

SENATE BILL 133

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2004 Regular Session
4r0615
CF 4r1572

By: **Senators Kelley, Astle, Britt, Conway, Della, Exum, Forehand, Gladden,
Grosfeld, Hollinger, Hughes, Jones, Lawlah, and Pinsky**

Introduced and read first time: January 22, 2004

Assigned to: Judicial Proceedings

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:

26 **Article - Real Property**

27 8-212.2.

28 (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, IF A TENANT
29 MEETS THE CONDITIONS SET FORTH IN SUBSECTION (B) OF THIS SECTION, THE

1 TENANT'S LIABILITY FOR RENT UNDER A LEASE MAY NOT EXCEED 30 DAYS' RENT
2 AFTER THE DATE ON WHICH THE TENANT VACATES THE LEASED PREMISES.

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

6 (1) A WRITTEN CERTIFICATION BY A PHYSICIAN LICENSED BY THE
7 STATE BOARD OF PHYSICIANS TO PRACTICE MEDICINE IN THE STATE UNDER TITLE
8 14 OF THE HEALTH OCCUPATIONS ARTICLE THAT:

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

12 1. THE PHYSICAL MOBILITY OF THE TENANT OR A MEMBER
13 OF THE TENANT'S FAMILY WHO RESIDES WITH THE TENANT AT THE LEASED
14 PREMISES IS SUBSTANTIALLY RESTRICTED BY THE STRUCTURE OF THE LEASED
15 PREMISES; OR

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

20 (II) SPECIFIES THE CONDITION OR SITUATION OF THE TENANT OR
21 THE MEMBER OF THE TENANT'S FAMILY THAT REQUIRES THAT THE TENANT VACATE
22 THE LEASED PREMISES; AND

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

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

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