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By: **Senators Kelley, Britt, Conway, Della, Exum, Forehand, Giannetti,  
Grosfeld, Hughes, Lawlah, McFadden, Pinsky, and Stone**

Introduced and read first time: February 1, 2005

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

4 FOR the purpose of limiting the liability of a tenant for rent under a residential lease  
5 to a certain amount if the tenant vacates the leased premises under certain  
6 circumstances; requiring a tenant to provide a landlord a certain written  
7 certification from a physician and a certain written notice of termination to  
8 qualify for a certain limitation of liability for rent under certain circumstances;  
9 providing that this Act may not be construed to affect a certain duty of a  
10 landlord, a certain obligation of a tenant, or certain rights or obligations of a  
11 landlord or tenant under a certain federal law; and generally relating to limiting  
12 the liability for rent of a tenant who terminates a lease.

13 BY adding to  
14 Article - Real Property  
15 Section 8-212.2  
16 Annotated Code of Maryland  
17 (2003 Replacement Volume and 2004 Supplement)

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

1

**Article - Real Property**

2 8-212.2.

3 (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, IF A TENANT  
4 UNDER A RESIDENTIAL LEASE MEETS THE CONDITIONS SET FORTH IN SUBSECTION  
5 (B) OF THIS SECTION, THE TENANT'S LIABILITY FOR RENT UNDER THE LEASE MAY  
6 NOT EXCEED ~~60 DAYS'~~ 2 MONTHS' RENT AFTER THE DATE ON WHICH THE TENANT  
7 VACATES THE LEASED PREMISES.

8 (B) TO QUALIFY FOR THE LIMITATION OF LIABILITY UNDER SUBSECTION (A)  
9 OF THIS SECTION, THE TENANT SHALL PROVIDE TO THE LANDLORD BEFORE THE  
10 TENANT VACATES THE LEASED PREMISES:

11 (1) SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION,  
12 A WRITTEN CERTIFICATION FROM A PHYSICIAN REGARDING AN INDIVIDUAL WHO IS  
13 A NAMED PARTY IN, OR AN AUTHORIZED OCCUPANT UNDER THE TERMS OF, THE  
14 LEASE THAT STATES IN SUBSTANTIALLY THE FOLLOWING FORM:

15 "I, (NAME OF PHYSICIAN), HEREBY CERTIFY THAT MY PATIENT, (NAME OF  
16 PATIENT), IS NO LONGER ABLE TO LIVE AT HIS OR HER LEASED PREMISES, (ADDRESS  
17 OF LEASED PREMISES), BECAUSE THE PATIENT HAS A MEDICAL CONDITION THAT:

18 (1) SUBSTANTIALLY RESTRICTS THE PHYSICAL MOBILITY OF THE  
19 PATIENT WITHIN, OR FROM ENTERING AND EXITING, THE LEASED PREMISES, ~~AND~~  
20 ~~THE PATIENT REPORTS THAT THE PATIENT IS NOT ABLE TO REASONABLY MAKE~~  
21 ~~MODIFICATIONS TO REMOVE THE RESTRICTIONS; OR~~

22 (2) REQUIRES THE PATIENT TO MOVE TO A HOME, FACILITY, OR  
23 INSTITUTION TO OBTAIN A HIGHER LEVEL OF CARE THAN CAN BE PROVIDED AT THE  
24 LEASED PREMISES.

25 I CERTIFY FURTHER THAT THE EXPECTED DURATION OF THE PATIENT'S  
26 MEDICAL CONDITION WILL CONTINUE BEYOND THE TERMINATION DATE OF THE  
27 PATIENT'S LEASE, WHICH THE PATIENT STATES IS (TERMINATION DATE OF LEASE).";  
28 AND

29 (2) A WRITTEN NOTICE OF THE TERMINATION OF THE LEASE STATING  
30 THE DATE BY WHEN THE TENANT WILL VACATE THE LEASED PREMISES.

31 (C) A CERTIFICATION THAT IS PROVIDED TO A LANDLORD UNDER  
32 SUBSECTION (B)(1) OF THIS SECTION SHALL BE:

33 (1) WRITTEN BY A PHYSICIAN WHO IS LICENSED BY THE STATE BOARD  
34 OF PHYSICIANS TO PRACTICE MEDICINE IN THE STATE UNDER TITLE 14 OF THE  
35 HEALTH OCCUPATIONS ARTICLE;

36 (2) PREPARED ON THE LETTERHEAD OR PRINTED PRESCRIPTION FORM  
37 OF THE PHYSICIAN; AND

1           (3)       SIGNED BY THE PHYSICIAN.

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

7       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
8 effect October 1, 2005.