

HOUSE BILL 1639

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By: **Delegate Acevero**

Introduced and read first time: February 24, 2020

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Residential Leases – Prohibitions Against Renters Insurance**
3 **Requirements**

4 FOR the purpose of prohibiting a landlord from including certain provisions requiring a
5 tenant to purchase certain insurance or to add the landlord to a certain existing
6 insurance policy in a lease or form of lease for a residential dwelling unit; and
7 generally relating to requirements for a lease for residential property.

8 BY repealing and reenacting, without amendments,
9 Article – Real Property
10 Section 8–208(a)
11 Annotated Code of Maryland
12 (2015 Replacement Volume and 2019 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Real Property
15 Section 8–208(d)
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2019 Supplement)

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

20 **Article – Real Property**

21 8–208.

22 (a) (1) On or after October 1, 1999, any landlord who offers 5 or more dwelling
23 units for rent in the State may not rent a residential dwelling unit without using a written
24 lease.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) If a landlord fails to comply with paragraph (1) of this subsection, the term of the tenancy is presumed to be 1 year from the date of the tenant's first occupancy unless the tenant elects to end the tenancy at an earlier date by giving 1 month's written notice.

(d) A landlord may not use a lease or form of lease containing any provision that:

(1) Has the tenant authorize any person to confess judgment on a claim arising out of the lease;

(2) Has the tenant agree to waive or to forego any right or remedy provided by applicable law;

(3) (i) Provides for a penalty for the late payment of rent in excess of 5% of the amount of rent due for the rental period for which the payment was delinquent; or

(ii) In the case of leases under which the rent is paid in weekly rental installments, provides for a late penalty of more than \$3 per week or a total of no more than \$12 per month;

(4) Has the tenant waive the right to a jury trial;

(5) Has the tenant agree to a period required for landlord's notice to quit which is less than that provided by applicable law; provided, however, that neither party is prohibited from agreeing to a longer notice period than that required by applicable law;

(6) Authorizes the landlord to take possession of the leased premises, or the tenant's personal property unless the lease has been terminated by action of the parties or by operation of law, and the personal property has been abandoned by the tenant without the benefit of formal legal process;

(7) Is against public policy and void pursuant to § 8–105 of this title; [or]

(8) Permits a landlord to commence an eviction proceeding or issue a notice to quit solely as retaliation against any tenant for planning, organizing, or joining a tenant organization with the purpose of negotiating collectively with the landlord;

(9) REQUIRES THE TENANT TO PURCHASE RENTERS INSURANCE; OR

(10) REQUIRES THE TENANT TO ADD THE LANDLORD TO AN EXISTING RENTERS INSURANCE POLICY AS:

(I) AN INSURED PARTY;

(II) AN ADDITIONAL INSURED; OR

1 (III) A PARTY OF INTEREST.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2020.