

# SENATE BILL 407

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HB 619/12 – ENV

3lr1906

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By: **Senator Brochin**

Introduced and read first time: January 28, 2013

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Right to Redemption of Leased Premises – Forms of Payment**

3 FOR the purpose of authorizing a landlord or mobile home park owner to require a  
4 tenant or mobile home park resident to tender certain forms of payment in  
5 order to exercise the tenant's or resident's right to redemption of leased  
6 premises under certain circumstances; prohibiting a landlord or mobile home  
7 park owner from prohibiting a certain form of payment if certain notice  
8 requirements are not met; and generally relating to the right to redemption of  
9 leased premises.

10 BY repealing and reenacting, with amendments,  
11 Article – Real Property  
12 Section 8–401(e) and 8A–1701(e)  
13 Annotated Code of Maryland  
14 (2010 Replacement Volume and 2012 Supplement)

15 BY repealing and reenacting, with amendments,  
16 The Public Local Laws of Baltimore City  
17 Section 9–5(b)(1)  
18 Article 4 – Public Local Laws of Maryland  
19 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

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

22 **Article – Real Property**

23 8–401.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (e)   (1)   Subject to [paragraph (2)] **PARAGRAPHS (2) AND (3)** of this  
2 subsection, in any action of summary ejection for failure to pay rent where the  
3 landlord is awarded a judgment giving the landlord restitution of the leased premises,  
4 the tenant shall have the right to redemption of the leased premises by tendering in  
5 cash, certified check or money order to the landlord or the landlord's agent all past due  
6 amounts, as determined by the court under subsection (c) of this section, plus all court  
7 awarded costs and fees, at any time before actual execution of the eviction order.

8                   **(2)   (I)   A LANDLORD MAY REQUIRE A PAYMENT MADE UNDER**  
9 **PARAGRAPH (1) OF THIS SUBSECTION TO BE TENDERED BY CERTIFIED CHECK**  
10 **OR MONEY ORDER IF THE LANDLORD:**

11                           **1.   PROVIDES NOTICE OF THE PAYMENT**  
12 **REQUIREMENT IN THE LEASE, SET APART FROM ANY OTHER PROVISION OF THE**  
13 **LEASE, AND SEPARATELY SIGNED OR INITIALED BY THE TENANT;**

14                           **2.   POSTS NOTICE OF THE PAYMENT REQUIREMENT**  
15 **IN ALL LOCATIONS WHERE RENT IS ACCEPTED FROM TENANTS BY THE**  
16 **LANDLORD OR THE LANDLORD'S AGENT;**

17                           **3.   INCLUDES NOTICE OF THE PAYMENT**  
18 **REQUIREMENT IN THE WARRANT OF RESTITUTION ORDERED BY THE LANDLORD**  
19 **UNDER SUBSECTION (D) OF THIS SECTION;**

20                           **4.   AT LEAST 14 DAYS IN ADVANCE OF THE DATE ON**  
21 **WHICH THE WARRANT OF RESTITUTION IS SCHEDULED TO BE EXECUTED, SENDS**  
22 **NOTICE TO THE TENANT, BY FIRST-CLASS MAIL, OF THE PAYMENT**  
23 **REQUIREMENT AND THE DATE OF EVICTION;**

24                           **5.   IF A NOTICE OF EVICTION IS REQUIRED UNDER**  
25 **LOCAL LAW, INCLUDES NOTICE OF THE PAYMENT REQUIREMENT IN THE NOTICE**  
26 **OF EVICTION; AND**

27                           **6.   CREDITS \$4 PLUS ALL AWARDED COURT COSTS**  
28 **AND FEES AGAINST THE REDEMPTION AMOUNT DETERMINED BY THE COURT**  
29 **UNDER SUBSECTION (C) OF THIS SECTION.**

30                           **(II)   IF THE LANDLORD FAILS TO PROVIDE ANY NOTICE OF**  
31 **THE PAYMENT REQUIREMENT REQUIRED UNDER SUBPARAGRAPH (I) OF THIS**  
32 **PARAGRAPH, THE LANDLORD MAY NOT PROHIBIT A TENANT FROM REDEEMING**  
33 **THE LEASED PREMISES BY TENDERING CASH.**

1            **[(2)] (3)**        This subsection does not apply to any tenant against whom 3  
2 judgments of possession have been entered for rent due and unpaid in the 12 months  
3 prior to the initiation of the action to which this subsection otherwise would apply.

4        8A-1701.

5            (e)        **(1) [In] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN** any  
6 action of summary ejection for failure to pay rent where the park owner is awarded  
7 a judgment giving him restitution of the leased premises, the resident shall have the  
8 right to redemption of the leased premises by tendering in cash, certified check, or  
9 money order to the park owner or his agent all past due rent and late fees, plus all  
10 court awarded costs and fees, at any time before actual execution of the eviction order.  
11 This subsection does not apply to any resident against whom 3 judgments of  
12 possession have been entered for rent due and unpaid in the 12 months prior to the  
13 initiation of the action to which this subsection otherwise would apply.

