

HOUSE BILL 697

N1, D3

1lr2190

By: **Delegate Williams**

Introduced and read first time: January 26, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring a court to shield certain court records on the commencement
4 of certain actions involving residential property; requiring a court to cease shielding
5 certain records if the court issues a warrant of restitution or warrant of possession
6 to a certain party, except under certain circumstances; authorizing the release of
7 shielded records under certain circumstances; requiring a summons issued for a
8 certain cause of action to contain a certain statement in a certain form; providing for
9 the application of this Act; defining certain terms; making stylistic changes; and
10 generally relating to the shielding of court records in eviction cases.

11 BY adding to
12 Article – Real Property
13 Section 8–406 and 8–807(m)
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2020 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Real Property
18 Section 8–807(a)
19 Annotated Code of Maryland
20 (2015 Replacement Volume and 2020 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Real Property
23 Section 8A–1703
24 Annotated Code of Maryland
25 (2015 Replacement Volume and 2020 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Real Property

8–406.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) “COURT RECORD” MEANS AN OFFICIAL RECORD OF A COURT ABOUT A PROCEEDING THAT THE CLERK OF A COURT OR OTHER COURT PERSONNEL KEEPS.

(II) “COURT RECORD” INCLUDES:

1. AN INDEX, A DOCKET ENTRY, A PETITION, A MEMORANDUM, A TRANSCRIPTION OF PROCEEDINGS, AN ELECTRONIC RECORDING, AN ORDER, AND A JUDGMENT; AND

2. ANY ELECTRONIC INFORMATION ABOUT A PROCEEDING ON THE WEBSITE MAINTAINED BY THE MARYLAND JUDICIARY.

(3) (I) “SHIELD” MEANS TO REMOVE INFORMATION FROM PUBLIC INSPECTION IN ACCORDANCE WITH THIS SECTION.

(II) “SHIELD” INCLUDES:

1. WITH RESPECT TO A RECORD KEPT IN A COURTHOUSE, TO REMOVE THE RECORD TO A SEPARATE SECURE AREA TO WHICH PERSONS WHO DO NOT HAVE A LEGITIMATE REASON FOR ACCESS ARE DENIED ACCESS; AND

2. WITH RESPECT TO ELECTRONIC INFORMATION ABOUT A PROCEEDING ON THE WEBSITE MAINTAINED BY THE MARYLAND JUDICIARY, TO COMPLETELY REMOVE ALL INFORMATION CONCERNING THE PROCEEDING FROM THE PUBLIC WEBSITE, INCLUDING THE NAMES OF THE PARTIES, CASE NUMBERS, AND ANY REFERENCE TO THE PROCEEDING OR ANY REFERENCE TO THE REMOVAL OF THE PROCEEDING FROM THE PUBLIC WEBSITE.

(B) THIS SECTION APPLIES ONLY TO AN ACTION BROUGHT UNDER THIS SUBTITLE, § 8–807 OF THIS TITLE, OR § 8A–1703 OF THIS ARTICLE INVOLVING RESIDENTIAL PROPERTY.

(C) ON THE COMMENCEMENT OF AN ACTION, THE COURT SHALL SHIELD ANY COURT RECORD ASSOCIATED WITH THE ACTION.

1 **(D) (1) IF A COURT ISSUES A WARRANT OF RESTITUTION OR WARRANT OF**
2 **POSSESSION TO A PARTY TO AN ACTION, THE COURT SHALL CEASE SHIELDING THE**
3 **COURT RECORDS ASSOCIATED WITH THE ACTION UNLESS, NOT MORE THAN 5 DAYS**
4 **AFTER THE ISSUANCE OF THE WARRANT, THE PARTIES SUBMIT TO THE COURT A**
5 **WRITTEN STATEMENT EXPRESSING MUTUAL AGREEMENT TO THE CONTINUED**
6 **SHIELDING OF THE COURT RECORDS.**

7 **(2) ON RECEIPT OF A STATEMENT SUBMITTED IN ACCORDANCE WITH**
8 **PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL CONTINUE TO SHIELD ALL**
9 **COURT RECORDS ASSOCIATED WITH THE ACTION.**

10 **(E) A RECORD SHIELDED UNDER THIS SECTION MAY BE MADE AVAILABLE**
11 **FOR INSPECTION ONLY BY:**

12 **(1) WRITTEN REQUEST MUTUALLY AGREED TO BY THE PARTIES; OR**

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

14 **(F) A SUMMONS ISSUED IN AN ACTION SHALL CONTAIN THE FOLLOWING**
15 **STATEMENT PRINTED IN AT LEAST 14 POINT BOLDFACED TYPE:**

