

HOUSE BILL 313

N1, I3

6lr0819

By: **Delegate Stewart**

Introduced and read first time: January 15, 2026

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant – Residential Housing – Rental Applications and Tenant**
3 **Screening**

4 FOR the purpose of prohibiting a landlord from collecting an application fee or a screening
5 fee from a potential tenant under certain circumstances; requiring a landlord to
6 provide certain notice and documentation to a prospective tenant under certain
7 circumstances; providing that a prospective tenant shall be allowed to dispute and
8 provide evidence regarding certain information contained in a tenant screening
9 report; prohibiting a landlord from taking certain actions relating to a certain court
10 proceeding and record; establishing certain requirements for a person that produces
11 tenant screening reports; making a violation of this Act an unfair, abusive, or
12 deceptive trade practice subject to enforcement and certain penalties under the
13 Maryland Consumer Protection Act; and generally relating to rental applications
14 and prospective tenant screening.

15 BY repealing and reenacting, with amendments,
16 Article – Commercial Law
17 Section 13–301(14)(xlvii)
18 Annotated Code of Maryland
19 (2025 Replacement Volume)

20 BY repealing and reenacting, without amendments,
21 Article – Commercial Law
22 Section 13–301(14)(xlviii)
23 Annotated Code of Maryland
24 (2025 Replacement Volume)

25 BY adding to
26 Article – Commercial Law
27 Section 13–301(14)(xlix)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2025 Replacement Volume)

BY adding to

Article – Real Property

Section 8–222

Annotated Code of Maryland

(2023 Replacement Volume and 2025 Supplement)

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

Article – Commercial Law

13–301.

Unfair, abusive, or deceptive trade practices include any:

(14) Violation of a provision of:

(xlvii) Title 14, Subtitle 50 of this article; [or]

(xlviii) Section 13–411.1(c)(2) of the Transportation Article; or

(XLIX) SECTION 8–222 OF THE REAL PROPERTY ARTICLE;

OR

Article – Real Property

8–222.

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.**

(2) “ADVERSE ACTION” MEANS:

**(I) DENIAL OF A PROSPECTIVE TENANT’S RENTAL
APPLICATION;**

**(II) CONDITIONAL ACCEPTANCE OF A PROSPECTIVE TENANT’S
RENTAL APPLICATION; OR**

**(III) PLACEMENT OF A PROSPECTIVE TENANT ON A WAITING
LIST.**

1 **(3) (I) “CONDITIONAL ACCEPTANCE” MEANS THE ACCEPTANCE OF**
2 **A PROSPECTIVE TENANT’S APPLICATION CONTINGENT ON A SUBSEQUENT ACTION**
3 **OR CONDITION.**

4 **(II) “CONDITIONAL ACCEPTANCE” INCLUDES:**

5 **1. SUBJECTING A PROSPECTIVE TENANT TO AN**
6 **INCREASED RENTAL RATE;**

7 **2. REQUIRING AN INCREASED SECURITY DEPOSIT; AND**

8 **3. REQUIRING A COSIGNATURE.**

9 **(4) (I) “PROCEEDING” MEANS A FAILURE TO PAY RENT**
10 **PROCEEDING INITIATED BY A LANDLORD UNDER § 8-401 OF THIS TITLE NOT**
11 **RESULTING IN A JUDGMENT OF POSSESSION IN FAVOR OF THE LANDLORD.**

12 **(II) “PROCEEDING” INCLUDES THE FILING OF A PETITION BY A**
13 **LANDLORD FOR THE FAILURE OF A TENANT TO PAY RENT REGARDLESS OF WHETHER**
14 **A HEARING IS HELD BY THE COURT.**

15 **(5) “RECORD” HAS THE MEANING STATED IN § 8-502(A) OF THIS**
16 **TITLE.**

17 **(6) (I) “SHIELDED RECORD” MEANS A RECORD PROTECTED FROM**
18 **PUBLIC INSPECTION UNDER § 8-502 OR § 8-503 OF THIS TITLE OR THAT THE COURT**
19 **HAS OTHERWISE SEALED OR ORDERED INACCESSIBLE TO MEMBERS OF THE PUBLIC.**

20 **(II) “SHIELDED RECORD” INCLUDES A RECORD SHIELDED,**
21 **SUPPRESSED, OR SEALED IN ANOTHER JURISDICTION UNDER PROVISIONS**
22 **EQUIVALENT TO THOSE OF THE STATE.**

23 **(7) “TENANT SCREENING REPORT” MEANS ANY CONSUMER REPORT,**
24 **TENANT SCREENING SERVICE PRODUCT, OR SIMILAR INFORMATION USED BY A**
25 **LANDLORD TO EVALUATE A RENTAL APPLICATION.**

26 **(B) (1) A LANDLORD MAY NOT COLLECT AN APPLICATION FEE OR**
27 **SCREENING FEE FOR A RENTAL UNIT UNLESS THE RENTAL UNIT:**

28 **(I) IS AVAILABLE FOR LEASE; OR**

29 **(II) WILL BECOME AVAILABLE FOR LEASE WITHIN 30 DAYS**
30 **AFTER THE LANDLORD RECEIVES THE APPLICATION.**

(2) BEFORE ACCEPTING AN APPLICATION FEE OR A SCREENING FEE, A LANDLORD SHALL PROVIDE A WRITTEN DISCLOSURE TO A PROSPECTIVE TENANT THAT INCLUDES:

(I) THE INFORMATION INCLUDED IN A TENANT SCREENING REPORT;

(II) THE CRITERIA THAT MAY RESULT IN THE DENIAL OR CONDITIONAL ACCEPTANCE OF A RENTAL APPLICATION;

(III) THE NAME AND CONTACT INFORMATION OF ANY CONSUMER REPORTING AGENCY OR TENANT SCREENING SERVICE USED BY THE LANDLORD TO OBTAIN A TENANT SCREENING REPORT; AND

(IV) THE MAXIMUM AMOUNT THAT MAY BE CHARGED FOR AN APPLICATION FEE.

