

HOUSE BILL 882

N1

3lr2071
CF SB 770

By: **Delegate Smith**

Introduced and read first time: February 9, 2023

Assigned to: Judiciary and Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant – Holding Over – Landlord Restrictions and Tenant**
3 **Remedies**

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

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)

24 BY repealing and reenacting, with amendments,
25 The Public Local Laws of Baltimore City
26 Section 9–15
27 Article 4 – Public Local Laws of Maryland
28 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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 LOCAL LAW GOVERNING THE EVICTIONS 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**

1 **THAT AGREES** to lease all or any portion of a property to another person for the person's
2 **RESIDENTIAL** use, in exchange for an agreed upon amount of money [or services].

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

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

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

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

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

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

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

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

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

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

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

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

31 [(i)] 1. interrupt, terminate, or diminish, any utility service
32 furnished to the tenant, including, but not limited to, water, heat, light, electricity, gas,

elevator, or similar services to which under the expressed or implied terms of the tenancy the tenant may be entitled;

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

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

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

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

(2) 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 A GOOD FAITH ATTEMPT TO PROVIDE REASONABLE NOTICE TO THE TENANT AND RESTORES POSSESSION OF THE PROPERTY TO THE TENANT PROMPTLY.

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

(E) A TENANT'S RIGHTS UNDER THIS SECTION MAY BE ENFORCED BY INJUNCTIVE RELIEF.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.