

HOUSE BILL 1257

N1

5lr2052

By: **Delegates Vogel, Allen, ~~and Stewart~~ Stewart, Behler, Lehman, R. Lewis, Ruth, and Terrasa**

Introduced and read first time: February 7, 2025

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2025

CHAPTER _____

1 AN ACT concerning

2 **Landlord and Tenant – Residential Leases – Fee Disclosures**

3 FOR the purpose of ~~prohibiting a certain landlord from advertising the rental rate of a~~
4 ~~dwelling unit without including information on mandatory fees;~~ requiring a landlord
5 to provide certain information to prospective tenants about fees imposed on tenants
6 and prohibiting a landlord from imposing a mandatory fee that was not disclosed;
7 ~~requiring the Department of Housing and Community Development to provide~~
8 ~~certain tenant and prospective tenant assistance and authorizing the Department to~~
9 ~~impose certain penalties~~ authorizing a tenant to file a claim against a landlord for a
10 violation of this Act; authorizing a local jurisdiction to adopt certain local laws; and
11 generally relating to residential leases and fee disclosures for tenants.

12 BY adding to

13 Article – Real Property

14 Section 8–212.5

15 Annotated Code of Maryland

16 (2023 Replacement Volume and 2024 Supplement)

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

19 **Article – Real Property**

20 **8–212.5.**

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.



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

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

(3) "FEE" MEANS A CHARGE, A COST, OR A MONETARY OBLIGATION OTHER THAN RENT.

(4) "MANDATORY FEE" MEANS A COMPULSORY FEE IMPOSED ON A TENANT AS A CONDITION OF TENANCY.

(5) (I) "OPTIONAL FEE" MEANS A VOLUNTARY FEE THAT A TENANT MAY ELECT TO PAY A LANDLORD FOR BENEFITS OR SERVICES RELATED TO THE TENANCY.

(II) "OPTIONAL FEE" INCLUDES A FEE FOR PARKING, STORAGE, OR PETS.

(B) (1) THIS SECTION APPLIES ONLY TO A:

(I) A LEASE SIGNED OR RENEWED ON OR AFTER OCTOBER 1, 2025; AND

(II) A LANDLORD THAT OFFERS ~~FIVE~~ FOUR OR MORE DWELLING UNITS FOR RENT.

(2) THIS SECTION DOES NOT APPLY TO:

(I) CHARGES IMPOSED ON A TENANT FOR THE PAYMENT OF WATER, SEWER, GAS, GARBAGE COLLECTION, OR ELECTRIC UTILITIES;

(II) COSTS, FINES, OR FEES FOR MINOR VIOLATIONS OF A LEASE AGREEMENT, OR OTHER IRREGULAR COSTS INCURRED AS A RESULT OF A TENANT'S ACTIONS, SUCH AS A CHARGE FOR A REPLACEMENT KEY OR A PENALTY FOR A VIOLATION OF THE BYLAWS OF A COMMON OWNERSHIP COMMUNITY IF THE DWELLING UNIT IS LOCATED IN A COMMON OWNERSHIP COMMUNITY; OR

(III) THE WITHHOLDING OF ANY PORTION OF A SECURITY DEPOSIT AT THE END OF A TENANCY IN ACCORDANCE WITH § 8-203 OF THIS SUBTITLE.

~~(C) (1) A LANDLORD MAY NOT ADVERTISE, PUBLISH, OR ANNOUNCE, OR CAUSE TO BE ADVERTISED, PUBLISHED, OR ANNOUNCED, INCLUDING IN A LISTING OR POSTING ON A WEBSITE THAT ADVERTISES AVAILABLE RESIDENTIAL RENTAL PROPERTIES, THE RENTAL RATE OF A DWELLING UNIT UNLESS ALL MANDATORY FEES ARE INCLUDED IN OR STATED WITH THE RENTAL RATE.~~

