
By: **Delegates Weir and Minnick**

Introduced and read first time: February 11, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant - Security Deposits - Attachment**

3 FOR the purpose of providing that a security deposit paid by a tenant is free from
4 attachment by any creditor; and generally relating to security deposits of
5 tenants.

6 BY repealing and reenacting, without amendments,
7 Article - Real Property
8 Section 8-203(a) and (d)(1)(i) and (4)
9 Annotated Code of Maryland
10 (2003 Replacement Volume and 2004 Supplement)

11 BY adding to
12 Article - Real Property
13 Section 8-203(d)(5)
14 Annotated Code of Maryland
15 (2003 Replacement Volume and 2004 Supplement)

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

18 **Article - Real Property**

19 8-203.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) "Landlord" means a landlord or a prospective landlord.

22 (3) "Security deposit" means any payment of money, including payment
23 of the last month's rent in advance of the time it is due, given to a landlord by a tenant
24 in order to protect the landlord against nonpayment of rent, damage due to breach of
25 lease, or damage to the leased premises, common areas, major appliances, and
26 furnishings.

1 (4) "Tenant" means a tenant or a prospective tenant.

2 (d) (1) (i) The landlord shall maintain all security deposits in federally
3 insured financial institutions, as defined in § 1-101 of the Financial Institutions
4 Article, which do business in the State.

5 (4) Any successor in interest is liable to the tenant for failure to return
6 the security deposit, together with interest, as provided in this section.

7 (5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A SECURITY
8 DEPOSIT IS FREE FROM ATTACHMENT BY ANY CREDITOR.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2005.