

SENATE BILL 162

N1

(PRE-FILED)

4r1044
CF HB 93

By: **Senator Waldstreicher**

Requested: October 18, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant – Termination of Residential Lease – Limitation of**
3 **Liability for Rent**

4 FOR the purpose of limiting a tenant’s liability for rent under a residential lease if a
5 physician, counselor, therapist, or psychologist completes a form specifying that the
6 tenant has a certain intellectual or developmental disability or mental disorder and
7 the tenant vacates the leased premises; and generally relating to limitations on
8 tenant liability for rent under a residential lease.

9 BY repealing and reenacting, with amendments,
10 Article – Real Property
11 Section 8–212.2
12 Annotated Code of Maryland
13 (2023 Replacement Volume)

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

16 **Article – Real Property**

17 8–212.2.

18 (a) **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
19 **INDICATED.**

20 **(2) “DEVELOPMENTAL DISABILITY” HAS THE MEANING STATED IN §**
21 **7–101 OF THE HEALTH – GENERAL ARTICLE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) “INTELLECTUAL DISABILITY” HAS THE MEANING STATED IN §**
2 **7–101 OF THE HEALTH – GENERAL ARTICLE.**

3 **(4) “MENTAL DISORDER” HAS THE MEANING STATED IN § 10–101 OF**
4 **THE HEALTH – GENERAL ARTICLE.**

5 **(B)** This section does not apply to a tenant under a residential lease that contains
6 a liquidated damages clause or early termination clause that:

7 (1) Requires written notice to vacate of 1 month or less; and

8 (2) Imposes liability for rent less than or equal to 2 months’ rent after the
9 date on which the tenant vacates the leased premises.

10 **[(b)] (C)** Subject to subsection **[(a)] (B)** of this section and notwithstanding any
11 other provision of this title, if a tenant under a residential lease meets the conditions set
12 forth in subsection **[(c)] (D)** of this section, the tenant’s liability for rent under the lease
13 may not exceed 2 months’ rent after the date on which the tenant vacates the leased
14 premises.

15 **[(c)] (D)** To qualify for the limitation of liability under subsection **[(b)] (C)** of this
16 section, the tenant shall provide to the landlord before the tenant vacates the leased
17 premises:

18 (1) Subject to the provisions of subsection **[(d)] (E)** of this section, a written
19 certification from a physician, **THERAPIST, OR PSYCHOLOGIST** regarding an individual
20 who is a named party in, or an authorized occupant under the terms of, the lease that states
21 in substantially the following form:

22 “I, (name of physician, **THERAPIST, OR PSYCHOLOGIST**), hereby certify that my
23 patient, (name of patient), is no longer able to live at his or her leased premises, (address
24 of leased premises), because the patient has a medical condition that:

25 (1) Substantially restricts the physical mobility of the patient within, or
26 from entering and exiting, the leased premises; **[or]**

27 (2) Requires the patient to move to a home, facility, or institution to obtain
28 a higher level of care than can be provided at the leased premises; **OR**

29 **(3) IS AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY OR A**
30 **MENTAL DISORDER AND THE MANAGEMENT OF THE DISABILITY OR DISORDER IS**
31 **SUBSTANTIALLY LIMITED BY THE LEASED PREMISES.**

32 I certify further that the expected duration of the patient’s medical condition will
33 continue beyond the termination date of the patient’s lease, which the patient states is
34 (termination date of lease).”; and

1 (2) A written notice of the termination of the lease stating the date by when
2 the tenant will vacate the leased premises.

3 [[d)] (E) A certification that is provided to a landlord under subsection [(c)(1)]
4 (D)(1) of this section shall be:

5 (1) Written by [a]:

6 (I) A physician who is licensed by the State Board of Physicians to
7 practice medicine in the State under Title 14 of the Health Occupations Article;

8 (II) A PROFESSIONAL COUNSELOR OR THERAPIST WHO IS
9 LICENSED BY THE STATE BOARD OF PROFESSIONAL COUNSELORS AND
10 THERAPISTS TO PRACTICE COUNSELING OR THERAPY IN THE STATE UNDER TITLE
11 17 OF THE HEALTH OCCUPATIONS ARTICLE; OR

12 (III) A PSYCHOLOGIST WHO IS LICENSED BY THE STATE BOARD
13 OF EXAMINERS OF PSYCHOLOGISTS TO PRACTICE PSYCHOLOGY IN THE STATE
14 UNDER TITLE 18 OF THE HEALTH OCCUPATIONS ARTICLE;

15 (2) Prepared on the letterhead or printed prescription form of the
16 physician, THERAPIST, OR PSYCHOLOGIST; and

17 (3) Signed by the physician, THERAPIST, OR PSYCHOLOGIST.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2024.