~~(2) IF A MANDATORY FEE IS DUE AT A TIME DIFFERENT FROM THE RENT, THE LANDLORD SHALL SEPARATELY STATE THE AMOUNT OF THE FEE AND THE TIME AT WHICH THE FEE WILL BE DUE.~~

~~(D)~~ (C) (1) A LANDLORD SHALL, IN WRITING, PROVIDE A PROSPECTIVE TENANT WITH AN ITEMIZED LIST THAT CLEARLY IDENTIFIES ALL FEES THAT A LANDLORD MAY IMPOSE ON THE PROSPECTIVE TENANT AND INCLUDES THE FOLLOWING INFORMATION:

(I) THE BASIS FOR THE FEE;

(II) THE AMOUNT OF THE FEE;

(III) WHETHER THE FEE IS A MANDATORY FEE OR AN OPTIONAL FEE; AND

(IV) WHEN THE FEE IS DUE, INCLUDING WHETHER THE FEE IS LUMP SUM, MONTHLY, OR PERIODIC IN SOME OTHER WAY.

(2) A LANDLORD MAY NOT IMPOSE A MANDATORY FEE ON A TENANT THAT IS NOT DISCLOSED IN ACCORDANCE WITH THIS SUBSECTION.

(3) A LEASE PROVISION FOR WHICH THE REQUIREMENTS OF THIS SUBSECTION WERE NOT MET SHALL BE UNENFORCEABLE.

~~(E) (1) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL ASSIST TENANTS AND PROSPECTIVE TENANTS WITH:~~

~~(I) UNDERSTANDING THIS SECTION; AND~~

~~(II) REPORTING VIOLATIONS OF THIS SECTION.~~

~~(2) AFTER AN OPPORTUNITY FOR A HEARING, THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT MAY IMPOSE AN ADMINISTRATIVE PENALTY FOR EACH VIOLATION OF THIS SECTION, NOT EXCEEDING:~~

~~(I) FOR A FIRST OFFENSE, A WARNING;~~

~~(II) FOR A SECOND OFFENSE:~~

~~1. \$500 IF THE LANDLORD IS AN INDIVIDUAL; OR~~

~~2. \$1,000 IF THE LANDLORD IS AN ENTITY; AND~~

~~(III) FOR A THIRD OR SUBSEQUENT OFFENSE:~~

~~1. \$1,000 IF THE LANDLORD IS AN INDIVIDUAL; OR~~

~~2. \$2,000 IF THE LANDLORD IS AN ENTITY.~~

~~(3) THE DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF
THIS SUBSECTION.~~

(D) (1) A TENANT MAY BRING AN ACTION AGAINST A LANDLORD FOR A
VIOLATION OF THIS SECTION THAT OCCURRED:

(I) ON OR AFTER FEBRUARY 1, 2026; AND

(II) DURING THE TENANCY OR UP TO 2 YEARS AFTER THE
TENANCY EXPIRED.

(2) IF A COURT DETERMINES A LANDLORD VIOLATED A PROVISION OF
THIS SECTION, THE COURT MAY AWARD DAMAGES EQUAL TO THREE TIMES THE
AMOUNT OF ACTUAL DAMAGES THAT RESULTED FROM THE VIOLATION AND
REASONABLE ATTORNEY'S FEES.

~~(F)~~ (E) (1) A COUNTY OR MUNICIPAL CORPORATION MAY ENACT LOCAL
LAWS CONSISTENT WITH THIS SECTION.

(2) ANY LOCAL LAW OR ORDINANCE THAT IS COMPARABLE IN
SUBJECT MATTER TO THIS SECTION SHALL SUPERSEDE THE PROVISIONS OF THIS
SECTION TO THE EXTENT THAT THE LOCAL LAW OR ORDINANCE IS MORE STRINGENT
OR PROVIDES STRONGER PROTECTION TO A TENANT OR BROADER APPLICABILITY
THAN THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2025.