

HOUSE BILL 1093

N1

5lr2831

By: **Delegate Roberts**

Introduced and read first time: February 5, 2025

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant – Evictions – Tenant’s Personal Property and Moving**
3 **Expenses and Services**
4 **(Small Landlord Eviction Relief Act)**

5 FOR the purpose of providing for the disposition of a tenant’s personal property in certain
6 evictions; prohibiting a county or municipality from enacting or enforcing a local law
7 or ordinance requiring a certain landlord to compensate a tenant for certain moving
8 expenses or to provide certain moving services or supplies in connection with an
9 eviction; and generally relating to repossession of residential rental property.

10 BY repealing and reenacting, without amendments,
11 Article – Real Property
12 Section 8–401(a), 8–402(a)(1), and 8–402.1(a)(1)
13 Annotated Code of Maryland
14 (2023 Replacement Volume and 2024 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Real Property
17 Section 8–401(f)(1)(i), 8–402(b)(2)(i), and 8–402.1(b)(1)
18 Annotated Code of Maryland
19 (2023 Replacement Volume and 2024 Supplement)

20 BY adding to
21 Article – Real Property
22 Section 8–407
23 Annotated Code of Maryland
24 (2023 Replacement Volume and 2024 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Real Property

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.

(f) (1) (i) Subject to the provisions of paragraph (2) of this subsection **AND § 8–407 OF THIS SUBTITLE**, if judgment is given in favor of the landlord, and the tenant fails to comply with the requirements of the order within 7 days, the court shall, at any time after the expiration of the 7 days, issue its warrant **OF RESTITUTION**, directed to any official of the county entitled to serve process, ordering the official to cause the landlord to have again and repossess the property by putting the landlord, or the landlord's duly qualified agent or attorney, in possession of the property, and for that purpose to remove from the property, by force if necessary, all the furniture, implements, tools, goods, effects or other [chattels of every description whatsoever] **PERSONAL PROPERTY** belonging to the tenant, or to any person claiming or holding by or under the tenant.

8–402.

(a) (1) A tenant under any periodic tenancy, or at the expiration of a lease, and someone holding under the tenant, who shall unlawfully hold over beyond the expiration of the lease or termination of the tenancy, shall be liable to the landlord for the actual damages caused by the holding over.

(b) (2) (i) [If upon] **SUBJECT TO § 8–407 OF THIS SUBTITLE, IF ON** hearing the parties, or [in case] **IF** the tenant or person in possession [shall neglect to] **DOES NOT** appear after the summons and continuance, the court [shall find] **FINDS** that the landlord had been in possession of the leased property, that the [said] tenancy is fully ended and expired, that due notice to [quit as aforesaid had been] **VACATE THE PROPERTY WAS** given to the tenant or person in possession and that the tenant or person in possession [had] refused so to do, the court shall [thereupon] give judgment for the restitution of the possession of [said] **THE** premises and shall [forthwith] **IMMEDIATELY** issue [its] **A** warrant **OF RESTITUTION** to the sheriff or a constable in the respective counties commanding the tenant or person in possession [forthwith] to deliver **FULL POSSESSION OF THE PROPERTY IMMEDIATELY** to the landlord [possession thereof in as full and ample manner as the landlord was possessed of the same at the time when the tenancy was made], and [shall give] **ENTER** judgment for costs against the tenant or person in possession [so] holding over.

8–402.1.

(a) (1) (i) Subject to § 8–406 of this subtitle and where an unexpired lease for a stated term provides that the landlord may repossess the premises prior to the

1 expiration of the stated term if the tenant breaches the lease, the landlord may make
2 complaint in writing to the District Court of the county where the premises is located if:

3 1. The tenant breaches the lease;

4 2. A. The landlord has given the tenant 30 days' written
5 notice that the tenant is in violation of the lease and the landlord desires to repossess the
6 leased premises; or

7 B. The breach of the lease involves behavior by a tenant or a
8 person who is on the property with the tenant's consent, which demonstrates a clear and
9 imminent danger of the tenant or person doing serious harm to themselves, other tenants,
10 the landlord, the landlord's property or representatives, or any other person on the property
11 and the landlord has given the tenant or person in possession 14 days' written notice that
12 the tenant or person in possession is in violation of the lease and the landlord desires to
13 repossess the leased premises; and

14 3. The tenant or person in actual possession of the premises
15 refuses to comply.

