

HB0693/723629/1

BY: Senator Hershey

AMENDMENTS TO HOUSE BILL 693
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 40, after “8–203(b)” insert “, (f)(2), and (i)(6)(i)”.

AMENDMENT NO. 2

On page 21, after line 14, insert:

“(f) (2) The security deposit is not liquidated damages and may not be forfeited to the landlord for breach of the rental agreement, except in the amount that the landlord is actually damaged by the breach OR THE AMOUNT OF A SURCHARGE AUTHORIZED UNDER § 7–301(C)(5)(II) OF THE COURTS ARTICLE.

(i) (6) (i) A surety bond may be used to pay claims by a landlord for:

1. Unpaid rent;
2. Damage due to breach of lease; [or]
3. Damage by the tenant or the tenant’s family, agents, employees, guests, or invitees in excess of ordinary wear and tear to the leased premises, common areas, major appliances, or furnishings owned by the landlord; OR
4. THE AMOUNT OF A SURCHARGE AUTHORIZED UNDER § 7–301(C)(5)(II) OF THE COURTS ARTICLE.”.

On page 23, in line 6, strike “PROVIDES” and substitute “EXCEPT AS AUTHORIZED UNDER § 7–301(C)(5)(II) OF THE COURTS ARTICLE, PROVIDES”.

On page 27, in line 10, after “**(5)**” insert “**(I)**”; in the same line, strike “**A**” and substitute “**EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A**”; in line 12, after “**TENANT**” insert “**BY THE COURT**”; and after line 12, insert:

“(II) A COURT MAY ALLOW A LANDLORD TO DEDUCT A SURCHARGE ASSESSED UNDER PARAGRAPH (2)(I)1 OF THIS SUBSECTION FROM THE TENANT’S SECURITY DEPOSIT IF:

- 1. A JUDGMENT FOR POSSESSION IS GRANTED IN THE LANDLORD’S FAVOR; AND**
- 2. THE LEASE AGREEMENT PROVIDES THAT A SURCHARGE MAY BE ASSESSED AGAINST THE TENANT IN ACCORDANCE WITH THIS PARAGRAPH.**

“(III) A DEDUCTION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY NOT EXCEED THE AMOUNT OF A TENANT’S SECURITY DEPOSIT.”.

On page 29, in line 14, after “**(5)**” insert “**(I)**”; in the same line, strike “**A**” and substitute “**EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A**”; in line 16, after “**TENANT**” insert “**BY THE COURT**”; and after line 16, insert:

“(II) A COURT MAY ALLOW A LANDLORD TO DEDUCT A SURCHARGE ASSESSED UNDER PARAGRAPH (2)(I)1 OF THIS SUBSECTION FROM THE TENANT’S SECURITY DEPOSIT IF:

- 1. A JUDGMENT FOR POSSESSION IS GRANTED IN THE LANDLORD’S FAVOR; AND**

2. THE LEASE AGREEMENT PROVIDES THAT A SURCHARGE MAY BE ASSESSED AGAINST THE TENANT IN ACCORDANCE WITH THIS PARAGRAPH.

(III) A DEDUCTION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY NOT EXCEED THE AMOUNT OF A TENANT'S SECURITY DEPOSIT."