



Albert Turner
Attorney
Public Justice Center
201 North Charles Street, Suite 1200
Baltimore, Maryland 21201
410-625-9409, ext. 250
turnera@publicjustice.org

SB 162 – Landlord and Tenant - Termination of Residential Lease - Limitation of Liability for Rent

**Hearing before the Senate Judicial Proceedings Committee,
January 30, 2024**

Position: FAVORABLE (FAV)

Public Justice Center (PJC) is a nonprofit public interest law firm that assists over 800 renters and their families each year. We stand with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing. PJC seeks the Committee's Favorable report on SB 162.

SB 162 would bring mental health and intellectual/development disability parity to RP § 8-212.2, which limits the liability of tenants for rent when they need to break their lease due to their disability.

Two examples may illustrate the importance of this bill:

A colleague recently had a case involving a UMD college student who was having a mental health crisis and needed to withdraw from school. Her father tried to negotiate with the landlord to let the student out of the lease. The student's father requested a reasonable accommodation, which the landlord ignored. RP § 8-212.2 in its current form was no assistance to the student because it does not cover acute mental health conditions. While the Fair Housing Act's provisions on reasonable accommodations may have assisted the student and her father, the father was unable to obtain legal representation to enforce these more complex provisions of the Fair Housing Act. The clarity provided for in SB 162 – limiting liability to 2 months' rent – would have assisted this student and her father in negotiating *pro se* with the landlord to terminate the lease and limit their liability.

In another case, a tenant with a severe mental health condition was a participant in a Department of Rehabilitative Services program that paid part of her rent. The Department

wanted the tenant to take on a roommate as a condition of staying in the program, but because of the tenant's acute mental health condition, she could not consent to having a roommate and left the program and was thus forced to vacate the property and end her lease. Without the assistance of this bill, the tenant would likely remain liable for the entirety of the rent due under the lease unless she could find other relief under the Fair Housing Act.

Mental health and developmental disability parity in the law is critical to realizing the promise of a society that fully includes persons with disabilities. SB 162 is a reasonable, balanced approach that will bring significant financial relief to persons who must break their leases because of an acute mental health condition or intellectual/developmental disability.

Public Justice Center asks that the Committee **issue a report of Favorable on SB 162**. If you have any questions, please contact Albert Turner turnera@publicjustice.org , (410) 625-9409 Ext. 250.