

General Information on Rented Property

Requirements to Certify Compliance With Inspection & Certification Requirements

Effective October 1, 2004, owners (including landlords, landlord agents, and management companies) who file for repossession of rented property because a tenant has failed to pay rent must certify whether the property is considered “affected property” under Maryland law and therefore subject to certain state inspection and registration requirements pertaining to lead standards for residential rental units. Because of this new law, the District Court has revised the Failure to Pay Rent - Landlord’s Complaint for Repossession of Rented Property form (DC/CV82) for use after October 1, 2004. This information sheet is designed to assist landlords in providing the information necessary under the new law.

Affected Property means property constructed before 1950 that contains at least one residential rental dwelling unit, unless otherwise exempted by law, “Affected property” is subject to inspection and registration requirements. “Affected property” includes an individual rental dwelling unit within a multifamily rental dwelling, and includes any residential rental property built between 1950 - 1978 for which the owner elects to comply with inspection and registration requirements. “Affected property” does not include property that has been tested and certified as lead-free. “Affected property” does not include property that is owned or operated by certain governmental units, or by any public or municipal corporation if the property is subject to lead standards that are equal to, or more stringent than, the risk reduction standard established under Maryland law.

When completing the District Court’s Failure to Pay Rent – Landlord’s Complaint for Repossession of Rental Property form, if the rented property is “affected property” subject to lead standards established by Maryland law, and the tenant moved into the property on or after February 24, 1996, the landlord must provide the inspection certificate number from the Maryland Department of Environment inspection performed before the tenant moved in. If the landlord is unable to provide an inspection certificate number, the landlord should be prepared to state in the Complaint why the owner is unable to provide that number. The landlord should be prepared to state whether the property 1) is exempt from inspection, 2) is not affected property, or 3) that the tenant refused a request to allow the owner access to the property to perform the work required to obtain an inspection certificate; and in instances where the paint on interior surfaces would be disturbed in the process of performing the work, that the owner offered to relocate the tenant and to pay the reasonable expenses related to the relocation, but the tenant refused to vacate the property.

In order to prepare the court form, landlords should check all of the applicable boxes in paragraphs 1 & 2 of the Complaint that reads as follows:

The property is described as: _____ Maryland,
_____. The property is affected
property under § 6-801, Environment Article is not affected property under § 6-801,
Environment Article. The property is MDE registered is not MDE registered. If the tenant
moved into the property on or after 2/24/96, the Inspection Certificate number is:
_____. Owner is unable to state Inspection Certificate number because:
 property is exempt tenant refused access or to relocate/vacate during remedial work.

Even though landlords must disclose the information described above on the Complaint for Repossession, this information may not be an issue of fact during the trial of the action.