

## ESSENTIAL SERVICES/ILLEGAL LOCK-OUT

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Maryland state law prohibits the landlord from taking possession of the premises or of the tenant's property without legal process. Should a lockout occur, the tenant has a right to hire a locksmith, change the locks, or re-enter the premises, and hold the landlord responsible for the cost involved. Landlords also cannot legally cut off or diminish essential services such as gas, electricity, water, heat, etc.

Although the landlord's failure to provide an essential service does not give the tenant the right to stop payment of rent, it may make the tenant eligible for rent escrow relief (see Rent Escrow law). In addition, a landlord who locks out a tenant or reduces essential services can be sued for a breach of the covenant of quiet enjoyment by the tenant. The tenant would be able to sue for damages including, but not limited to, lost or damaged property, cost of a motel and food, storage, and reasonable attorney's fees. A tenant who is denied entrance may also sue the landlord for similar damages for constructive eviction. The landlord could also be held liable for the difference the tenant must pay for rent in a new property.

In Baltimore City, it is illegal for any person to make an attempt to deprive the tenant of protection of the laws relating to continuation or termination of tenancies. Making false representations about the tenant's rights, willfully preventing the tenant from entering or leaving his dwelling, or, without the consent of the tenant, diminishing essential services such as gas, electricity, water, heat, light, or furnishings is against the law. Any person caught doing so shall be guilty of a misdemeanor and upon conviction thereof, subject to a fine not exceeding \$500 and imprisonment of not more than ten (10) days, or both, in the discretion of the court, for each and every offense (Public Local Laws of Baltimore City, Sec. 9-15). The tenant can file a complaint with the Court Commissioner at 5800 Wabash Avenue, Baltimore, MD (410-752-8398). Similar laws apply in Baltimore County, where the tenant may file a complaint with the Livability Enforcement Office at 111 W. Chesapeake Avenue, Towson, MD (410-887-4032). The tenant may also go to any of the court commissioners in the county to have the landlord charged with a criminal violation of the code.

A landlord cannot take the law into his/her own hands. If the tenant owes rent or has not vacated the premises when he should have, the landlord's remedy is to take the tenant to court.