

SENATE BILL 770

N1

3lr2074
CF HB 882

By: **Senator Carter (By Request – Baltimore City Administration)**

Introduced and read first time: February 6, 2023

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2023

CHAPTER _____

1 AN ACT concerning

2 ~~Landlord and Tenant~~ **Baltimore City – Holding Over – Landlord Restrictions**
3 **and Tenant Remedies**

4 FOR the purpose of establishing that the District Court has exclusive original civil
5 jurisdiction over certain residential eviction cases in Baltimore City; ~~clarifying that~~
6 ~~a tenant holding over may file a petition for injunctive relief under certain~~
7 ~~circumstances~~; authorizing a landlord in Baltimore City to take possession of a
8 dwelling only under certain circumstances; providing that this Act may not be
9 construed to prohibit a landlord in Baltimore City from taking certain measures to
10 secure an unsecured premises if the landlord makes a good faith attempt to provide
11 certain notice and promptly restores possession of the property to the tenant;
12 authorizing certain tenant's rights in Baltimore City to be enforced by injunctive
13 relief; and generally relating to tenant and landlord rights in Baltimore City.

14 BY repealing and reenacting, with amendments,
15 Article – Courts and Judicial Proceedings
16 Section 4–401(7)
17 Annotated Code of Maryland
18 (2020 Replacement Volume and 2022 Supplement)

19 ~~BY repealing and reenacting, with amendments,~~
20 ~~Article – Real Property~~
21 ~~Section 8–216~~
22 ~~Annotated Code of Maryland~~
23 ~~(2015 Replacement Volume and 2022 Supplement)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



BY repealing and reenacting, with amendments,
The Public Local Laws of Baltimore City
Section 9–15
Article 4 – Public Local Laws of Maryland
(1979 Edition and 1997 Supplement and 2000 Supplement, as amended)
(As enacted by Chapters 637 and 638 of the Acts of the General Assembly of 2018)

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

Article – Courts and Judicial Proceedings

4–401.

Except as provided in § 4–402 of this subtitle, and subject to the venue provisions of
Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

(7) A petition of injunction filed by:

(i) A tenant in an action under § 8–211 of the Real Property Article
or a local rent escrow law; [or]

(ii) A person who brings an action under § 14–120, § 14–125.1, or §
14–125.2 of the Real Property Article; OR

(III) A TENANT IN AN ACTION FOR INJUNCTIVE RELIEF ~~OR~~
~~DAMAGES UNDER:~~

~~1. § 8–216 OF THE REAL PROPERTY ARTICLE; OR~~

~~2. A A LOCAL LAW IN BALTIMORE CITY GOVERNING THE~~
~~EVICCTIONS OF RESIDENTIAL TENANTS;~~

~~Article – Real Property~~

~~§ 8–216.~~

~~(a) (1) In this section the following words have the meanings indicated:~~

~~(2) “Threaten to take possession” means using words or actions intended to~~
~~convince a reasonable person that the landlord intends to take imminent possession of the~~
~~property in violation of this section.~~

~~(3) (i) "Willful diminution of services" means intentionally interrupting or causing the interruption of heat, running water, hot water, electricity, or gas by the landlord for the purpose of forcing a tenant to abandon the property.~~

~~(ii) "Willful diminution of services" does not include a landlord choosing not to continue to pay for utility service for residential property after a final court order awarding possession of the residential property, if the landlord has provided the tenant reasonable notice of the landlord's intention and the opportunity for the tenant to open an account in the tenant's name for that service.~~

~~(b) (1) Except as provided in paragraph (2) of this subsection, a landlord may not take possession or threaten to take possession of a dwelling unit from a tenant or tenant holding over by locking the tenant out or any other action, including willful diminution of services to the tenant.~~

~~(2) A landlord may take possession of a dwelling unit from a tenant or tenant holding over only:~~

~~(i) In accordance with a warrant of restitution issued by a court and executed by a sheriff or constable; or~~

~~(ii) If the tenant has abandoned or surrendered possession of the dwelling unit.~~

~~(c) (1) If in any proceeding the court finds in favor of the tenant because the landlord violated subsection (b) of this section, the tenant may recover:~~

~~(i) Actual damages; and~~

~~(ii) Reasonable attorney's fees and costs.~~

~~(2) IN ADDITION TO ANY OTHER RELIEF SOUGHT, THE TENANT MAY FILE A PETITION FOR INJUNCTIVE RELIEF.~~

~~[(2)] (3) The remedies set forth in this subsection are not exclusive.~~

~~(d) This section may not be construed to prevent a landlord from taking temporary measures, including changing the locks, to secure an unsecured residential property, if the landlord makes good faith attempts to provide reasonable notice to the tenant that the tenant may promptly be restored to possession of the property.~~

Article 4 – Baltimore City

9–15.

(a) (1) In this section the following words have the meanings indicated.

(2) “Agent” means any authorized individual or business acting on behalf of [an owner] **A LANDLORD**.

(3) “Landlord” means [an owner of real property located within Baltimore City, an agent of the owner, or an operator who promises] **AN INDIVIDUAL OR BUSINESS THAT AGREES** to lease all or any portion of a property to another person for the person’s **RESIDENTIAL** use, in exchange for an agreed upon amount of money [or services].

