

Selected Legislation Before the 2010 Maryland General Assembly

June 1, 2010

General Comment and Caveat

This document highlights some of the bills in the 2010 Regular Session of the Maryland General Assembly of interest to residential rental property owners in Maryland. This document is not comprehensive and does not constitute legal advice or guidance. For the exact text of the bills, please visit the General Assembly website at <http://mlis.state.md.us> , click on Bill Information and Status and follow the directions. For a definitive interpretation of a bill or its applicability to a specific situation, please consult your personal attorney.

Legislation that failed, was withdrawn or received no action – House of Delegates:

1. House Bill (“HB”) 42 – Real Estate Appraisers – Knowledge of Value of Real Estate – Prohibited (Del. Conaway) – Withdrawn – The bill would have prohibited specified real estate appraisers from providing real estate appraisal services under specified circumstances in which the specified real estate appraisers know the asking price or the selling price of the real estate being appraised; provided that a person who violates the Act is guilty of a misdemeanor; and established penalties.
2. HB 109 – Residential Property Tax Disclaimer Act (Del. Ali) – Passed the House, no action in the Senate Budget & Taxation (“B&T”) Committee – This bill would have required that a specified form developed by the State Real Estate Commission contain a specified notice regarding property taxes. (The form would have alerted the buyer that the real property tax bill for the purchased property may be different from the amount of the bill the seller has paid.)
3. HB 204– Task Force to Review Property Tax Assessment Procedure and the Assessment Appeals Process (Del. Norman, etc.) (Cross filed Senate Bill (“SB”) 458) – No action in House Ways & Means (“W&M”) Committee – The bill would have established a Task Force to Review Property Tax Assessment Procedure and the Assessment Appeals Process; established the composition of the Task Force; required the Governor to designate the chair of the Task Force; provided for the staffing for the Task Force; prohibited a member of the Task Force from receiving specified compensation; required that the Task Force issue a report by January 1, 2011; and provided for the termination of the Act.
4. HB 237 – Environment – On-Site Sewage Disposal Systems – Funding Availability (Del. McConkey, etc.) – Withdrawn – The bill would have made specified prohibitions on the installation or replacement of specified on-site sewage disposal systems in specified areas subject to the availability of specified funds; made the Act an emergency measure; etc.

5. HB 347 – Malicious Destruction - Property of Another – Definition and Foreclosure Notices (Del. Serafini) – Passed the House, no action in the Senate Judicial Proceedings (“JPR”) Committee – The bill would have defined "property of another" for purposes of the prohibition against malicious destruction of property; required that specified notices sent to occupants of residential property in foreclosure contain a specified paragraph informing the occupants of the criminal sanctions for malicious destruction of property; etc.

6. **HB 422 – Department of the Environment – Lead Paint Renovation Training – Regulatory Authority (Del. McIntosh at the request of the Maryland Department of the Environment (“MDE”)) – No action in the House Environmental Matters (“ENV”) Committee – The bill would have authorized the Department of the Environment to adopt specified regulations regarding specified renovation activities resulting in the disturbance of paint in a building built before 1978; authorized the Department to exempt activities and buildings from regulation; and defined specified terms.**

7. HB 455 – Task Force to Study the Residential Property Foreclosure Process (Del. McConkey, etc.) – Unfavorable in the House ENV Committee – The bill would have established the Task Force to Study the Residential Property Foreclosure Process; provided for the membership of the Task Force and the designation of the chair; provided for the duties of the Task Force, including the duty to recommend legislative, regulatory, and judicial procedural changes to streamline the foreclosure process while protecting the interests of all parties; required the Task Force to report to the Governor and the General Assembly on or before December 1, 2011; etc.

8. HB 508 – Real Property – Residential Leases – Interest On Security Deposits (Del. Walker, etc.) – Unfavorable in the House ENV Committee – The bill would have altered the interest rate paid on a residential tenant's security deposit to 1 percentage point below the Federal Reserve Board's discount rate as of January 1 of each year; etc.

9. HB 538 – Property Tax – Annual Reassessment (Del. James, etc.) – No action in the House W&M Committee – The bill would have altered the triennial assessment cycle for real property for property tax purposes to an annual assessment cycle; required the State Department of Assessments and Taxation to review real property assessments each year; applied the Act to taxable years beginning after June 30, 2011; etc.

10. HB 557 – Prince George’s County – Rent Stabilization – Residential Rental Units for the Elderly – PG 421-10 (Prince George’s County Delegation) – Withdrawn – The bill would have authorized the governing body of Prince George's County to provide, by law, for rent stabilization for rental units for the elderly in Prince George's County; and specified provisions of law for which the governing body of Prince George's County may provide.

