

# HOUSE BILL 377

N1

71r2328

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By: **Delegate Simmons**

Introduced and read first time: February 2, 2007

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant – Summary Ejectment Proceedings – Recovery of**  
3 **Attorney’s Fees**

4 FOR the purpose of authorizing the court in a summary ejectment proceeding in the  
5 case of a nonresidential tenancy to award reasonable attorney’s fees to the  
6 landlord under certain circumstances; and generally relating to summary  
7 ejectment proceedings.

8 BY repealing and reenacting, with amendments,  
9 Article – Real Property  
10 Section 8–401(c)(2)  
11 Annotated Code of Maryland  
12 (2003 Replacement Volume and 2006 Supplement)

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

15 **Article – Real Property**

16 8–401.

17 (c) (2) (i) The information required under subsection (b)(1)(v) of this  
18 section may not be an issue of fact in a trial under this section.

19 (ii) If, when the trial occurs, it appears to the satisfaction of the  
20 court, that the rent, or any part of the rent and late fees are actually due and unpaid,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the court shall determine the amount of rent and late fees due as of the date the  
 2 complaint was filed, if the trial occurs within the time specified by subsection (b)(3) of  
 3 this section.

4 (iii) 1. If the trial does not occur within the time specified in  
 5 subsection (b)(3)(i) of this section and the tenant has not become current since the  
 6 filing of the complaint, the court, if the complaint so requests, shall enter a judgment  
 7 in favor of the landlord for possession of the premises and determine the rent and late  
 8 fees due as of the trial date.

9 2. The determination of rent and late fees shall include  
 10 the following:

11 A. Rent claimed in the complaint;

12 B. Rent accruing after the date of the filing of the  
 13 complaint;

14 C. Late fees accruing in or prior to the month in which  
 15 the complaint was filed; and

16 D. Credit for payments of rent and late fees made by the  
 17 tenant after the complaint was filed.

18 (iv) [The] **IN THE CASE OF A RESIDENTIAL TENANCY, THE**  
 19 court may also give judgment in favor of the landlord for the amount of rent and late  
 20 fees determined to be due together with costs of the suit if the court finds that the  
 21 residential tenant was personally served with a summons[, or, in].

22 (v) **IN** the case of a nonresidential tenancy, **IF THE COURT**  
 23 **FINDS THAT** there was such service of process or submission to the jurisdiction of the  
 24 court as would support a judgment in contract or tort, **THE COURT MAY ALSO GIVE**  
 25 **JUDGMENT IN FAVOR OF THE LANDLORD FOR:**

26 1. **THE AMOUNT OF RENT AND LATE FEES**  
 27 **DETERMINED TO BE DUE;**

28 2. **COSTS OF THE SUIT; AND**

29 3. **REASONABLE ATTORNEY'S FEES, IF THE LEASE**  
 30 **AGREEMENT AUTHORIZES THE LANDLORD TO RECOVER ATTORNEY'S FEES.**

1                    [(v)] (VI)    A nonresidential tenant who was not personally  
2 served with a summons shall not be subject to personal jurisdiction of the court if that  
3 tenant asserts that the appearance is for the purpose of defending an in rem action  
4 prior to the time that evidence is taken by the court.

5                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2007.