

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

Senate Bill 601 (Senator Kelley)
Judicial Proceedings

Residential Leases - Termination - Accident or Serious Illness

This bill limits the liability of a tenant who has entered into a residential lease for at least 30 days and who terminates the lease prior to its stated termination date because of an accident or serious illness of the tenant or a member of the tenant's family residing at the property to: (1) 30 days' rent after written notice and proof of the accident or illness is given to the landlord; and (2) the cost of repairing damage to the property caused by the tenant's act or omission. A tenant who terminates a lease under the bill must surrender possession of the property to the landlord at least five working days prior to the thirtieth day after the landlord receives the written notice.

Fiscal Summary

State Effect: The bill would not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: At common law as followed by Maryland, when a tenant signs a lease and later breaches the lease by abandoning the property, the landlord may hold the tenant liable for the entire amount of the rent due under the lease. By statute, a landlord has a duty to mitigate the damages caused by a tenant's breach of the lease through terminating the occupancy before the end of its stated term. However, the landlord is under no obligation to show or lease the vacated unit in preference to other available units.

If a person who is on active duty with the United States military enters into a residential lease and subsequently receives permanent change of station orders or temporary duty orders for a period exceeding three months, the person's liability for rent under the lease may not exceed: (1) 30 days' rent after written notice and proof of the assignment is given to the landlord; and (2) the cost of repairing damage to the property caused by the tenant's act or omission. No provision limits the liability to pay rent of a tenant who moves because of accident or serious illness.

Additional Information

Prior Introductions: None.

Cross File: HB 992 (Delegate Marriott) – Economic Matters.

Information Source(s): Office of the Attorney General (Consumer Protection Division),
Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2002
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