

SENATE BILL 800

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CF 4lr2063

By: **Senators Ramirez, Forehand, and Raskin**

Introduced and read first time: January 31, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

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; and generally relating to retaliatory actions of a
9 landlord of residential property.

10 BY repealing and reenacting, with amendments,
11 Article – Real Property
12 Section 8–208.1
13 Annotated Code of Maryland
14 (2010 Replacement Volume and 2013 Supplement)

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

17 **Article – Real Property**

18 8–208.1.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) Terminate a periodic tenancy.

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

4 (i) Because the tenant or the tenant's agent has provided
5 written or actual notice of a good faith complaint about an alleged violation of the
6 lease, violation of law, or condition on the leased premises that is a substantial threat
7 to the health or safety of occupants to:

8 1. The landlord; or

9 2. Any public agency against the landlord;

10 (ii) Because the tenant or the tenant's agent has:

11 1. Filed a lawsuit against the landlord; or

12 2. Testified or participated in a lawsuit involving the
13 landlord; or

14 (iii) Because the tenant has participated in any tenants'
15 organization.

16 (b) (1) A landlord's violation of subsection (a) of this section is a
17 "retaliatory action".

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

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

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

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

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

30 (d) The relief provided under this section is conditioned [upon:

1 (1) The] **ON THE** tenant being current on the rent due and owing to
2 the landlord at the time of the alleged retaliatory action, unless the tenant withholds
3 rent in accordance with the lease, § 8–211 of this subtitle, or a comparable local
4 ordinance]; and

5 (2) If the alleged retaliatory action is a landlord’s termination of a
6 periodic tenancy:

7 (i) In the case of tenancies measured by a period of one month
8 or more, the court having not entered against the tenant more than 3 judgments of
9 possession for rent due and unpaid in the 12–month period immediately prior to the
10 initiation of the action by the tenant or by the landlord; or

11 (ii) In the case of tenancies requiring the weekly payment of
12 rent, the court having not entered against the tenant more than 5 judgments of
13 possession for rent due and unpaid in the 12–month period immediately prior to the
14 initiation of the action by the tenant or by the landlord, or, if the tenant has lived on
15 the premises 6 months or less, the court having not entered against the tenant 3
16 judgments of possession for rent due and unpaid].

17 (e) An action by a landlord may not be deemed to be retaliatory for purposes
18 of this section if the alleged retaliatory action occurs more than [6] **12** months after a
19 tenant’s action that is protected under subsection (a)(2) of this section.

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

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

26 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
27 October 1, 2014.