
By: **Delegates Weir, McConkey, and Minnick**
 Introduced and read first time: February 9, 2006
 Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Landlord Liability for Tortious Injury - Requirements**

3 FOR the purpose of establishing that a landlord is not liable to a tenant, occupant, or
 4 third party for tortious injury occurring in or on rented residential property that
 5 is not under the sole control of the landlord unless the landlord knew or had
 6 reason to know of the condition that caused the tortious injury and had a
 7 reasonable opportunity to correct the condition; defining certain terms;
 8 providing that this Act does not apply to certain matters or activities regulated
 9 under certain provisions; providing that this Act does not alter certain rights
 10 and remedies and does not prohibit a tenant from reporting certain code
 11 violations; providing that certain codes and code violations do not affect the
 12 application of this Act; and generally relating to requirements for landlord
 13 liability for tortious injury.

14 BY adding to
 15 Article - Real Property
 16 Section 8-105.1
 17 Annotated Code of Maryland
 18 (2003 Replacement Volume and 2005 Supplement)

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

21 **Article - Real Property**

22 8-105.1.

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 24 INDICATED.

25 (2) "LANDLORD" MEANS A PERSON OR ENTITY THAT OWNS, MANAGES,
 26 OR OPERATES RENTAL PROPERTY, INCLUDING A LESSOR.

1 (3) "TENANT" MEANS A PERSON WITH THE RIGHT TO POSSESS, OCCUPY,
2 OR USE A DWELLING UNIT UNDER THE TERMS OF AN ORAL OR WRITTEN LEASE
3 AGREEMENT, INCLUDING A LESSEE.

4 (B) THE PURPOSE OF THIS SECTION IS TO ESTABLISH WHEN A LANDLORD
5 MAY BE LIABLE TO A TENANT, OCCUPANT, OR THIRD PARTY FOR TORTIOUS INJURY
6 OCCURRING IN OR ON RENTED RESIDENTIAL PROPERTY THAT IS NOT UNDER THE
7 SOLE CONTROL OF THE LANDLORD.

8 (C) (1) THIS SECTION DOES NOT APPLY TO MATTERS OR ACTIVITIES
9 REGULATED UNDER TITLE 6, SUBTITLE 8 OF THE ENVIRONMENT ARTICLE.

10 (2) THIS SECTION DOES NOT ALTER OR OTHERWISE DIMINISH THE
11 RIGHTS AND REMEDIES AFFORDED TENANTS AND LANDLORDS UNDER §§ 8-211 AND
12 8-211.1 OF THIS ARTICLE.

13 (3) THIS SECTION DOES NOT PROHIBIT A TENANT FROM REPORTING
14 CODE VIOLATIONS EXISTING IN OR ON RENTAL PROPERTY.

15 (4) EXCEPT AS PROVIDED IN PARAGRAPHS (1) AND (2) OF THIS
16 SUBSECTION, THE FOLLOWING MAY NOT AFFECT THE APPLICABILITY OR OPERATION
17 OF THIS SECTION:

18 (I) STATE OR LOCAL HOUSING, LIVABILITY, OR OTHER CODES; OR

19 (II) CODE VIOLATIONS.

20 (D) A LANDLORD IS NOT LIABLE TO A TENANT, OCCUPANT, OR THIRD PARTY
21 FOR TORTIOUS INJURY OCCURRING IN OR ON RENTED RESIDENTIAL PROPERTY
22 THAT IS NOT UNDER THE SOLE CONTROL OF THE LANDLORD UNLESS THE
23 LANDLORD:

24 (1) KNEW OR HAD REASON TO KNOW OF THE CONDITION THAT CAUSED
25 THE TORTIOUS INJURY; AND

26 (2) HAD A REASONABLE OPPORTUNITY TO CORRECT THE CONDITION.

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