

HOUSE BILL 1382

N1, D5

0lr2345
CF SB 554

By: **Delegates Glenn, Ali, Anderson, Barnes, Bobo, Dumais, Hecht, Hucker, Levi, McIntosh, Niemann, Pena-Melnyk, Shewell, and Stein**
Introduced and read first time: February 18, 2010
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Rental Housing – Protection for Victims of Domestic Violence and Sexual**
3 **Assault**

4 FOR the purpose of authorizing a tenant who is a victim of domestic violence or a
5 victim of sexual assault to terminate a residential lease under certain
6 circumstances; requiring a certain tenant to provide certain written notice to
7 terminate a lease to the landlord; requiring a tenant who provides certain
8 written notice to vacate the leased premises within a certain period of time;
9 establishing a tenant's responsibility for certain rent if the tenant terminates a
10 lease under this Act; providing that a landlord is entitled to certain legal
11 remedies under certain circumstances; requiring the written notice provided
12 under this Act to include certain information; prohibiting a landlord from
13 bringing an action for possession under certain circumstances; prohibiting a
14 court from entering a judgment against a certain tenant if the tenant provides
15 certain evidence; authorizing a court to make a certain judgment in an action
16 for possession under certain circumstances; authorizing a tenant to provide the
17 landlord with a request to change the locks on the leased premises under
18 certain circumstances; requiring the request to change the locks to include
19 certain information; requiring the landlord to change the locks or authorize the
20 tenant to change the locks within a certain period of time after receiving the
21 request; authorizing the tenant to change the locks without the landlord's
22 permission under certain circumstances; requiring the tenant to pay a certain
23 fee within a certain period of time; prohibiting certain discrimination in housing
24 on the basis of a person's status as a victim of domestic violence or a victim of
25 sexual assault; defining certain terms; and generally relating to protection for
26 victims of domestic violence and sexual assault in rental housing.

27 BY adding to
28 Article – Real Property

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 Section 8–5A–01 through 8–5A–06 to be under the new subtitle “Subtitle 5A.
2 Rental Housing – Victims of Domestic Violence and Sexual Assault”
3 Annotated Code of Maryland
4 (2003 Replacement Volume and 2009 Supplement)

5 BY repealing and reenacting, without amendments,
6 Article – State Government
7 Section 20–701(a)
8 Annotated Code of Maryland
9 (2009 Replacement Volume)

10 BY adding to
11 Article – State Government
12 Section 20–701(j) and (k)
13 Annotated Code of Maryland
14 (2009 Replacement Volume)

15 BY repealing and reenacting, with amendments,
16 Article – State Government
17 Section 20–705
18 Annotated Code of Maryland
19 (2009 Replacement Volume)

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

22 **Article – Real Property**

23 **SUBTITLE 5A. RENTAL HOUSING – VICTIMS OF DOMESTIC VIOLENCE AND**
24 **SEXUAL ASSAULT.**

25 **8–5A–01.**

26 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
27 **INDICATED.**

28 **(B) “OFFENDER” MEANS A PERSON WHO COMMITS AN ACT OF**
29 **DOMESTIC VIOLENCE OR COMMITS A SEXUAL ASSAULT OFFENSE.**

30 **(C) “VICTIM OF DOMESTIC VIOLENCE” MEANS A PERSON WHO IS:**

31 **(1) A VICTIM OF DOMESTIC ABUSE UNDER TITLE 4, SUBTITLE 5**
32 **OF THE FAMILY LAW ARTICLE; OR**

33 **(2) A PERSON ELIGIBLE FOR RELIEF, AS DEFINED IN § 4–501 OF**
34 **THE FAMILY LAW ARTICLE.**

1 (D) “VICTIM OF SEXUAL ASSAULT” MEANS A PERSON WHO IS A VICTIM
2 OF:

3 (1) A SEXUAL CRIME UNDER TITLE 3, SUBTITLE 3 OF THE
4 CRIMINAL LAW ARTICLE;

5 (2) CHILD SEXUAL ABUSE UNDER § 3-602 OF THE CRIMINAL LAW
6 ARTICLE; OR

7 (3) SEXUAL ABUSE OF A VULNERABLE ADULT UNDER § 3-604 OF
8 THE CRIMINAL LAW ARTICLE.

9 8-5A-02.

10 (A) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS
11 SECTION, A TENANT MAY TERMINATE A RESIDENTIAL LEASE IF THE TENANT IS:

12 (1) A VICTIM OF DOMESTIC VIOLENCE; OR

13 (2) A VICTIM OF SEXUAL ASSAULT.

