

SENATE BILL 223

D1, N1
SB 530/21 – JPR

2lr1308
CF 2lr1525

By: **The President (By Request – Office of the Attorney General)**

Introduced and read first time: January 12, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant – Eviction Actions – Filing Surcharge and Prohibited**
3 **Lease Provisions**

4 FOR the purpose of increasing the surcharge that the District Court is required to assess
5 for filing a civil case for summary ejectment, tenant holding over, or breach of lease
6 that seeks a judgment for possession of residential property against a residential
7 tenant; requiring the District Court to assess the surcharge against a landlord and
8 prohibiting the court from awarding or assigning the surcharge against a residential
9 tenant; prohibiting a landlord from including in a residential lease a provision that
10 obligates a tenant to be responsible for the surcharge; and generally relating to court
11 surcharges for eviction filings.

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 7–301(c)
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2021 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Real Property
19 Section 8–208(d)(7) and (8) and 8–401(b)(2)
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2021 Supplement)

22 BY adding to
23 Article – Real Property
24 Section 8–208(d)(9)
25 Annotated Code of Maryland
26 (2015 Replacement Volume and 2021 Supplement)

27 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Real Property
Section 8–401(a) and (b)(1)
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

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

Article – Courts and Judicial Proceedings

7–301.

(c) (1) The filing fees and costs in a civil case are those prescribed by law subject to modification by law, rule, or administrative regulation.

(2) The Chief Judge of the District Court shall assess a surcharge that:

(i) May not be more than:

1. **[\$8] \$73 per [summary ejectment] case FOR SUMMARY EJECTMENT, TENANT HOLDING OVER, OR BREACH OF LEASE THAT SEEKS A JUDGMENT FOR POSSESSION OF RESIDENTIAL PROPERTY AGAINST A RESIDENTIAL TENANT; and**

2. \$18 per case for all other civil cases; [and]

(ii) **IF ASSESSED UNDER ITEM (I)1 OF THIS PARAGRAPH, SHALL BE ASSESSED AGAINST A LANDLORD AND MAY NOT BE AWARDED OR ASSIGNED BY THE DISTRICT COURT AS A FEE OR COST AGAINST A RESIDENTIAL TENANT; AND**

(III) Shall be deposited into the Maryland Legal Services Corporation Fund established under § 11–402 of the Human Services Article.

(3) (i) In addition to the surcharge assessed under paragraph (2) of this subsection, the Chief Judge of the District Court shall assess a surcharge that may not be more than \$10 per case for the following cases filed in Baltimore City:

1. Summary ejectment;

2. Tenant holding over;

3. Breach of lease; and

4. Warrant of restitution.

(ii) The revenue generated from the surcharge on filing fees collected

by the District Court in Baltimore City under subparagraph (i) of this paragraph shall be:

1. Remitted quarterly to the Baltimore City Director of Finance; and

2. Used to fund the enhancement of sheriff benefits and the increase in sheriff personnel to enhance the service of domestic violence orders.

(4) In addition to the surcharge assessed under paragraphs (2) and (3) of this subsection, the Chief Judge of the District Court shall assess a surcharge that:

(i) May not be more than:

1. \$3 per summary ejectment case; and

2. \$8 per case for all other civil cases; and

(ii) Shall be deposited into the Circuit Court Real Property Records Improvement Fund established under § 13–602 of this article.

(5) The Court of Appeals may provide by rule for waiver of prepayment of filing fees and other costs in cases of indigency.

Article – Real Property

8–208.

(d) A landlord may not use a lease or form of lease containing any provision that:

(7) Is against public policy and void pursuant to § 8–105 of this title; [or]

(8) Permits a landlord to commence an eviction proceeding or issue a notice to quit solely as retaliation against any tenant for planning, organizing, or joining a tenant organization with the purpose of negotiating collectively with the landlord; OR

(9) PROVIDES THAT A TENANT IS RESPONSIBLE FOR, OR REQUIRES A TENANT TO AGREE TO BE RESPONSIBLE FOR, PAYMENT OF A FILING SURCHARGE ASSESSED AGAINST THE LANDLORD BY THE DISTRICT COURT UNDER § 7–301(C)(2)(I)1 OF THE COURTS ARTICLE.

8–401.

(a) Whenever the tenant or tenants fail to pay the rent when due and payable, it shall be lawful for the landlord to have again and repossess the premises in accordance with this section.

(b) (1) Whenever any landlord shall desire to repossess any premises to which the landlord is entitled under the provisions of subsection (a) of this section, the landlord or the landlord's duly qualified agent or attorney shall ensure that the landlord has completed the procedures required under subsection (c) of this section.

(2) After completing the procedures required under subsection (c) of this section, a landlord or the landlord's duly qualified agent or attorney may file the landlord's written complaint under oath or affirmation, in the District Court of the county wherein the property is situated:

(i) Describing in general terms the property sought to be repossessed;

(ii) Setting forth the name of each tenant to whom the property is rented or any assignee or subtenant;

(iii) Stating the amount of rent and any late fees due and unpaid, less the amount of any utility bills, fees, or security deposits paid by a tenant under § 7–309 of the Public Utilities Article;

(iv) Requesting to repossess the premises and, if requested by the landlord, a judgment for the amount of rent due, costs, **EXCLUDING ANY SURCHARGE ASSESSED AGAINST THE LANDLORD UNDER § 7–301(C)(2)(I)1 OF THE COURTS ARTICLE**, and any late fees, less the amount of any utility bills, fees, or security deposits paid by a tenant under § 7–309 of the Public Utilities Article;

(v) If applicable, stating that, to the best of the landlord's knowledge, the tenant is deceased, intestate, and without next of kin; and

(vi) If the property to be repossessed is an affected property as defined in § 6–801 of the Environment Article, stating that the landlord has registered the affected property as required under § 6–811 of the Environment Article and renewed the registration as required under § 6–812 of the Environment Article and:

1. A. If the current tenant moved into the property on or after February 24, 1996, stating the inspection certificate number for the inspection conducted for the current tenancy as required under § 6–815(c) of the Environment Article; or

B. On or after February 24, 2006, stating the inspection certificate number for the inspection conducted for the current tenancy as required under § 6–815(c), § 6–817(b), or § 6–819(f) of the Environment Article; or

2. Stating that the owner is unable to provide an inspection certificate number because:

A. The owner has requested that the tenant allow the owner

1 access to the property to perform the work required under Title 6, Subtitle 8 of the
2 Environment Article;

3 B. The owner has offered to relocate the tenant in order to
4 allow the owner to perform work if the work will disturb the paint on the interior surfaces
5 of the property and to pay the reasonable expenses the tenant would incur directly related
6 to the relocation; and

7 C. The tenant has refused to allow access to the owner or
8 refused to vacate the property in order for the owner to perform the required work.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
10 1, 2022.