

HOUSE BILL 851

N1
HB 1365/16 – ENV

7lr0349

By: **Delegates Folden, Anderton, Angel, Arentz, Atterbeary, Beidle, Bromwell, Buckel, Carey, Carozza, Cassilly, Davis, Flanagan, Ghrist, Glass, Holmes, Hornberger, S. Howard, Jacobs, Kipke, Krimm, McComas, McConkey, McDonough, Metzgar, Miele, W. Miller, Otto, Pena-Melnyk, Rose, Saab, Shoemaker, Simonaire, Szeliga, Tarlau, Vogt, B. Wilson, and C. Wilson**

Introduced and read first time: February 3, 2017

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 28, 2017

CHAPTER _____

1 AN ACT concerning

2 **Landlord and Tenant – Military Personnel – Limitation on Liability for Rent**

3 FOR the purpose of altering the circumstances under which the liability for rent under a
4 lease is limited for a person on active duty with the United States military; limiting
5 the liability for rent of the spouse of a person on active duty with the United States
6 military under certain circumstances; clarifying the liability of a person on active
7 duty or the spouse of a person on active duty for rent under a lease under certain
8 circumstances; defining a certain term; and generally relating to the liability for rent
9 of certain military personnel and spouses.

10 BY repealing and reenacting, with amendments,
11 Article – Real Property
12 Section 8–212.1
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2016 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Real Property**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



8-212.1.

(A) IN THIS SECTION, "CHANGE OF ASSIGNMENT" INCLUDES:

(1) PERMANENT CHANGE OF STATION ORDERS;

(2) TEMPORARY DUTY ORDERS FOR A PERIOD EXCEEDING 90 DAYS;

(3) ORDERS REQUIRING A PERSON TO MOVE INTO QUARTERS
LOCATED ON A MILITARY INSTALLATION; AND

(4) A RELEASE FROM ACTIVE DUTY, INCLUDING:

(I) RETIREMENT;

(II) SEPARATION OR DISCHARGE UNDER HONORABLE
CONDITIONS; AND

(III) DEMOBILIZATION OF AN ACTIVATED RESERVIST OR A
MEMBER OF THE NATIONAL GUARD WHO WAS SERVING ON ACTIVE DUTY ORDERS
FOR AT LEAST 180 CONSECUTIVE DAYS.

(B) Notwithstanding any other provision of this title, if a person who is on active duty with the United States military, **OR THE PERSON'S SPOUSE**, enters into a residential lease of property and **THE PERSON** subsequently receives [permanent change of station orders or temporary duty orders for a period in excess of 3 months] **A CHANGE OF ASSIGNMENT, BEFORE OR AFTER OCCUPYING THE PROPERTY**, any liability of the person, **OR THE PERSON'S SPOUSE**, for rent under the lease may not exceed:

(1) ANY RENT OR LAWFUL CHARGES THEN DUE AND PAYABLE PLUS 30 days' rent after written notice and proof of the **CHANGE OF** assignment is given to the landlord; and

(2) The cost of repairing damage to the premises caused by an act or omission of the tenant.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2017.