



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1218

PRINTERS NO. 3484

PRIME SPONSOR: Saylor

COST / (SAVINGS)

FUND	FY 2013/14	FY 2014/15
General Fund	\$0	\$0
Municipal Funds	\$0	\$0

SUMMARY: Amends the Landlord and Tenant Act by adding provisions for early termination of a lease under certain circumstances and for additional protections for victims of domestic violence, sexual assault or stalking. This legislation would take effect in 60 days, with the exception of Section 513(e) (relating to definitions) which would be immediately, and would be applicable to leases entered into or extended on or after the effective date.

ANALYSIS: This legislation amends the Landlord and Tenant Act by providing for optional early termination of a lease, without penalty, in three situations: the tenant has died; the tenant requires long-term care that cannot be provided where they currently live; the tenant is a victim of domestic abuse, sexual assault or stalking. As amended, it also adds an article to the Landlord and Tenant Act providing for further protections for victims and for rights and responsibilities of the respective parties in violence or stalking-related situations.

The Tenant Has Died: Upon 14 days' written notice to the landlord, the executor/administrator of the estate of the deceased tenant may elect to terminate the lease on the later of:

- 1) the last day of the calendar month immediately following the month in which the tenant died; or
- 2) upon surrender of the rental unit and removal of all of the tenant's personal property.

The tenant's estate will be liable for any expense the landlord incurs as a direct result of the death and for any rent or damages that were owed prior to the date of lease termination. The tenant's estate will not be liable for damages or any other penalty for breach/inadequate notice as a result of terminating a lease under the bill's provisions.

The Tenant Requires Long-Term Care: The section applies to individuals with disabilities and senior citizens (62 years of age or older). If the individual must move to a health care facility or the home of a relative for the purpose of receiving care from a home health care agency for no less than six months, he/she may terminate the lease without penalty. Sixty days' notice and documentation from a physician is required.

The Tenant is a Victim of Domestic Violence, Sexual Assault or Stalking: The section providing for early termination of the lease is one of nine in a new article containing a number of provisions specifically related to protections for victims of violence.

With respect to the provision relating to early termination of the lease: victims of domestic violence, sexual assault or stalking may, if they fear that continuing to live in the leased premises will increase the chances of further violence, terminate the lease upon providing notice and verification to the landlord. The option applies to family members, as well. Noncompliance by a landlord will result in civil liability to the tenant.

Additional Victim Protections: A tenant, or family member of a tenant, who has been the victim of domestic violence, sexual assault or stalking may request that the locks be changed. If the landlord fails to act in a timely manner, the tenant may change the locks without the landlord's consent and at the landlord's cost.

A landlord may not increase the rent or other tenant expenses, decrease services to the tenant, refuse to renew a lease or selectively enforce rules because the tenant is a victim, because of criminal activities or police response resulting from the violence, or because of a lease violation resulting from the same. The landlord may, however, terminate the lease if the landlord provides written notice regarding the perpetrator's offending behavior, and the tenant subsequently invites the perpetrator onto the premises and the perpetrator causes further disturbance or destruction.

Landlord Rights in Situations Involving Domestic Violence, Sexual Assault or Stalking: A landlord may terminate the lease of a tenant who is a perpetrator of domestic violence, sexual assault or stalking.

FISCAL IMPACT: This legislation would have no adverse fiscal impact on Commonwealth or municipal funds.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: May 2, 2014

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.