



Bill Title: Senate Bill 162, Landlord and Tenant - Termination of Residential Lease - Limitation of Liability for Rent

Committee: Judicial Proceedings Committee

Date: January 30, 2024

Position: Favorable with Amendments

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities. Our members house over 538,000 residents of the State of Maryland. MMHA also represents over 250 associate member companies who supply goods and services to the multi-housing industry.

Senate Bill 162 limits a tenant's liability not to exceed 2 months' rent after the date on which the tenant vacates the leased premises if a physician, counselor, therapist, or psychologist completes a form specifying that the tenant has an intellectual or developmental disability or mental disorder, the management of which is substantially limited by the leased premises. This legislation creates an entirely new standard. Beyond physicians, this bill expands health care providers to include counselor, therapist or psychologist.

MMHA has the following concerns with Senate Bill 162:

1. Physicians: Based upon experience and current law, MMHA believes a physician could diagnose a resident with a such a disability or disorder. With such a diagnosis, MMHA members would currently end the resident's tenancy.
2. Licensed Counselor, Therapist or Psychologist. With this new standard, MMHA seeks to limit to providers who are only physicians/psychiatrists. And, we want to ensure that residents are not receiving these diagnoses by on-line physicians. As such, MMHA would request that the physician/psychiatrist has an office location in the State of Maryland.
3. "Substantially limited by the leased premises". On page 2, line 31, the term "substantially limited by the leased premises" is unclear. What does it mean? Does a provider visit the rental unit? How will the housing provider verify that the diagnosis of the resident is accurate?
4. Possible Claims Against Housing Providers. As well intentioned as this legislation, we are concerned that it may trigger Fair Housing or Americans with Disabilities Act claims against the housing provider. For example, if a housing provider suggested that an apartment unit might be "substantially limiting" to a resident, that housing



provider could be the subject of a discrimination claim and other litigation. How do we ensure that the housing provider is not in violation Fair Housing or ADA by complying with this bill?

MMHA offers the following amendments:

Amendment No. 1

On page 2, lines 30-31, strike “IS SUBSTANTIALLY LIMITED BY THE LEASED PREMISES” and insert “CAUSES THE CONTINUED HABITATION IN THE LEASED PREMISES UNFEASIBLE, UNSUSTAINABLE OR UNWORKABLE FOR THE TENANT OR THE HOUSING PROVIDER”

Explanation: Strikes standard “substantially limited by the leased premises” which is unclear and allows for early termination of the lease if the disability or disorder causes the premises to be unfeasible, unsustainable or unworkable for the tenant or housing provider.

Amendment No. 2

On page 3, line 6, after “physician” add “WITH AN OFFICE IN THE STATE”; On page 3, strike lines 8-14.

Explanation: Ensures that the physician/psychiatrist has an office in the State of Maryland and is the only health care provider able to make such a diagnosis.

Amendment No. 3

On page 2, line 19, strike “, THERAPIST, OR PSYCHOLOGIST”; On page 2, line 22, strike “, THERAPIST, OR PSYCHOLOGIST”; On page 3, line 16, strike “, THERAPIST OR PSYCHOLOGIST”; On page 3, line 17, strike “, THERAPIST, or PSYCHOLOGIST”

Explanation: Limits only physicians and psychiatrists to diagnose a resident with such a disability or disorder that causes the continued habitation in the leased premises unfeasible, unsustainable or unworkable.

For these reasons, we respectfully request a favorable report with amendments on Senate Bill 162.

Aaron J. Greenfield, MMHA Director of Government Affairs, 410.446.1992