16 (ii) The court shall summons immediately the tenant or person in
17 possession to appear before the court on a day stated in the summons to show cause, if any,
18 why restitution of the possession of the leased premises should not be made to the landlord.

19 (b) (1) **[If] SUBJECT TO § 8-407 OF THIS SUBTITLE, IF** the court determines
20 that the tenant breached the terms of the lease and that the breach was substantial and
21 warrants an eviction, the court shall give judgment for the restitution of the possession of
22 the premises and issue its warrant **OF RESTITUTION** to the sheriff or a constable
23 commanding the tenant to deliver possession to the landlord in as full and ample manner
24 as the landlord was possessed of the same at the time when the lease was entered into. The
25 court shall give judgment for costs against the tenant or person in possession.

26 **8-407.**

27 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
28 **INDICATED.**

29 (2) **“DWELLING UNIT” MEANS THAT PORTION OF A BUILDING THAT IS**
30 **DESIGNATED, INTENDED, OR ARRANGED FOR USE OR OCCUPANCY AS A RESIDENCE**
31 **BY ONE OR MORE PERSONS, INCLUDING A RENTED ROOM IN A SINGLE-FAMILY**
32 **HOUSE.**

33 (3) **“MOVING EXPENSES” MEANS COSTS INCURRED TO:**

34 (I) **PACK, UNPACK, STORE, OR TRANSPORT PERSONAL**
35 **PROPERTY;**

(II) DISCONNECT AND INSTALL PERSONAL PROPERTY;

(III) INSURE PERSONAL PROPERTY TO BE MOVED; OR

(IV) DISCONNECT OR RECONNECT UTILITIES, INCLUDING
TELEPHONE SERVICE, GAS, WATER, AND ELECTRICITY.

(4) "MOVING SERVICES" MEANS SERVICES FOR THE LOADING,
PACKING, TRANSPORTING, UNLOADING, OR OTHERWISE TAKING POSSESSION OR
CONTROL OF PERSONAL PROPERTY FOR THE PURPOSE OF MOVING THE PROPERTY
TO ANOTHER LOCATION.

(B) THIS SECTION APPLIES ONLY TO A LANDLORD WHO OFFERS NINE OR
FEWER DWELLING UNITS.

(C) IF A WARRANT OF RESTITUTION IS EXECUTED TO PUT A LANDLORD IN
POSSESSION OF RESIDENTIAL PROPERTY UNDER § 8-401, § 8-402, OR § 8-402.1 OF
THIS SUBTITLE OR AN EQUIVALENT PROVISION OF LOCAL LAW, THE PERSONAL
PROPERTY OF THE TENANT SHALL BE DEEMED ABANDONED AND MAY BE PLACED IN
A PUBLIC RIGHT-OF-WAY ABUTTING THE PROPERTY.

(D) A COUNTY OR A MUNICIPALITY MAY NOT ENACT OR ENFORCE A LOCAL
LAW OR ORDINANCE REQUIRING A LANDLORD TO COMPENSATE A TENANT FOR
MOVING EXPENSES OR PROVIDE MOVING SERVICES OR SUPPLIES TO A TENANT IN
CONNECTION WITH AN ACTION FOR POSSESSION UNDER § 8-401, § 8-402, OR §
8-402.1 OF THIS SUBTITLE OR UNDER AN EQUIVALENT PROVISION OF LOCAL LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
apply only prospectively and may not be applied or interpreted to have any effect on or
application to any cause of action for repossession for failure to pay rent, breach of lease, or
tenant holdovers before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
the application of any provision of this Act to any person or circumstance is held invalid for
any reason in a court of competent jurisdiction, the invalidity does not affect other
provisions or any other application of this Act that can be given effect without the invalid
provision or application, and for this purpose the provisions of this Act are declared
severable.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
1, 2025.