

HOUSE BILL 782

N1

5lr1809
CF SB 408

By: **Delegates McMillan, Beidle, Cassilly, Frush, Healey, O'Donnell, S. Robinson, Stein, and Vitale**

Introduced and read first time: February 13, 2015

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Residential Leases – Interest on Security Deposits**

3 FOR the purpose of altering the calculation of the interest rate paid on a security deposit
4 under a residential lease at the end of a tenancy; altering the calculation of the
5 interest rate paid on a security deposit under a residential lease when an evicted or
6 ejected tenant makes a timely written demand for return of the security deposit;
7 altering the calculation of the interest rate paid by a mobile home park owner on a
8 security deposit at the end of a tenancy; altering the requirements for a certain
9 calculator that the Department of Housing and Community Development is required
10 to maintain on its Web site; providing for the application of this Act; and generally
11 relating to the interest paid on security deposits under residential leases and mobile
12 home park rental agreements.

13 BY repealing and reenacting, with amendments,
14 Article – Real Property
15 Section 8–203(e), (h), and (k) and 8A–1001(f)
16 Annotated Code of Maryland
17 (2010 Replacement Volume and 2014 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Real Property
20 Section 8–203(l) and 8A–1001(h)
21 Annotated Code of Maryland
22 (2010 Replacement Volume and 2014 Supplement)

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

25 **Article – Real Property**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8–203.

2 (e) (1) [(i)] Within 45 days after the end of the tenancy, the landlord shall
3 return the security deposit to the tenant together with simple interest which has accrued
4 at the daily U.S. Treasury yield curve rate for 1 year, as of the first business day of each
5 year, or 1.5% **A YEAR**, whichever is greater, less any damages rightfully withheld.

6 [(ii)] For any year in which the landlord has held the security deposit
7 for less than the full year, the landlord shall pay an amount of interest calculated by:

8 1. Multiplying the amount of the deposit by the daily U.S.
9 Treasury yield curve rate for 1 year that was in effect as of the first business day of that
10 calendar year, or 1.5%, whichever is greater; and

11 2. Multiplying the result obtained under item 1 of this
12 subparagraph by a fraction, the numerator of which is the number of months that the
13 deposit was held that year and the denominator of which is 12.]

14 (2) (I) [Interest] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**
15 **THIS PARAGRAPH, INTEREST** shall accrue at [six–month] **MONTHLY** intervals from the
16 day the tenant gives the landlord the security deposit. Interest is not compounded.

17 (II) **NO INTEREST IS DUE OR PAYABLE:**

18 1. **UNLESS THE LANDLORD HAS HELD THE SECURITY**
19 **DEPOSIT FOR AT LEAST 6 MONTHS; OR**

20 2. **FOR ANY PERIOD LESS THAN A FULL MONTH.**

21 (3) Interest shall be payable only on security deposits of \$50 or more.

22 (4) If the landlord, without a reasonable basis, fails to return any part of
23 the security deposit, plus accrued interest, within 45 days after the termination of the
24 tenancy, the tenant has an action of up to threefold of the withheld amount, plus reasonable
25 attorney's fees.

26 (h) (1) The provisions of subsections (e)(1) and (4) and (g)(1) and (2) of this
27 section are inapplicable to a tenant who has been evicted or ejected for breach of a condition
28 or covenant of a lease prior to the termination of the tenancy or who has abandoned the
29 premises prior to the termination of the tenancy.

30 (2) (i) A tenant specified in paragraph (1) of this subsection may
31 demand return of the security deposit by giving written notice by first–class mail to the
32 landlord within 45 days of being evicted or ejected or of abandoning the premises.

33 (ii) The notice shall specify the tenant's new address.

1 (iii) [1.] The landlord, within 45 days of receipt of such notice, shall
2 present, by first-class mail to the tenant, a written list of the damages claimed under
3 subsection (f)(1) of this section together with a statement of the costs actually incurred and
4 shall return to the tenant the security deposit together with simple interest which has
5 accrued at the daily U.S. Treasury yield curve rate for 1 year, as of the first business day
6 of each year, or 1.5% **A YEAR**, whichever is greater, less any damages rightfully withheld.