(4) “Lease” means any oral or written agreement, express or implied, creating a landlord and tenant relationship, including any sublease, that grants the tenant the **RESIDENTIAL** use of the landlord’s property for a given period of time in exchange for rent in the form of money [or services].

(5) “Operator” means any person who has charge, care, or control of all or any portion of a structure or premises on behalf of the [owner] **LANDLORD**.

(6) “Tenant” means any person who has been given the right to use or occupy **RESIDENTIAL** rental property through a lease agreement.

(b) **A LANDLORD MAY TAKE POSSESSION OF A DWELLING FROM A TENANT OR TENANT HOLDING OVER ONLY:**

(1) **IN ACCORDANCE WITH A WARRANT OF RESTITUTION ISSUED BY A COURT AND EXECUTED BY A SHERIFF OR CONSTABLE; OR**

(2) **IF THE TENANT HAS ABANDONED OR SURRENDERED POSSESSION OF THE DWELLING UNIT.**

(c) (1) An agent, a landlord, or an operator may not:

[(1)] (I) falsely make any representation or statement required by Sections 9–2, 9–3, 9–12, 9–13, 9–14, 9–15, and 9–19 and Article 13, § 8A–2 of the Baltimore City Code to be given;

[(2)] (II) falsely make any representation or statement in connection with the giving of the notice or complaint required by Sections 9–2, 9–3, 9–12, 9–13, 9–14, 9–15, and 9–19 and Article 13, § 8A–2 of the Baltimore City Code to be given;

[(3)] (III) falsely make any representation or statement at, during or in connection with any proceeding for the enforcement of any rights for the speedy recovery of lands or tenements held over by tenants;

[(4)] (IV) in an attempt to circumvent the protection accorded tenants by Sections 9–2, 9–3, 9–12, 9–13, 9–14, 9–15, and 9–19 and Article 13, § 8A–2 of the Baltimore City Code, willfully deprive a tenant of ingress to or egress from [his] **THE** dwelling; or

1 [(5)] (V) without the consent of the tenant, intentionally:

2 [(i)] 1. interrupt, terminate, or diminish, any utility service
3 furnished to the tenant, including, but not limited to, water, heat, light, electricity, gas,
4 elevator, or similar services to which under the expressed or implied terms of the tenancy
5 the tenant may be entitled;

6 [(ii)] 2. remove furnishings, cooking facilities, appliances, or
7 similar items to which under the express or implied terms of the tenancy the tenant may
8 be entitled;

9 [(iii)] 3. prevent the tenant from gaining reasonable access to the
10 property by changing the locks and failing to provide the tenant with new keys;

11 [(iv)] 4. remove outside doors or windows; or

12 [(v)] 5. remove from the premises the tenant's personal property,
13 furnishings, or any other items.

14 (2) THIS SECTION MAY NOT BE CONSTRUED TO PREVENT A
15 LANDLORD FROM TAKING TEMPORARY MEASURES, INCLUDING CHANGING THE
16 LOCKS, TO SECURE AN UNSECURED RESIDENTIAL PROPERTY, IF THE LANDLORD
17 MAKES A GOOD FAITH ATTEMPT TO PROVIDE REASONABLE NOTICE TO THE TENANT
18 AND RESTORES POSSESSION OF THE PROPERTY TO THE TENANT PROMPTLY.

19 [(c)] (D) An agent, a landlord, or an operator who violates this section is guilty
20 of a misdemeanor and, upon conviction thereof, is subject to a fine not exceeding \$500 and
21 imprisonment of not more than ten (10) days, or both, in the discretion of the court, for each
22 and every offense.

23 (E) (1) A TENANT'S RIGHTS UNDER SUBSECTION (C)(1)(IV) AND (V) OF
24 THIS SECTION MAY BE ENFORCED BY INJUNCTIVE RELIEF.

25 (2) A COURT SHALL SCHEDULE A HEARING ON A PETITION FOR
26 INJUNCTIVE RELIEF UNDER THIS SUBSECTION WITHIN 7 DAYS AFTER THE TENANT
27 FILES THE PETITION.

28 SECTION 2. AND BE IT FURTHER ENACTED, That on or before January 1, 2025,
29 the Maryland Judiciary shall report to the Governor and, in accordance with § 2-1257 of
30 the State Government Article, the General Assembly for the 12-month period beginning
31 October 1, 2023, and ending September 30, 2024, on:

32 (1) the total number of cases under § 9-15(d) and (e) of the Public Local
33 Laws of Baltimore City, as enacted by Section 1 of this Act;

(2) the number of cases under § 9–15(d) and (e) of the Public Local Laws of Baltimore City, as enacted by Section 1 of this Act, that were dismissed; and

(3) the number of cases under § 9–15(d) and (e) of the Public Local Laws of Baltimore City, as enacted by Section 1 of this Act, that resulted in a conviction or an award of injunctive relief.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023. Section 2 of this Act shall remain effective for a period of 1 year and 6 months and, at the end of March 31, 2025, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.