16 **“ANY COURT RECORDS ASSOCIATED WITH THIS ACTION ARE SUBJECT TO SHIELDING**
17 **AND NOT ACCESSIBLE TO THE PUBLIC UNTIL A WARRANT OF RESTITUTION OR**
18 **WARRANT OF POSSESSION IS ISSUED TO A PLAINTIFF BY THE COURT. THE PARTIES**
19 **MAY MUTUALLY AGREE TO CONTINUED SHIELDING OF THE COURT RECORDS BY**
20 **SUBMITTING A WRITTEN STATEMENT TO THE COURT AS REQUIRED UNDER § 8-406**
21 **OF THE REAL PROPERTY ARTICLE.”.**

22 8-807.

23 (a) For property subject to a ground lease in effect on or after July 1, 2007, a
24 ground lease holder may bring an action for possession for nonpayment of ground rent only:

25 (1) If the ground lease holder has the lawful right to claim possession for
26 nonpayment of ground rent;

27 (2) If the ground lease is registered with the State Department of
28 Assessments and Taxation under Subtitle 7 of this title;

29 (3) If the payment of ground rent is at least 6 months in arrears; and

30 (4) As provided under this section.

1 **(M) THE PROVISIONS OF § 8-406 OF THIS ARTICLE PERTAINING TO THE**
2 **SHIELDING OF COURT RECORDS SHALL APPLY TO AN ACTION UNDER THIS SECTION.**

3 8A-1703.

4 **(a) (1)** When a rental agreement provides that the park owner may repossess
5 the premises if the resident breaches the rental agreement, and the park owner has given
6 the resident 1 month's written notice that the resident is in violation of the rental
7 agreement and the park owner desires to repossess the premises, and if the resident or
8 person in actual possession refuses to comply, the park owner may make complaint in
9 writing to the District Court of the county where the premises is located.

10 **(2)** The court shall summons immediately the resident or person in
11 possession to appear before the court on a day stated in the summons to show cause, if any,
12 why restitution of the possession of the leased premises should not be made to the park
13 owner.

14 **(3)** If either of the parties fails to appear before the court on the day stated
15 in the summons, the court may continue the case for not less than 6 nor more than 10 days
16 and notify the parties of the continuance.

17 **(b) (1)** If the court determines that the resident breached the terms of the
18 rental agreement and that the breach warrants an eviction, the court shall give judgment
19 for the restitution of the possession of the premises and issue its warrant to the sheriff or
20 a constable commanding him to deliver possession to the park owner in as full and ample
21 manner as the park owner was possessed of the same at the time when the rental
22 agreement was entered into.

23 **(2)** The court shall give judgment for costs against the resident or person
24 in possession.

25 **(3)** Either party may appeal to the circuit court for the county within 10
26 days from entry of the judgment. **[If]**

27 **(4) THE RESIDENT OR PERSON IN POSSESSION OF THE PREMISES MAY**
28 **RETAIN POSSESSION UNTIL THE DETERMINATION OF THE APPEAL IF** the resident:

29 **[(1) (I) [files] FILES** with the District Court an affidavit that the appeal
30 is not taken for delay;

31 **[(2) (II) [files] FILES** sufficient bond with one or more securities
32 conditioned upon diligent prosecution of the appeal;

33 **[(3) (III) [pays] PAYS** all rent in arrears, all court costs in the case; and

1 [(4)] (IV) [pays] **PAYS** all losses or damages which the park owner may
2 suffer by reason of the resident's holding over[, the resident or person in possession of the
3 premises may retain possession until the determination of the appeal].

4 (5) Upon application of either party, the court shall set a day for the
5 hearing of the appeal not less than 5 nor more than 15 days after the application, and notice
6 of the order for a hearing shall be served on the other party or his counsel at least 5 days
7 before the hearing.

8 (6) If the judgment of the District Court is in favor of the park owner, a
9 warrant shall be issued by the court which hears the appeal to the sheriff, who shall execute
10 the warrant.

11 (C) **THE PROVISIONS OF § 8-406 OF THIS ARTICLE PERTAINING TO THE**
12 **SHIELDING OF COURT RECORDS SHALL APPLY TO AN ACTION UNDER THIS SECTION.**

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