

# MILITARY CLAUSE

## Maryland, Virginia & District of Columbia

Both Maryland and Virginia have a provision in their State law that governs the Military Clause. The **District of Columbia**, however, does not have this provision in their Housing Code.

### MARYLAND, § 8-212.1

Early termination of rental agreements is permitted by military personnel under the following conditions:

1. Any member of the Armed Forces of the United States who:
  - a. Has received permanent change of station (PCS) orders for transfer or
  - b. Has received orders of release from Service or
  - c. Has received temporary duty orders (TDY) in excess of three months may terminate a rental agreement by giving the landlord at least thirty days written notice. A copy of the official transfer orders must accompany the notice.

**NOTE: THE MILITARY CLAUSE DOES NOT PERMIT A TENANT TO END A LEASE PREMATURELY TO OCCUPY GOVERNMENT QUARTERS.**

2. In cases of early termination any penalty may not exceed:
  - a. Thirty days rent after written notice and proof of the assignment is given to the landlord, and
  - b. The cost of repairing damage to the premises caused by an act or omission of the tenant.

**Virginia, § 55-248.21:1**

Early termination of rental agreements is permitted by military personnel under the following conditions:

1. Any member of the Armed forces of the United States or a member of the Virginia National Guard serving on full time duty or as a Civil Service Technician with the National Guard may terminate the rental agreement if:
  - a. Received permanent change of station (PCS) orders to a location 35 miles or more from the rental dwelling unit;
  - b. Discharged or relieved from active duty or;
  - c. Ordered to occupy government-supplied quarters resulting in the forfeiture of basic allowance for quarters;
  - d. Received temporary duty orders (TDY) in excess of three months to a place 35 miles or more from the rental dwelling unit.
2. Tenants who qualify to terminate a rental agreement shall do so by:
  - a. Giving the landlord a written notice of termination not less than 30 days after the first date on which the next rental payment is due.
  - b. The termination date may not be more than 60 days before the date of departure necessary to comply with the official orders or any supplemental instructions for interim training or duty prior to the transfer.
  - c. Before the termination date, the tenant must provide the landlord with a copy of the official notification of orders or a signed letter from the tenant's commanding officer.
3. The landlord may not charge any liquidated damages.
4. Tenant must follow all maintenance obligations outlined in § [55-248.16](#).

## **DISTRICT OF COLUMBIA**

The District of Columbia recognizes that a Military Clause exists, there is **NO PROVISION** of the Military Clause in their Housing Code.

**\* SERVICE MEMBERS ARE ADVISED TO NEGOTIATE A MILITARY CLAUSE INTO THEIR LEASE.**