

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 816 (Senator Lee)
Judicial Proceedings

Real Property - Actions for Possession - Pet Protections

This bill establishes procedures to protect specified pets when property is repossessed in failure to pay rent, breach of lease, tenant holding over, and wrongful detainer actions. The procedures are applicable to actions filed on or after October 1, 2022. By October 1, 2022, the Maryland Department of Agriculture (MDA) must develop and publish a fact sheet on the care and protection of pets in the event of an eviction or loss of possession of real property. The bill also directs sheriffs, constables, or other officials to take specific actions regarding pets when restoring possession of a premises to a landlord or complainant. **The bill takes effect June 1, 2022.**

Fiscal Summary

State Effect: MDA can handle the bill's requirements with existing budgeted resources. Revenues are not affected.

Local Effect: The bill is not anticipated to materially affect local operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: The fact sheet developed by MDA must be published on its website and provide information about how a person may care for and protect any pets in the event the person is evicted or loses possession of the person's property. The fact sheet, which must be updated on a regular basis, must include information on State and local resources, including animal shelters and animal rescue organizations.

When executing a lease with a tenant, a landlord must include a copy of the fact sheet if the landlord knows or has reason to believe that a tenant possesses a pet.

When providing required written notice of an eviction proceeding in a failure to pay rent, breach of lease, and tenant holding over action (as required under current law), a landlord must also include a copy of the fact sheet. A fact sheet must also be included in a wrongful detainer action when providing a required summons. The inclusion of the fact sheet under these circumstances is regardless of whether the landlord or complainant knows whether there is a pet on the premises.

When possession of real property is delivered to a landlord/complainant following one of the above actions, the sheriff, constable, or other official is required to immediately inspect the premises for any pet and provide to the tenant or person who was holding possession of the real property any pet on the premises belonging to the tenant or person.

If the tenant or person who was holding possession of real property is not present at the time the real property is delivered to a landlord or complainant, the sheriff, constable, or other official must:

- contact an animal shelter or animal rescue organization to take custody of the pet;
- provide the tenant or person who was holding possession of the real property with the name and contact information of the animal shelter or animal rescue organization where the pet is taken; and
- provide the animal shelter or animal rescue organization with the name and contact information, including the telephone number if available, of the tenant or person who was holding possession of the real property from which the pet was taken.

The bill prohibits a person from removing a pet from real property delivered to a landlord or complainant following one of the aforementioned actions and leaving the pet on public property or a public right-of-way.

Current Law: Statutory provisions do not specifically address the protection of pets in landlord-tenant or wrongful detainer actions.

In general, a landlord seeking to evict a tenant must file the appropriate action (*e.g.*, failure to pay rent, breach of lease, *etc.*) in the District Court. If awarded a judgment by the court, the landlord files a warrant of restitution, which, once reviewed and signed by the court, authorizes an eviction. The warrants of restitution are forwarded to the local sheriff's office who is then authorized to carry out the evictions. Statute sets forth numerous specific requirements for such actions, including those related to written notice prior to filing certain actions. This includes specific requirements for written notice prior to initiating a failure to pay rent action.

“Wrongful detainer” means to hold possession of real property without the right to do so. A wrongful detainer action is not available if (1) the person in actual possession of the property has been granted possession under a court order; (2) a remedy is available under general landlord/tenant law; or (3) any other exclusive means to recover possession is provided by statute or rule. If a person holds possession of a property to which he or she is not entitled, a person claiming possession may file a complaint, in writing, with the District Court of the county in which the property is located. Once the court receives a complaint, the court must immediately summon the person in possession of the property to appear before the court on the day specified in the summons to show why the court should not restore possession of the property to the person who filed the complaint (the plaintiff).

Additional Information

Prior Introductions: None.

Designated Cross File: HB 1064 (Delegate Stein) - Environment and Transportation.

Information Source(s): Baltimore, Garrett, and Howard counties; City of Laurel; Judiciary (Administrative Office of the Courts); Maryland Department of Agriculture; Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2022
js/jkb

Analysis by: Donovan A. Ham

Direct Inquiries to:
(410) 946-5510
(301) 970-5510