

SENATE BILL 279

N1
SB 816/22 – JPR

3lr0745
CF HB 102

By: **Senators Waldstreicher, Kramer, West, and Jackson**

Introduced and read first time: January 26, 2023

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2023

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Actions for Possession – Pet Protections**

3 FOR the purpose of requiring the Department of Agriculture to develop, publish, and
4 regularly update a fact sheet on the care and protection of pets in the event of an
5 eviction or any other loss of possession of real property; requiring the fact sheet to be
6 published in a certain manner; requiring a landlord to provide ~~information about a~~
7 link to the fact sheet at the execution of a lease under certain circumstances;
8 requiring the Maryland Judiciary to provide ~~information about a link to~~ the fact
9 sheet when issuing certain warrants; requiring a sheriff, a constable, or any other
10 official, under certain circumstances, to return a pet to a tenant or certain other
11 person or to contact an animal shelter or a rescue organization and provide certain
12 notice; prohibiting the leaving of a pet on public property; and generally relating to
13 actions for possession of real property and pet protections.

14 BY repealing and reenacting, without amendments,
15 Article – Agriculture
16 Section 2–1701 and 15–101(a)(1) and (2)
17 Annotated Code of Maryland
18 (2016 Replacement Volume and 2022 Supplement)

19 BY adding to
20 Article – Real Property
21 Section 14–801 through 14–806 to be under the new subtitle “Subtitle 8. Pet
22 Protections”
23 Annotated Code of Maryland

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.



(2015 Replacement Volume and 2022 Supplement)

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

Article – Agriculture

2–1701.

In this subtitle, “animal shelter” means:

(1) A county or municipal animal control facility;

(2) An organization that contracts with a county or municipality for animal control; or

(3) An organization that shelters animals and has received a grant from the Spay/Neuter Fund under Subtitle 16 of this title during the previous year.

15–101.

(a) (1) In this section the following words have the meanings indicated.

(2) “Animal rescue organization” includes:

(i) A nonprofit organization incorporated for the purpose of rescuing animals in need and finding permanent adoptive homes for the animals; and

(ii) A government–operated animal control unit that provides animals for adoption.

Article – Real Property

SUBTITLE 8. PET PROTECTIONS.

14–801.

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

(B) “ANIMAL RESCUE ORGANIZATION” HAS THE MEANING STATED IN § 15–101 OF THE AGRICULTURE ARTICLE.

(C) “ANIMAL SHELTER” HAS THE MEANING STATED IN § 2–1701 OF THE AGRICULTURE ARTICLE.

1 (D) "PET" MEANS A DOMESTICATED DOG OR CAT.

2 14-802.

3 THIS SUBTITLE APPLIES TO AN ACTION FOR POSSESSION OF REAL PROPERTY
4 FILED ON OR AFTER NOVEMBER 1, 2023, BY:

5 (1) A LANDLORD AGAINST A TENANT UNDER § 8-401, § 8-402, OR §
6 8-402.1 OF THIS ARTICLE; OR

7 (2) A COMPLAINANT AGAINST A PERSON HOLDING POSSESSION OF
8 REAL PROPERTY UNDER § 14-132 OF THIS TITLE.

9 14-803.

10 (A) BY OCTOBER 1, 2023, THE DEPARTMENT OF AGRICULTURE SHALL
11 DEVELOP AND PUBLISH ON ITS WEBSITE A FACT SHEET THAT PROVIDES
12 INFORMATION ABOUT HOW A PERSON MAY CARE FOR AND PROTECT ANY PETS IN
13 THE EVENT THE PERSON IS EVICTED OR LOSES POSSESSION OF THE PERSON'S
14 PROPERTY.

15 (B) THE DEPARTMENT OF AGRICULTURE SHALL:

16 (1) INCLUDE IN THE FACT SHEET INFORMATION ON STATE AND
17 LOCAL RESOURCES, INCLUDING ANIMAL SHELTERS AND ANIMAL RESCUE
18 ORGANIZATIONS; AND

19 (2) UPDATE THE FACT SHEET ON A REGULAR BASIS.