14 (B) A TENANT WHO IS A VICTIM OF DOMESTIC VIOLENCE OR A VICTIM
15 OF SEXUAL ASSAULT WHO HAS PROVIDED TO THE LANDLORD THE WRITTEN
16 NOTICE REQUIRED UNDER § 8-5A-03 OR § 8-5A-04 OF THIS SUBTITLE BEFORE
17 THE TENANT VACATES THE LEASED PREMISES SHALL HAVE 30 DAYS TO VACATE
18 THE LEASED PREMISES FROM THE DATE OF PROVIDING THE WRITTEN NOTICE.

19 (C) A TENANT WHO VACATES LEASED PREMISES UNDER THIS SECTION
20 IS RESPONSIBLE FOR RENT PRORATED BASED ON THE NUMBER OF DAYS THE
21 TENANT OCCUPIES THE LEASED PREMISES AFTER THE TENANT PROVIDES
22 NOTICE OF AN INTENT TO VACATE.

23 (D) IF A TENANT DOES NOT VACATE THE LEASED PREMISES WITHIN 30
24 DAYS OF PROVIDING TO THE LANDLORD THE WRITTEN NOTICE REQUIRED
25 UNDER § 8-5A-03 OR § 8-5A-04 OF THIS SUBTITLE, THE LANDLORD IS
26 ENTITLED TO ALL LEGAL REMEDIES AGAINST A TENANT HOLDING OVER
27 AVAILABLE UNDER § 8-402 OF THIS TITLE.

28 8-5A-03.

29 (A) A TENANT WHO IS A VICTIM OF DOMESTIC VIOLENCE MAY
30 TERMINATE A LEASE UNDER § 8-5A-02 OF THIS SUBTITLE IF THE TENANT
31 PROVIDES THE LANDLORD WITH WRITTEN NOTICE OF AN INTENT TO VACATE

1 THE PREMISES AND NOTICE OF THE TENANT'S STATUS AS A VICTIM OF
2 DOMESTIC VIOLENCE.

3 (B) THE NOTICE PROVIDED UNDER SUBSECTION (A) OF THIS SECTION
4 SHALL INCLUDE:

5 (1) A COPY OF A PROTECTIVE ORDER ISSUED FOR THE BENEFIT
6 OF THE TENANT UNDER § 4-506 OF THE FAMILY LAW ARTICLE;

7 (2) A MEDICAL RECORD OR AN AFFIDAVIT FROM A MEDICAL
8 PROFESSIONAL REGARDING INJURIES SUSTAINED BY THE TENANT AS A RESULT
9 OF DOMESTIC VIOLENCE; OR

10 (3) A POLICE REPORT REGARDING DOMESTIC VIOLENCE AGAINST
11 THE TENANT.

12 8-5A-04.

13 (A) A TENANT WHO IS A VICTIM OF SEXUAL ASSAULT MAY TERMINATE A
14 RESIDENTIAL LEASE UNDER § 8-5A-02 OF THIS SUBTITLE IF THE TENANT
15 PROVIDES THE LANDLORD WITH WRITTEN NOTICE OF AN INTENT TO VACATE
16 THE LEASED PREMISES AND NOTICE OF THE TENANT'S STATUS AS A VICTIM OF
17 SEXUAL ASSAULT.

18 (B) THE NOTICE PROVIDED UNDER SUBSECTION (A) OF THIS SECTION
19 SHALL INCLUDE:

20 (1) A COPY OF A PROTECTIVE ORDER ISSUED FOR THE BENEFIT
21 OF THE TENANT UNDER § 4-506 OF THE FAMILY LAW ARTICLE;

22 (2) A COPY OF A PEACE ORDER ISSUED FOR THE BENEFIT OF THE
23 TENANT UNDER § 3-1505 OF THE COURTS ARTICLE;

24 (3) A MEDICAL RECORD OR AN AFFIDAVIT FROM A MEDICAL
25 PROFESSIONAL REGARDING INJURIES SUSTAINED BY THE TENANT AS A RESULT
26 OF SEXUAL ASSAULT; OR

27 (4) A POLICE REPORT REGARDING SEXUAL ASSAULT AGAINST
28 THE TENANT.

29 8-5A-05.

