prohibit certain officials from enforcing certain State or local laws; and  
17 generally relating to defective conditions in a residential dwelling unit.

18 BY adding to  
19 Article - Real Property  
20 Section 8-211.2  
21 Annotated Code of Maryland  
22 (2003 Replacement Volume and 2005 Supplement)

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

25 **Article - Real Property**

26 8-211.2.

27 (A) A LANDLORD, OR THE LANDLORD'S AGENT, SHALL VISUALLY INSPECT A  
28 DWELLING UNIT FOR DANGEROUS OR DEFECTIVE CONDITIONS THAT ARE IN  
29 VIOLATION OF STATE OR LOCAL LAW:

1 (1) PRIOR TO INITIAL OCCUPANCY OF A DWELLING UNIT BY A TENANT;  
2 AND

3 (2) DURING THE TERM OF THE LEASE OF A DWELLING UNIT IF THE  
4 TENANT REQUESTS THE INSPECTION AS PROVIDED UNDER SUBSECTION (B) OF THIS  
5 SECTION.

6 (B) (1) A LANDLORD ANNUALLY SHALL PROVIDE WRITTEN NOTICE TO THE  
7 TENANT THAT:

8 (I) THE TENANT MAY REPORT DEFECTIVE CONDITIONS IN THE  
9 DWELLING UNIT TO THE LANDLORD WITHIN 20 DAYS OF THE DATE OF THE NOTICE;

10 (II) INFORMS THE TENANT OF THE TENANT'S RIGHT, WITHIN 20  
11 DAYS OF THE DATE OF THE NOTICE, TO REQUEST AN ANNUAL INSPECTION OF THE  
12 DWELLING UNIT BY THE LANDLORD; AND

13 (III) INCLUDES A FORM ON WHICH TO REPORT DEFECTIVE  
14 CONDITIONS AND TO REQUEST AN INSPECTION.

15 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
16 PARAGRAPH, IF A DEFECTIVE CONDITION IS OBSERVED BY THE LANDLORD OR THE  
17 LANDLORD'S AGENT DURING A PREOCCUPANCY INSPECTION, THE DEFECTIVE  
18 CONDITION SHALL BE REPAIRED BEFORE THE TENANT TAKES POSSESSION OF THE  
19 DWELLING UNIT.

20 (II) IF THE DEFECTIVE CONDITION IS NOT A THREAT TO THE LIFE,  
21 HEALTH, OR SAFETY OF THE OCCUPANTS AND THE TENANT GIVES THE LANDLORD  
22 WRITTEN CONSENT, A LANDLORD MAY REPAIR THE DEFECTIVE CONDITION WITHIN  
23 15 DAYS AFTER THE TENANT TAKES POSSESSION OF THE DWELLING UNIT.

24 (III) 1. IF A DEFECTIVE CONDITION IN A DWELLING UNIT IS  
25 DISCOVERED DURING AN ANNUAL INSPECTION REQUESTED UNDER PARAGRAPH (1)  
26 OF THIS SUBSECTION, THE LANDLORD SHALL REPAIR THE DEFECTIVE CONDITION  
27 WITHIN A REASONABLE TIME AFTER THE DATE OF THE INSPECTION.

28 2. THERE IS A REBUTTABLE PRESUMPTION THAT A PERIOD  
29 IN EXCESS OF 30 DAYS OF THE DATE OF THE INSPECTION IS UNREASONABLE.

30 (C) (1) THE TENANT SHALL GIVE THE LANDLORD OR THE LANDLORD'S  
31 AGENT ACCESS TO THE DWELLING UNIT AT A REASONABLE TIME TO PERFORM  
32 INSPECTIONS AND REPAIRS UNDER THIS SECTION.

33 (2) IF A TENANT REFUSES TO ALLOW ACCESS AS PROVIDED UNDER THIS  
34 SUBSECTION:

35 (I) THE FAILURE OF THE LANDLORD TO INSPECT OR REPAIR THE  
36 DWELLING UNIT IS NOT A VIOLATION OF THIS SECTION OR ANY OTHER PROVISION  
37 OF STATE OR LOCAL LAW; AND

1 (II) NOTICE OF A DEFECTIVE CONDITION WILL NOT BE  
2 CONSIDERED TO HAVE BEEN GIVEN TO THE LANDLORD.

3 (D) A LANDLORD IS LIABLE FOR INJURY OR DAMAGE CAUSED BY A DEFECTIVE  
4 CONDITION IN THE DWELLING UNIT, INCLUDING A DEFECTIVE CONDITION THAT IS A  
5 VIOLATION OF STATE OR LOCAL LAW, ONLY IF THE LANDLORD KNEW OR HAD  
6 REASON TO KNOW OF THE DEFECTIVE CONDITION AND HAD A REASONABLE  
7 OPPORTUNITY TO REPAIR THE DEFECTIVE CONDITION.

8 (E) (1) NOTHING IN THIS SECTION MAY BE INTERPRETED TO ALTER A  
9 TENANT'S RIGHTS UNDER § 8-203.1(A)(1) OF THIS SUBTITLE OR TO LIMIT A  
10 LANDLORD'S OBLIGATIONS UNDER SUBTITLE 8 OF THE ENVIRONMENT ARTICLE.

11 (2) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PROHIBIT:

12 (I) A TENANT FROM NOTIFYING A LOCAL OFFICIAL OF DEFECTIVE  
13 CONDITIONS IN A DWELLING UNIT; OR

14 (II) A LOCAL OFFICIAL FROM CONDUCTING INSPECTIONS, ISSUING  
15 VIOLATION NOTICES, OR ENGAGING IN ANY OTHER ENFORCEMENT ACTIVITY  
16 PERMITTED UNDER STATE OR LOCAL LAW.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2006.