14            **(2) (I) A PARK OWNER MAY REQUIRE A PAYMENT MADE UNDER**  
15 **PARAGRAPH (1) OF THIS SUBSECTION TO BE TENDERED BY CERTIFIED CHECK**  
16 **OR MONEY ORDER IF THE PARK OWNER:**

17                            **1. PROVIDES NOTICE OF THE PAYMENT**  
18 **REQUIREMENT IN THE LEASE, SET APART FROM ANY OTHER PROVISION OF THE**  
19 **LEASE, AND SEPARATELY SIGNED OR INITIALED BY THE RESIDENT;**

20                            **2. POSTS NOTICE OF THE PAYMENT REQUIREMENT**  
21 **IN ALL LOCATIONS WHERE RENT IS ACCEPTED FROM RESIDENTS BY THE PARK**  
22 **OWNER OR THE PARK OWNER'S AGENT;**

23                            **3. INCLUDES NOTICE OF THE PAYMENT**  
24 **REQUIREMENT IN THE WARRANT OF RESTITUTION ORDERED BY THE PARK**  
25 **OWNER UNDER SUBSECTION (D) OF THIS SECTION;**

26                            **4. AT LEAST 14 DAYS IN ADVANCE OF THE DATE ON**  
27 **WHICH THE WARRANT OF RESTITUTION IS SCHEDULED TO BE EXECUTED, SENDS**  
28 **NOTICE TO THE RESIDENT, BY FIRST-CLASS MAIL, OF THE PAYMENT**  
29 **REQUIREMENT AND THE DATE OF EVICTION;**

30                            **5. IF A NOTICE OF EVICTION IS REQUIRED UNDER**  
31 **LOCAL LAW, INCLUDES NOTICE OF THE PAYMENT REQUIREMENT IN THE NOTICE**  
32 **OF EVICTION; AND**

33                            **6. CREDITS \$4 PLUS ALL AWARDED COURT COSTS**  
34 **AND FEES AGAINST THE REDEMPTION AMOUNT DETERMINED BY THE COURT.**

1                   **(II) IF THE PARK OWNER FAILS TO PROVIDE ANY NOTICE OF**  
2 **THE PAYMENT REQUIREMENT REQUIRED UNDER SUBPARAGRAPH (I) OF THIS**  
3 **PARAGRAPH, THE PARK OWNER MAY NOT PROHIBIT A RESIDENT FROM**  
4 **REDEEMING THE LEASED PREMISES BY TENDERING CASH.**

5                                   **Article 4 – Baltimore City**

6 9–5.

7           (b) (1) **(I) [In] SUBJECT TO SUBPARAGRAPH (II) OF THIS**  
8 **PARAGRAPH, IN** any action of summary ejection for failure to pay rent where the  
9 landlord is awarded a judgment giving him restitution of the leased premises, the  
10 tenant has the right to redemption of the leased premises by tendering in cash,  
11 certified check or money order to the landlord or his agent all past due rent and late  
12 fees, plus all court awarded costs and fees, at any time before actual execution of the  
13 eviction order.

14                   **(II) A LANDLORD MAY REQUIRE A PAYMENT MADE UNDER**  
15 **SUBPARAGRAPH (I) OF THIS PARAGRAPH TO BE TENDERED BY CERTIFIED**  
16 **CHECK OR MONEY ORDER IF THE LANDLORD:**

17                                   **1. PROVIDES NOTICE OF THE PAYMENT**  
18 **REQUIREMENT IN THE LEASE, SET APART FROM ANY OTHER PROVISION OF THE**  
19 **LEASE, AND SEPARATELY SIGNED OR INITIALED BY THE TENANT;**

20                                   **2. POSTS NOTICE OF THE PAYMENT REQUIREMENT**  
21 **IN ALL LOCATIONS WHERE RENT IS ACCEPTED FROM TENANTS BY THE**  
22 **LANDLORD OR THE LANDLORD’S AGENT;**

23                                   **3. INCLUDES NOTICE OF THE PAYMENT**  
24 **REQUIREMENT IN THE WARRANT OF RESTITUTION ORDERED BY THE LANDLORD**  
25 **UNDER § 9–6 OF THIS SUBTITLE;**

26                                   **4. INCLUDES NOTICE OF THE PAYMENT**  
27 **REQUIREMENT IN THE NOTICE OF PENDING DISPOSITION REQUIRED UNDER**  
28 **ARTICLE 13, § 8A–2 OF THE BALTIMORE CITY CODE; AND**

29                                   **5. CREDITS \$4 PLUS ALL AWARDED COURT COSTS**  
30 **AND FEES AGAINST THE REDEMPTION AMOUNT DETERMINED BY THE COURT**  
31 **UNDER SUBSECTION (A) OF THIS SECTION.**

32                   **(III) IF THE LANDLORD FAILS TO PROVIDE ANY NOTICE OF**  
33 **THE PAYMENT REQUIREMENT REQUIRED UNDER SUBPARAGRAPH (II) OF THIS**

1 **PARAGRAPH, THE LANDLORD MAY NOT PROHIBIT A TENANT FROM REDEEMING**  
2 **THE LEASED PREMISES BY TENDERING CASH.**

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2013.