

HOUSE BILL 34

D1, N1
HB 134/22 – ENT & JUD

(PRE-FILED)

3lr0640

By: **Delegate Hill**

Requested: October 27, 2022

Introduced and read first time: January 11, 2023

Assigned to: Environment and Transportation and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Failure to Pay Rent Proceedings – Prohibition on Rent Increases and Sealing of**
3 **Court Records**

4 FOR the purpose of prohibiting a landlord from increasing a tenant's rent because a
5 judgment was entered against the tenant in a failure to pay rent action; requiring or
6 authorizing, depending on the circumstances, the sealing by the District Court of
7 court records relating to a failure to pay rent proceeding; requiring the Maryland
8 Judiciary to develop and publish on its website a certain form; and generally relating
9 to failure to pay rent proceedings.

10 BY adding to

11 Article – Real Property
12 Section 8–119 and 8–401(i)
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2022 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article – Real Property
17 Section 8–401(g) and (h)
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2022 Supplement)

20 Preamble

21 WHEREAS, In Maryland in fiscal year 2020, 106,330 failure to pay rent proceedings
22 were dismissed and in fiscal year 2021, 100,725 failure to pay rent proceedings were
23 dismissed; and

24 WHEREAS, The presence of an eviction proceeding, including failure to pay rent,
25 remains on a tenant's record even if the proceeding is dismissed; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, A tenant may experience long-term adverse effects from an eviction
2 proceeding even when an eviction filing does not result in a judgment against the tenant;
3 now, therefore,

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

6 **Article – Real Property**

7 **8–119.**

8 **A LANDLORD MAY NOT INCREASE A TENANT’S RENT SOLELY BECAUSE A**
9 **JUDGMENT WAS ENTERED AGAINST THE TENANT IN A FAILURE TO PAY RENT ACTION**
10 **UNDER § 8–401 OF THIS TITLE.**

11 8–401.

12 (g) (1) Subject to paragraph (3) of this subsection, in any action of summary
13 ejectment for failure to pay rent where the landlord is awarded a judgment giving the
14 landlord restitution of the leased premises, the tenant shall have the right to redemption
15 of the leased premises by tendering in cash, certified check, or money order to the landlord
16 or the landlord’s agent all past due amounts, as determined by the court under subsection
17 (e) of this section, plus all court awarded costs and fees, at any time before actual execution
18 of the eviction order.

19 (2) An electronic or written check issued by a political subdivision or on
20 behalf of a governmental entity shall have the same legal effect as a payment made by the
21 tenant under paragraph (1) of this subsection.

22 (3) This subsection does not apply to any tenant against whom 3 judgments
23 of possession have been entered for rent due and unpaid in the 12 months prior to the
24 initiation of the action to which this subsection otherwise would apply.

25 (h) (1) The tenant or the landlord may appeal from the judgment of the District
26 Court to the circuit court for any county at any time within 4 days from the rendition of the
27 judgment.

28 (2) The tenant, in order to stay any execution of the judgment, shall give a
29 bond to the landlord with one or more sureties, who are owners of sufficient property in the
30 State of Maryland, with condition to prosecute the appeal with effect, and answer to the
31 landlord in all costs and damages mentioned in the judgment, and other damages as shall
32 be incurred and sustained by reason of the appeal.

33 (3) The bond shall not affect in any manner the right of the landlord to
34 proceed against the tenant, assignee or subtenant for any and all rents that may become
35 due and payable to the landlord after the rendition of the judgment.

1 **(I) (1) WITHIN 60 DAYS AFTER THE FINAL RESOLUTION OF A FAILURE TO**
2 **PAY RENT PROCEEDING, THE DISTRICT COURT SHALL SEAL ALL COURT RECORDS**
3 **RELATING TO THE PROCEEDING IF THE PROCEEDING DID NOT RESULT IN A**
4 **JUDGMENT OF POSSESSION AND NO APPEAL IS PENDING.**

5 **(2) (I) ON MOTION BY A TENANT, THE DISTRICT COURT MAY SEAL**
6 **ALL COURT RECORDS RELATING TO A FAILURE TO PAY RENT PROCEEDING THAT**
7 **RESULTS IN A JUDGMENT OF POSSESSION IF:**

8 **1. THE TENANT DEMONSTRATES BY A PREPONDERANCE**
9 **OF THE EVIDENCE THAT THE TENANT EXERCISED THE RIGHT OF REDEMPTION**
10 **UNDER SUBSECTION (G) OF THIS SECTION AND AT LEAST 12 MONTHS HAVE PASSED**
11 **SINCE THE FINAL RESOLUTION OF THE PROCEEDING THAT THE TENANT SEEKS TO**
12 **SEAL; OR**

13 **2. THE DISTRICT COURT DETERMINES THAT IT IS IN**
14 **THE INTEREST OF JUSTICE THAT THE COURT RECORDS RELATING TO THE FAILURE**
15 **TO PAY RENT PROCEEDINGS BE SEALED.**

16 **(II) THE DISTRICT COURT SHALL SEAL THE COURT RECORDS**
17 **UNDER THIS PARAGRAPH WITHIN 30 DAYS AFTER GRANTING THE TENANT'S MOTION**
18 **TO SEAL.**

19 **(III) SUBJECT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH, A**
20 **RECORD SEALED UNDER THIS PARAGRAPH MAY BE OPENED ONLY:**

21 **1. ON WRITTEN REQUEST BY THE TENANT; OR**

22 **2. ON ORDER OF THE DISTRICT COURT ON A SHOWING**
23 **OF COMPELLING NEED.**

24 **(IV) A TENANT MAY OBTAIN A COPY OF AN ORDER ISSUED UNDER**
25 **THIS SUBSECTION AT ANY TIME FROM A CLERK OF THE DISTRICT COURT, ON**
26 **PROPER IDENTIFICATION, WITHOUT A SHOWING OF NEED.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That:

28 (a) On or before October 1, 2023, the Maryland Judiciary shall develop and
29 publish on its website a form titled "Petition to Seal a Failure to Pay Rent Action Record"
30 to facilitate the implementation of § 8-401(i) of the Real Property Article, as enacted by
31 Section 1 of this Act.

32 (b) The form required under subsection (a) of this section shall include a question
33 on whether the tenant used federal funds to subsidize the tenant's payment of rent owed

1 under the lease agreement.

2 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
3 effect October 1, 2023.

4 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
5 3 of this Act, this Act shall take effect August 1, 2023.