

Chapter 319

(House Bill 1382)

AN ACT concerning

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

FOR the purpose of authorizing a tenant who is a victim of domestic violence or a victim of sexual assault to terminate a residential lease under certain circumstances; requiring a certain tenant to provide certain written notice to terminate a lease to the landlord; requiring a tenant who provides certain written notice to vacate the leased premises within a certain period of time; establishing a tenant's responsibility for certain rent if the tenant terminates a lease under this Act; providing that a landlord is entitled to certain legal remedies under certain circumstances; requiring the written notice provided under this Act to include certain information; ~~prohibiting a landlord from bringing an action for possession under certain circumstances; prohibiting a court from entering a judgment against a certain tenant~~ providing a rebuttable presumption in a certain civil action if the tenant provides certain evidence; authorizing a court to make a certain judgment in an action for possession under certain circumstances; authorizing a tenant to provide the landlord with a request to change the locks on the leased premises under certain circumstances; requiring the request to change the locks to include certain information; requiring the landlord to change the locks ~~or authorize the tenant to change the locks~~ within a certain period of time after receiving the request; authorizing the tenant to have a certain person change the locks without the landlord's permission under certain circumstances; requiring the tenant to pay a certain fee within a certain period of time; ~~prohibiting certain discrimination 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.

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

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

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

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

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

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

~~(D)~~ (G) "VICTIM OF SEXUAL ASSAULT" MEANS A PERSON 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.

8-5A-02.

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

(1) A VICTIM OF DOMESTIC VIOLENCE; OR

(2) A VICTIM OF SEXUAL ASSAULT.

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

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

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

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

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

8-5A-03.

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

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

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

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

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

8-5A-04.

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

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

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

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

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

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

8-5A-05.

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

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

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

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

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

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

8-5A-06.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) CHARGE THE FEE AS ADDITIONAL RENT; OR

(II) WITHHOLD THE AMOUNT OF THE FEE FROM THE 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 that indicates any preference, limitation, or discrimination based on 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, or an intention to make any preference, limitation, or discrimination;~~

~~(4) represent 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, that any dwelling is not available for inspection, sale, or rental when the dwelling is available; or~~

~~(5) for profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular 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.~~

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

Approved by the Governor, May 4, 2010.