

SENATE BILL 408

N1, O2

7lr1446

By: **Senators Robinson, Klausmeier, Muse, and Young**

Introduced and read first time: January 27, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Senior Apartment Facilities – Limitation on Occupancy by Person Convicted of**
3 **Crime of Violence**

4 FOR the purpose of prohibiting under certain circumstances a landlord from renting a unit
5 to a certain individual or allowing a certain individual to reside in a senior apartment
6 facility in a unit that is located on the same floor on which a vulnerable adult resides;
7 providing for enforcement by the Division of Consumer Protection of the Office of the
8 Attorney General; establishing that a landlord of a senior apartment facility shall be
9 liable for damages for any injury to or loss incurred by a vulnerable adult as a result
10 of a violation of this Act; and generally relating to senior apartment facilities.

11 BY adding to
12 Article – Real Property
13 Section 8–218
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2016 Supplement)

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

18 **Article – Real Property**

19 **8–218.**

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (2) “CRIME OF VIOLENCE” HAS THE MEANING STATED IN § 14–101 OF
23 THE CRIMINAL LAW ARTICLE.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) “SENIOR APARTMENT FACILITY” MEANS AN APARTMENT**
2 **BUILDING OR COMPLEX THAT:**

3 **(I) CONTAINS FOUR OR MORE INDIVIDUAL DWELLING UNITS;**
4 **AND**

5 **(II) IS HOUSING FOR OLDER PERSONS AS DEFINED IN 42 U.S.C.**
6 **§ 3607.**

7 **(4) “VULNERABLE ADULT” HAS THE MEANING STATED IN § 3-604 OF**
8 **THE CRIMINAL LAW ARTICLE.**

9 **(B) A LANDLORD MAY NOT RENT A UNIT TO AN INDIVIDUAL OR ALLOW AN**
10 **INDIVIDUAL TO RESIDE IN A SENIOR APARTMENT FACILITY IN A UNIT THAT IS**
11 **LOCATED ON THE SAME FLOOR ON WHICH A VULNERABLE ADULT RESIDES IF:**

12 **(1) THE INDIVIDUAL HAS BEEN CONVICTED OF A CRIME OF VIOLENCE**
13 **WITHIN THE PREVIOUS 5 YEARS; AND**

14 **(2) THE LANDLORD FAILS TO PROVIDE A DESIGNATED PERSON ON**
15 **DUTY AT ALL TIMES ON THE PREMISES OF THE FACILITY WHOM THE VULNERABLE**
16 **ADULT MAY CONTACT FOR ASSISTANCE IF NEEDED.**

17 **(C) TO THE EXTENT THAT A VIOLATION OF THIS SECTION AFFECTS A**
18 **TENANT OF A SENIOR APARTMENT FACILITY, THAT VIOLATION SHALL BE WITHIN**
19 **THE SCOPE OF THE ENFORCEMENT DUTIES AND POWERS OF THE DIVISION OF**
20 **CONSUMER PROTECTION OF THE OFFICE OF THE ATTORNEY GENERAL, AS**
21 **DESCRIBED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.**

22 **(D) A LANDLORD OF A SENIOR APARTMENT FACILITY SHALL BE LIABLE FOR**
23 **DAMAGES FOR ANY INJURY TO OR LOSS INCURRED BY A VULNERABLE ADULT AS A**
24 **RESULT OF A VIOLATION OF THIS SECTION.**

25 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
26 **October 1, 2017.**