

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 338
Judicial Proceedings

(Senator Kelley, *et al.*)

Residential Leases - Termination - Permanent Disability of Tenant

This bill limits the liability of a tenant who terminates a lease prior to its stated termination date because of the permanent disability 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 disability is given to the landlord; and (2) the cost of repairing damage to the property caused by the tenant's act or omission. The tenant must have the disability certified in writing by a physician. The tenant must give the landlord the certification and written notice that: (1) the disabled individual may no longer live safely at the leased premises without structural alterations; and (2) the tenant will terminate the lease and surrender the premises within 30 days if the required alterations are not made. The tenant must establish that within 14 days after receiving the certification and notice, the landlord: (1) communicated that the landlord was unwilling or unable to make the necessary structural alterations; (2) failed to communicate with the tenant; or (3) communicated that the landlord would make the alterations but did not begin within the next seven days. A tenant who terminates a lease under the bill must surrender possession of the property to the landlord by the thirtieth day after the landlord receives the notice and certification.

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 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 a disability.

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

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