

SENATE BILL 885

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By: **Senator Folden**

Introduced and read first time: February 2, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Leases – Termination Due to Medical Conditions – Limitation of**
3 **Liability for Rent**

4 FOR the purpose of altering certain requirements for the limitation on the liability of a
5 tenant for rent due under a lease due to the tenant's inability to live at the leased
6 premises because of a medical condition; and generally relating to limitations on
7 tenant liability for rent under a residential lease.

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

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

15 **Article – Real Property**

16 8–212.2.

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

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

20 (2) Imposes liability for rent less than or equal to 2 months' rent after the
21 date on which the tenant vacates the leased premises.

22 (b) Subject to subsection (a) of this section and notwithstanding any other
23 provision of this title, if a tenant under a residential lease meets the conditions set forth in

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 subsection (c) of this section, the tenant's liability for rent under the lease may not exceed
2 2 months' rent after the date on which the tenant vacates the leased premises.

3 (c) To qualify for the limitation of liability under subsection (b) of this section, the
4 tenant shall provide to the landlord before the tenant vacates the leased premises:

5 (1) Subject to the provisions of subsection (d) of this section, a written
6 certification from a physician regarding an individual who is a named party in, or an
7 authorized occupant under the terms of, the lease that states in substantially the following
8 form:

9 "I, (name of physician), hereby certify that my patient, (name of patient), is no longer
10 able to live at his or her leased premises, (address of leased premises), because the patient
11 has a medical condition that:

12 (1) Substantially restricts the physical mobility of the patient within, or
13 from entering and exiting, the leased premises; or

14 (2) Requires the patient to move to [a home, facility, or institution]
15 **ANOTHER LOCATION IN ORDER** to obtain a higher level of care, **EITHER FROM A**
16 **MEDICAL PROFESSIONAL, A PROFESSIONAL CAREGIVER, OR A FAMILY MEMBER,**
17 than can be provided at the leased premises.

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

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

23 (d) A certification that is provided to a landlord under subsection (c)(1) of this
24 section shall be:

25 (1) Written by a physician who is licensed by the State Board of Physicians
26 to practice medicine in the State under Title 14 of the Health Occupations Article;

27 (2) Prepared on the letterhead or printed prescription form of the
28 physician; and

29 (3) Signed by the physician.

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