

# HOUSE BILL 1382

N1, D5

0lr2345  
CF SB 554

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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

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2010

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## CHAPTER \_\_\_\_\_

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~~ providing a rebuttable  
15 presumption in a certain civil action if the tenant provides certain evidence;  
16 authorizing a court to make a certain judgment in an action for possession  
17 under certain circumstances; authorizing a tenant to provide the landlord with  
18 a request to change the locks on the leased premises under certain  
19 circumstances; requiring the request to change the locks to include certain  
20 information; requiring the landlord to change the locks ~~or authorize the tenant~~  
21 ~~to change the locks~~ within a certain period of time after receiving the request;  
22 authorizing the tenant to have a certain person change the locks without the  
23 landlord's permission under certain circumstances; requiring the tenant to pay  
24 a certain fee within a certain period of time; ~~prohibiting certain discrimination~~

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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.



~~in housing on the basis of a person's status as a victim of domestic violence or a victim of sexual assault;~~ defining certain terms; and generally relating to protection for victims of domestic violence and sexual assault in rental housing.

BY adding to

Article – Real Property

Section 8–5A–01 through 8–5A–06 to be under the new subtitle “Subtitle 5A.  
Rental Housing – Victims of Domestic Violence and Sexual Assault”

Annotated Code of Maryland

(2003 Replacement Volume and 2009 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – State Government~~

~~Section 20–701(a)~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume)~~

~~BY adding to~~

~~Article – State Government~~

~~Section 20–701(j) and (k)~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – State Government~~

~~Section 20–705~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume)~~

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

### Article – Real Property

#### SUBTITLE 5A. RENTAL HOUSING – VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

##### 8–5A–01.

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

(B) “LEGAL OCCUPANT” MEANS AN OCCUPANT WHO RESIDES ON THE PREMISES WITH THE ACTUAL KNOWLEDGE AND PERMISSION OF THE LANDLORD.

1       ~~(B)~~ (C) “OFFENDER” MEANS A PERSON WHO COMMITS AN ACT OF  
2 DOMESTIC VIOLENCE OR COMMITS A SEXUAL ASSAULT OFFENSE.

3       (D) “PEACE ORDER” MEANS AN ENFORCEABLE FINAL PEACE ORDER.

4       (E) “PROTECTIVE ORDER” MEANS AN ENFORCEABLE FINAL  
5 PROTECTIVE ORDER.

6       ~~(C)~~ (F) “VICTIM OF DOMESTIC VIOLENCE” MEANS A PERSON WHO IS:

7           (1) A VICTIM OF DOMESTIC ABUSE ~~UNDER TITLE 4, SUBTITLE 5,~~  
8 AS DEFINED IN § 4-501 OF THE FAMILY LAW ARTICLE; OR AND

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

11       ~~(C)~~ (G) “VICTIM OF SEXUAL ASSAULT” MEANS A PERSON WHO IS A  
12 VICTIM OF:

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

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

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

19 8-5A-02.

20       (A) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS  
21 SECTION, A TENANT MAY TERMINATE A RESIDENTIAL LEASE IF THE TENANT OR  
22 LEGAL OCCUPANT IS:

23           (1) A VICTIM OF DOMESTIC VIOLENCE; OR

24           (2) A VICTIM OF SEXUAL ASSAULT.

25       (B) ~~A~~ IF A TENANT ~~WHO~~ OR LEGAL OCCUPANT IS A VICTIM OF  
26 DOMESTIC VIOLENCE OR A VICTIM OF SEXUAL ASSAULT ~~WHO HAS PROVIDED,~~  
27 THE TENANT MAY PROVIDE TO THE LANDLORD THE WRITTEN NOTICE REQUIRED  
28 UNDER § 8-5A-03 OR § 8-5A-04 ~~OF THIS SUBTITLE BEFORE THE TENANT~~  
29 VACATES THE LEASED PREMISES AND, IF THE WRITTEN NOTICE IS PROVIDED,  
30 THE TENANT SHALL HAVE 30 DAYS TO VACATE THE LEASED PREMISES FROM  
31 THE DATE OF PROVIDING THE WRITTEN NOTICE.

1 (C) A TENANT WHO VACATES LEASED PREMISES UNDER THIS SECTION  
 2 IS RESPONSIBLE FOR RENT ~~PRORATED BASED ON THE NUMBER OF DAYS THE~~  
 3 ~~TENANT OCCUPIES THE LEASED PREMISES AFTER~~ FOR THE 30 DAYS FOLLOWING  
 4 ~~THE TENANT PROVIDES~~ PROVIDING NOTICE OF AN INTENT TO VACATE.

