

HOUSE BILL 36

N1
HB 703/22 – JUD

(PRE-FILED)

3lr0646
CF SB 100

By: **Delegates Lehman, Charkoudian, Conaway, Foley, D. Jones, Kaufman, Moon, Ruth, and Terrasa**

Requested: October 31, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2023

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Actions to Repossess – Proof of Rental Licensure**

3 FOR the purpose of requiring, in certain actions to repossess residential rental property, a
4 landlord to submit to the clerk of the court evidence of compliance with certain local
5 rental property licensure requirements and demonstrate that the landlord is
6 compliant with the licensure requirements; and generally relating to actions to
7 repossess property.

8 BY repealing and reenacting, without amendments,

9 Article – Real Property

10 Section 8–401(a) and (b)(1)

11 Annotated Code of Maryland

12 (2015 Replacement Volume and 2022 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Real Property

15 Section 8–401(b)(2), 8–402(b)(1)(i), and 8–402.1(a)(1)(i)

16 Annotated Code of Maryland

17 (2015 Replacement Volume and 2022 Supplement)

18 BY adding to

19 Article – Real Property

20 Section 8–406

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2015 Replacement Volume and 2022 Supplement)

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

5 **Article – Real Property**

6 8–401.

7 (a) Whenever the tenant or tenants fail to pay the rent when due and payable, it
8 shall be lawful for the landlord to have again and repossess the premises in accordance
9 with this section.

10 (b) (1) Whenever any landlord shall desire to repossess any premises to which
11 the landlord is entitled under the provisions of subsection (a) of this section, the landlord
12 or the landlord’s duly qualified agent or attorney shall ensure that the landlord has
13 completed the procedures required under subsection (c) of this section.

14 (2) **[After] SUBJECT TO § 8–406 OF THIS SUBTITLE AND AFTER**
15 completing the procedures required under subsection (c) of this section, a landlord or the
16 landlord’s duly qualified agent or attorney may file the landlord’s written complaint under
17 oath or affirmation, in the District Court of the county wherein the property is situated:

18 (i) Describing in general terms the property sought to be
19 repossessed;

20 (ii) Setting forth the name of each tenant to whom the property is
21 rented or any assignee or subtenant;

22 (iii) Stating the amount of rent and any late fees due and unpaid, less
23 the amount of any utility bills, fees, or security deposits paid by a tenant under § 7–309 of
24 the Public Utilities Article;

25 (iv) Requesting to repossess the premises and, if requested by the
26 landlord, a judgment for the amount of rent due, costs, and any late fees, less the amount
27 of any utility bills, fees, or security deposits paid by a tenant under § 7–309 of the Public
28 Utilities Article;

29 (v) If applicable, stating that, to the best of the landlord’s knowledge,
30 the tenant is deceased, intestate, and without next of kin; and

31 (vi) If the property to be repossessed is an affected property as
32 defined in § 6–801 of the Environment Article, stating that the landlord has registered the
33 affected property as required under § 6–811 of the Environment Article and renewed the
34 registration as required under § 6–812 of the Environment Article and:

1 1. A. If the current tenant moved into the property on or
2 after February 24, 1996, stating the inspection certificate number for the inspection
3 conducted for the current tenancy as required under § 6–815(c) of the Environment Article;
4 or

5 B. On or after February 24, 2006, stating the inspection
6 certificate number for the inspection conducted for the current tenancy as required under
7 § 6–815(c), § 6–817(b), or § 6–819(f) of the Environment Article; or

8 2. Stating that the owner is unable to provide an inspection
9 certificate number because:

10 A. The owner has requested that the tenant allow the owner
11 access to the property to perform the work required under Title 6, Subtitle 8 of the
12 Environment Article;

13 B. The owner has offered to relocate the tenant in order to
14 allow the owner to perform work if the work will disturb the paint on the interior surfaces
15 of the property and to pay the reasonable expenses the tenant would incur directly related
16 to the relocation; and

17 C. The tenant has refused to allow access to the owner or
18 refused to vacate the property in order for the owner to perform the required work.

19 8–402.

