

HOUSE BILL 523

L2, N1
HB 768/20 – ENT

11r0668

By: **Delegate Attar**

Introduced and read first time: January 15, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Repossession for Failure to Pay Rent – Registration and**
3 **License Information**

4 FOR the purpose of requiring a landlord, at the time of filing a certain complaint in an
5 action for repossession for failure to pay rent in Baltimore City, to be in compliance
6 with certain local license requirements and certain lead-based paint abatement
7 laws; providing that a landlord has the burden of proving, by a certain standard of
8 evidence, that a property is in compliance with certain local license requirements;
9 authorizing a landlord to provide an electronic copy of a license as proof of compliance
10 with certain local license requirements; prohibiting a judge from entering a judgment
11 in favor of a landlord who fails to prove that a property is in compliance with certain
12 local license requirements; and generally relating to actions for repossession for
13 failure to pay rent in Baltimore City.

14 BY repealing and reenacting, with amendments,
15 The Public Local Laws of Baltimore City
16 Section 9-3 and 9-5
17 Article 4 – Public Local Laws of Maryland
18 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

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

21 **Article 4 – Baltimore City**

22 9-3.

23 (A) Whenever any lessor shall desire to have again and repossess any premises to
24 which he is entitled under the provisions of the preceding section, he or his duly qualified
25 agent or attorney, shall make his written complaint under oath or affirmation, in the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 District Court in Baltimore City, and describing therein in general terms the property
2 sought to be had again and repossessed as aforesaid, and also setting forth the name of the
3 tenant to whom the same is rented, or his assignee or under tenant or tenants, with the
4 amount of rent thereon due and unpaid; and praying by warrant to have again and
5 repossess the premises, together with judgment for the amount of rent due and costs; and
6 it shall thereupon be the duty of said District Court in Baltimore City forthwith to issue
7 summons directed to a Constable of said court, ordering him to notify said tenant, assignee
8 or under tenant forthwith to appear before the said District Court at trial to be held on the
9 fifth day after the filing of said complaint, except as hereinafter provided, to show cause
10 why the prayer of said lessor should not be granted as aforesaid, and the said Constable
11 shall forthwith proceed to serve said summons on or before the third day after the filing of
12 said complaint, upon said tenant, assignee or under tenant in said premises, or upon his or
13 their known or authorized agent, or said Constable shall affix an attested copy of said
14 summons conspicuously upon said premises, and such affixing of said summons shall, for
15 the purposes of this subheading of this article, be deemed and construed a sufficient service
16 upon all persons whomsoever.

17 **(B) AT THE TIME OF FILING A WRITTEN COMPLAINT UNDER THIS SECTION,**
18 **THE LESSOR MUST BE IN COMPLIANCE WITH THE REQUIREMENTS OF ARTICLE 13, §**
19 **5-4 OF THE BALTIMORE CITY CODE AND TITLE 6, SUBTITLE 8, PART III OF THE**
20 **ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND.**

21 9-5.

22 (a) **(1)** If, at the trial aforesaid, the judge shall be satisfied the interest of
23 justice will be better served by an adjournment, he may adjourn the trial for a period not
24 exceeding seven days, except by consent of the parties, and if at said trial or due
25 adjournment, as aforesaid, it shall appear to the satisfaction of the judge before whom said
26 complaint has been tried as aforesaid, that the rent or any part of the rent for said premises
27 is actually due and unpaid, then the said judge shall give judgment in favor of said lessor
28 for the amount of rent found due, with costs of suit, and shall order that said tenant and
29 all persons claiming or holding by or under said tenant shall yield and render up possession
30 of said premises unto said lessor, or unto his duly qualified agent or attorney within 4 days
31 thereafter; provided, however, that upon presentation of certificate signed by a practicing
32 physician certifying that surrender of said premises within said period of 4 days would
33 endanger the health or life of any occupant thereof, said judge may, at the trial or
34 subsequent thereto, extend the time for such surrender of the premises upon such terms
35 and for such period or periods as he shall deem necessary and just. If the interval between
36 the filing of the landlord's complaint and the trial of the cause shall be more than three
37 days, any order or judgment of said court with respect to the payment of rent shall include
38 all rent due and unpaid up to and including the day of trial; and the proceedings amended
39 to set forth the basis of said judgment or order.

40 **(2) DURING TRIAL, THE LANDLORD SHALL HAVE THE BURDEN OF**
41 **PROVING, BY A PREPONDERANCE OF THE EVIDENCE, THAT THE PROPERTY IS IN**
42 **COMPLIANCE WITH ARTICLE 13, § 5-4 OF THE BALTIMORE CITY CODE. THE LESSOR**

1 MAY PRESENT AN ELECTRONIC COPY OF THE LICENSE AS PROOF OF COMPLIANCE
2 WITH ARTICLE 13, § 5-4 OF THE BALTIMORE CITY CODE. IF THE LESSOR FAILS TO
3 PROVIDE PROOF THAT THE PROPERTY IS IN COMPLIANCE WITH ARTICLE 13, § 5-4
4 OF THE BALTIMORE CITY CODE, A JUDGE MAY NOT ENTER A JUDGMENT IN FAVOR
5 OF THE LESSOR.

6 (b) (1) In any action of summary ejectment for failure to pay rent where the
7 landlord is awarded a judgment giving him restitution of the leased premises, the tenant
8 has the right to redemption of the leased premises by tendering in cash, certified check or
9 money order to the landlord or his agent all past due rent and late fees, plus all court
10 awarded costs and fees, at any time before actual execution of the eviction order.

11 (2) The right of redemption is not available to a tenant if the landlord
12 alleges and shows that more than three judgments of restitution were issued against the
13 tenant in the 12 months preceding the filing of the landlord's complaint.

14 (3) Nothing in this section shall preclude a tenant in any summary
15 ejectment action from raising any defense available under the Public Local Laws of
16 Baltimore City. If a tenant prevails on any of these defenses, the judgment, whether or not
17 it includes a judgment of restitution against the tenant, shall not be considered a judgment
18 of restitution for purposes of paragraph (2) of this subsection.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2021.