

HOUSE BILL 768

L2, N1

0lr1545

By: **Delegate Attar**

Introduced and read first time: January 31, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Repossession for Failure to Pay Rent – Registration and**
3 **License Information**

4 FOR the purpose of requiring a landlord, at the time of filing a certain complaint in an
5 action for repossession for failure to pay rent in Baltimore City, to submit for
6 inspection by the clerk of the District Court certain records demonstrating that the
7 property is compliant with or exempt from certain local license requirements and
8 certain lead-based paint abatement laws; providing that a landlord has the burden
9 of proving, by a certain standard of evidence, that a property is in compliance with
10 certain local license requirements and certain lead-paint abatement laws;
11 prohibiting a court from issuing a warrant of restitution under certain
12 circumstances; and generally relating to actions for repossession for failure to pay
13 rent in Baltimore City.

14 BY repealing and reenacting, with amendments,
15 The Public Local Laws of Baltimore City
16 Section 9–3 and 9–5
17 Article 4 – Public Local Laws of Maryland
18 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

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

21 **Article 4 – Baltimore City**

22 9–3.

23 (A) Whenever any lessor shall desire to have again and repossess any premises to
24 which he is entitled under the provisions of the preceding section, he or his duly qualified
25 agent or attorney, shall make his written complaint under oath or affirmation, in the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



District Court of Baltimore City, and describing therein in general terms the property sought to be had again and repossessed as aforesaid, and also setting forth the name of the tenant to whom the same is rented, or his assignee or under tenant or tenants, with the amount of rent thereon due and unpaid; and praying by warrant to have again and repossess the premises, together with judgment for the amount of rent due and costs; and it shall thereupon be the duty of said District Court of Baltimore City forthwith to issue summons directed to a Constable of said court, ordering him to notify said tenant, assignee or under tenant forthwith to appear before the said District Court at trial to held on the fifth day after the filing of said complaint, except as hereinafter provided, to show cause why the prayer of said lessor should not be granted as aforesaid, and the said Constable shall forthwith proceed to serve said summons on or before the third day after the filing of said complaint, upon said tenant, assignee or under tenant in said premises, or upon his or their known or authorized agent, or said Constable shall affix an attested copy of said summons conspicuously upon said premises, and such affixing of said summons shall, for the purposes of this subheading of this article, be deemed and construed a sufficient service upon all persons whomsoever.

(B) (1) AT THE TIME OF FILING A WRITTEN COMPLAINT UNDER THIS SECTION, IF THE PROPERTY IS SUBJECT TO THE REQUIREMENTS OF ARTICLE 13, § 5-4 OF THE BALTIMORE CITY CODE OR TITLE 6, SUBTITLE 8, PART III OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, THE LESSOR OR THE LESSOR'S AGENT SHALL SUBMIT FOR INSPECTION BY THE CLERK OF THE DISTRICT COURT OF BALTIMORE CITY RECORDS DEMONSTRATING THAT THE PROPERTY IS COMPLIANT WITH OR EXEMPT FROM THE REQUIREMENTS OF:

(I) ARTICLE 13, § 5-4 OF THE BALTIMORE CITY CODE, BY PROVIDING A CURRENT AND VALID RENTAL LICENSE ISSUED BY THE BALTIMORE CITY DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND

(II) TITLE 6, SUBTITLE 8, PART III OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, BY PROVIDING PROOF OF A CURRENT AND VALID FORM 330 INSPECTION CERTIFICATE RECORDED WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.

9-5.

(a) (1) If, at the trial aforesaid, the judge shall be satisfied the interest of justice will be better served by an adjournment, he may adjourn the trial for a period not exceeding seven days, except by consent of the parties, and if at said trial or due adjournment, as aforesaid, it shall appear to the satisfaction of the judge before whom said complaint has been tried as aforesaid, that the rent or any part of the rent for said premises is actually due and unpaid, then the said judge shall give judgment in favor of said lessor for the amount of rent found due, with costs of suit, and shall order that said tenant and all persons claiming or holding by or under said tenant shall yield and render up possession of said premises unto said lessor, or unto his duly qualified agent or attorney within 4 days

thereafter; provided, however, that upon presentation of certificate signed by a practicing physician certifying that surrender of said premises within said period of 4 days would endanger the health or life of any occupant thereof, said judge may, at the trial or subsequent thereto, extend the time for such surrender of the premises upon such terms and for such period or periods as he shall deem necessary and just. If the interval between the filing of the landlord's complaint and the trial of the cause shall be more than three days, any order or judgment of said court with respect to the payment of rent shall include all rent due and unpaid up to and including the day of trial; and the proceedings amended to set forth the basis of said judgment or order.

(2) DURING TRIAL, THE LANDLORD SHALL HAVE THE BURDEN OF PROVING, BY A PREPONDERANCE OF THE EVIDENCE, THAT THE PROPERTY IS IN COMPLIANCE WITH ARTICLE 13, § 5-4 OF THE BALTIMORE CITY CODE AND TITLE 6, SUBTITLE 8, PART III OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

(b) (1) In any action of summary ejectment for failure to pay rent where the landlord is awarded a judgment giving him restitution of the leased premises, the tenant has the right to redemption of the leased premises by tendering in cash, certified check or money order to the landlord or his agent all past due rent and late fees, plus all court awarded costs and fees, at any time before actual execution of the eviction order.

(2) The right of redemption is not available to a tenant if the landlord alleges and shows that more than three judgments of restitution were issued against the tenant in the 12 months preceding the filing of the landlord's complaint.

(3) (I) Nothing in this section shall preclude a tenant in any summary ejectment action from raising any defense available under the Public Local Laws of Baltimore City. If a tenant prevails on any of these defenses, the judgment, whether or not it includes a judgment of restitution against the tenant, shall not be considered a judgment of restitution for purposes of paragraph (2) of this subsection.

(II) IF A TENANT DEMONSTRATES THROUGH OFFICIAL RECORDS THAT THE LANDLORD HAS FAILED TO REGISTER AND LICENSE THE RENTAL PROPERTY IN ACCORDANCE WITH ARTICLE 13, § 5-4 OF THE BALTIMORE CITY CODE, THE JUDGE SHALL NOT ISSUE A WARRANT UNDER § 9-6 OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.