20 (b) (1) (i) **[Where] SUBJECT TO § 8–406 OF THIS SUBTITLE AND WHERE**
21 any tenancy is for any definite term or at will, and the landlord shall desire to repossess
22 the property after the expiration of the term for which it was leased and shall give notice
23 as required under subsection (c) of this section to the tenant or to the person actually in
24 possession of the property to remove from the property at the end of the term, and if the
25 tenant or person in actual possession shall refuse to comply, the landlord may make
26 complaint in writing to the District Court of the county where the property is located.

27 8–402.1.

28 (a) (1) (i) **[Where] SUBJECT TO § 8–406 OF THIS SUBTITLE AND WHERE**
29 an unexpired lease for a stated term provides that the landlord may repossess the premises
30 prior to the expiration of the stated term if the tenant breaches the lease, the landlord may
31 make complaint in writing to the District Court of the county where the premises is located
32 if:

33 1. The tenant breaches the lease;

34 2. A. The landlord has given the tenant 30 days' written
35 notice that the tenant is in violation of the lease and the landlord desires to repossess the
36 leased premises; or

1 B. The breach of the lease involves behavior by a tenant or a
 2 person who is on the property with the tenant's consent, which demonstrates a clear and
 3 imminent danger of the tenant or person doing serious harm to themselves, other tenants,
 4 the landlord, the landlord's property or representatives, or any other person on the property
 5 and the landlord has given the tenant or person in possession 14 days' written notice that
 6 the tenant or person in possession is in violation of the lease and the landlord desires to
 7 repossess the leased premises; and

8 3. The tenant or person in actual possession of the premises
 9 refuses to comply.

10 **8-406.**

11 (A) (1) THIS SECTION APPLIES ONLY IN A COUNTY, A MUNICIPALITY, OR
 12 ANY OTHER JURISDICTION THAT REQUIRES A LICENSE FOR THE LAWFUL
 13 OPERATION OF RESIDENTIAL RENTAL PROPERTY.

14 (2) THIS SECTION DOES NOT APPLY TO AN ACTION ~~UNDER § 8-402 OR~~
 15 ~~§ 8-402.1 OF THIS SUBTITLE WHERE THE LANDLORD SHOWS THAT THE ACTIONS OF~~
 16 ~~THE TENANT CAUSED THE LICENSING AUTHORITY TO SUSPEND, REVOKE, OR~~
 17 ~~REFUSE TO GRANT OR RENEW THE RENTAL LICENSE.~~

18 ~~(B) IF A LANDLORD ASSERTS THAT RENTAL PROPERTY IS NOT LICENSED IN~~
 19 ~~COMPLIANCE WITH APPLICABLE LOCAL RENTAL LICENSING REQUIREMENTS DUE TO~~
 20 ~~THE ACTIONS OF A TENANT, THE LANDLORD MAY FILE AN ACTION UNDER § 8-402 OR~~
 21 ~~§ 8-402.1 OF THIS SUBTITLE ONLY AFTER THE LANDLORD PROVIDES THE TENANT~~
 22 ~~WITH WRITTEN NOTICE OF THE ASSERTION THAT THE TENANT CAUSED THE~~
 23 ~~LICENSING AUTHORITY TO SUSPEND, REVOKE, OR REFUSE TO GRANT OR RENEW THE~~
 24 ~~RENTAL LICENSE AT LEAST 30 DAYS BEFORE FILING THE ACTION TO REPOSSESS~~
 25 ~~UNDER § 8-402.1(A)(1)(I)2B OF THIS SUBTITLE.~~

26 ~~(C) (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~
 27 ~~SUBSECTION, ON~~ ON THE FILING OF A WRITTEN COMPLAINT TO REPOSSESS
 28 RESIDENTIAL PROPERTY UNDER § 8-401, § 8-402, OR § 8-402.1 OF THIS SUBTITLE
 29 OR UNDER SUBTITLE 9 OF THE CODE OF PUBLIC LOCAL LAWS OF BALTIMORE CITY,
 30 THE LANDLORD SHALL PLEAD ~~AND DEMONSTRATE~~ WITH SUPPORTING FACTS IN THE
 31 FORM PRESCRIBED BY THE JUDICIARY THAT THE PROPERTY IS:

32 ~~(1)~~ (1) LICENSED IN COMPLIANCE WITH APPLICABLE LOCAL
 33 RENTAL LICENSING REQUIREMENTS; ~~OR~~

34 ~~(2)~~ (2) EXEMPT FROM APPLICABLE LOCAL RENTAL
 35 LICENSING REQUIREMENTS; OR

1 (3) UNLICENSED FOR REASONS DESCRIBED UNDER SUBSECTION
 2 (C)(1)(III), (IV), OR (V) OF THIS SECTION.

