
By: Delegate Boston

Introduced and read first time: February 1, 1996

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Residential Leases - Tenant Liability**

3 FOR the purpose of altering a provision governing certain tenant liability for damages
4 arising out of residential leases in Baltimore City; providing a certain exception
5 concerning tenants receiving Aid to Families with Dependent Children or assistance
6 under the State Public Assistance Programs Act; and altering the maximum number
7 of months of rent for which certain tenants may be liable to certain landlords under
8 certain circumstances.

9 BY repealing and reenacting, with amendments,

- 10 Article - Real Property
- 11 Section 8-212
- 12 Annotated Code of Maryland
- 13 (1996 Replacement Volume)

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

16 **Article - Real Property**

17 8-212.

18 (a) In Baltimore City, a liquidated damages clause or penalty clause in a
19 residential lease is not enforceable. If a tenant, OTHER THAN A TENANT WHO
20 RECEIVES AID TO FAMILIES WITH DEPENDENT CHILDREN OR ASSISTANCE UNDER
21 THE STATE PUBLIC ASSISTANCE PROGRAMS ACT, fails or refuses to take possession of
22 or vacates the dwelling unit before the end of his term, the tenant is liable to the landlord
23 for loss of rent caused by the termination or [two months] 6 MONTHS' rent, whichever is
24 less, in addition to the cost of repairing damage to the premises which may have been
25 caused by an act or omission of the tenant. IF A TENANT WHO RECEIVES AID TO
26 FAMILIES WITH DEPENDENT CHILDREN OR ASSISTANCE UNDER THE STATE PUBLIC
27 ASSISTANCE PROGRAMS ACT FAILS OR REFUSES TO TAKE POSSESSION OF OR
28 VACATES THE DWELLING UNIT BEFORE THE END OF THE TENANT'S TERM, THE
29 TENANT IS LIABLE TO THE LANDLORD FOR LOSS OF RENT CAUSED BY THE
30 TERMINATION OR 2 MONTHS' RENT, WHICHEVER IS LESS, IN ADDITION TO THE COST
31 OF REPAIRING DAMAGE TO THE PREMISES WHICH MAY HAVE BEEN CAUSED BY AN
32 ACT OR OMISSION OF THE TENANT.

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1 (b) A residential lease of property in Baltimore City entered into after July 1,
2 1975, may not contain a liquidated damages clause or a penalty clause.

3 (c) In Baltimore City, in determining the existence of a liquidated damages clause
4 or a penalty clause, all provisions shall be strictly construed to be liquidated damages
5 clause or a penalty clause.

6 (d) The provisions in this section may not be waived in any residential lease of
7 property or space in Baltimore City.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 1996.