

HOUSE BILL 543

N1
HB 911/25 – ENT

6lr1222

By: **Delegates Guyton, Allen, Bagnall, Boyce, Feldmark, Foley, Guzzone, Healey, D. Jones, Lehman, Lewis, Lopez, McCaskill, Queen, Ruth, Solomon, Stinnett, Taveras, Terrasa, Wims, Wolek, Woods, Woorman, and Ziegler**

Introduced and read first time: January 27, 2026

Assigned to: Economic Matters

A BILL ENTITLED

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 certain entities as
12 additional insureds on policies under certain circumstances; requiring a tenant to
13 notify a landlord if the tenant ceases operation of a family child care home;
14 authorizing a landlord to require a certain tenant to purchase a certain insurance
15 policy; requiring a tenant to cease the operation of the family child care home under
16 certain circumstances; and generally relating to the operation of family child care
17 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 2025 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Real Property
25 Section 8–203(b)
26 Annotated Code of Maryland
27 (2023 Replacement Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Real Property
3 Section 8–222
4 Annotated Code of Maryland
5 (2023 Replacement Volume and 2025 Supplement)

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

8 **Article – Education**

9 9.5–301.

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

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

13 **Article – Real Property**

14 8–203.

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

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

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

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

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

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

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

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

3 **8-222.**

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

6 (B) THIS SECTION APPLIES ONLY TO THE LEASE OF A SINGLE-FAMILY
7 DWELLING TO A TENANT OR PROSPECTIVE TENANT FOR USE OF THE LEASED
8 PREMISES AS A FAMILY CHILD CARE HOME.

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

10 (I) THE LEASE OF AN OWNER-OCCUPIED SINGLE-FAMILY
11 DWELLING; OR

12 (II) PROHIBITIONS AGAINST OR RESTRICTIONS ON FAMILY
13 CHILD CARE HOMES IMPOSED BY:

14 1. AGE-RELATED RESTRICTIONS OF A HOMEOWNERS
15 ASSOCIATION; OR

16 2. THE GOVERNING DOCUMENTS OR BYLAWS OF A
17 CONDOMINIUM OR COOPERATIVE HOUSING CORPORATION.

18 (2) A LANDLORD OF A SINGLE-FAMILY DWELLING MAY NOT PROHIBIT
19 A TENANT OR PROSPECTIVE TENANT FROM OPERATING A FAMILY CHILD CARE HOME
20 ON THE LEASED PREMISES BY:

21 (I) REFUSING TO OFFER THE PREMISES FOR LEASE,
22 NEGOTIATE THE LEASE OF THE PREMISES, OR LEASE THE PREMISES;

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

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

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

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

1 **(F) (1) PRIOR TO COMMENCING THE OPERATION OF A FAMILY CHILD**
2 **CARE HOME, A TENANT SHALL PROVIDE THE LANDLORD WITH:**

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

6 **(II) A CERTIFICATE OF INSURANCE NAMING THE FOLLOWING AS**
7 **ADDITIONAL INSURED ON POLICIES RELATING TO THE OPERATION OF THE FAMILY**
8 **CHILD CARE HOME:**

9 **1. THE LANDLORD; AND**

10 **2. EACH ENTITY WITH A DIRECT OR INDIRECT**
11 **OWNERSHIP OR MEMBERSHIP INTEREST IN THE PROPERTY.**

12 **(2) IF THE TENANT CEASES OPERATION OF THE FAMILY CHILD CARE**
13 **HOME, THE TENANT SHALL NOTIFY THE LANDLORD IMMEDIATELY.**

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

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

20 **(G) THIS SECTION DOES NOT LIMIT OR PREEMPT THE LOCAL ZONING**
21 **AUTHORITY OF A COUNTY OR MUNICIPALITY.**

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

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2026.