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**By: Senator Pica**

Introduced and read first time: January 31, 1996

Assigned to: Judicial Proceedings

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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] 6 months rent, whichever is less, in  
24 addition to the cost of repairing damage to the premises which may have been caused by  
25 an act or omission of the tenant. IF A TENANT WHO RECEIVES AID TO FAMILIES WITH  
26 DEPENDENT CHILDREN OR ASSISTANCE UNDER THE STATE PUBLIC ASSISTANCE  
27 PROGRAMS ACT FAILS OR REFUSES TO TAKE POSSESSION OF OR VACATES THE  
28 DWELLING UNIT BEFORE THE END OF THE TENANT'S TERM, THE TENANT IS LIABLE  
29 TO THE LANDLORD FOR LOSS OF RENT CAUSED BY THE TERMINATION OR 2  
30 MONTHS' RENT, WHICHEVER IS LESS, IN ADDITION TO THE COST OF REPAIRING  
31 DAMAGE TO THE PREMISES WHICH MAY HAVE BEEN CAUSED BY AN ACT OR  
32 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.