

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

Senate Bill 162

(Senator Waldstreicher)

Judicial Proceedings

Environment and Transportation

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**Landlord and Tenant - Termination of Residential Lease - Limitation of Liability  
for Rent**

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This bill generally expands the circumstances under which a tenant's liability for rent may be limited when vacating a premises due to medical reasons by (1) specifically extending applicability to individuals with a mental disorder who meet certain requirements and (2) authorizing psychologists to complete the necessary certification that a tenant must provide to the landlord.

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**Fiscal Summary**

**State Effect:** The bill does not materially affect State operations or finances.

**Local Effect:** The bill does not materially affect local government operations or finances.

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary/Current Law:** In limited circumstances under statute, a tenant's liability for rent under a lease agreement may not exceed two months' rent following the date on which the tenant vacates the premises due to certain medical conditions. In order to qualify for this limitation, prior to vacating the premises the tenant must provide the landlord with (1) a certification prepared by a physician, as discussed below, regarding the medical condition of an individual who is a named party in a lease or an authorized occupant under the lease's terms and (2) a written notice of the termination of the lease stating the date by when the tenant will vacate the premises.

The certification must specify that the physician's patient is no longer able to live at the leased premises because the patient has a medical condition that (1) substantially restricts the physical mobility of the patient within, or from entering and exiting, the leased premises or (2) requires the patient to move to a home, facility, or institution to obtain a higher level of care than can be provided at the leased premises. The bill establishes that a qualifying medical condition also includes a mental disorder (as defined in statute) if the condition either (1) causes the continued habitation of the leased premises to be unfeasible or unsustainable for the patient or (2) requires the patient to move to a home, facility, or institution to obtain a higher level of care than can be provided at the leased premises.

Under current law (and unchanged by the bill), the certification must also state that the expected duration of the patient's medical condition will continue beyond the termination date of the patient's lease.

Under current law, the certification must be prepared on the letterhead or printed prescription form of the physician and be signed by the physician. The bill expands the list of medical professionals who may complete the necessary certification to include licensed psychologists, as specified, and makes related conforming changes.

Generally, the provisions discussed above do not apply to a tenant under a residential lease that contains a liquidated damages clause or early termination clause that (1) requires written notice to vacate of one month or less and (2) imposes liability for rent less than or equal to two months' rent after the date on which the tenant vacates the leased premises.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** HB 93 (Delegate Mireku-North, *et al.*) - Environment and Transportation.

**Information Source(s):** Baltimore City; Howard and Prince George's counties; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - January 28, 2024  
km/jkb Third Reader - March 15, 2024  
Revised - Amendment(s) - March 15, 2024

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