

HOUSE BILL 102

N1
HB 1064/22 – ENT

(PRE-FILED)

3lr0744
CF 3lr0745

By: **Delegate Stein**

Requested: November 10, 2022

Introduced and read first time: January 11, 2023

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Actions for Possession – Pet Protections**

3 FOR the purpose of requiring the Department of Agriculture to develop, publish, and
4 regularly update a fact sheet on the care and protection of pets in the event of an
5 eviction or any other loss of possession of real property; requiring the fact sheet to be
6 published in a certain manner; requiring a landlord to provide information about the
7 fact sheet at the execution of a lease under certain circumstances; requiring the
8 Maryland Judiciary to provide information about the fact sheet when issuing certain
9 warrants; requiring a sheriff, a constable, or any other official, under certain
10 circumstances, to return a pet to a tenant or certain other person or to contact an
11 animal shelter or a rescue organization and provide certain notice; prohibiting the
12 leaving of a pet on public property; and generally relating to actions for possession
13 of real property and pet protections.

14 BY repealing and reenacting, without amendments,
15 Article – Agriculture
16 Section 2–1701 and 15–101(a)(1) and (2)
17 Annotated Code of Maryland
18 (2016 Replacement Volume and 2022 Supplement)

19 BY adding to
20 Article – Real Property
21 Section 14–801 through 14–806 to be under the new subtitle “Subtitle 8. Pet
22 Protections”
23 Annotated Code of Maryland
24 (2015 Replacement Volume and 2022 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.



1 **Article – Agriculture**

2 2–1701.

3 In this subtitle, “animal shelter” means:

4 (1) A county or municipal animal control facility;

5 (2) An organization that contracts with a county or municipality for animal
6 control; or7 (3) An organization that shelters animals and has received a grant from
8 the Spay/Neuter Fund under Subtitle 16 of this title during the previous year.

9 15–101.

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

11 (2) “Animal rescue organization” includes:

12 (i) A nonprofit organization incorporated for the purpose of rescuing
13 animals in need and finding permanent adoptive homes for the animals; and14 (ii) A government–operated animal control unit that provides
15 animals for adoption.16 **Article – Real Property**17 **SUBTITLE 8. PET PROTECTIONS.**18 **14–801.**19 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
20 **INDICATED.**21 **(B) “ANIMAL RESCUE ORGANIZATION” HAS THE MEANING STATED IN §**
22 **15–101 OF THE AGRICULTURE ARTICLE.**23 **(C) “ANIMAL SHELTER” HAS THE MEANING STATED IN § 2–1701 OF THE**
24 **AGRICULTURE ARTICLE.**25 **(D) “PET” MEANS A DOMESTICATED DOG OR CAT.**26 **14–802.**

1 **THIS SUBTITLE APPLIES TO AN ACTION FOR POSSESSION OF REAL PROPERTY**
2 **FILED ON OR AFTER NOVEMBER 1, 2023, BY:**

3 **(1) A LANDLORD AGAINST A TENANT UNDER § 8-401, § 8-402, OR §**
4 **8-402.1 OF THIS ARTICLE; OR**

5 **(2) A COMPLAINANT AGAINST A PERSON HOLDING POSSESSION OF**
6 **REAL PROPERTY UNDER § 14-132 OF THIS TITLE.**

7 **14-803.**

8 **(A) BY OCTOBER 1, 2023, THE DEPARTMENT OF AGRICULTURE SHALL**
9 **DEVELOP AND PUBLISH ON ITS WEBSITE A FACT SHEET THAT PROVIDES**
10 **INFORMATION ABOUT HOW A PERSON MAY CARE FOR AND PROTECT ANY PETS IN**
11 **THE EVENT THE PERSON IS EVICTED OR LOSES POSSESSION OF THE PERSON'S**
12 **PROPERTY.**

13 **(B) THE DEPARTMENT OF AGRICULTURE SHALL:**

14 **(1) INCLUDE IN THE FACT SHEET INFORMATION ON STATE AND**
15 **LOCAL RESOURCES, INCLUDING ANIMAL SHELTERS AND ANIMAL RESCUE**
16 **ORGANIZATIONS; AND**

