

# HOUSE BILL 407

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By: **Delegates Weir, Boteler, and Minnick**  
Introduced and read first time: February 5, 2007  
Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Breach of Lease – Tenant Protection from Imminent Danger**

3 FOR the purpose of altering the period of notice that a landlord is required to give to  
4 evict a tenant or the person in possession of the premises if the tenant or  
5 another person breaches the lease by behaving in a certain manner that  
6 constitutes a danger to certain persons or property; and generally relating to the  
7 period of notice a landlord is required to give before making a complaint to the  
8 District Court to repossess certain leased premises.

9 BY repealing and reenacting, with amendments,  
10 Article – Real Property  
11 Section 8–402.1(a)  
12 Annotated Code of Maryland  
13 (2003 Replacement Volume and 2006 Supplement)

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

16 **Article – Real Property**

17 8–402.1.

18 (a) (1) (i) Where an unexpired lease for a stated term provides that  
19 the landlord may repossess the premises prior to the expiration of the stated term if  
20 the tenant breaches the lease, the landlord may make complaint in writing to the  
21 District Court of the county where the premises is located if:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                                   1.     The tenant breaches the lease;

2                                   2.     A.     The landlord has given the tenant 30 days'  
3 written notice that the tenant is in violation of the lease and the landlord desires to  
4 repossess the leased premises; or

5                                   B.     The breach of the lease involves behavior by a tenant  
6 or a person who is on the property with the tenant's consent, which demonstrates a  
7 clear and imminent danger of the tenant or person doing serious harm to themselves,  
8 other tenants, the landlord, the landlord's property or representatives, or any other  
9 person on the property and the landlord has given the tenant or person in possession  
10 [14] 2 days' written notice that the tenant or person in possession is in violation of the  
11 lease and the landlord desires to repossess the leased premises; and

12                                  3.     The tenant or person in actual possession of the  
13 premises refuses to comply.

14                                  (ii)    The court shall summons immediately the tenant or person  
15 in possession to appear before the court on a day stated in the summons to show cause,  
16 if any, why restitution of the possession of the leased premises should not be made to  
17 the landlord.

18                                  (2)    (i)     If, for any reason, the tenant or person in actual possession  
19 cannot be found, the constable or sheriff shall affix an attested copy of the summons  
20 conspicuously on the property.

21                                  (ii)    After notice is sent to the tenant or person in possession by  
22 first-class mail, the affixing of the summons on the property shall be conclusively  
23 presumed to be a sufficient service to support restitution.

24                                  (3)    If either of the parties fails to appear before the court on the day  
25 stated in the summons, the court may continue the case for not less than six nor more  
26 than 10 days and notify the parties of the continuance.

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