

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 885

(Senator Folden)

Judicial Proceedings

Residential Leases - Termination Due to Medical Conditions - Limitation of Liability for Rent

This bill alters specified requirements that determine if a tenant's liability for rent may be limited when vacating a premises due to medical reasons.

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.

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.

Under current law, 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 alters the second condition to instead require that the certification indicate that the patient's medical condition requires the patient to move to *another location* in order to obtain a higher level of care, *either from a medical professional, a professional caregiver, or a family member*, than can be provided at the leased premises.

Under current law, 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.

Generally, under current law, the limitations 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.

Additional Information

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

Designated Cross File: None.

Information Source(s): Office of the Attorney General (Consumer Protection Division); Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2024
km/jkb

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