

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 95 (Delegate Arnick)
Environmental Matters

Real Property - Residential Leases - Interest on Security Deposits

This bill alters the amount of interest a landlord must pay a tenant upon return of the tenant's security deposit from 4% per annum to the lesser of: (1) the current 4% per annum rate; or (2) the rate paid on the account by the financial institution where the deposit is being held. The bill authorizes the landlord to retain 0.25% of the accrued interest for administrative expenses.

The bill applies only to leases entered into on or after October 1, 2003.

Fiscal Summary

State Effect: Assuming that the Consumer Protection Division receives fewer than 50 complaints as a result of this bill, any additional workload would be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: Minimal as discussed below.

Analysis

Current Law: A landlord is required to pay 4% simple interest on a tenant's security deposit and to maintain all security deposits in branches of federally-insured financial institutions doing business in the State. The deposits must be in interest-bearing accounts, and the accounts must be devoted exclusively to security deposits. In lieu of these accounts, a landlord may hold the security deposits in insured certificates of deposit

at branches of federally-insured financial institutions doing business in the State or in securities issued by the federal government or the State.

Small Business Effect: Currently, the interest rates for both passbook accounts and certificates of deposit are below 4%. The current interest rate paid on most passbook accounts is less than 2%, and the interest rates for short-term certificates of deposit currently range from 1.8% to 2.5%, with a slightly higher yield. Because a landlord is currently required to pay 4% simple interest on all security deposits, small business landlords would no longer incur losses on security deposits, i.e., the difference between the return rate on the investment and 4%. Small business landlords would gain the compounded interest income from the security deposits under the bill, plus the bill's allowable administrative expenses.

Additional Information

Prior Introductions: Similar bills were introduced in the 1997, 2000, and 2002 sessions. In 1997, SB 292 received an unfavorable report from the Senate Judicial Proceedings Committee. In 2000, HB 75 was withdrawn, after being heard in the House Economic Matters Committee. In 2002, HB 996 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 - February 11, 2003
ncs/jr

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