



# HOMELESS PERSONS REPRESENTATION PROJECT, INC.

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## **Support – HB 744 – Landlord and Tenant – Residential Leases – Tenant Rights and Protections (Tenant Protection Act)**

**Hearing of the Environment & Transportation Committee, February 18, 2020**

The Homeless Persons Representation Project, Inc. (HPRP) is a non-profit civil legal aid organization that provides free legal representation to people who are homeless or at risk of homelessness on legal issues that will lead to an end to homelessness. HPRP regularly represents tenants in failure to pay rent cases and other landlord-tenant matters in Baltimore City.

HB 744 is an omnibus renters' rights bill that will provide important protections to tenants throughout Maryland. In a 2018 study conducted by RentCafe, Maryland ranked 32<sup>nd</sup> in the nation for renters' rights.<sup>1</sup> HB 744 would move Maryland forward, both in the rankings and in the provision of fair and equitable laws for the third of Marylanders who rent their housing.<sup>2</sup> HB 744 will make it easier for tenants to break their leases due to unsafe conditions, confront harassment, and defend themselves in court. HB 744 will also require landlords to return security deposit within thirty days of the end of the tenancy, disclose the methods used to charge tenants for utilities, and allow tenant organizations to meet in community spaces within the building. HPRP supports these common sense measures as they will improve transparency and fairness for all Maryland renters.

Under current landlord-tenant law, the only mechanism available to tenants living in properties with unsafe conditions is the rent escrow process. Rent escrow is a lengthy, drawn out process; it does not provide a quick solution to tenants living in unsafe conditions or otherwise guarantee that a landlord will make the necessary repairs. HB 744 would provide a faster, more effective remedy to tenants living in unsafe conditions who wish to move from the property. This is an important and valuable public health measure that will ensure that tenants living in properties with mold, no running water or heat, rats, and other unsafe conditions may vacate the property lawfully with thirty days' notice. HB 744 will also expand the already-existing early lease termination provision for tenants who are victims of domestic violence or sexual assault to include victims of stalking.

Under current landlord-tenant law, a landlord has forty-five days to either return the security deposit to a tenant who has moved out or to provide "a written list of the damages" claimed by the landlord "together with a statement of the cost actually incurred."<sup>3</sup> HB 744 would shorten the time frame for return of the security deposit to thirty days, bringing Maryland law in line with other states.<sup>4</sup> It would also require landlords to provide supporting documentation for repair work that is the basis for withholding the security deposit.

### **HPRP urges a FAVORABLE REPORT on HB 744.**

Please contact Karen E. Wabeke, Homeless Persons Representation Project, at 410-685-6589 ext. 20 or [kwabeke@hprplaw.org](mailto:kwabeke@hprplaw.org) with any questions.

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<sup>1</sup> RentCafe, "Which States Have the Best and Worst Laws for Renters?" (2018), available at <http://www.rentcafe.com/blog/renting/states-best-worst-laws-renters/>.

<sup>2</sup> National Low Income Housing Coalition, "Out of Reach" (2019), available at <https://reports.nlihc.org/oor/maryland>.

<sup>3</sup> Md. Code, Real Property 8-203(f)(1)(i).

<sup>4</sup> Arizona, Georgia, Hawaii, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, Ohio, Tennessee, Texas, and Utah, among others, all require that a security deposit be returned to the tenant within thirty days or less. See Ariz. Rev. Stat. §33-1321, Ga. Code § 44-7-34, Haw. Rev. Stat. §521.44, Idaho code 6-312, Iowa Code § 562A.12, KS Stat. §58-25-108, La. Rev. Stat. §9:3251, MO Rev Stat. §535.300, Mont. Code §70-25-202, Neb. Rev. Stat. §76-1416, Nev. Rev. Stat. §118A.242, Ohio Rev. Code. § 5321.16, TN code §66-28-301, Tex. Prop. Code §92.103, and Utah Code §57-17-3.