

SENATE BILL 530

D1, N1

1lr2139

By: **The President (By Request – Office of the Attorney General) and Senators
Smith, Hettleman, Carter, and Waldstreicher**

Introduced and read first time: January 22, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant – Eviction Actions – Filing Surcharge and Prohibited**
3 **Lease Provisions**

4 FOR the purpose of increasing the surcharge that the District Court is required to assess
5 for filing a civil case for summary ejection, tenant holding over, or breach of lease
6 that seeks a judgement for possession of residential property against a residential
7 tenant; requiring the District Court to assess the surcharge against a landlord and
8 prohibiting the court from awarding or assigning the surcharge against a residential
9 tenant; prohibiting a landlord from including in a residential lease a provision that
10 provides that a tenant is responsible for, or requires a tenant to agree to be
11 responsible for, payment of the surcharge; prohibiting a landlord from seeking the
12 surcharge in the landlord's written complaint to repossess residential property filed
13 in the District Court; and generally relating to court surcharges for eviction filings.

14 BY repealing and reenacting, with amendments,
15 Article – Courts and Judicial Proceedings
16 Section 7–301(c)
17 Annotated Code of Maryland
18 (2020 Replacement Volume)

19 BY repealing and reenacting, with amendments,
20 Article – Real Property
21 Section 8–208(d)(7) and (8) and 8–401(b)(1)
22 Annotated Code of Maryland
23 (2015 Replacement Volume and 2020 Supplement)

24 BY adding to
25 Article – Real Property
26 Section 8–208(d)(9)
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2015 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,
 Article – Real Property
 Section 8–401(a)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2020 Supplement)

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

Article – Courts and Judicial Proceedings

7–301.

(c) (1) The filing fees and costs in a civil case are those prescribed by law subject to modification by law, rule, or administrative regulation.

(2) The Chief Judge of the District Court shall assess a surcharge that:

(i) 1. May not be [more than:

1. \$8 per summary ejectment case] **LESS THAN \$120 PER CASE FOR SUMMARY EJECTMENT, TENANT HOLDING OVER, OR BREACH OF LEASE THAT SEEKS A JUDGMENT FOR POSSESSION OF RESIDENTIAL PROPERTY AGAINST A RESIDENTIAL TENANT;** and

2. **MAY NOT BE MORE THAN \$18 per case for all other civil cases; [and]**

(ii) **IF ASSESSED UNDER ITEM (I)1 OF THIS PARAGRAPH, SHALL BE ASSESSED AGAINST A LANDLORD AND MAY NOT BE AWARDED OR ASSIGNED BY THE DISTRICT COURT AS A FEE OR COST AGAINST A RESIDENTIAL TENANT; AND**

(iii) Shall be deposited into the Maryland Legal Services Corporation Fund established under § 11–402 of the Human Services Article.

(3) (i) In addition to the surcharge assessed under paragraph (2) of this subsection, the Chief Judge of the District Court shall assess a surcharge that may not be more than \$10 per case for the following cases filed in Baltimore City:

1. Summary ejectment;

2. Tenant holding over;

3. Breach of lease; and

1 (a) Whenever the tenant or tenants fail to pay the rent when due and payable, it
2 shall be lawful for the landlord to have again and repossess the premises.

3 (b) (1) Whenever any landlord shall desire to repossess any premises to which
4 the landlord is entitled under the provisions of subsection (a) of this section, the landlord
5 or the landlord's duly qualified agent or attorney shall file the landlord's written complaint
6 under oath or affirmation, in the District Court of the county wherein the property is
7 situated:

8 (i) Describing in general terms the property sought to be
9 repossessed;

10 (ii) Setting forth the name of each tenant to whom the property is
11 rented or any assignee or subtenant;

12 (iii) Stating the amount of rent and any late fees due and unpaid, less
13 the amount of any utility bills, fees, or security deposits paid by a tenant under § 7–309 of
14 the Public Utilities Article;

15 (iv) Requesting to repossess the premises and, if requested by the
16 landlord, a judgment for the amount of rent due, costs, **EXCLUDING ANY SURCHARGE**
17 **ASSESSED AGAINST THE LANDLORD UNDER § 7–301(C)(2)(I)1 OF THE COURTS**
18 **ARTICLE**, and any late fees, less the amount of any utility bills, fees, or security deposits
19 paid by a tenant under § 7–309 of the Public Utilities Article;

20 (v) If applicable, stating that, to the best of the landlord's knowledge,
21 the tenant is deceased, intestate, and without next of kin; and

22 (vi) If the property to be repossessed is an affected property as
23 defined in § 6–801 of the Environment Article, stating that the landlord has registered the
24 affected property as required under § 6–811 of the Environment Article and renewed the
25 registration as required under § 6–812 of the Environment Article and:

26 1. A. If the current tenant moved into the property on or
27 after February 24, 1996, stating the inspection certificate number for the inspection
28 conducted for the current tenancy as required under § 6–815(c) of the Environment Article;
29 or

30 B. On or after February 24, 2006, stating the inspection
31 certificate number for the inspection conducted for the current tenancy as required under
32 § 6–815(c), § 6–817(b), or § 6–819(f) of the Environment Article; or

33 2. Stating that the owner is unable to provide an inspection
34 certificate number because:

35 A. The owner has requested that the tenant allow the owner
36 access to the property to perform the work required under Title 6, Subtitle 8 of the

1 Environment Article;

2 B. The owner has offered to relocate the tenant in order to
3 allow the owner to perform work if the work will disturb the paint on the interior surfaces
4 of the property and to pay the reasonable expenses the tenant would incur directly related
5 to the relocation; and

6 C. The tenant has refused to allow access to the owner or
7 refused to vacate the property in order for the owner to perform the required work.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
9 1, 2021.