

Termination of Lease Upon Disability (2002 –SB 601/HB 992)

Why we need this Legislation.

Many disabilities occur suddenly. Others worsen dramatically in a short period of time. Sometimes a stroke, a heart condition, or an accident will make it impossible for a formerly independent individual to live in his or her old apartment. Under current Maryland law, there is no provision for this tragedy in the tenant-landlord regulations. The tenant with a disability is forced to move. The landlord can continue to collect rent until a new tenant is found. The physical disability is thus compounded with an additional financial obligation.

What this would legislation do.

This legislation would cap the newly disabled tenant's liability at one month's additional rent from the month after he/she notified his landlord of his need to move as the result of his disability. Further, the tenant would be obligated to have vacated the property at least five days prior to the end of the thirty day notification period for this liability cap to go into effect. In short, it would limit the tenant's rent liability provided he gave the landlord reasonable notice and was out of the apartment in time for the landlord to fix the apartment for a new tenant.

How would disability be defined?

Disability would be defined as a physical or mental impairment that a; substantially limits one or more major life activities, b; which render the tenant unable to live safely in the specific unit, and c; has a note from his/her doctor specifying the reason or reasons that the disability prevents the tenant from living in the specific unit.

Would there be any exceptions to this law?

Yes, property owners of less than five units could obtain an additional one month's rent if they could show that they were unable to find a replacement tenant during the first month after they were notified of the tenant's disability and need to move.

How is this bill different from the legislation proposed last year (SB 601 & HB 992)?

There are two main differences. First, disability is defined much more clearly, and at a level that exceeds the disability standards in current state and federal law. Second, there is a provision allowing small landlords the opportunity to collect an additional month's rent if they are unable to find a tenant to replace the disabled tenant within the first month after the tenant notifies the landlord of his need to move from the unit.

For more information contact the Fair Housing Coalition at 410/243-4400 or visit our web site at www.bni-maryland.org.

