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By: **Delegates Bobo, Anderson, Burns, Cane, C. Davis, Harrison, Haynes,  
Jones, Kaiser, Kirk, Krysiak, Murray, Oaks, Paige, Patterson, and  
Quinter**

Introduced and read first time: February 9, 2004  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Residential Leases - Termination - Limitation of Liability**

3 FOR the purpose of providing that if a tenant meets certain conditions, the tenant's  
4 liability for rent under a lease may not exceed a certain amount; requiring the  
5 tenant to provide to the landlord a written certification by a physician licensed  
6 by the State Board of Physicians at least a certain amount of time before the  
7 tenant vacates the leased premises; requiring that the written certification state  
8 that the tenant or a member of the tenant's family who resides with the tenant  
9 at the leased premises is no longer able to live at the leased premises for certain  
10 reasons; requiring that the written certification specify the condition or  
11 situation of the tenant or a member of the tenant's family that requires that the  
12 tenant vacate the leased premises; requiring the tenant to provide to the  
13 landlord a certain notice of termination of the lease at least a certain amount of  
14 time before the tenant vacates the leased premises; providing that this Act may  
15 not be construed to affect a landlord's duty to mitigate damages, an obligation of  
16 the tenant under the lease to pay for certain costs, or the rights or obligations of  
17 a landlord or a tenant under the federal Fair Housing Act; and generally  
18 relating to limiting the liability of certain tenants who terminate leases.

19 BY adding to  
20 Article - Real Property  
21 Section 8-212.2  
22 Annotated Code of Maryland  
23 (2003 Replacement Volume and 2003 Supplement)

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

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**Article - Real Property**

2 8-212.2.

3 (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, IF A TENANT  
4 MEETS THE CONDITIONS SET FORTH IN SUBSECTION (B) OF THIS SECTION, THE  
5 TENANT'S LIABILITY FOR RENT UNDER A LEASE MAY NOT EXCEED 30 DAYS' RENT  
6 AFTER THE DATE ON WHICH THE TENANT VACATES THE LEASED PREMISES.

7 (B) TO QUALIFY FOR THE LIMITATION OF LIABILITY DESCRIBED IN  
8 SUBSECTION (A) OF THIS SECTION, THE TENANT SHALL PROVIDE TO THE LANDLORD  
9 AT LEAST 30 DAYS BEFORE THE TENANT VACATES THE LEASED PREMISES:

10 (1) A WRITTEN CERTIFICATION BY A PHYSICIAN LICENSED BY THE  
11 STATE BOARD OF PHYSICIANS TO PRACTICE MEDICINE IN THE STATE UNDER TITLE  
12 14 OF THE HEALTH OCCUPATIONS ARTICLE THAT:

13 (I) STATES THAT THE TENANT OR A MEMBER OF THE TENANT'S  
14 FAMILY WHO RESIDES WITH THE TENANT AT THE LEASED PREMISES IS NO LONGER  
15 ABLE TO LIVE AT THE LEASED PREMISES BECAUSE:

16 1. THE PHYSICAL MOBILITY OF THE TENANT OR A MEMBER  
17 OF THE TENANT'S FAMILY WHO RESIDES WITH THE TENANT AT THE LEASED  
18 PREMISES IS SUBSTANTIALLY RESTRICTED BY THE STRUCTURE OF THE LEASED  
19 PREMISES; OR

20 2. THE TENANT OR A MEMBER OF THE TENANT'S FAMILY  
21 WHO RESIDES WITH THE TENANT AT THE LEASED PREMISES IS REQUIRED TO MOVE  
22 TO A HOME, FACILITY, OR INSTITUTION TO OBTAIN A HIGHER LEVEL OF CARE THAN  
23 CAN BE PROVIDED AT THE LEASED PREMISES; AND

24 (II) SPECIFIES THE CONDITION OR SITUATION OF THE TENANT OR  
25 THE MEMBER OF THE TENANT'S FAMILY THAT REQUIRES THAT THE TENANT VACATE  
26 THE LEASED PREMISES; AND

27 (2) A NOTICE OF TERMINATION OF THE LEASE STATING THE DATE BY  
28 WHICH THE TENANT WILL VACATE THE LEASED PREMISES.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be  
30 construed to affect a landlord's duty to mitigate damages, an obligation of the tenant  
31 under the lease to pay for the cost of repairing damage to the leased premises caused  
32 by an act or omission of the tenant, or the rights or obligations of a landlord or a  
33 tenant under the federal Fair Housing Act.

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 October 1, 2004.