

HOUSE BILL 1004

N1

11r2355

By: **Delegates Weir and Norman**

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Landlord and Tenant – Breach of Lease**

3 FOR the purpose of reducing the amount of notice that a landlord must give to evict a
4 tenant if a breach of the lease involves behavior by the tenant or a certain other
5 person that disturbs the public peace under certain circumstances; making
6 stylistic changes; and generally relating to the breach of a lease by a tenant.

7 BY repealing and reenacting, without amendments,
8 Article – Criminal Law
9 Section 10–201(c)
10 Annotated Code of Maryland
11 (2002 Volume and 2010 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Real Property
14 Section 8–402.1(a)
15 Annotated Code of Maryland
16 (2010 Replacement Volume and 2010 Supplement)

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

19 **Article – Criminal Law**

20 10–201.

21 (c) (1) A person may not willfully and without lawful purpose obstruct or
22 hinder the free passage of another in a public place or on a public conveyance.

23 (2) A person may not willfully act in a disorderly manner that disturbs
24 the public peace.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) A person may not willfully fail to obey a reasonable and lawful
 2 order that a law enforcement officer makes to prevent a disturbance to the public
 3 peace.

4 (4) A person who enters the land or premises of another, whether an
 5 owner or lessee, or a beach adjacent to residential riparian property, may not willfully:

6 (i) disturb the peace of persons on the land, premises, or beach
 7 by making an unreasonably loud noise; or

8 (ii) act in a disorderly manner.

9 (5) A person from any location may not, by making an unreasonably
 10 loud noise, willfully disturb the peace of another:

11 (i) on the other's land or premises;

12 (ii) in a public place; or

13 (iii) on a public conveyance.

14 (6) In Worcester County, a person may not build a bonfire or allow a
 15 bonfire to burn on a beach or other property between 1 a.m. and 5 a.m.

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:

22 [1.] (I) The tenant breaches the lease;

23 [2. A.] (II) 1. The landlord has given the tenant
 24 30 days' written notice that the tenant is in violation of the lease and the landlord
 25 desires to repossess the leased premises; or

26 [B.] 2. The LANDLORD HAS GIVEN THE TENANT OR
 27 PERSON IN POSSESSION 14 DAYS' WRITTEN NOTICE THAT THE TENANT OR
 28 PERSON IN POSSESSION IS IN VIOLATION OF THE LEASE AND THE LANDLORD
 29 DESIRES TO REPOSSESS THE LEASED PREMISES BECAUSE THE breach of the lease
 30 involves behavior by a tenant or a person who is on the property with the tenant's
 31 consent[, which demonstrates] THAT:

1 **A. DEMONSTRATES** a clear and imminent danger of the
2 tenant or person doing serious harm to themselves, other tenants, the landlord, the
3 landlord's property or representatives, or any other person on the property [and the
4 landlord has given the tenant or person in possession 14 days' written notice that the
5 tenant or person in possession is in violation of the lease and the landlord desires to
6 repossess the leased premises]; **OR**

7 **B. IS AN ACT PROHIBITED UNDER §**
8 **10-201(C)(2) OF THE CRIMINAL LAW ARTICLE;** and

9 **[3.] (III)** The tenant or person in actual possession of the
10 premises refuses to comply.

11 **[(ii)] (2)** The court shall summons immediately the tenant or
12 person in possession to appear before the court on a day stated in the summons to
13 show cause, if any, why restitution of the possession of the leased premises should not
14 be made to the landlord.

15 **[(2)] (3)** (i) If, for any reason, the tenant or person in actual
16 possession cannot be found, the constable or sheriff shall affix an attested copy of the
17 summons conspicuously on the property.

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

21 **[(3)] (4)** If either of the parties fails to appear before the court on the
22 day stated in the summons, the court may continue the case for not less than six nor
23 more than 10 days and notify the parties of the continuance.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2011.