

SENATE BILL 816

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2lr2492
CF 2lr1035

By: **Senator Lee**

Introduced and read first time: February 7, 2022

Assigned to: Judicial Proceedings

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 other loss of possession of real property; requiring the fact sheet to be
6 published in a certain manner and distributed to certain persons at certain times;
7 requiring a sheriff, constable, or other official, under certain circumstances, to return
8 a pet to a tenant or certain other person or to contact an animal shelter or a rescue
9 organization and provide certain notice; prohibiting the leaving of a pet on public
10 property; and generally relating to actions for possession of real property and pet
11 protections.

12 BY repealing and reenacting, without amendments,
13 Article – Agriculture
14 Section 2–1701 and 15–101(a)(1) and (2)
15 Annotated Code of Maryland
16 (2016 Replacement Volume and 2021 Supplement)

17 BY adding to
18 Article – Real Property
19 Section 14–701 through 14–706 to be under the new subtitle “Subtitle 7. Pet
20 Protections”
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2021 Supplement)

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

25 **Article – Agriculture**

26 2–1701.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 In this subtitle, “animal shelter” means:

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

3 (2) An organization that contracts with a county or municipality for animal
4 control; or

5 (3) An organization that shelters animals and has received a grant from
6 the Spay/Neuter Fund under Subtitle 16 of this title during the previous year.

7 15–101.

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

9 (2) “Animal rescue organization” includes:

10 (i) A nonprofit organization incorporated for the purpose of rescuing
11 animals in need and finding permanent adoptive homes for the animals; and

12 (ii) A government–operated animal control unit that provides
13 animals for adoption.

14 Article – Real Property

15 SUBTITLE 7. PET PROTECTIONS.

16 14–701.

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (B) “ANIMAL RESCUE ORGANIZATION” HAS THE MEANING STATED IN §
20 15–101 OF THE AGRICULTURE ARTICLE.

21 (C) “ANIMAL SHELTER” HAS THE MEANING STATED IN § 2–1701 OF THE
22 AGRICULTURE ARTICLE.

23 (D) “PET” MEANS A DOMESTICATED DOG OR CAT.

24 14–702.

25 THIS SUBTITLE APPLIES TO AN ACTION FOR POSSESSION OF REAL PROPERTY
26 FILED ON OR AFTER OCTOBER 1, 2022, BY:

1 (1) A LANDLORD AGAINST A TENANT UNDER § 8-401, § 8-402, OR §
2 8-402.1 OF THIS ARTICLE; OR

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

5 14-703.

6 (A) BY OCTOBER 1, 2022, THE DEPARTMENT OF AGRICULTURE SHALL
7 DEVELOP AND PUBLISH ON ITS WEBSITE A FACT SHEET THAT PROVIDES
8 INFORMATION ABOUT HOW A PERSON MAY CARE FOR AND PROTECT ANY PETS IN
9 THE EVENT THE PERSON IS EVICTED OR LOSES POSSESSION OF THE PERSON'S
10 PROPERTY.

11 (B) THE DEPARTMENT OF AGRICULTURE SHALL:

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

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

16 14-704.

17 AT THE EXECUTION OF A LEASE, THE LANDLORD SHALL INCLUDE A COPY OF
18 THE FACT SHEET DESCRIBED IN § 14-703 OF THIS SUBTITLE WITH THE LEASE IF THE
19 LANDLORD KNOWS OR HAS REASON TO BELIEVE THAT A TENANT POSSESSES A PET.

20 14-705.

21 (A) A LANDLORD SHALL INCLUDE A COPY OF THE FACT SHEET DESCRIBED
22 IN § 14-703 OF THIS SUBTITLE WITH THE WRITTEN NOTICE OF AN EVICTION
23 PROCEEDING THAT A LANDLORD IS REQUIRED TO PROVIDE TO A TENANT FOR:

24 (1) A FAILURE TO PAY RENT UNDER § 8-401 OF THIS ARTICLE;

25 (2) A TENANT HOLDING OVER UNDER § 8-402 OF THIS ARTICLE; AND

26 (3) A BREACH OF LEASE UNDER § 8-402.1 OF THIS ARTICLE.

27 (B) THE SUMMONS REQUIRED TO BE PROVIDED UNDER § 14-132 OF THIS
28 TITLE TO A PERSON HOLDING POSSESSION OF REAL PROPERTY SHALL INCLUDE A
29 COPY OF THE FACT SHEET DESCRIBED IN § 14-703 OF THIS SUBTITLE.

1 **(C) THE FACT SHEET REQUIRED UNDER SUBSECTIONS (A) AND (B) OF THIS**
2 **SECTION SHALL BE PROVIDED REGARDLESS OF WHETHER THE LANDLORD OR**
3 **COMPLAINANT KNOWS WHETHER THERE IS A PET ON THE PREMISES.**

4 **14-706.**

5 **(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WHEN**
6 **POSSESSION OF REAL PROPERTY IS DELIVERED TO A LANDLORD OR COMPLAINANT**
7 **FOLLOWING AN ACTION DESCRIBED IN § 14-705 OF THIS SUBTITLE, THE SHERIFF,**
8 **CONSTABLE, OR OTHER OFFICIAL SHALL:**

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

10 **(II) PROVIDE TO THE TENANT OR PERSON WHO WAS HOLDING**
11 **POSSESSION OF THE REAL PROPERTY ANY PET ON THE PREMISES BELONGING TO**
12 **THE TENANT OR PERSON WHO WAS HOLDING POSSESSION OF THE REAL PROPERTY.**

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

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

19 **(II) PROVIDE THE TENANT OR PERSON WHO WAS HOLDING**
20 **POSSESSION OF THE REAL PROPERTY WITH THE NAME AND CONTACT INFORMATION**
21 **OF THE ANIMAL SHELTER OR ANIMAL RESCUE ORGANIZATION WHERE THE PET IS**
22 **TAKEN; AND**

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

27 **(B) A PERSON MAY NOT REMOVE A PET FROM REAL PROPERTY DELIVERED**
28 **TO A LANDLORD OR COMPLAINANT FOLLOWING AN ACTION DESCRIBED IN § 14-705**
29 **OF THIS SUBTITLE AND LEAVE THE PET ON PUBLIC PROPERTY OR A PUBLIC**
30 **RIGHT-OF-WAY.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
32 1, 2022.