3 ~~(2) THIS SUBSECTION DOES NOT APPLY TO AN ACTION TO REPOSSESS~~
 4 ~~FOR BREACH OF LEASE UNDER § 8-402.1(A)(1)(I)2B OF THIS SUBTITLE.~~

5 ~~(D) (C) (1) AT TRIAL, THE LANDLORD MUST DEMONSTRATE TO THE~~
 6 ~~SATISFACTION OF THE COURT BY A PREPONDERANCE OF THE EVIDENCE THAT THE~~
 7 ~~PROPERTY LISTED IN THE WRITTEN COMPLAINT IS LICENSED WITH THE~~
 8 ~~JURISDICTION OR IS EXEMPT FROM APPLICABLE LICENSING REQUIREMENTS;~~

9 (I) LICENSED IN COMPLIANCE WITH APPLICABLE LOCAL
 10 RENTAL LICENSING REQUIREMENTS;

11 (II) EXEMPT FROM APPLICABLE LOCAL RENTAL LICENSING
 12 REQUIREMENTS;

13 (III) NOT LICENSED IN COMPLIANCE WITH APPLICABLE LOCAL
 14 RENTAL LICENSING REQUIREMENTS BECAUSE OF A WRONGFUL ACT OF THE TENANT,
 15 REGARDLESS OF INTENTION, THAT CAUSED THE LICENSING AUTHORITY TO
 16 SUSPEND, REVOKE, OR REFUSE TO GRANT OR RENEW THE RENTAL LICENSE;

17 (IV) NOT LICENSED IN COMPLIANCE WITH APPLICABLE LOCAL
 18 RENTAL LICENSING REQUIREMENTS BECAUSE AN ADMINISTRATIVE ERROR OR
 19 OMISSION BY THE LICENSING AUTHORITY CAUSED THE LICENSING AUTHORITY TO
 20 SUSPEND, REVOKE, OR REFUSE TO GRANT OR RENEW THE RENTAL LICENSE; OR

21 (V) PART OF A MULTI-UNIT PROPERTY NOT LICENSED IN
 22 COMPLIANCE WITH LOCAL RENTAL LICENSING REQUIREMENTS BECAUSE OF A
 23 CONDITION AFFECTING ANOTHER UNIT IN THE MULTI-UNIT PROPERTY AND WHERE:

24 1. THERE IS ONE LICENSE FOR MULTIPLE UNITS;

25 2. THE PROPERTY LISTED IN THE WRITTEN COMPLAINT
 26 AND THE SURROUNDING COMMON AREAS:

27 A. SATISFY THE INSPECTION REQUIREMENTS OF THE
 28 LOCAL LICENSING AUTHORITY; AND

29 B. ARE FREE OF DEFECTS THAT THREATEN THE LIFE,
 30 HEALTH, OR SAFETY OF THE TENANT; AND

31 3. THE LANDLORD HAS TAKEN ALL NECESSARY STEPS
 32 TO OBTAIN OR RENEW THE RENTAL LICENSE FOR THE PROPERTY BUT IS UNABLE TO

1 OBTAIN OR RENEW THE LICENSE DUE TO A CONDITION AFFECTING ANOTHER UNIT
2 NOT SUBJECT TO THE EVICTION ACTION ON THE MULTI-UNIT RENTAL LICENSE.

3 (2) THE COURT SHALL GRANT ONE POSTPONEMENT IN THE EVENT
4 THAT A PARTY SEEKS ADDITIONAL EVIDENCE RELATED TO THE ASSERTION IN
5 PARAGRAPH (1) OF THIS SUBSECTION.

6 ~~(2)~~ (3) TO SATISFY THE REQUIREMENTS OF THIS SUBSECTION, A
7 LANDLORD MAY PROVIDE ELECTRONIC PROOF OF LICENSURE.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.