

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1004

(Delegates Weir and Norman)

Environmental Matters

Judicial Proceedings

Real Property - Landlord and Tenant - Breach of Lease

This bill authorizes landlords to bring an action to repossess leased premises if the lease provides for repossession and the landlord has given 14 days' notice that a breach of the lease involves behavior by a tenant, or a person who is on the property with the tenant's consent, that is a willful act done in a disorderly manner that disturbs the public peace. The act must be evidenced by a charging document, citation, or official report issued by a unit of law enforcement or code enforcement.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: The bill does not materially affect local government finances or operations.

Small Business Effect: Potential minimal.

Analysis

Current Law: If an unexpired lease authorizes the landlord to repossess the premises prior to the expiration of the stated term of the lease in the event the tenant breaches the lease, the landlord may file an action for repossession (an eviction action) in the District Court if the tenant breaches the lease and the tenant or person in actual possession of the premises refuses to comply with the landlord's request. The landlord is required to give 14 days' notice to file an action for repossession if the tenant or another person on the premises with the tenant's permission breaches the lease by behaving in a manner that constitutes a clear and imminent danger of doing serious harm to himself or herself, the

landlord, the landlord's property or representatives, other tenants, or any other persons on the premises. Otherwise, the landlord must give the tenant 30 days' notice.

It is a misdemeanor for a person to willfully act in a manner that disturbs the public peace. A person convicted of this offense is subject to maximum penalties of 60 days imprisonment and/or a \$500 fine.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Attorney General (Consumer Protection Division), Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - March 9, 2011
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