

HOUSE BILL 1008

D1, N1

1lr1798

By: **Delegate Hill**

Introduced and read first time: February 5, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Failure to Pay Rent Proceedings – Sealing of Court Records**

3 FOR the purpose of requiring the District Court to seal court records relating to a failure
4 to pay rent proceeding if the proceeding does not result in a judgment of possession;
5 authorizing the District Court to seal court records relating to a failure to pay rent
6 proceeding that results in a judgment of possession on a certain motion under certain
7 circumstances; specifying the time frame for sealing certain court records under this
8 Act; and generally relating to sealing court records relating to failure to pay rent
9 proceedings.

10 BY repealing and reenacting, without amendments,
11 Article – Real Property
12 Section 8–401(e)
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2020 Supplement)

15 BY adding to
16 Article – Real Property
17 Section 8–401(g)
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2020 Supplement)

20 Preamble

21 WHEREAS, In November 2020, 2,410 failure to pay rent proceedings were
22 dismissed; and

23 WHEREAS, The presence of an eviction proceeding, including failure to pay rent,
24 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.



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

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

6 **Article – Real Property**

7 8–401.

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

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

18 **(G) (1) WITHIN 30 DAYS AFTER THE FINAL RESOLUTION OF A FAILURE TO**
19 **PAY RENT PROCEEDING, THE DISTRICT COURT SHALL SEAL ALL COURT RECORDS**
20 **RELATING TO THE PROCEEDING IF THE PROCEEDING DID NOT RESULT IN A**
21 **JUDGMENT OF POSSESSION.**

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

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

30 **2. THE DISTRICT COURT DETERMINES THAT IT IS IN**
31 **THE INTEREST OF JUSTICE THAT THE COURT RECORDS RELATING TO THE FAILURE**
32 **TO PAY RENT PROCEEDINGS BE SEALED.**

33 **(II) THE DISTRICT COURT SHALL SEAL THE COURT RECORDS**
34 **UNDER THIS PARAGRAPH WITHIN 30 DAYS AFTER GRANTING THE TENANT'S MOTION**
35 **TO SEAL.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2021.