20 14-804.

21 ON OR AFTER NOVEMBER 1, 2023, AT THE EXECUTION OF A LEASE, THE
22 LANDLORD SHALL INCLUDE WITH THE LEASE A DESCRIPTION OF THE FACT SHEET
23 PUBLISHED UNDER § 14-803 OF THIS SUBTITLE AND WHERE THE FACT SHEET IS
24 LOCATED ON THE DEPARTMENT OF AGRICULTURE'S WEBSITE IF THE LANDLORD
25 KNOWS THAT A TENANT POSSESSES A PET.

26 14-805.

27 BEGINNING NOVEMBER 1, 2023, THE MARYLAND JUDICIARY SHALL INCLUDE
28 A ~~DESCRIPTION OF~~ LINK TO THE FACT SHEET PUBLISHED ON THE DEPARTMENT OF
29 AGRICULTURE'S WEBSITE UNDER § 14-803 OF THIS SUBTITLE ~~AND WHERE THE~~
30 ~~FACT SHEET IS LOCATED ON THE DEPARTMENT OF AGRICULTURE'S WEBSITE~~ WITH

1 ANY WARRANT ISSUED UNDER § 8-401(F)(1)(I), § 8-402(B)(2)(I) OR (V), OR §
2 8-402.1(B) OF THIS ARTICLE OR § 14-132(F) OR (I) OF THIS TITLE.

3 14-806.

4 (A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WHEN
5 POSSESSION OF REAL PROPERTY IS DELIVERED TO A LANDLORD OR COMPLAINANT
6 FOLLOWING AN ACTION UNDER § 8-401, § 8-402, OR § 8-402.1 OF THIS ARTICLE OR
7 § 14-132 OF THIS TITLE, THE SHERIFF, CONSTABLE, OR OTHER OFFICIAL SHALL:

8 (I) IMMEDIATELY INSPECT THE PREMISES FOR ANY PET; AND

9 (II) PROVIDE TO THE TENANT OR PERSON WHO WAS HOLDING
10 POSSESSION OF THE REAL PROPERTY ANY PET ON THE PREMISES BELONGING TO
11 THE TENANT OR PERSON WHO WAS HOLDING POSSESSION OF THE REAL PROPERTY.

12 (2) IF THE TENANT OR PERSON WHO WAS HOLDING POSSESSION OF
13 REAL PROPERTY IS NOT PRESENT AT THE TIME THE REAL PROPERTY IS DELIVERED
14 TO A LANDLORD OR COMPLAINANT, THE SHERIFF, CONSTABLE, OR OTHER OFFICIAL
15 SHALL:

16 (I) CONTACT AN ANIMAL SHELTER OR ANIMAL RESCUE
17 ORGANIZATION TO TAKE CUSTODY OF THE PET;

18 (II) PROVIDE THE TENANT OR PERSON WHO WAS HOLDING
19 POSSESSION OF THE REAL PROPERTY WITH THE NAME AND CONTACT INFORMATION
20 OF THE ANIMAL SHELTER OR ANIMAL RESCUE ORGANIZATION WHERE THE PET IS
21 TAKEN; AND

22 (III) PROVIDE THE ANIMAL SHELTER OR ANIMAL RESCUE
23 ORGANIZATION WITH THE NAME AND CONTACT INFORMATION, INCLUDING THE
24 TELEPHONE NUMBER IF AVAILABLE, OF THE TENANT OR PERSON WHO WAS
25 HOLDING POSSESSION OF THE REAL PROPERTY FROM WHICH THE PET WAS TAKEN.

26 (B) A PERSON MAY NOT REMOVE A PET FROM REAL PROPERTY DELIVERED
27 TO A LANDLORD OR COMPLAINANT FOLLOWING AN ACTION UNDER § 8-401, § 8-402,
28 OR § 8-402.1 OF THIS ARTICLE OR § 14-132 OF THIS TITLE AND LEAVE THE PET ON
29 PUBLIC PROPERTY OR A PUBLIC RIGHT-OF-WAY.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
31 1, 2023.