17 **(2) UPDATE THE FACT SHEET ON A REGULAR BASIS.**

18 **14-804.**

19 **ON OR AFTER NOVEMBER 1, 2023, AT THE EXECUTION OF A LEASE, THE**
20 **LANDLORD SHALL INCLUDE WITH THE LEASE A DESCRIPTION OF THE FACT SHEET**
21 **PUBLISHED UNDER § 14-803 OF THIS SUBTITLE AND WHERE THE FACT SHEET IS**
22 **LOCATED ON THE DEPARTMENT OF AGRICULTURE'S WEBSITE IF THE LANDLORD**
23 **KNOWS THAT A TENANT POSSESSES A PET.**

24 **14-805.**

25 **BEGINNING NOVEMBER 1, 2023, THE MARYLAND JUDICIARY SHALL INCLUDE**
26 **A DESCRIPTION OF THE FACT SHEET PUBLISHED UNDER § 14-803 OF THIS SUBTITLE**
27 **AND WHERE THE FACT SHEET IS LOCATED ON THE DEPARTMENT OF**
28 **AGRICULTURE'S WEBSITE WITH ANY WARRANT ISSUED UNDER § 8-401(F)(1)(I), §**
29 **8-402(B)(2)(I) OR (V), OR § 8-402.1(B) OF THIS ARTICLE OR § 14-132(F) OR (I) OF**
30 **THIS TITLE.**

31 **14-806.**

1 **(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WHEN**
2 **POSSESSION OF REAL PROPERTY IS DELIVERED TO A LANDLORD OR COMPLAINANT**
3 **FOLLOWING AN ACTION UNDER § 8-401, § 8-402, OR § 8-402.1 OF THIS ARTICLE OR**
4 **§ 14-132 OF THIS TITLE, THE SHERIFF, CONSTABLE, OR OTHER OFFICIAL SHALL:**

5 **(I) IMMEDIATELY INSPECT THE PREMISES FOR ANY PET; AND**

6 **(II) PROVIDE TO THE TENANT OR PERSON WHO WAS HOLDING**
7 **POSSESSION OF THE REAL PROPERTY ANY PET ON THE PREMISES BELONGING TO**
8 **THE TENANT OR PERSON WHO WAS HOLDING POSSESSION OF THE REAL PROPERTY.**

9 **(2) IF THE TENANT OR PERSON WHO WAS HOLDING POSSESSION OF**
10 **REAL PROPERTY IS NOT PRESENT AT THE TIME THE REAL PROPERTY IS DELIVERED**
11 **TO A LANDLORD OR COMPLAINANT, THE SHERIFF, CONSTABLE, OR OTHER OFFICIAL**
12 **SHALL:**

13 **(I) CONTACT AN ANIMAL SHELTER OR ANIMAL RESCUE**
14 **ORGANIZATION TO TAKE CUSTODY OF THE PET;**

15 **(II) PROVIDE THE TENANT OR PERSON WHO WAS HOLDING**
16 **POSSESSION OF THE REAL PROPERTY WITH THE NAME AND CONTACT INFORMATION**
17 **OF THE ANIMAL SHELTER OR ANIMAL RESCUE ORGANIZATION WHERE THE PET IS**
18 **TAKEN; AND**

19 **(III) PROVIDE THE ANIMAL SHELTER OR ANIMAL RESCUE**
20 **ORGANIZATION WITH THE NAME AND CONTACT INFORMATION, INCLUDING THE**
21 **TELEPHONE NUMBER IF AVAILABLE, OF THE TENANT OR PERSON WHO WAS**
22 **HOLDING POSSESSION OF THE REAL PROPERTY FROM WHICH THE PET WAS TAKEN.**

23 **(B) A PERSON MAY NOT REMOVE A PET FROM REAL PROPERTY DELIVERED**
24 **TO A LANDLORD OR COMPLAINANT FOLLOWING AN ACTION UNDER § 8-401, § 8-402,**
25 **OR § 8-402.1 OF THIS ARTICLE OR § 14-132 OF THIS TITLE AND LEAVE THE PET ON**
26 **PUBLIC PROPERTY OR A PUBLIC RIGHT-OF-WAY.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
28 1, 2023.