

CHAPTER 700

(House Bill 1031)

AN ACT concerning

Landlord Tenant - Tenant Holding Over

FOR the purpose of clarifying that provisions of law relating to a tenant holding over apply to certain tenancies; making technical corrections; and generally relating to landlord tenant laws relating to a tenant holding over.

BY repealing and reenacting, with amendments,

Article - Real Property

Section 8-402

Annotated Code of Maryland

(1996 Replacement Volume 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

8-402.

(a) (1) A tenant under any [lease] PERIODIC TENANCY, OR AT THE EXPIRATION OF A LEASE [or], AND someone holding under the tenant, who shall unlawfully hold over beyond the EXPIRATION OF THE LEASE OR termination of the [lease] TENANCY, shall be liable to the landlord for the actual damages caused by the holding over.

(2) The damages awarded to a landlord against the tenant or someone holding under the tenant, may not be less than the apportioned rent for the period of holdover at the rate under the lease.

(3) (i) Any action to recover damages under this section may be brought by suit separate from the eviction or removal proceeding or in the same action and in any court having jurisdiction over the amount in issue.

(ii) The court may also give judgment in favor of the landlord for the damages determined to be due together with costs of the suit if the court finds that the residential tenant was personally served with a summons, or, in the case of a nonresidential tenancy, there was such service of process or submission to the jurisdiction of the court as would support a judgment in contract or tort.

(iii) A nonresidential tenant who was not personally served with a summons shall not be subject to personal jurisdiction of the court if that tenant asserts that the appearance is for the purpose of defending an in rem action prior to the time that evidence is taken by the court.