

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 1226 (Delegate Weir)
Environmental Matters

Real Property - Right to Redemption of Leased Premises - Forms of Payment

The bill removes cash as an available option for the form of payment that a tenant or mobile home park resident has the right to tender to exercise the tenant's or resident's right of redemption of leased premises at any time before the actual execution of an eviction order.

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: Whenever a tenant fails to pay rent when it is due and payable, the landlord is entitled to repossess the premises through the statutory eviction process. As part of this process, State and Baltimore City law grants tenants the right to redeem the lease prior to eviction. In an action of summary ejectment for failure to pay rent where the landlord is awarded a judgment of restitution, the tenant has the right to redeem the leased premises by tendering to the landlord all past due amounts in cash, certified check, or money order, plus all court-awarded costs and fees, at any time before actual execution of the eviction order. Tenants who have had three judgments of possession for unpaid rent due entered against them in the 12 months prior to the initiation of an eviction action do not have this right of redemption.

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 15, 2011
mlm/kdm

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