

Chapter 671

(House Bill 932)

AN ACT concerning

Landlord and Tenant – Right to Redemption of Leased Premises – Form of Payment

FOR the purpose of providing that, in an action of summary ejectment for failure to pay rent where a landlord or park owner is awarded a judgment giving restitution of the leased premises, a tenant or resident who has the right to redemption of the leased premises by tendering a certain amount of money may tender that amount in a check issued by a political subdivision or on behalf of a governmental entity; and generally relating to the right of redemption by a tenant or resident in an action of summary ejectment for failure to pay rent.

BY repealing and reenacting, with amendments,
 Article – Real Property
 Section 8–401(g) and 8A–1701(e)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
The Public Local Laws of Baltimore City
Section 9–5(b)
Article 4 – Public Local Laws of Maryland
(1979 Edition and 1997 Supplement and 2000 Supplement)

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

Article – Real Property

8–401.

(g) (1) Subject to paragraph ~~(2)~~ **(3)** of this subsection, in any action of summary ejectment for failure to pay rent where the landlord is awarded a judgment giving the landlord restitution of the leased premises, the tenant shall have the right to redemption of the leased premises by tendering in cash, certified check [or], **OR** money order, ~~OR ELECTRONIC CHECK OR WRITTEN CHECK ISSUED BY A POLITICAL SUBDIVISION OR ON BEHALF OF A GOVERNMENTAL ENTITY~~ to the landlord or the landlord's agent all past due amounts, as determined by the court under subsection (e) of this section, plus all court awarded costs and fees, at any time before actual execution of the eviction order.

(2) AN ELECTRONIC OR WRITTEN CHECK ISSUED BY A POLITICAL SUBDIVISION OR ON BEHALF OF A GOVERNMENTAL ENTITY SHALL HAVE THE SAME LEGAL EFFECT AS A PAYMENT MADE BY THE TENANT UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) This subsection does not apply to any tenant against whom 3 judgments of possession have been entered for rent due and unpaid in the 12 months prior to the initiation of the action to which this subsection otherwise would apply.

8A-1701.

(e) (1) [In] ~~EXCEPT AS PROVIDED IN SUBJECT TO PARAGRAPH (2) (3) OF THIS SUBSECTION, IN~~ any action of summary ejectment for failure to pay rent where the park owner is awarded a judgment giving [him] **THE PARK OWNER** restitution of the leased premises, the resident shall have the right to redemption of the leased premises by tendering in cash, certified check, ~~for~~ money order, ~~OR ELECTRONIC CHECK OR WRITTEN CHECK ISSUED BY A POLITICAL SUBDIVISION OR ON BEHALF OF A GOVERNMENTAL ENTITY~~ to the park owner or [his] **THE PARK OWNER'S** agent all past due rent and late fees, plus all court awarded costs and fees, at any time before actual execution of the eviction order.

(2) AN ELECTRONIC OR WRITTEN CHECK ISSUED BY A POLITICAL SUBDIVISION OR ON BEHALF OF A GOVERNMENTAL ENTITY SHALL HAVE THE SAME LEGAL EFFECT AS A PAYMENT MADE BY THE RESIDENT UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) This subsection does not apply to any resident against whom 3 judgments of possession have been entered for rent due and unpaid in the 12 months prior to the initiation of the action to which this subsection otherwise would apply.

Article 4 – Baltimore City

9-5.

(b) (1) [In] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IN any action of summary ejectment for failure to pay rent where the landlord is awarded a judgment giving [him] **THE LANDLORD** restitution of the leased premises, the tenant [has] SHALL HAVE the right to redemption of the leased premises by tendering in cash, certified check or money order to the landlord or [his] **THE LANDLORD'S** agent all past due rent and late fees, plus all court awarded costs and fees, at any time before actual execution of the eviction order.

(2) AN ELECTRONIC OR WRITTEN CHECK ISSUED BY A POLITICAL SUBDIVISION OR ON BEHALF OF A GOVERNMENTAL ENTITY SHALL HAVE THE SAME

LEGAL EFFECT AS A PAYMENT MADE BY THE TENANT UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) The right of redemption is not available to a tenant if the landlord alleges and shows that more than three judgments of restitution were issued against the tenant in the 12 months preceding the filing of the landlord's complaint.

~~[(3)]~~ **(4)** Nothing in this section shall preclude a tenant in any summary ejection action from raising any defense available under the Public Local Laws of Baltimore City. If a tenant prevails on any of these defenses, the judgment, whether or not it includes a judgment of restitution against the tenant, shall not be considered a judgment of restitution for purposes of paragraph [(2)] (3) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.