5 (D) IF A TENANT DOES NOT VACATE THE LEASED PREMISES WITHIN 30  
 6 DAYS OF PROVIDING TO THE LANDLORD THE WRITTEN NOTICE REQUIRED  
 7 UNDER § 8-5A-03 OR § 8-5A-04 OF THIS SUBTITLE, THE LANDLORD IS, AT THE  
 8 LANDLORD'S OPTION AND WITH WRITTEN NOTICE TO THE TENANT, ENTITLED  
 9 TO ALL:

10 (1) ALL LEGAL REMEDIES AGAINST A TENANT HOLDING OVER  
 11 AVAILABLE UNDER § 8-402 OF THIS TITLE; OR

12 (2) DEEM THE TENANT'S NOTICE OF AN INTENT TO VACATE TO  
 13 HAVE BEEN RESCINDED AND THE TERMS OF THE ORIGINAL LEASE TO BE IN  
 14 FULL FORCE AND EFFECT.

15 8-5A-03.

16 (A) ~~A~~ IF A TENANT WHO OR LEGAL OCCUPANT IS A VICTIM OF  
 17 DOMESTIC VIOLENCE, THE TENANT MAY TERMINATE A LEASE UNDER § 8-5A-02  
 18 OF THIS SUBTITLE IF THE TENANT PROVIDES THE LANDLORD WITH WRITTEN  
 19 NOTICE BY FIRST-CLASS MAIL OR HAND DELIVERY OF AN INTENT TO VACATE  
 20 THE PREMISES AND NOTICE OF THE TENANT'S OR LEGAL OCCUPANT'S STATUS  
 21 AS A VICTIM OF DOMESTIC VIOLENCE.

22 (B) THE NOTICE PROVIDED UNDER SUBSECTION (A) OF THIS SECTION  
 23 SHALL INCLUDE:

24 (1) ~~A~~ A COPY OF A PROTECTIVE ORDER ISSUED FOR THE BENEFIT  
 25 OF THE TENANT OR LEGAL OCCUPANT UNDER § 4-506 OF THE FAMILY LAW  
 26 ARTICLE;

27 (2) ~~A MEDICAL RECORD OR AN AFFIDAVIT FROM A MEDICAL~~  
 28 ~~PROFESSIONAL REGARDING INJURIES SUSTAINED BY THE TENANT AS A RESULT~~  
 29 ~~OF DOMESTIC VIOLENCE; OR~~

30 (3) ~~A POLICE REPORT REGARDING DOMESTIC VIOLENCE AGAINST~~  
 31 ~~THE TENANT.~~

32 8-5A-04.

1 (A) ~~A IF A TENANT WHO OR LEGAL OCCUPANT~~ IS A VICTIM OF SEXUAL  
 2 ASSAULT, THE TENANT MAY TERMINATE A RESIDENTIAL LEASE UNDER §  
 3 8-5A-02 OF THIS SUBTITLE IF THE TENANT PROVIDES THE LANDLORD WITH  
 4 WRITTEN NOTICE BY FIRST-CLASS MAIL OR HAND DELIVERY OF AN INTENT TO  
 5 VACATE THE LEASED PREMISES ~~AND NOTICE OF~~, INCLUDING THE TENANT'S OR  
 6 LEGAL OCCUPANT'S STATUS AS A VICTIM OF SEXUAL ASSAULT.

7 (B) THE NOTICE PROVIDED UNDER SUBSECTION (A) OF THIS SECTION  
 8 SHALL INCLUDE:

9 (1) A COPY OF A PROTECTIVE ORDER ISSUED FOR THE BENEFIT  
 10 OF THE TENANT OR LEGAL OCCUPANT UNDER § 4-506 OF THE FAMILY LAW  
 11 ARTICLE; OR

12 (2) A COPY OF A PEACE ORDER ISSUED FOR THE BENEFIT OF THE  
 13 TENANT OR LEGAL OCCUPANT FOR WHICH THE UNDERLYING ACT WAS SEXUAL  
 14 ASSAULT UNDER § 3-1505 OF THE COURTS ARTICLE;

15 ~~(3) A MEDICAL RECORD OR AN AFFIDAVIT FROM A MEDICAL~~  
 16 ~~PROFESSIONAL REGARDING INJURIES SUSTAINED BY THE TENANT AS A RESULT~~  
 17 ~~OF SEXUAL ASSAULT; OR~~

18 ~~(4) A POLICE REPORT REGARDING SEXUAL ASSAULT AGAINST~~  
 19 ~~THE TENANT.~~

20 8-5A-05.

