



**Maryland Developmental
Disabilities Council**
CREATING CHANGE • IMPROVING LIVES



SENATE JUDICIAL PROCEEDINGS COMMITTEE
SB0162: Landlord and Tenant – Termination of Residential Lease –
Limitation of Liability for Rent
January 30, 2024
Position: Support if Amended

The Arc Maryland, Maryland Developmental Disabilities Council (Council), and Maryland Association of Community Services (MACS) are statewide organizations that work to protect and advance the rights and quality of life of people with disabilities.

We support SB0162 with sponsor amendments to remove individuals with intellectual and developmental disabilities (IDD) from the bill, and to expand the list of mental health professionals who may provide certification for lease termination.

The fair housing complaint process is slow to resolve. If people are in crisis and need a more immediate resolution, they may feel they have no other remedy but to abandon the process and break their lease, suffering great financial harm.

The Fair Housing Act¹ already makes it illegal to discriminate against a person in the sale or rental of housing on the basis of race, color, religion, national origin, sex, disability, or familial status, but there is a lot of work to be done in enforcement. Residential Service provider organizations around the state, and the people with IDD we support, are routinely passed over as renters by private landlords. We are told it is because they have someone else to whom they are renting their home, or they decided to take their home off the rental market, among a myriad of other rejection rationales. There seems to be this unacknowledged and inaccurate assumption that a person with developmental disabilities won't take care of the property or be good tenants, or be more likely to break a lease without warning. In fact, people with IDD are not more likely to need to break a lease than people without disabilities. We have concerns that adding people with IDD to current law may make it even harder to find landlords who will rent to people with IDD and the providers that support them.

We appreciate the intent of this bill and the sponsor's willingness to make changes to strengthen the bill and its protections for people with mental health conditions who are substantially limited by their leased premises. When a person is in crisis and their home environment is no longer conducive to their stability, this bill will create an opportunity for a more timely remedy.

.Sponsor amendments we support include:

- Removal of references to intellectual and developmental disabilities from the bill

- Adding “counselors” as another kind of mental health professional who can provide certification
- Change to the standard for receiving the limited liability to: “[Having] 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

For more information, please contact:

Ande Kolp, Executive Director, The Arc Maryland akolp@thearcmd.org

Rachel London, Executive Director, Maryland Developmental Disabilities Council,
RLondon@md-council.org

Laura Howell, Executive Director, Maryland Association of Community Services,
lhowell@macsonline.org

ⁱ https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview#_The_Fair_Housing