

# HOUSE BILL 911

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5lr0947

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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~~ Ziegler, Allen, and Boyce**

Introduced and read first time: January 31, 2025

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2025

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **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 certain registration and a certificate of insurance naming ~~the landlord~~ certain  
12 entities as ~~an~~ additional ~~insured~~ insureds on policies under certain circumstances;  
13 requiring a tenant to notify a landlord if the tenant ceases operation of a family child  
14 care home; authorizing a landlord to require a certain tenant to purchase a certain  
15 insurance policy; requiring a tenant to cease the operation of the family child care  
16 home under certain circumstances; and generally relating to the operation of family  
17 child care homes on residential rental property.

18 BY repealing and reenacting, without amendments,  
19 Article – Education  
20 Section 9.5–301(a) and (e)  
21 Annotated Code of Maryland  
22 (2022 Replacement Volume and 2024 Supplement)

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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.



1 BY repealing and reenacting, with amendments,  
2 Article – Real Property  
3 Section 8–203(b)  
4 Annotated Code of Maryland  
5 (2023 Replacement Volume and 2024 Supplement)

6 BY adding to  
7 Article – Real Property  
8 Section 8–220  
9 Annotated Code of Maryland  
10 (2023 Replacement Volume and 2024 Supplement)

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

13 **Article – Education**

14 9.5–301.

15 (a) In this subtitle the following words have the meanings indicated.

16 (e) “Family child care home” means a residence in which family child care is  
17 provided for up to eight children.

18 **Article – Real Property**

19 8–203.

20 (b) (1) Except as provided in paragraph (2) of this subsection, a landlord may  
21 not impose a security deposit in excess of the equivalent of 1 month’s rent per dwelling unit,  
22 regardless of the number of tenants.

23 (2) A landlord may impose a security deposit in an amount equivalent to  
24 up to 2 months’ rent if:

25 (i) **1.** The tenant is eligible and has qualified for utility  
26 assistance through the Department of Human Services;

27 [(ii)] **2.** The lease agreement requires that the tenant make  
28 payments for utility services directly to the landlord; and

29 [(iii)] **3.** The tenant and landlord agree in writing to the amount of  
30 the security deposit; **OR**

1 (II) THE TENANT OPERATES OR PLANS TO OPERATE A FAMILY  
 2 CHILD CARE HOME REGISTERED UNDER TITLE 9.5, SUBTITLE 3 OF THE EDUCATION  
 3 ARTICLE ON THE LEASED PREMISES.

4 (3) If a landlord violates paragraph (1) of this subsection, the tenant may  
 5 recover up to three times the extra amount charged, plus reasonable attorney's fees.

6 (4) An action under this section may be brought at any time during the  
 7 tenancy or within 2 years after its termination.

8 ~~8-220.~~

9 (A) IN THIS SECTION, "FAMILY CHILD CARE HOME" HAS THE MEANING  
 10 STATED IN § 9.5-301 OF THE EDUCATION ARTICLE.

11 (B) THIS SECTION APPLIES ONLY TO THE LEASE OF A SINGLE-FAMILY ~~OR~~  
 12 ~~MULTIFAMILY~~ DWELLING TO A TENANT OR PROSPECTIVE TENANT FOR USE OF THE  
 13 LEASED PREMISES AS A FAMILY CHILD CARE HOME.

14 (C) (1) THIS SUBSECTION DOES NOT APPLY TO:

15 (I) ~~THE LEASE OF THE FOLLOWING RESIDENTIAL PROPERTY IF~~  
 16 ~~ONE OF THE DWELLING UNITS IS AN OWNER-OCCUPIED SINGLE-FAMILY DWELLING:~~

17 ~~1. A SINGLE-FAMILY DWELLING; OR~~

18 ~~2. A MULTIFAMILY DWELLING WITH FOUR OR FEWER~~  
 19 ~~DWELLING UNITS; OR~~

20 (II) PROHIBITIONS AGAINST OR RESTRICTIONS ON FAMILY  
 21 CHILD CARE HOMES IMPOSED BY ~~THE~~:

22 1. AGE-RELATED RESTRICTIONS OF A HOMEOWNERS  
 23 ASSOCIATION; OR

24 2. THE GOVERNING DOCUMENTS OR BYLAWS OF A  
 25 CONDOMINIUM OR COOPERATIVE HOUSING CORPORATION.