30 (A) A LANDLORD MAY NOT BRING AN ACTION FOR POSSESSION OF
31 LEASED PROPERTY AGAINST A VICTIM OF DOMESTIC VIOLENCE OR A VICTIM OF

1 SEXUAL ASSAULT BASED ON AN ACT OR ACTS OF DOMESTIC VIOLENCE OR
2 SEXUAL ASSAULT.

3 (B) (1) A COURT MAY NOT ENTER A JUDGMENT AGAINST A TENANT
4 WHO IS A VICTIM OF DOMESTIC VIOLENCE OR A VICTIM OF SEXUAL ASSAULT IN
5 AN ACTION FOR POSSESSION IF THE TENANT PROVIDES TO THE COURT:

6 (I) A COPY OF A PROTECTIVE ORDER ISSUED FOR THE
7 BENEFIT OF THE TENANT UNDER § 4-506 OF THE FAMILY LAW ARTICLE; OR

8 (II) A COPY OF A PEACE ORDER ISSUED FOR THE BENEFIT
9 OF THE TENANT UNDER § 3-1505 OF THE COURTS ARTICLE.

10 (2) IF DOMESTIC VIOLENCE OR SEXUAL ASSAULT IS RAISED AS A
11 DEFENSE IN AN ACTION FOR POSSESSION, THE COURT, IN ITS DISCRETION, MAY
12 ENTER A JUDGMENT IN FAVOR OF A TENANT WHO DOES NOT PROVIDE THE
13 EVIDENCE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

14 (C) IF DOMESTIC VIOLENCE OR SEXUAL ASSAULT IS RAISED AS A
15 DEFENSE IN AN ACTION FOR POSSESSION AGAINST A TENANT WHO IS A VICTIM
16 OF DOMESTIC VIOLENCE OR A VICTIM OF SEXUAL ASSAULT AND THE OFFENDER
17 INVOLVED WITH THE ACT OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT IS
18 OCCUPYING THE LEASED PREMISES WITH THE TENANT, THE COURT MAY ENTER
19 A JUDGMENT TERMINATING THE OFFENDER'S RIGHT TO OCCUPY THE LEASED
20 PREMISES BUT ALLOW THE VICTIM OF DOMESTIC VIOLENCE OR VICTIM OF
21 SEXUAL ASSAULT AND ANY OTHER TENANTS TO CONTINUE TO OCCUPY THE
22 PREMISES.

23 8-5A-06.

24 (A) A PERSON WHO IS A VICTIM OF DOMESTIC VIOLENCE OR A VICTIM
25 OF SEXUAL ASSAULT AND WHO IS A TENANT UNDER A RESIDENTIAL LEASE MAY
26 PROVIDE TO THE LANDLORD A WRITTEN REQUEST TO CHANGE THE LOCKS OF
27 THE LEASED PREMISES IF THE TENANT REASONABLY BELIEVES THAT THERE IS
28 AN IMMINENT THREAT OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT AGAINST A
29 MEMBER OF THE TENANT'S HOUSEHOLD.

30 (B) THE WRITTEN REQUEST PROVIDED UNDER SUBSECTION (A) OF THIS
31 SECTION SHALL INCLUDE:

32 (1) A COPY OF A PROTECTIVE ORDER ISSUED FOR THE BENEFIT
33 OF THE TENANT UNDER § 4-506 OF THE FAMILY LAW ARTICLE; OR

1 **(2)** **A COPY OF A PEACE ORDER ISSUED FOR THE BENEFIT OF THE**
 2 **TENANT UNDER § 3-1505 OF THE COURTS ARTICLE.**

3 **(c)** **(1)** **WITHIN 24 HOURS OF RECEIVING A WRITTEN REQUEST**
 4 **UNDER SUBSECTION (A) OF THIS SECTION, THE LANDLORD SHALL CHANGE THE**
 5 **LOCKS ON THE LEASED PREMISES OR SHALL PROVIDE PERMISSION FOR THE**
 6 **TENANT TO CHANGE THE LOCKS.**

7 **(2)** **IF THE LANDLORD FAILS TO CHANGE THE LOCKS AS**
 8 **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE TENANT MAY**
 9 **CHANGE THE LOCKS ON THE LEASED PREMISES WITHOUT PERMISSION FROM**
 10 **THE LANDLORD.**

11 **(d)** **IF A LANDLORD CHANGES THE LOCKS ON A TENANT'S LEASED**
 12 **PREMISES UNDER SUBSECTION (C) OF THIS SECTION, THE LANDLORD:**