(C) (1) A LANDLORD MAY NOT TAKE ADVERSE ACTION AGAINST A PROSPECTIVE TENANT UNLESS THE LANDLORD PROVIDES TO THE PROSPECTIVE TENANT:

(I) WRITTEN NOTICE:

1. STATING THE SPECIFIC REASONS FOR THE ADVERSE ACTION;

2. AFFIRMING THE LANDLORD DID NOT CONSIDER ANY PROCEEDING OR SHIELDED RECORD; AND

3. IDENTIFYING THE TENANT SCREENING REPORT OR OTHER INFORMATION THE LANDLORD RELIED ON IN CONSIDERING THE PROSPECTIVE TENANT; AND

(II) A COPY OF ANY SCREENING REPORT USED BY THE LANDLORD IN REACHING A DETERMINATION.

(2) (I) A PROSPECTIVE TENANT SHALL BE ALLOWED TO DISPUTE AND PROVIDE EVIDENCE REGARDING INACCURATE OR INCOMPLETE INFORMATION CONTAINED IN A TENANT SCREENING REPORT.

(II) A LANDLORD THAT USES A SCREENING REPORT SHALL NOTIFY A PROSPECTIVE TENANT OF THE RIGHT TO DISPUTE THE REPORT.

1 **(D) A LANDLORD MAY NOT:**

2 **(1) REQUEST OR REQUIRE A PROSPECTIVE TENANT TO DISCLOSE**
3 **INFORMATION RELATING TO:**

4 **(I) A PROCEEDING AGAINST THE PROSPECTIVE TENANT; OR**

5 **(II) A SHIELDED RECORD;**

6 **(2) MAKE AN ORAL OR WRITTEN INQUIRY TO ANY PERSON**
7 **REGARDING A PROSPECTIVE TENANT'S PROCEEDING OR SHIELDED RECORD;**

8 **(3) CONSIDER A PROSPECTIVE TENANT'S PROCEEDING OR SHIELDED**
9 **RECORD IN MAKING A DETERMINATION REGARDING A RENTAL APPLICATION;**

10 **(4) CONDITIONALLY ACCEPT A PROSPECTIVE TENANT'S**
11 **APPLICATION CONTINGENT ON THE PROSPECTIVE TENANT'S DISCLOSURE OF A**
12 **PROCEEDING OR SHIELDED RECORD; OR**

13 **(5) TAKE ADVERSE ACTION BASED ON A PROSPECTIVE TENANT'S**
14 **REFUSAL TO DISCLOSE A PROCEEDING OR SHIELDED RECORD.**

15 **(E) (1) A PERSON THAT PRODUCES TENANT SCREENING REPORTS:**

16 **(I) SHALL IMPLEMENT AND MAINTAIN REASONABLE**
17 **PROCEDURES TO PREVENT THE DISCLOSURE OF INFORMATION REGARDING A**
18 **PROCEEDING OR SHIELDED RECORD; AND**

19 **(II) MAY NOT DISCLOSE INFORMATION ABOUT A PROCEEDING**
20 **OR SHIELDED RECORD.**

21 **(2) A PERSON THAT DISCLOSES INFORMATION OF A PROCEEDING OR**
22 **SHIELDED RECORD SHALL PROVIDE TO ALL PARTIES A CORRECTED TENANT**
23 **SCREENING REPORT WITH THE IMPROPERLY DISCLOSED INFORMATION REMOVED**
24 **WITHIN 5 BUSINESS DAYS AFTER LEARNING OF THE DISCLOSURE.**

25 **(F) A PROSPECTIVE TENANT MAY NOT WAIVE ANY OF THE PROTECTIONS**
26 **ESTABLISHED UNDER THIS SECTION AND ANY ATTEMPTED WAIVER BY A**
27 **PROSPECTIVE TENANT IS VOID.**

(G) A LANDLORD THAT VIOLATES SUBSECTION (B), (C), OR (D) OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$500 FOR EACH VIOLATION.

(H) (1) A VIOLATION OF SUBSECTION (B) OR (C) OF THIS SECTION:

(I) IS AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND

(II) IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE, EXCEPT § 13-411 OF THE COMMERCIAL LAW ARTICLE.

(2) IN ADDITION TO THE ENFORCEMENT AND PENALTY PROVISIONS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, AN INDIVIDUAL INJURED BY A VIOLATION OF SUBSECTION (B) OR (C) OF THIS SECTION MAY SEEK INJUNCTIVE RELIEF AND A REFUND OF ANY APPLICATION OR SCREENING FEE PAID BY THE INDIVIDUAL.

(I) AN INDIVIDUAL INJURED BY A VIOLATION OF SUBSECTION (D) OF THIS SECTION MAY BRING AN ACTION FOR:

(1) DAMAGES;

(2) A REFUND OF ANY APPLICATION OR SCREENING FEE;

(3) INJUNCTIVE AND OTHER EQUITABLE RELIEF; AND

(4) REASONABLE ATTORNEY'S FEES AND COURT COSTS.

(J) AN INDIVIDUAL INJURED BY A VIOLATION OF SUBSECTION (E) OF THIS SECTION MAY BRING AN ACTION FOR INJUNCTIVE OR OTHER EQUITABLE RELIEF, INCLUDING REQUIRING A TENANT SCREENING COMPANY TO SEND CORRECTIVE NOTICES.

(K) THE ATTORNEY GENERAL MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.