

**Department of Legislative Services**  
Maryland General Assembly  
2003 Session

**FISCAL AND POLICY NOTE**

House Bill 851  
Environmental Matters

(Delegate Bobo, *et al.*)

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**Residential Leases - Termination - Disability**

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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 to the rent due on the vacation date plus 30 days' rent if: (1) the tenant leaves because of a disability of the tenant or a member of the tenant's family residing at the property; and (2) the tenant has delivered a termination notice and written verification by a physician. The physician's verification must: (1) specify the disability and the restrictions that have caused the tenant or family member to be unable to continue to occupy the premises; and (2) state the physician's prognosis for the disability's duration. The tenant must also pay the cost of repairing any damage to the property caused by the tenant's act or omission.

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**Fiscal Summary**

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

**Local Effect:** None.

**Small Business Effect:** Minimal.

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**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 U.S. 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.

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### **Additional Information**

**Prior Introductions:** Similar bills, SB 601 and HB 992, were introduced in the 2002 session. SB 601 received an unfavorable report from the Senate Judicial Proceedings Committee, and HB 992 received an unfavorable report from the House Economic Matters Committee.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 4, 2003  
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