

HOUSE BILL 134

D1, N1
HB 1008/21 – JUD

(PRE-FILED)

2lr0390

By: **Delegate Hill**

Requested: August 18, 2021

Introduced and read first time: January 12, 2022

Assigned to: Environment and Transportation and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Failure to Pay Rent Proceedings – Prohibition on Rent Increases and Sealing of**
3 **Court Records**

4 FOR the purpose of prohibiting a landlord from increasing a tenant's rent because a
5 judgment was entered against the tenant in a failure to pay rent action; requiring,
6 authorizing, or prohibiting, depending on the circumstances, the sealing by the
7 District Court of court records relating to a failure to pay rent proceeding; requiring
8 the Maryland Judiciary to develop and publish on its website a certain form; and
9 generally relating to failure to pay rent proceedings.

10 BY adding to
11 Article – Real Property
12 Section 8–119 and 8–401(i)
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2021 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Real Property
17 Section 8–401(g)
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2021 Supplement)

20 Preamble

21 WHEREAS, In Maryland in fiscal year 2020, 106,330 failure to pay rent proceedings
22 were dismissed and in fiscal year 2021, 100,725 failure to pay rent proceedings were
23 dismissed; and

24 WHEREAS, The presence of an eviction proceeding, including failure to pay rent,
25 remains on a tenant's record even if the proceeding is dismissed; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



WHEREAS, A tenant may experience long-term adverse effects from an eviction proceeding even when an eviction filing does not result in a judgment against the tenant; now, therefore,

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

Article – Real Property

8-119.

A LANDLORD MAY NOT INCREASE A TENANT’S RENT SOLELY BECAUSE A JUDGMENT WAS ENTERED AGAINST THE TENANT IN A FAILURE TO PAY RENT ACTION UNDER § 8-401 OF THIS TITLE.

8-401.

(g) (1) Subject to paragraph (2) of this subsection, in any action of summary ejectment for failure to pay rent where the landlord is awarded a judgment giving the landlord restitution of the leased premises, the tenant shall have the right to redemption of the leased premises by tendering in cash, certified check or money order to the landlord or the landlord’s agent all past due amounts, as determined by the court under subsection (e) of this section, plus all court awarded costs and fees, at any time before actual execution of the eviction order.

(2) This subsection does not apply to any tenant against whom 3 judgments of possession have been entered for rent due and unpaid in the 12 months prior to the initiation of the action to which this subsection otherwise would apply.

(I) (1) WITHIN 60 DAYS AFTER THE FINAL RESOLUTION OF A FAILURE TO PAY RENT PROCEEDING, THE DISTRICT COURT SHALL SEAL ALL COURT RECORDS RELATING TO THE PROCEEDING IF THE PROCEEDING DID NOT RESULT IN A JUDGMENT OF POSSESSION AND NO APPEAL IS PENDING.

(2) (I) ON MOTION BY A TENANT, THE DISTRICT COURT MAY SEAL ALL COURT RECORDS RELATING TO A FAILURE TO PAY RENT PROCEEDING THAT RESULTS IN A JUDGMENT OF POSSESSION IF:

1. THE TENANT DEMONSTRATES BY A PREPONDERANCE OF THE EVIDENCE THAT THE TENANT EXERCISED THE RIGHT OF REDEMPTION UNDER SUBSECTION (G) OF THIS SECTION AND AT LEAST 12 MONTHS HAVE PASSED SINCE THE FINAL RESOLUTION OF THE PROCEEDING THAT THE TENANT SEEKS TO SEAL; OR

2. THE DISTRICT COURT DETERMINES THAT IT IS IN

1 THE INTEREST OF JUSTICE THAT THE COURT RECORDS RELATING TO THE FAILURE
2 TO PAY RENT PROCEEDINGS BE SEALED.

3 (II) THE DISTRICT COURT MAY NOT SEAL A COURT RECORD
4 UNDER THIS SUBSECTION IF THE TENANT RECEIVES FEDERAL FUNDS TO SUBSIDIZE
5 RENT REQUIRED UNDER THE LEASE AGREEMENT AND FAILS TO PAY THE
6 NONFEDERAL PORTION OF ANY RENT DUE.

7 (III) THE DISTRICT COURT SHALL SEAL THE COURT RECORDS
8 UNDER THIS PARAGRAPH WITHIN 30 DAYS AFTER GRANTING THE TENANT'S MOTION
9 TO SEAL.

10 (IV) SUBJECT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH, A
11 RECORD SEALED UNDER THIS PARAGRAPH MAY BE OPENED ONLY:

- 12 1. ON WRITTEN REQUEST BY THE TENANT; OR
13 2. ON ORDER OF THE DISTRICT COURT ON A SHOWING
14 OF COMPELLING NEED.

15 (V) A TENANT MAY OBTAIN A COPY OF AN ORDER ISSUED UNDER
16 THIS SUBSECTION AT ANY TIME FROM A CLERK OF THE DISTRICT COURT, ON
17 PROPER IDENTIFICATION, WITHOUT A SHOWING OF NEED.

18 SECTION 2. AND BE IT FURTHER ENACTED, That:

19 (a) On or before October 1, 2022, the Maryland Judiciary shall develop and
20 publish on its website a form titled "Petition to Seal a Failure to Pay Rent Action Record"
21 to facilitate the implementation of § 8-401(i) of the Real Property Article, as enacted by
22 Section 1 of this Act.

23 (b) The form required under subsection (a) of this section shall include a question
24 on whether the tenant used federal funds to subsidize the tenant's payment of rent owed
25 under the lease agreement.

26 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
27 effect October 1, 2022.

28 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
29 3 of this Act, this Act shall take effect August 1, 2022.