

HOUSE BILL 377

N1

71r2328

By: **Delegate Simmons**

Introduced and read first time: February 2, 2007

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 13, 2007

CHAPTER _____

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 (ii) If, when the trial occurs, it appears to the satisfaction of the
4 court, that the rent, or any part of the rent and late fees are actually due and unpaid,
5 the court shall determine the amount of rent and late fees due as of the date the
6 complaint was filed, if the trial occurs within the time specified by subsection (b)(3) of
7 this section.

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

13 2. The determination of rent and late fees shall include
14 the following:

15 A. Rent claimed in the complaint;

16 B. Rent accruing after the date of the filing of the
17 complaint;

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

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

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

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

30 1. **THE AMOUNT OF RENT AND LATE FEES**
31 **DETERMINED TO BE DUE;**

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

2 **3. REASONABLE ATTORNEY’S FEES, IF THE LEASE**
3 **AGREEMENT AUTHORIZES THE LANDLORD TO RECOVER ATTORNEY’S FEES.**

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

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

Approved:

_____ Governor.

_____ Speaker of the House of Delegates.

_____ President of the Senate.