

# SENATE BILL 800

N1

(4lr2492)

## ENROLLED BILL

— Judicial Proceedings/Environmental Matters —

Introduced by **Senators Ramirez, Forehand, and Raskin**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Landlord and Tenant – Retaliatory Actions – ~~Conditions for Relief and~~**  
3 **~~Timing of Prohibited Actions~~ *Conditions for Relief***

4 FOR the purpose of ~~altering the conditions under which relief may be provided to a~~  
5 ~~tenant for certain retaliatory actions taken by a landlord of residential property~~  
6 ~~under certain circumstances; altering the time after a tenant’s protected action~~  
7 ~~after which a certain action by a landlord may not be deemed to be retaliatory~~  
8 ~~under certain circumstances; *altering the conditions under which relief may be*~~  
9 ~~*provided to a tenant for certain retaliatory actions taken by a landlord of*~~  
10 ~~*residential property under certain circumstances;* and generally relating to~~  
11 ~~retaliatory actions of a landlord of residential property.~~

12 BY repealing and reenacting, with amendments,

13 Article – Real Property

14 Section 8–208.1

---

#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland  
2 (2010 Replacement Volume and 2013 Supplement)

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

5 **Article – Real Property**

6 8–208.1.

7 (a) (1) For any reason listed in paragraph (2) of this subsection, a landlord  
8 of any residential property may not:

9 (i) Bring or threaten to bring an action for possession against a  
10 tenant;

11 (ii) Arbitrarily increase the rent or decrease the services to  
12 which a tenant has been entitled; or

13 (iii) Terminate a periodic tenancy.

14 (2) A landlord may not take an action that is listed under paragraph  
15 (1) of this subsection for any of the following reasons:

16 (i) Because the tenant or the tenant’s agent has provided  
17 written or actual notice of a good faith complaint about an alleged violation of the  
18 lease, violation of law, or condition on the leased premises that is a substantial threat  
19 to the health or safety of occupants to:

20 1. The landlord; or

21 2. Any public agency against the landlord;

22 (ii) Because the tenant or the tenant’s agent has:

23 1. Filed a lawsuit against the landlord; or

24 2. Testified or participated in a lawsuit involving the  
25 landlord; or

26 (iii) Because the tenant has participated in any tenants’  
27 organization.

28 (b) (1) A landlord’s violation of subsection (a) of this section is a  
29 “retaliatory action”.

30 (2) A tenant may raise a retaliatory action of a landlord:

1 (i) In defense to an action for possession; or

2 (ii) As an affirmative claim for damages resulting from a  
3 retaliatory action of a landlord occurring during a tenancy.

4 (c) (1) If in any proceeding the court finds in favor of the tenant because  
5 the landlord engaged in a retaliatory action, the court may enter judgment against the  
6 landlord for damages not to exceed the equivalent of 3 months' rent, reasonable  
7 attorney fees, and court costs.

8 (2) If in any proceeding the court finds that a tenant's assertion of a  
9 retaliatory action was in bad faith or without substantial justification, the court may  
10 enter judgment against the tenant for damages not to exceed the equivalent of 3  
11 months' rent, reasonable attorney fees, and court costs.

12 (d) The relief provided under this section is conditioned ~~upon~~

13 ~~(1) The ON THE ~~ON THE~~ tenant being current on the rent due and~~  
14 ~~owing to the landlord at the time of the alleged retaliatory action, unless the tenant~~  
15 ~~withholds rent in accordance with the lease, § 8-211 of this subtitle, or a comparable~~  
16 ~~local ordinance; and~~

17 ~~(2) If the alleged retaliatory action is a landlord's termination of a~~  
18 ~~periodic tenancy;~~

19 ~~(i) In the case of tenancies measured by a period of one month~~  
20 ~~or more, the court having not entered against the tenant more than 3 judgments of~~  
21 ~~possession for rent due and unpaid in the 12-month period immediately prior to the~~  
22 ~~initiation of the action by the tenant or by the landlord; or~~

23 ~~(ii) In the case of tenancies requiring the weekly payment of~~  
24 ~~rent, the court having not entered against the tenant more than 5 judgments of~~  
25 ~~possession for rent due and unpaid in the 12-month period immediately prior to the~~  
26 ~~initiation of the action by the tenant or by the landlord, or, if the tenant has lived on~~  
27 ~~the premises 6 months or less, the court having not entered against the tenant 3~~  
28 ~~judgments of possession for rent due and unpaid].~~

29 (e) An action by a landlord may not be deemed to be retaliatory for purposes  
30 of this section if the alleged retaliatory action occurs more than ~~6] 12~~ months after a  
31 tenant's action that is protected under subsection (a)(2) of this section.

32 (f) As long as a landlord's termination of a tenancy is not the result of a  
33 retaliatory action, nothing in this section may be interpreted to alter the landlord's or  
34 the tenant's rights to terminate or not renew a tenancy.

**SENATE BILL 800**

1 (g) If any county has enacted or enacts an ordinance comparable in subject  
2 matter to this section, this section shall supersede the provisions of the ordinance to  
3 the extent that the ordinance provides less protection to a tenant.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2014.

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.