

SENATE BILL 162

N1

(PRE-FILED)

4r1044
CF HB 93

By: **Senator Waldstreicher**

Requested: October 18, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 18, 2024

CHAPTER _____

1 AN ACT concerning

2 **Landlord and Tenant – Termination of Residential Lease – Limitation of**
3 **Liability for Rent**

4 FOR the purpose of limiting a tenant's liability for rent under a residential lease if a
5 physician, ~~counselor, therapist,~~ or psychologist completes a form specifying that the
6 tenant has a certain ~~intellectual or developmental disability or~~ mental disorder and
7 the tenant vacates the leased premises; and generally relating to limitations on
8 tenant liability for rent under a residential lease.

9 BY repealing and reenacting, with amendments,
10 Article – Real Property
11 Section 8–212.2
12 Annotated Code of Maryland
13 (2023 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Real Property**

17 8–212.2.

18 (a) ~~(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
19 ~~INDICATED.~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~(2) “DEVELOPMENTAL DISABILITY” HAS THE MEANING STATED IN §~~
 2 ~~7-101 OF THE HEALTH GENERAL ARTICLE.~~

3 ~~(3) “INTELLECTUAL DISABILITY” HAS THE MEANING STATED IN §~~
 4 ~~7-101 OF THE HEALTH GENERAL ARTICLE.~~

5 (4) IN THIS SECTION, “MENTAL MENTAL DISORDER” HAS THE
 6 MEANING STATED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE.

7 (B) This section does not apply to a tenant under a residential lease that contains
 8 a liquidated damages clause or early termination clause that:

9 (1) Requires written notice to vacate of 1 month or less; and

10 (2) Imposes liability for rent less than or equal to 2 months’ rent after the
 11 date on which the tenant vacates the leased premises.

12 [(b)] (C) Subject to subsection [(a)] (B) of this section and notwithstanding any
 13 other provision of this title, if a tenant under a residential lease meets the conditions set
 14 forth in subsection [(c)] (D) of this section, the tenant’s liability for rent under the lease
 15 may not exceed 2 months’ rent after the date on which the tenant vacates the leased
 16 premises.

17 [(c)] (D) To qualify for the limitation of liability under subsection [(b)] (C) of this
 18 section, the tenant shall provide to the landlord before the tenant vacates the leased
 19 premises:

20 (1) Subject to the provisions of subsection [(d)] (E) of this section, a written
 21 certification from a physician, ~~THERAPIST, OR PSYCHOLOGIST~~ regarding an individual
 22 who is a named party in, or an authorized occupant under the terms of, the lease that states
 23 in substantially the following form:

24 “I, (name of physician, ~~THERAPIST, OR PSYCHOLOGIST~~), hereby certify that my
 25 patient, (name of patient), is no longer able to live at his or her leased premises, (address
 26 of leased premises), because the patient has a medical condition that:

27 (1) Substantially restricts the physical mobility of the patient within, or
 28 from entering and exiting, the leased premises; [or]

29 (2) Requires the patient to move to a home, facility, or institution to obtain
 30 a higher level of care than can be provided at the leased premises; OR

1 **~~(3) IS AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY OR A~~**
 2 **~~MENTAL DISORDER AND THE MANAGEMENT OF THE DISABILITY OR DISORDER IS~~**
 3 **~~SUBSTANTIALLY LIMITED BY THE LEASED PREMISES~~ IS A MENTAL DISORDER THAT:**

4 **(I) CAUSES THE CONTINUED HABITATION OF THE LEASED**
 5 **PREMISES TO BE UNFEASIBLE OR UNSUSTAINABLE FOR THE PATIENT; OR**

6 **(II) REQUIRES THE PATIENT TO MOVE TO A HOME, FACILITY, OR**
 7 **INSTITUTION TO OBTAIN A HIGHER LEVEL OF CARE THAN CAN BE PROVIDED AT THE**
 8 **LEASED PREMISES.**

9 I certify further that the expected duration of the patient's medical condition will
 10 continue beyond the termination date of the patient's lease, which the patient states is
 11 (termination date of lease)."; and

12 (2) A written notice of the termination of the lease stating the date by when
 13 the tenant will vacate the leased premises.

14 **~~[(d)] (E)~~ A certification that is provided to a landlord under subsection ~~[(c)(1)]~~**
 15 **~~(D)(1)~~ of this section shall be:**

16 (1) Written by [a]:

17 **(I) A physician who is licensed by the State Board of Physicians to**
 18 **practice medicine in the State under Title 14 of the Health Occupations Article; OR**

19 **~~(II) A PROFESSIONAL COUNSELOR OR THERAPIST WHO IS~~**
 20 **~~LICENSED BY THE STATE BOARD OF PROFESSIONAL COUNSELORS AND~~**
 21 **~~THERAPISTS TO PRACTICE COUNSELING OR THERAPY IN THE STATE UNDER TITLE~~**
 22 **~~17 OF THE HEALTH OCCUPATIONS ARTICLE; OR~~**

23 **~~(III)~~ A PSYCHOLOGIST WHO IS LICENSED BY THE STATE BOARD**
 24 **OF EXAMINERS OF PSYCHOLOGISTS TO PRACTICE PSYCHOLOGY IN THE STATE**
 25 **UNDER TITLE 18 OF THE HEALTH OCCUPATIONS ARTICLE;**

26 (2) Prepared on the letterhead or printed prescription form of the
 27 physician, ~~THERAPIST,~~ OR PSYCHOLOGIST; and

28 (3) Signed by the physician, ~~THERAPIST,~~ OR PSYCHOLOGIST.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 30 October 1, 2024.