N1 5lr0947

By: Delegates Guyton, Bagnall, Davis, Foley, Guzzone, Healey, D. Jones, Lehman, R. Lewis, Lopez, McCaskill, Queen, Roberts, Ruth, Solomon, Taveras, Terrasa, White Holland, Woods, and Ziegler

Introduced and read first time: January 31, 2025 Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

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Real Property - Landlord and Tenant - Family Child Care Homes

- 3 FOR the purpose of authorizing a landlord to impose an increased security deposit if a 4 tenant operates or plans to operate a family child care home on the leased premises; 5 prohibiting a landlord of certain residential rental property from prohibiting or 6 unreasonably limiting the operation of a family child care home on the property; 7 providing that landlords of certain residential rental property are immune from civil 8 liability for the acts or omissions of a tenant relating to the operation of a family 9 child care home; requiring a tenant to notify a landlord prior to operating a family 10 child care home on the property; requiring a tenant to provide a landlord with a 11 certificate of insurance naming the landlord as an additional insured on policies 12 under certain circumstances; and generally relating to the operation of family child 13 care homes on residential rental property.
- 14 BY repealing and reenacting, without amendments,
- 15 Article Education
- 16 Section 9.5–301(a) and (e)
- 17 Annotated Code of Maryland
- 18 (2022 Replacement Volume and 2024 Supplement)
- 19 BY repealing and reenacting, with amendments,
- 20 Article Real Property
- 21 Section 8–203(b)
- 22 Annotated Code of Maryland
- 23 (2023 Replacement Volume and 2024 Supplement)
- 24 BY adding to
- 25 Article Real Property
- 26 Section 8–220

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 Annotated Code of Maryland 2 (2023 Replacement Volume and 2024 Supplement) 3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows: 4 **Article - Education** 5 6 9.5 - 301.7 (a) In this subtitle the following words have the meanings indicated. 8 "Family child care home" means a residence in which family child care is provided for up to eight children. 9 Article - Real Property 10 11 8-203.12 Except as provided in paragraph (2) of this subsection, a landlord may (b) not impose a security deposit in excess of the equivalent of 1 month's rent per dwelling unit, 13 regardless of the number of tenants. 14 A landlord may impose a security deposit in an amount equivalent to 15 up to 2 months' rent if: 16 17 1. The tenant is eligible and has qualified for utility (i) assistance through the Department of Human Services; 18 19 [(ii)] **2.** The lease agreement requires that the tenant make 20 payments for utility services directly to the landlord; and 21The tenant and landlord agree in writing to the amount of [(iii)] **3.** the security deposit; OR 2223(II) THE TENANT OPERATES OR PLANS TO OPERATE A FAMILY 24 CHILD CARE HOME REGISTERED UNDER TITLE 9.5, SUBTITLE 3 OF THE EDUCATION 25ARTICLE ON THE LEASED PREMISES.
- 26 (3) If a landlord violates paragraph (1) of this subsection, the tenant may recover up to three times the extra amount charged, plus reasonable attorney's fees.
- 28 (4) An action under this section may be brought at any time during the 29 tenancy or within 2 years after its termination.
- 30 **8–220.**

- 1 (A) IN THIS SECTION, "FAMILY CHILD CARE HOME" HAS THE MEANING 2 STATED IN § 9.5–301 OF THE EDUCATION ARTICLE.
- 3 (B) THIS SECTION APPLIES ONLY TO THE LEASE OF A SINGLE-FAMILY OR
 4 MULTIFAMILY DWELLING TO A TENANT OR PROSPECTIVE TENANT FOR USE OF THE
 5 LEASED PREMISES AS A FAMILY CHILD CARE HOME.
- 6 (C) (1) THIS SUBSECTION DOES NOT APPLY TO:
- 7 (I) THE LEASE OF THE FOLLOWING RESIDENTIAL PROPERTY IF 8 ONE OF THE DWELLING UNITS IS OWNER-OCCUPIED:
- 9 1. A SINGLE-FAMILY DWELLING; OR
- 10 **2. A** MULTIFAMILY DWELLING WITH FOUR OR FEWER 11 DWELLING UNITS; OR
- 12 (II) PROHIBITIONS AGAINST OR RESTRICTIONS ON FAMILY
- 13 CHILD CARE HOMES IMPOSED BY THE GOVERNING DOCUMENTS OR BYLAWS OF A
- 14 CONDOMINIUM OR COOPERATIVE HOUSING CORPORATION.
- 15 (2) A LANDLORD OF A SINGLE-FAMILY OR MULTIFAMILY DWELLING
- 16 MAY NOT PROHIBIT A TENANT OR PROSPECTIVE TENANT FROM OPERATING A
- 17 FAMILY CHILD CARE HOME ON THE LEASED PREMISES BY:
- 18 (I) REFUSING TO OFFER THE PREMISES FOR LEASE,
- 19 NEGOTIATE THE LEASE OF THE PREMISES, OR LEASE THE PREMISES;
- 20 (II) IMPOSING UNREASONABLE LIMITATIONS OR CONDITIONS
- 21 ON THE USE OF THE LEASED PREMISES AS A FAMILY CHILD CARE HOME; OR
- 22 (III) OTHERWISE ACTING IN BAD FAITH TO PREVENT THE USE OF
- 23 THE LEASED PREMISES AS A FAMILY CHILD CARE HOME.
- 24 (D) A LANDLORD IS NOT LIABLE FOR ANY ACT OR OMISSION OF A TENANT
- 25 RELATING TO THE OPERATION OF A FAMILY CHILD CARE HOME.
- 26 (E) A TENANT SHALL NOTIFY A LANDLORD IN WRITING AT LEAST 30 DAYS
- 27 PRIOR TO OPERATING A FAMILY CHILD CARE HOME ON THE LEASED PREMISES.
- 28 (F) AT THE REQUEST OF THE LANDLORD, A TENANT OPERATING OR
- 29 PLANNING TO OPERATE A FAMILY CHILD CARE HOME SHALL PROVIDE THE

- 1 LANDLORD WITH A CERTIFICATE OF INSURANCE NAMING THE LANDLORD AS AN
- 2 ADDITIONAL INSURED ON POLICIES RELATING TO THE OPERATION OF THE FAMILY
- 3 CHILD CARE HOME.
- 4 (G) THIS SECTION DOES NOT LIMIT OR PREEMPT THE LOCAL ZONING 5 AUTHORITY OF A COUNTY OR MUNICIPALITY.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any lease entered into before the effective date of this Act.
- 9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect 10 October 1, 2025.