26 (2) A LANDLORD OF A SINGLE-FAMILY ~~OR MULTIFAMILY~~ DWELLING  
 27 MAY NOT PROHIBIT A TENANT OR PROSPECTIVE TENANT FROM OPERATING A  
 28 FAMILY CHILD CARE HOME ON THE LEASED PREMISES BY:

29 (I) REFUSING TO OFFER THE PREMISES FOR LEASE,  
 30 NEGOTIATE THE LEASE OF THE PREMISES, OR LEASE THE PREMISES;

1 (II) IMPOSING UNREASONABLE LIMITATIONS OR CONDITIONS  
2 ON THE USE OF THE LEASED PREMISES AS A FAMILY CHILD CARE HOME; OR

3 (III) OTHERWISE ACTING IN BAD FAITH TO PREVENT THE USE OF  
4 THE LEASED PREMISES AS A FAMILY CHILD CARE HOME.

5 (D) A LANDLORD IS NOT LIABLE FOR ANY ACT OR OMISSION OF A TENANT  
6 RELATING TO THE OPERATION OF A FAMILY CHILD CARE HOME.

7 (E) A TENANT SHALL NOTIFY A LANDLORD IN WRITING AT LEAST ~~30~~ 60 DAYS  
8 PRIOR TO OPERATING A FAMILY CHILD CARE HOME ON THE LEASED PREMISES.

9 (F) (1) ~~AT THE REQUEST OF THE LANDLORD, A TENANT OPERATING OR~~  
10 ~~PLANNING TO OPERATE~~ PRIOR TO COMMENCING THE OPERATION OF A FAMILY  
11 CHILD CARE HOME, A TENANT SHALL PROVIDE THE LANDLORD WITH:

12 (I) THE TENANT'S REGISTRATION TO OPERATE A FAMILY  
13 CHILD CARE HOME ISSUED UNDER TITLE 9.5, SUBTITLE 3 OF THE EDUCATION  
14 ARTICLE; AND

15 (II) ~~A~~ A CERTIFICATE OF INSURANCE NAMING THE ~~LANDLORD~~  
16 FOLLOWING AS AN ADDITIONAL INSURED INSUREDS ON POLICIES RELATING TO THE  
17 OPERATION OF THE FAMILY CHILD CARE HOME:

18 1. THE LANDLORD; AND

19 2. EACH ENTITY WITH A DIRECT OR INDIRECT  
20 OWNERSHIP OR MEMBERSHIP INTEREST IN THE PROPERTY.

21 (2) IF THE TENANT CEASES OPERATION OF THE FAMILY CHILD CARE  
22 HOME, THE TENANT SHALL NOTIFY THE LANDLORD IMMEDIATELY.

23 (3) A LANDLORD MAY REQUIRE A TENANT TO PURCHASE A LIABILITY  
24 INSURANCE POLICY WITH COVERAGE LIMITS OF NOT MORE THAN \$1,000,000 IN  
25 CONNECTION WITH THE TENANT'S OPERATION OF A FAMILY CHILD CARE HOME.

26 (4) IF THERE IS A LAPSE IN COVERAGE ON A POLICY UNDER  
27 PARAGRAPH (1)(II) OF THIS SUBSECTION, THE TENANT SHALL CEASE OPERATION OF  
28 THE FAMILY CHILD CARE HOME FOR THE DURATION OF THE LAPSE.

29 (G) THIS SECTION DOES NOT LIMIT OR PREEMPT THE LOCAL ZONING  
30 AUTHORITY OF A COUNTY OR MUNICIPALITY.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
2 apply only prospectively and may not be applied or interpreted to have any effect on or  
3 application to any lease entered into before the effective date of this Act.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2025.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.