Article - Real Property

[Previous][Next]

§8–406.

(a) (1) This section applies only in a county, a municipality, or any other jurisdiction that requires a license for the lawful operation of residential rental property.

(2) This section does not apply to an action to repossess under § 8–402.1(a)(1)(i)2B of this subtitle.

(b) On the filing of a written complaint to repossess residential property under § 8–401, § 8–402, or § 8–402.1 of this subtitle or under Subtitle 9 of the Code of Public Local Laws of Baltimore City, the landlord shall plead with supporting facts in the form prescribed by the Judiciary that the property is:

(1) Licensed in compliance with applicable local rental licensing requirements;

(2) Exempt from applicable local rental licensing requirements; or

(3) Unlicensed for reasons described under subsection (c)(1)(iii), (iv), or (v) of this section.

(c) (1) At trial, the landlord must demonstrate by a preponderance of the evidence that the property listed in the written complaint is:

(i) Licensed in compliance with applicable local rental licensing requirements;

(ii) Exempt from applicable local rental licensing requirements;

(iii) Not licensed in compliance with applicable local rental licensing requirements because of a wrongful act of the tenant, regardless of intention, that caused the licensing authority to suspend, revoke, or refuse to grant or renew the rental license;

(iv) Not licensed in compliance with applicable local rental licensing requirements because an administrative error or omission by the licensing authority caused the licensing authority to suspend, revoke, or refuse to grant or renew the rental license; or

(v) Part of a multi–unit property not licensed in compliance with local rental licensing requirements because of a condition affecting another unit in the multi–unit property and where:

1. There is one license for multiple units;

2. The property listed in the written complaint and the surrounding common areas:

A. Satisfy the inspection requirements of the local licensing authority; and

B. Are free of defects that threaten the life, health, or safety of the tenant; and

3. The landlord has taken all necessary steps to obtain or renew the rental license for the property but is unable to obtain or renew the license due to a condition affecting another unit not subject to the eviction action on the multi–unit rental license.

(2) The court shall grant one postponement in the event that a party seeks additional evidence related to the assertion in paragraph (1) of this subsection.

(3) To satisfy the requirements of this subsection, a landlord may provide electronic proof of licensure.

[Previous][Next]