

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 882 (Delegate Smith)

Judiciary and Environment and
Transportation

Landlord and Tenant - Holding Over - Landlord Restrictions and Tenant Remedies

This bill explicitly establishes that the District Court has exclusive original jurisdiction over petitions seeking injunctive relief or damages under § 8-216 of the Real Property Article (nonjudicial evictions by willful diminution of services) and local laws governing the evictions of residential tenants. The bill alters the Public Local Laws of Baltimore City to authorize a landlord in Baltimore City to take possession of a dwelling from a tenant or tenant holding over only under specified circumstances. Finally, the bill specifies that: (1) certain provisions of the Public Local Laws of Baltimore City may not be construed to prevent a landlord from taking temporary measures, as specified, under certain conditions and (2) a tenant's rights under those provisions may be enforced by injunctive relief.

Fiscal Summary

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

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

Small Business Effect: Potential meaningful.

Analysis

Bill Summary/Current Law: Generally, under current law, the District Court has exclusive original jurisdiction in actions involving landlord and tenant; statute also explicitly affords jurisdiction over petitions of injunction filed by tenants in specified

actions under the Real Property Article, including those related to the repair of serious and dangerous defects. The bill explicitly establishes that the District Court has exclusive original jurisdiction in a petition of injunction filed by a tenant in an action for injunctive relief or damages under § 8-216 of the Real Property Article or a local law governing the evictions of residential tenants.

Under § 8-216 of the Real Property Article, a landlord may not take possession or threaten to take possession of a dwelling unit from a tenant or tenant holding over by locking the tenant out or any other action, including “willful diminution of services” to the tenant. “Willful diminution of services” means intentionally interrupting or causing the interruption of heat, running water, hot water, electricity, or gas by the landlord for the purpose of forcing a tenant to abandon the property. However, it does not include a landlord choosing not to continue to pay for utility service for residential property after a final court order awarding possession of the residential property if the landlord has provided the tenant reasonable notice of the landlord’s intention and the opportunity for the tenant to open an account in the tenant’s name for that service.

Instead, a landlord may take possession of a dwelling unit from a tenant or tenant holding over only in accordance with a warrant of restitution issued by a court and executed by a sheriff or constable or if the tenant has abandoned or surrendered possession of the dwelling unit. If in any proceeding the court finds in favor of a tenant because the landlord improperly took possession or threatened to take possession, the tenant may recover actual damages and reasonable attorney’s fees and costs. Existing statute includes a provision that these remedies are not exclusive; the bill specifically authorizes a tenant to pursue injunctive relief.

Pursuant to Article 4, Section 9-15 of the Public Laws of Baltimore City, an agent, landlord, or operator is prohibited from taking specified actions, including those related to the intentional interruption, termination, or diminishment of specified utility services without the consent of the tenant. A violator is guilty of a misdemeanor and subject to maximum penalties of a \$500 fine and/or 10 days’ imprisonment, in the discretion of the court, for each offense.

The bill specifies that a landlord may take possession of a dwelling from a tenant or tenant holding over only in accordance with a warrant of restitution issued by a court and executed by a sheriff or constable or if the tenant has abandoned or surrendered possession of the dwelling unit. The bill specifies that the provisions of § 9-15 may not be construed to prevent a landlord from taking temporary measures, including changing the locks, to secure an unsecured residential property, if the landlord makes a good faith attempt to provide reasonable notice to the tenant and promptly restores possession of the property to the tenant. The bill also authorizes a tenant’s rights under these provisions to be enforced by injunctive relief.

Small Business Effect: The bill's provisions specifically authorize a tenant to seek injunctive relief against a landlord in specified circumstances and specify certain temporary measures that may be taken by a landlord to secure unsecured residential property.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 770 (Senator Carter)(By Request - Baltimore City Administration) - Judicial Proceedings.

Information Source(s): Maryland Association of Counties; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2023
js/jkb

Analysis by: Donovan A. Ham

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