11. HB 669 – Landlord and Tenant – Renter’s Insurance (Del. Weir, etc.) – Withdrawn – The bill would have authorized a landlord to require a tenant to maintain specified liability and property coverage as a condition of tenancy during the term of the lease agreement; required that a written lease include specified information in a specified format; authorized the landlord to obtain the insurance policy and require the tenant to pay the premium in a specified manner; required the landlord to inform a prospective tenant that the tenant may obtain specified insurance coverage separately; etc.

12. HB 672 – Real Property – Residential Leases – Interest on Security Deposits (Del. Weir, etc.) – Unfavorable in the House ENV Committee –The bill would have altered, from 3 percent to the Federal Reserve discount rate as of January 1 of each year, the annual interest rate paid on a security deposit under a residential lease after the end of a tenancy; altered, to either 3 percent or the Federal Reserve discount rate, whichever is less as of January 1 of each year, the annual interest rate paid on a security deposit prior to the termination of a tenancy; altered, from 6 months to 12 months, the interval at which interest accrues on a security deposit under a residential lease; etc.

13. HB 860 – Montgomery County – Tenant Credit Check Restriction Act MC 4-10 (Montgomery County Delegation) – Passed the House, no action in the Senate Education, Health & Environmental Affairs (“EHE”) Committee – The bill would have authorized the owner or landlord of rental housing to conduct a credit check of a tenant applicant who qualifies under the federal Housing Choice Voucher Program for a 100% monthly housing assistance payment from the Housing Opportunities Commission of Montgomery County; and prohibited an owner or landlord of rental housing from rejecting a tenant applicant on specified grounds.

14. HB 917 – Elections – Campaign Finance – Prohibition of Contributions by Business Entities (Del. Carr, etc.) – No action in the House W&M Committee (Cross filed with SB 601, Sen. Raskin – No action in the Senate EHE Committee) – The bill would have prohibiting a business entity from making a contribution to a campaign finance entity; prohibited a business entity from making an expenditure to support or oppose a candidate; clarified that a business entity is not prohibited from making an expenditure to support or oppose a ballot question; and defined the term "business entity" to mean a corporation, a general or limited partnership, a limited liability corporation, or a real estate investment trust.

15. HB 961 – Environment – Yard Waste Composting – Plastic Bag Prohibition (Del. Manno, etc.) – Withdrawn – The bill would have prohibited a person from using a plastic bag for the final disposal of yard waste or natural wood waste under specified circumstances; and allowed a person to transport yard waste or natural wood waste in a plastic bag under specified circumstances.

16. HB 976 – Reduction of Lead Risk in Housing (Chair, Environmental Matters Committee at the request of MDE) – Withdrawn – The bill would have repealed provisions of law relating to specified qualified offers in connection with the liability of an owner of specified rental property; repealed a provision of law relating to a specified window replacement program; repealed obsolete provisions of law relating to the reduction of lead risk in housing; etc. (This bill would have become effective if passed only if the Court of Appeals in the pending case of Jackson v. The Dackman Co. struck down Maryland’s Lead Poisoning Prevention Program. This bill would have reinstated most portions of the Program, except it would have eliminated all property owners’ limited liability and the insurance provisions.)

17. HB 1022 – Human Relations – Sexual Orientation and Gender Identity – Antidiscrimination (Del. Carr, etc.) – No action in the House Health & Government Operations (“HGO”) Committee (Cross filed with SB 583, Sen. Madaleno, etc., No action in the Senate JPR Committee) – The bill would have prohibited discrimination based on gender identity with regard to public accommodations, housing, and employment and by specified licensed or regulated persons; prohibited discrimination based on sexual orientation or gender identity with regard to commercial leasing; altered an exception for employers relating to standards concerning dress and grooming; provided specified immunity; required State personnel actions to be made without regard to gender identity or sexual orientation; defined the term "gender identity"; etc.

18. HB 1041 – The Lead Paint Reduction Act of 2010 (Del. Waldstreicher, etc.) – Unfavorable in the House ENV Committee – The bill would have authorized specified parties (community associations) in Baltimore City, Baltimore County, Prince George’s County, and Anne Arundel County to seek monetary damages for the abatement of specified nuisances under specified circumstances including a condition related to lead paint; and repealed provisions of law that restrict other provisions of law authorizing nuisance actions from being construed to grant standing for a civil action for a condition relating to lead paint.

19. HB 1123 – Real Property – Mobile Home Parks – Resident and Park Owner Rights (Del. Holmes, etc.) – Passed the House; no action in the Senate JPR Committee – The bill would have required a mobile home park owner to maintain security deposits in specified accounts; imposed requirements for the accounts; prohibiting security deposits under mobile home park resident leases from being attached by specified creditors; imposed requirements for the return and withholding of security deposits; provided for rent escrow procedures in specified actions between a mobile home park owner and a resident; etc.

20. HB 1126 – Consumer Protection – Prizes Conditional on Purchase or Sales Promotion – Tenant Referrals (Del. Holmes) – Withdrawn – The bill would have provided that the prohibition on notifying a person of a prize, award, or anything of value conditioned on the purchase of goods