

## **CHAPTER 236**

### **(House Bill 377)**

AN ACT concerning

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

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

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

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

#### **Article – Real Property**

8–401.

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

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

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

- the following:
2. The determination of rent and late fees shall include
    - A. Rent claimed in the complaint;
    - B. Rent accruing after the date of the filing of the complaint;
    - C. Late fees accruing in or prior to the month in which the complaint was filed; and
    - D. Credit for payments of rent and late fees made by the tenant after the complaint was filed.

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

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

- 1. THE AMOUNT OF RENT AND LATE FEES DETERMINED TO BE DUE;**
- 2. COSTS OF THE SUIT; AND**
- 3. REASONABLE ATTORNEY'S FEES, IF THE LEASE AGREEMENT AUTHORIZES THE LANDLORD TO RECOVER ATTORNEY'S FEES.**

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

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

**Approved by the Governor, April 24, 2007.**