

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1365

(Delegate Folden, *et al.*)

Environment and Transportation

Judicial Proceedings

Landlord and Tenant - Military Personnel - Limitation on Liability for Rent

This bill defines “change of assignment” for determining limits on liability under a residential lease for a person on active duty with the U.S. military, and it clarifies that the limits on liability also apply to the person’s spouse.

Accordingly, if a person on active duty with the U.S. military, or the person’s spouse, enters into a residential lease and the person subsequently receives a change of assignment, any liability for unpaid rent is limited to 30 days after written notice is given and the cost to repair any property damage caused by an act or omission of the person as tenant. The person must give written notice and proof of the change of assignment to the landlord. The provisions apply whether the change of assignment occurs before or after the person occupies the property.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill specifies that “change of assignment” includes:

- permanent change of station orders;
- temporary duty orders for a period exceeding 90 days;
- orders requiring a person to move into housing located on a military installation; and
- a release from active duty, including retirement, separation or discharge under honorable conditions, and demobilization of an activated reservist or member of the National Guard who was serving on active duty orders for at least 180 consecutive days.

Current Law: If a person 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 more than three months, the person’s liability under the lease may not exceed 30 days’ rent and the cost of repairing damage to the premises caused by the tenant. The 30 days’ rent is calculated based on the date written notice and proof of the assignment is given to the landlord.

Additional Information

Prior Introductions: None.

Cross File: Although designated as a cross file, SB 621 (Senator Jennings, *et al.* - Judicial Proceedings) is different.

Information Source(s): Office of the Attorney General (Consumer Protection Division), Judiciary (Administrative Office of the Courts), U.S. Department of Defense, U.S. Census Bureau, Department of Legislative Services

Fiscal Note History: First Reader - March 4, 2016
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