7 [2. For any year in which the landlord has held the security
8 deposit for less than the full year, the landlord shall pay an amount of interest calculated
9 by:

10 A. Multiplying the amount of the deposit by the daily U.S.
11 Treasury yield curve rate for 1 year that was in effect as of the first business day of that
12 calendar year, or 1.5%, whichever is greater; and

13 B. Multiplying the result obtained under item A of this
14 subsubparagraph by a fraction, the numerator of which is the number of months that the
15 deposit was held that year and the denominator of which is 12.]

16 (3) (i) If a landlord fails to send the list of damages required by
17 paragraph (2) of this subsection, the right to withhold any part of the security deposit for
18 damages is forfeited.

19 (ii) If a landlord fails to return the security deposit as required by
20 paragraph (2) of this subsection, the tenant has an action of up to threefold of the withheld
21 amount, plus reasonable attorney's fees.

22 (4) Except to the extent specified, this subsection may not be interpreted
23 to alter the landlord's duties under subsections (e) and (g) of this section.

24 (k) The Department of Housing and Community Development shall maintain on
25 its Web site:

26 (1) A list of daily U.S. Treasury yield curve rates for 1 year, as of the first
27 business day of each year, to be used in calculating the interest on a security deposit; or

28 (2) A customized calculator that calculates the interest due on a security
29 deposit by allowing a user to enter [a tenancy start date] **THE DATE THAT THE SECURITY**
30 **DEPOSIT WAS GIVEN TO THE LANDLORD**, a tenancy end date, and the amount of the
31 security deposit.

32 (l) A landlord is entitled to rely on the list of yield curve rates or the customized
33 calculator maintained by the Department of Housing and Community Development under
34 subsection (k) of this section when calculating the interest on a security deposit.

1 8A-1001.

2 (f) (1) [(i)] Within 45 days after the end of the tenancy, the park owner shall
3 return the security deposit to the resident together with simple interest which has accrued
4 at the daily U.S. Treasury yield curve rate for 1 year, as of the first business day of each
5 year, or 1.5% A YEAR, whichever is greater, less any damages rightfully withheld.

6 [(ii) For any year in which the park owner has held the security
7 deposit for less than the full year, the landlord shall pay an amount of interest calculated
8 by:

9 1. Multiplying the amount of the deposit by the daily U.S.
10 Treasury yield curve rate for 1 year that was in effect as of the first business day of that
11 calendar year, or 1.5%, whichever is greater; and

12 2. Multiplying the result obtained under item 1 of this
13 subparagraph by a fraction, the numerator of which is the number of months that the
14 deposit was held that year and the denominator of which is 12.]

15 (2) (I) [Interest] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF
16 THIS PARAGRAPH, INTEREST shall accrue at [6-month] MONTHLY intervals from the
17 day the resident gives the park owner the security deposit. Interest is not compounded.

18 (II) NO INTEREST IS DUE OR PAYABLE:

19 1. UNLESS THE PARK OWNER HAS HELD THE SECURITY
20 DEPOSIT FOR AT LEAST 6 MONTHS; OR

21 2. FOR ANY PERIOD LESS THAN A FULL MONTH.

22 (3) Interest shall be payable only on security deposits of \$50 or more.

23 (4) If the park owner, without a reasonable basis, fails to return any part
24 of the security deposit, plus accrued interest, within 45 days after the termination of the
25 tenancy, the resident has an action of up to threefold of the withheld amount, plus
26 reasonable attorney's fees.

27 (h) A park owner is entitled to rely on the list of yield curve rates or the
28 customized calculator maintained by the Department of Housing and Community
29 Development under § 8-203(k) of this article when calculating the interest on a security
30 deposit.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to any
32 interest accruing on a security deposit under a residential lease or mobile home park rental
33 agreement on or after January 1, 2015.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
2 1, 2015.