

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 942 (Delegate Owings)
Environmental Matters

Landlord and Tenant - Liability of Landlord

This bill provides that, notwithstanding any other provision of law, a landlord is not liable for injury, loss, or damage arising from a defect in, or a need for repair to, an area within the exclusive control of the tenant unless the landlord had knowledge of the defect or need for repair as a result of the landlord's receipt of: (1) written communication from the tenant specifying the defect or need for repair; or (2) a written violation, condemnation, or other notice from a governmental agency specifying the defect or need for repair. The bill preempts a public local law, ordinance, or regulation relating to the same subject matter.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: A lease provision is void as against public policy if its effect is to indemnify the landlord, hold the landlord harmless, or preclude or exonerate the landlord from any liability to the tenant or other person, for injury, loss, damage, or liability arising from any omission, fault, negligence, or other misconduct by the landlord on or about the leased premises or any stairways, hallways, or any other appurtenances used in connection with them, and not within the exclusive control of the tenant. An insurer may not claim a right of subrogation by reason of the invalidity of the provision.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - March 16, 2004
mh/jr

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