21 ~~A LANDLORD MAY NOT BRING~~ THIS SECTION APPLIES TO AN ACTION  
 22 FOR POSSESSION OF LEASED PROPERTY UNDER § 8-402.1 OF THIS TITLE  
 23 AGAINST A TENANT OR LEGAL OCCUPANT WHO IS A VICTIM OF DOMESTIC  
 24 VIOLENCE OR A VICTIM OF SEXUAL ASSAULT ~~BASED ON~~ IN WHICH THE BASIS  
 25 FOR THE ALLEGED BREACH IS AN ACT OR ACTS OF DOMESTIC VIOLENCE OR  
 26 SEXUAL ASSAULT.

27 (B) (1) ~~A COURT MAY NOT ENTER A JUDGMENT AGAINST A TENANT~~  
 28 ~~WHO IS A VICTIM OF DOMESTIC VIOLENCE OR A VICTIM OF SEXUAL ASSAULT IN~~  
 29 ~~AN ACTION FOR POSSESSION~~ A TENANT IS DEEMED TO HAVE RAISED A  
 30 REBUTTABLE PRESUMPTION THAT THE ALLEGED BREACH OF THE LEASE DOES  
 31 NOT WARRANT AN EVICTION IF THE TENANT PROVIDES TO THE COURT:

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

1 (II) A COPY OF A PEACE ORDER ISSUED FOR THE BENEFIT  
 2 OF THE TENANT OR LEGAL OCCUPANT FOR WHICH THE UNDERLYING ACT WAS  
 3 SEXUAL ASSAULT UNDER § 3-1505 OF THE COURTS ARTICLE.

4 (2) IF DOMESTIC VIOLENCE OR SEXUAL ASSAULT IS RAISED AS A  
 5 DEFENSE IN AN ACTION FOR POSSESSION OF PROPERTY UNDER § 8-402.1 OF  
 6 THIS TITLE, THE COURT, IN ITS DISCRETION, MAY ENTER A JUDGMENT IN FAVOR  
 7 OF A TENANT WHO DOES NOT PROVIDE THE EVIDENCE DESCRIBED IN  
 8 PARAGRAPH (1) OF THIS SUBSECTION.

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

18 8-5A-06.

19 (A) A PERSON WHO IS A VICTIM OF DOMESTIC VIOLENCE OR A VICTIM  
 20 OF SEXUAL ASSAULT AND WHO IS A TENANT UNDER A RESIDENTIAL LEASE MAY  
 21 PROVIDE TO THE LANDLORD A WRITTEN REQUEST TO CHANGE THE LOCKS OF  
 22 THE LEASED PREMISES IF ~~THE TENANT REASONABLY BELIEVES THAT THERE IS~~  
 23 ~~AN IMMINENT THREAT OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT AGAINST A~~  
 24 ~~MEMBER OF THE TENANT'S HOUSEHOLD~~ THE PROTECTIVE ORDER OR PEACE  
 25 ORDER ISSUED FOR THE BENEFIT OF THE TENANT OR LEGAL OCCUPANT  
 26 REQUIRES THE RESPONDENT TO REFRAIN FROM ENTERING OR TO VACATE THE  
 27 RESIDENCE OF THE TENANT OR LEGAL OCCUPANT.

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

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

33 (2) A COPY OF A PEACE ORDER ISSUED FOR THE BENEFIT OF THE  
 34 TENANT OR LEGAL OCCUPANT FOR WHICH THE UNDERLYING ACT WAS SEXUAL  
 35 ASSAULT UNDER § 3-1505 OF THE COURTS ARTICLE.

1           (C) (1) ~~WITHIN 24 HOURS OF RECEIVING A WRITTEN REQUEST~~  
2 ~~UNDER SUBSECTION (A) OF THIS SECTION, THE~~ THE LANDLORD SHALL CHANGE  
3 THE LOCKS ON THE LEASED PREMISES OR SHALL PROVIDE PERMISSION FOR  
4 THE TENANT TO CHANGE THE LOCKS BY THE CLOSE OF THE NEXT BUSINESS DAY  
5 AFTER RECEIVING A WRITTEN REQUEST UNDER SUBSECTION (A) OF THIS  
6 SECTION.

7           (2) IF THE LANDLORD FAILS TO CHANGE THE LOCKS AS  
8 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE TENANT ~~MAY:~~

9                   (I) MAY CHANGE HAVE THE LOCKS CHANGED BY A  
10 CERTIFIED LOCKSMITH ON THE LEASED PREMISES WITHOUT PERMISSION FROM  
11 THE LANDLORD; AND

12                   (II) SHALL GIVE A DUPLICATE KEY TO THE LANDLORD OR  
13 THE LANDLORD'S AGENT BY THE CLOSE OF THE NEXT BUSINESS DAY AFTER THE  
14 LOCK CHANGE.

