

(A) (B) THE OWNER OF A RESIDENTIAL FACILITY MAY NOT TERMINATE THE LEASE OF ANY TENANT OCCUPYING ANY PORTION OF THE OWNER'S RESIDENTIAL FACILITY IN ORDER TO AVOID SUCH OWNER'S OBLIGATION TO GIVE THE TENANT THE NOTICE REQUIRED BY SECTION UNDER § 11-102.1 OF THIS TITLE.

(B) AN OWNER SHALL BE PRESUMED TO HAVE TERMINATED THE LEASE OF A TENANT IN VIOLATION OF SUBSECTION (A) OF THIS SECTION IF SUCH TERMINATION OCCURS WITHIN 270 DAYS PRIOR TO MAKING APPLICATION FOR REGISTRATION WITH THE SECRETARY OF STATE PURSUANT TO SECTION 11-127 OF THIS TITLE UNLESS:

(1) AT THE TIME THE APPLICATION FOR REGISTRATION IS FILED, 90 PERCENT OR MORE OF THE RESIDENTIAL DWELLING UNITS IN THE FACILITY ARE OCCUPIED OR, IN THE EVENT LESS THAN 90 PERCENT OF SUCH UNITS ARE OCCUPIED, THE OWNER CAN ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THAT THE VACANT UNITS ARE BEING, AND FROM THE DATE OF THE TERMINATION OF THE LAST LEASE OF EACH VACANT UNIT HAVE BEEN, OFFERED FOR RENT IN THE NORMAL COURSE OF SUCH OWNER'S BUSINESS; OR

(2) THE LEASE WAS TERMINATED FOR:

(i) NONPAYMENT OF RENT; OR

(ii) BREACH OF ANY OTHER PROVISION OF THE LEASE.

(C) AS USED IN THIS SECTION THE TERM "TERMINATE" MEANS THE GIVING OF NOTICE TERMINATING A PERIODIC TENANCY OF A UNIT OF A RESIDENTIAL FACILITY OR THE FAILURE TO RENEW AN EXISTING LEASE FOR A UNIT IN A RESIDENTIAL FACILITY UPON ITS EXPIRATION.

(D) THE SECRETARY OF STATE SHALL REJECT AN APPLICATION FROM ANY OWNER WHO HAS VIOLATED ANY PROVISION OF THIS SECTION WITHIN 12 MONTHS PRIOR TO MAKING APPLICATION FOR REGISTRATION.

(E) AN OWNER WHO TERMINATES A LEASE IN VIOLATION OF THIS SECTION IS LIABLE TO THE TENANT IN A CIVIL ACTION FOR DAMAGES, COSTS, AND REASONABLE ATTORNEYS' FEES. THE DAMAGES SHALL BE THE GREATER OF:

(1) 5 PERCENT OF THE OFFERING PRICE FOR THE UNIT AS SET FORTH IN THE REGISTRATION STATEMENT; OR

(2) \$3,500.

(C) THE APPLICATION FOR REGISTRATION FOR A RESIDENTIAL RENTAL FACILITY UNDER § 11-127 OF THIS SUBTITLE SHALL INCLUDE, TO THE EXTENT REASONABLY AVAILABLE, A LIST OF ALL TENANTS WHOSE LEASES WERE TERMINATED DURING THE 270 DAY PERIOD PRIOR TO THE FILING OF THE APPLICATION FOR REGISTRATION.