

HOUSE BILL 249

L1, L3, N1

(PRE-FILED)

5lr0747
CF SB 125

By: **Delegate Palakovich Carr**

Requested: September 3, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Real Property – Local Limits on Summoning Law Enforcement or**
3 **Emergency Services**

4 FOR the purpose of prohibiting a local jurisdiction from enforcing a law or ordinance that
5 limits the summoning of law enforcement or emergency services to a residential
6 property by establishing a certain threshold or penalty; and generally relating to the
7 enforcement of local laws and ordinances that limit the summoning of law
8 enforcement or emergency services.

9 BY repealing and reenacting, with amendments,
10 Article – Real Property
11 Section 14–126
12 Annotated Code of Maryland
13 (2023 Replacement Volume and 2024 Supplement)

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

16 **Article – Real Property**

17 14–126.

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

19 (2) “Emergency services” includes fire, rescue, and ambulance services and
20 a mobile crisis team as defined in § 10–1401 of the Health – General Article.

21 (3) “Governing body” has the meaning stated in § 1–101 of the Local
22 Government Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) "Municipality" has the meaning stated in § 1-101 of the Local
2 Government Article.

3 (5) "Rental license" means any certificate, license, or permit required to
4 rent residential real property issued by a county or a municipality.

5 (6) (i) "Short-term rental unit" means a residential dwelling unit or a
6 portion of the unit used to provide housing for less than 31 consecutive days.

7 (ii) "Short-term rental unit" does not include a hotel or motel,
8 boarding house, group residential facility for students, fraternity or sorority house, or
9 similar housing.

10 (b) This section does not apply to a local law or ordinance governing:

11 (1) The installation and use of residential security alarm systems;

12 (2) The physical condition, sanitation, maintenance, or repair of real
13 property, including vacant buildings;

14 (3) Parking enforcement;

15 (4) Calls to law enforcement concerning social gatherings or excessive noise
16 that do not involve an offense set forth in the Criminal Law Article and are:

17 (i) Made with the intent to harass another; or

18 (ii) Knowingly false, as a whole or in material part; or

19 (5) Short-term rental units.

20 (c) (1) The governing body of a county or a municipality may not enact **OR**
21 **ENFORCE** a local law or ordinance that:

22 (i) Establishes a threshold of requests to summon law enforcement
23 or emergency services to a residential property as grounds for designating a property as a
24 nuisance; or

25 (ii) Penalizes or authorizes a penalty against an operator, an owner,
26 an owner-occupant, or a tenant for:

27 1. The act of summoning law enforcement or emergency
28 services to a residential property; or

29 2. The actions of another individual to summon the
30 assistance of law enforcement or emergency services to a residential property.

1 (2) There is a presumption that a local law or ordinance relating to
2 summoning law enforcement or emergency services to a residential property is prohibited
3 under paragraph (1)(ii) of this subsection if the local law or ordinance authorizes or
4 requires:

5 (i) The assessment of a monetary penalty or fine on an operator, an
6 owner, an owner-occupant, or a tenant;

7 (ii) The use of an action for repossession of a dwelling unit from a
8 tenant or termination or nonrenewal of a tenant's lease; or

9 (iii) The revocation, suspension, or nonrenewal of a rental license.

10 (d) An operator, an owner, an owner-occupant, or a tenant may raise the issue
11 that a local law or ordinance is prohibited under subsection (c) of this section:

12 (1) As a defense to an action to enforce the local law or ordinance; or

13 (2) As an affirmative claim for damages resulting from the enforcement of
14 the law or ordinance.

15 (e) If in any proceeding the court finds in favor of the operator, owner,
16 owner-occupant, or tenant, the court may enter a judgment against the county or
17 municipality attempting to enforce the prohibited local law or ordinance and award the
18 operator, owner, owner-occupant, or tenant:

19 (1) Reasonable damages;

20 (2) Reasonable attorney's fees;

21 (3) Court costs;

22 (4) Reinstatement of a rental license; and

23 (5) Other relief as deemed appropriate by the court.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2025.