15           (D) IF A LANDLORD CHANGES THE LOCKS ON A TENANT'S LEASED  
16 PREMISES UNDER SUBSECTION (C) OF THIS SECTION, THE LANDLORD:

17                   (1) ~~IMMEDIATELY SHALL~~ SHALL PROVIDE A COPY OF THE NEW  
18 KEY TO THE TENANT WHO MADE THE REQUEST FOR THE CHANGE OF LOCKS AT A  
19 MUTUALLY AGREED TIME NOT TO EXCEED 48 HOURS FOLLOWING THE LOCK  
20 CHANGE; AND

21                   (2) ~~MAY NOT PROVIDE A COPY OF THE NEW KEY TO THE~~  
22 ~~OFFENDER; AND~~

23                   ~~(3)~~ MAY CHARGE A FEE TO THE TENANT NOT EXCEEDING THE  
24 REASONABLE COST OF CHANGING ~~A LOCK~~ THE LOCKS.

25           (E) (1) IF A LANDLORD CHARGES A FEE TO THE TENANT FOR  
26 CHANGING THE LOCKS ON A TENANT'S LEASED PREMISES UNDER SUBSECTION  
27 (D) OF THIS SECTION, THE TENANT SHALL PAY THE FEE WITHIN 45 DAYS OF THE  
28 DATE THE LOCKS ARE CHANGED.

29                   (2) IF A TENANT DOES NOT PAY A FEE AS REQUIRED UNDER  
30 PARAGRAPH (1) OF THIS SUBSECTION, THE LANDLORD ~~MAY WITHHOLD:~~

31                   (I) CHARGE THE FEE AS ADDITIONAL RENT; OR

32                   (II) WITHHOLD THE AMOUNT OF THE FEE FROM THE  
33 TENANT'S SECURITY DEPOSIT.

~~Article — State Government~~~~20-701.~~~~(a) In this subtitle the following words have the meanings indicated.~~~~(j) “STATUS AS A VICTIM OF DOMESTIC VIOLENCE” MEANS THE STATE OF BEING AN INDIVIDUAL WHO IS:~~~~(1) A VICTIM OF DOMESTIC ABUSE UNDER TITLE 4, SUBTITLE 5 OF THE FAMILY LAW ARTICLE; OR~~~~(2) A PERSON ELIGIBLE FOR RELIEF, AS DEFINED IN § 4-501 OF THE FAMILY LAW ARTICLE.~~~~(k) “STATUS AS A VICTIM OF SEXUAL ASSAULT” MEANS THE STATE OF BEING AN INDIVIDUAL WHO IS A VICTIM OF:~~~~(1) A SEXUAL CRIME UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;~~~~(2) CHILD SEXUAL ABUSE UNDER § 3-602 OF THE CRIMINAL LAW ARTICLE; OR~~~~(3) SEXUAL ABUSE OF A VULNERABLE ADULT UNDER § 3-604 OF THE CRIMINAL LAW ARTICLE.~~~~20-705.~~~~Except as provided in §§ 20-703 and 20-704 of this subtitle, a person may not:~~~~(1) refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, [or] national origin, STATUS AS A VICTIM OF DOMESTIC VIOLENCE, OR STATUS AS A VICTIM OF SEXUAL ASSAULT;~~~~(2) discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with the sale or rental of a dwelling, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, [or] national origin, STATUS AS A VICTIM OF DOMESTIC VIOLENCE, OR STATUS AS A VICTIM OF SEXUAL ASSAULT;~~~~(3) make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling~~



1 ~~that indicates any preference, limitation, or discrimination based on race, color,~~  
2 ~~religion, sex, disability, marital status, familial status, sexual orientation, [or]~~  
3 ~~national origin, STATUS AS A VICTIM OF DOMESTIC VIOLENCE, OR STATUS AS A~~  
4 ~~VICTIM OF SEXUAL ASSAULT, or an intention to make any preference, limitation, or~~  
5 ~~discrimination;~~

6 (4) ~~represent to any person, because of race, color, religion, sex,~~  
7 ~~disability, marital status, familial status, sexual orientation, [or] national origin,~~  
8 ~~STATUS AS A VICTIM OF DOMESTIC VIOLENCE, OR STATUS AS A VICTIM OF~~  
9 ~~SEXUAL ASSAULT, that any dwelling is not available for inspection, sale, or rental~~  
10 ~~when the dwelling is available; or~~

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.