

(Senate Bill 570)

AN ACT concerning

Landlord and Tenant - Breach of Lease

FOR the purpose of providing certain procedure by which a landlord can evict a tenant for breach of a lease.

BY adding to

Article - Real Property
Section 8-402.1
Annotated Code of Maryland
(1974 Volume and 1977 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article - Real Property

8-402.1.

(A) WHEN A LEASE PROVIDES THAT THE LANDLORD MAY REPOSSESS THE PREMISES IF THE TENANT BREACHES THE LEASE, AND THE LANDLORD HAS GIVEN THE TENANT ONE MONTH WRITTEN NOTICE THAT THE TENANT IS IN VIOLATION OF THE LEASE AND THE LANDLORD DESIRES TO REPOSSESS THE PREMISES, AND IF THE TENANT OR PERSON IN ACTUAL POSSESSION REFUSES TO COMPLY, THE LANDLORD MAY MAKE COMPLAINT IN WRITING TO THE DISTRICT COURT OF THE COUNTY WHERE THE PREMISES IS LOCATED. THE COURT SHALL SUMMONS IMMEDIATELY THE TENANT OR PERSON IN POSSESSION TO APPEAR BEFORE THE COURT ON A DAY STATED IN THE SUMMONS TO SHOW CAUSE, IF ANY, WHY RESTITUTION OF THE POSSESSION OF THE LEASED PREMISES SHOULD NOT BE MADE TO THE LANDLORD. IF EITHER OF THE PARTIES FAILS TO APPEAR BEFORE THE COURT ON THE DAY STATED IN THE SUMMONS, THE COURT SHALL MAY CONTINUE THE CASE FOR NOT LESS THAN SIX NOR MORE THAN 10 DAYS AND NOTIFY THE PARTIES OF THE CONTINUANCE.

(B) IF THE COURT DETERMINES THAT THE TENANT BREACHED THE TERMS OF THE LEASE AND THAT THE BREACH WAS SUBSTANTIAL AND WARRANTS AN EVICTION, THE COURT SHALL GIVE JUDGMENT FOR THE RESTITUTION OF THE POSSESSION OF THE PREMISES AND ISSUE ITS WARRANT TO THE SHERIFF OR A CONSTABLE COMMANDING HIM TO DELIVER POSSESSION TO THE LANDLORD IN AS FULL AND AMPLE MANNER AS THE LANDLORD WAS POSSESSED OF THE SAME AT THE TIME WHEN THE LEASE WAS ENTERED INTO. THE COURT SHALL GIVE JUDGMENT FOR COSTS AGAINST THE TENANT OR PERSON IN POSSESSION. EITHER PARTY MAY APPEAL TO THE CIRCUIT COURT FOR THE COUNTY, OR THE BALTIMORE CITY COURT WITHIN TEN DAYS FROM ENTRY OF THE JUDGMENT. IF THE TENANT (1) FILES WITH THE DISTRICT COURT AN AFFIDAVIT THAT THE APPEAL IS NOT TAKEN FOR DELAY; (2) FILES SUFFICIENT BOND WITH ONE OR MORE SECURITIES CONDITIONED UPON DILIGENT PROSECUTION OF THE