

Department of Legislative Services  
Maryland General Assembly  
2023 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 102

(Delegate Stein, *et al.*)

Environment and Transportation

Judicial Proceedings

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Real Property - Actions for Possession - Pet Protections

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This bill establishes procedures to protect specified pets (domesticated cats and dogs) 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 November 1, 2023. By October 1, 2023, 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 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, 2023.**

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Fiscal Summary

**State Effect:** MDA and the Judiciary 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.

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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.

On or after November 1, 2023, when executing a lease with a tenant, a landlord must include with the lease a link to the fact sheet published under the bill if the landlord knows that a tenant possesses a pet. The Judiciary must provide the link to the fact sheet with any warrant issued under failure to pay rent, tenant holding over, breach of lease, and wrongful detainer actions, as specified.

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 HB 102/ Page 2

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).

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### **Additional Information**

**Prior Introductions:** Similar legislation has been introduced within the last three years. See HB 1064 and SB 816 of 2022.

**Designated Cross File:** SB 279 (Senator Waldstreicher, *et al.*) - Judicial Proceedings.

**Information Source(s):** Anne Arundel, Baltimore, Cecil, Frederick, Montgomery, and Somerset counties; Judiciary (Administrative Office of the Courts); Maryland Department of Agriculture; Department of Legislative Services

**Fiscal Note History:** First Reader - January 27, 2023  
km/jkb Third Reader - March 23, 2023  
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