13 **(1)** **IMMEDIATELY SHALL PROVIDE A COPY OF THE NEW KEY TO**
 14 **THE TENANT;**

15 **(2)** **MAY NOT PROVIDE A COPY OF THE NEW KEY TO THE**
 16 **OFFENDER; AND**

17 **(3)** **MAY CHARGE A FEE TO THE TENANT NOT EXCEEDING THE**
 18 **REASONABLE COST OF CHANGING A LOCK.**

19 **(e)** **(1)** **IF A LANDLORD CHARGES A FEE TO THE TENANT FOR**
 20 **CHANGING THE LOCKS ON A TENANT'S LEASED PREMISES UNDER SUBSECTION**
 21 **(d) OF THIS SECTION, THE TENANT SHALL PAY THE FEE WITHIN 45 DAYS OF THE**
 22 **DATE THE LOCKS ARE CHANGED.**

23 **(2)** **IF A TENANT DOES NOT PAY A FEE AS REQUIRED UNDER**
 24 **PARAGRAPH (1) OF THIS SUBSECTION, THE LANDLORD MAY WITHHOLD THE**
 25 **AMOUNT OF THE FEE FROM THE TENANT'S SECURITY DEPOSIT.**

26 **Article – State Government**

27 20-701.

28 (a) In this subtitle the following words have the meanings indicated.

29 **(j)** **“STATUS AS A VICTIM OF DOMESTIC VIOLENCE” MEANS THE STATE**
 30 **OF BEING AN INDIVIDUAL WHO IS:**

1 **(1) A VICTIM OF DOMESTIC ABUSE UNDER TITLE 4, SUBTITLE 5**
2 **OF THE FAMILY LAW ARTICLE; OR**

3 **(2) A PERSON ELIGIBLE FOR RELIEF, AS DEFINED IN § 4-501 OF**
4 **THE FAMILY LAW ARTICLE.**

5 **(K) “STATUS AS A VICTIM OF SEXUAL ASSAULT” MEANS THE STATE OF**
6 **BEING AN INDIVIDUAL WHO IS A VICTIM OF:**

7 **(1) A SEXUAL CRIME UNDER TITLE 3, SUBTITLE 3 OF THE**
8 **CRIMINAL LAW ARTICLE;**

9 **(2) CHILD SEXUAL ABUSE UNDER § 3-602 OF THE CRIMINAL LAW**
10 **ARTICLE; OR**

11 **(3) SEXUAL ABUSE OF A VULNERABLE ADULT UNDER § 3-604 OF**
12 **THE CRIMINAL LAW ARTICLE.**

13 20-705.

14 Except as provided in §§ 20-703 and 20-704 of this subtitle, a person may not:

15 (1) refuse to sell or rent after the making of a bona fide offer, refuse to
16 negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to
17 any person because of race, color, religion, sex, disability, marital status, familial
18 status, sexual orientation, [or] national origin, **STATUS AS A VICTIM OF DOMESTIC**
19 **VIOLENCE, OR STATUS AS A VICTIM OF SEXUAL ASSAULT;**

20 (2) discriminate against any person in the terms, conditions, or
21 privileges of the sale or rental of a dwelling, or in the provision of services or facilities
22 in connection with the sale or rental of a dwelling, because of race, color, religion, sex,
23 disability, marital status, familial status, sexual orientation, [or] national origin,
24 **STATUS AS A VICTIM OF DOMESTIC VIOLENCE, OR STATUS AS A VICTIM OF**
25 **SEXUAL ASSAULT;**

26 (3) make, print, or publish, or cause to be made, printed, or published,
27 any notice, statement, or advertisement with respect to the sale or rental of a dwelling
28 that indicates any preference, limitation, or discrimination based on race, color,
29 religion, sex, disability, marital status, familial status, sexual orientation, [or]
30 national origin, **STATUS AS A VICTIM OF DOMESTIC VIOLENCE, OR STATUS AS A**
31 **VICTIM OF SEXUAL ASSAULT**, or an intention to make any preference, limitation, or
32 discrimination;

33 (4) represent to any person, because of race, color, religion, sex,
34 disability, marital status, familial status, sexual orientation, [or] national origin,

1 **STATUS AS A VICTIM OF DOMESTIC VIOLENCE, OR STATUS AS A VICTIM OF**
2 **SEXUAL ASSAULT**, that any dwelling is not available for inspection, sale, or rental
3 when the dwelling is available; or

4 (5) for profit, induce or attempt to induce any person to sell or rent
5 any dwelling by representations regarding the entry or prospective entry into the
6 neighborhood of a person of a particular race, color, religion, sex, disability, marital
7 status, familial status, sexual orientation, [or] national origin, **STATUS AS A VICTIM**
8 **OF DOMESTIC VIOLENCE, OR STATUS AS A VICTIM OF SEXUAL ASSAULT.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2010.