

HOUSE BILL 112

D1, N1

1lr1373

(PRE-FILED)

By: **Delegate Henson**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Property – Eviction Proceedings – Sealing of Court Records**

3 FOR the purpose of requiring the District Court to seal all court records relating to an
4 eviction proceeding at certain periods of time after the final resolution of an eviction
5 proceeding, as determined by certain factors; authorizing the District Court to seal
6 court records relating to an action of eviction at any time on a motion by the tenant
7 if the tenant makes a certain demonstration by a preponderance of the evidence or
8 if the District Court makes a certain determination; providing that a certain order
9 issued under this Act is a final order for purposes of appeal; requiring the court to
10 provide a copy of a certain order to certain parties; authorizing a tenant to obtain a
11 copy of a certain order; authorizing a record sealed under this Act to be opened only
12 under certain circumstances; prohibiting the District Court from issuing a certain
13 order; and generally relating to the sealing of records of eviction proceedings.

14 BY adding to

15 Article – Real Property

16 Section 8–406

17 Annotated Code of Maryland

18 (2015 Replacement Volume and 2020 Supplement)

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

21 **Article – Real Property**

22 **8–406.**

23 **(A) THIS SECTION ONLY APPLIES TO RESIDENTIAL PROPERTY.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) (1) THE DISTRICT COURT SHALL SEAL ALL COURT RECORDS**
2 **RELATING TO AN EVICTION PROCEEDING:**

3 **(I) IF THE COURT PROCEEDINGS DO NOT RESULT IN A**
4 **JUDGMENT IN FAVOR OF THE LANDLORD, 30 DAYS AFTER THE FINAL RESOLUTION**
5 **OF THE EVICTION PROCEEDING; OR**

6 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
7 **SUBSECTION, IF THE COURT PROCEEDINGS RESULT IN A JUDGMENT IN FAVOR OF**
8 **THE LANDLORD, 3 YEARS AFTER THE FINAL ORDER OR JUDGMENT IN THE EVICTION**
9 **PROCEEDING.**

10 **(2) IF A TENANT IS A DEFENDANT IN A SUBSEQUENT EVICTION**
11 **PROCEEDING DURING THE 3-YEAR PERIOD SPECIFIED IN PARAGRAPH (1)(II) OF**
12 **THIS SUBSECTION, THE DISTRICT COURT SHALL SEAL ALL RECORDS RELATING TO**
13 **THE EARLIER EVICTION PROCEEDING 3 YEARS AFTER THE MOST RECENT FINAL**
14 **ORDER OR JUDGMENT IN AN EVICTION PROCEEDING INVOLVING THE TENANT.**

15 **(C) THE DISTRICT COURT MAY SEAL COURT RECORDS RELATING TO AN**
16 **ACTION OF EVICTION AT ANY TIME, ON A MOTION BY THE TENANT, IF:**

17 **(1) THE TENANT DEMONSTRATES BY A PREPONDERANCE OF THE**
18 **EVIDENCE THAT:**

19 **(I) THE TENANT WAS EVICTED FROM A UNIT UNDER A FEDERAL**
20 **OR STATE SITE-BASED HOUSING ASSISTANCE PROGRAM OR A FEDERAL OR STATE**
21 **TENANT-BASED HOUSING ASSISTANCE PROGRAM;**

22 **(II) THE LANDLORD'S INITIATION OF EVICTION PROCEEDINGS**
23 **AGAINST THE TENANT WAS A RETALIATORY ACTION IN VIOLATION OF § 8-208.1 OR §**
24 **8-208.2 OF THIS TITLE;**

25 **(III) THE LANDLORD INITIATED THE EVICTION PROCEEDINGS**
26 **BECAUSE OF AN INCIDENT THAT WOULD CONSTITUTE A DEFENSE TO AN ACTION FOR**
27 **POSSESSION UNDER § 8-5A-05 OF THIS TITLE OR A FEDERAL LAW RELATING TO**
28 **DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING; OR**

29 **(IV) THE PARTIES ENTERED INTO A SETTLEMENT AGREEMENT**
30 **THAT DID NOT RESULT IN THE LANDLORD RECOVERING POSSESSION OF THE**
31 **RESIDENTIAL PROPERTY; OR**

1 **(2) THE DISTRICT COURT DETERMINES THAT THERE ARE OTHER**
2 **GROUND JUSTIFYING THE SEALING OF COURT RECORDS RELATING TO THE ACTION**
3 **OF EVICTION.**

4 **(D) AN ORDER DISMISSING, GRANTING, OR DENYING A MOTION FILED**
5 **UNDER THIS SECTION SHALL BE A FINAL ORDER FOR PURPOSES OF APPEAL.**

6 **(E) (1) THE DISTRICT COURT SHALL PROVIDE A COPY OF AN ORDER**
7 **ISSUED UNDER THIS SECTION TO THE TENANT OR THE TENANT'S COUNSEL.**

8 **(2) A TENANT MAY OBTAIN A COPY OF AN ORDER ISSUED UNDER THIS**
9 **SECTION AT ANY TIME FROM A CLERK OF THE DISTRICT COURT, ON PROPER**
10 **IDENTIFICATION, WITHOUT A SHOWING OF NEED.**

11 **(F) A RECORD SEALED UNDER THIS SECTION MAY BE OPENED ONLY:**

12 **(1) ON WRITTEN REQUEST BY THE TENANT; OR**

13 **(2) ON ORDER OF THE DISTRICT COURT ON A SHOWING OF**
14 **COMPELLING NEED.**

15 **(G) THE DISTRICT COURT MAY NOT ORDER THE REDACTION OF A TENANT'S**
16 **NAME FROM ANY PUBLISHED OPINION OF COURT THAT REFERS TO A RECORD**
17 **SEALED UNDER THIS SECTION.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
19 apply retroactively and shall be applied to and interpreted to affect all action of evictions
20 relating to residential property.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2021.