

BERNICE MIREKU-NORTH, ESQ.
Legislative District 14
Montgomery County

Ways and Means Committee

Subcommittees

Early Childhood

Local Revenues



The Maryland House of Delegates
6 Bladen Street, Room 222
Annapolis, Maryland 21401
410-841-3539 · 301-858-3539
800-492-7122 Ext. 3539
Bernice.Mireku-North@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of House Bill 93: Landlord and Tenant - Termination of Residential Lease -
Limitation of Liability for Rent
January 30, 2024**

Chair Korman, Madam Vice Chair Boyce, and esteemed members of the Environment and Transportation Committee, it is my pleasure to come before you and offer testimony in favor of **House Bill 93: Landlord and Tenant - Termination of Residential Lease - Limitation of Liability for Rent**. This bill is a critical step in ensuring parity in rental housing protections for mental and physical health.

Nearly 20 years ago, MD Real Property Code § 8-212.2 was enacted and allowed tenants with physical disabilities, upon certification from a physician, to terminate their leases early, upon which they are only liable for up to two months' rent after the date they vacate the premises. This law, however, does not include mental health. As such, if a tenant needs to leave their rental housing because their mental health deteriorates, they would be legally obligated to pay rent until the end of their lease.

HB93 seeks to resolve this issue for those suffering from mental illness. If a tenant with a qualifying mental disorder needs to terminate their lease early, they would be required to submit a written certification from a physician, counselor, therapist, or psychologist licensed in Maryland. Liability for payment would be limited to two months of rent. Nothing else would change in the tenant's responsibilities in the current statute.

Currently it is the landlord's discretion to allow or not allow limited liability of rent due to mental health conditions. Recently, I learned of an individual living with bipolar disorder who experienced such a severe deterioration in their mental health that it led to job loss. They then had to vacate the apartment and move back in with family. Despite providing documentation of the diagnosis to the leasing office, rent for the remainder of the lease was required and only worsened this individual's challenges. This is unconscionable.

I want to thank the stakeholders involved in the development of this bill. After discussing the bill with these stakeholders, I will be offering a few amendments: 1) remove intellectual and developmental disabilities from the bill; 2) add counselors as another kind of mental health professional who can provide certification, and 3) amend the standard for receiving the limited liability that satisfies landlord needs and yet prioritizes and protects the needs and HIPAA rights of the tenant: "because the patient has a medical condition that ... is a mental disorder that (i) causes the continued habitation in the leased premises to be unfeasible or unsustainable for the patient or (ii) 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."

As the conversation around mental health has grown over the years, we must treat mental health the same way we treat physical health. I urge a favorable report on **House Bill 93**. Thank you.

Bernice Mireku-North