



# MARYLAND LEGAL AID

*Advancing*  
**Human Rights and  
Justice for All**

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The Honorable Kumar P. Barve  
Chairman, Environment and Transportation Committee  
House Office Building,  
Annapolis, Maryland 21401

### Re: Support for House Bill 744—Landlord and Tenant—Tenants Rights and Protections (Tenant Protection Act)

Dear Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of House Bill 744, legislation that would provide more adequate protections for tenants to use the rent escrow process, provide transparency when a landlord charges for utilities, shorten the time to return deposits and other protections under the security deposit statute, protect the rights of tenants to organize and provide further protections for victims of domestic violence victims. Maryland Legal Aid, “Legal Aid,” is a private, non-profit organization that provides free legal services to indigent Maryland residents. In our 12 offices around the state, we help individuals and families in every county with a wide array of civil legal issues including housing, consumer, public benefits, and family law matters. We also represent abused and neglected children and provide legal assistance to senior citizens and nursing home residents. This letter serves as notice that Gregory Countess will be testifying on behalf of Legal Aid at the request of Delegate Regina Boyce.

Article 25 of the Universal Declaration of Human Rights declares that “[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including...housing...” In order for this right to be fully realized, the housing must be safe and adequate for human habitation, and must provide for the inhabitants to live “in security, peace, and dignity.”

<sup>1</sup> In other words, four walls and a floor aren't enough, and it is the state's responsibility to ensure that its residents' rights to live in secure and adequate housing is protected. HB 744 would be an important affirmative step in improving and strengthening the current protections in Maryland law for tenants when the properties they are renting have unrepaired conditions which threaten their health and safety.

### **These changes are necessary**

In the 1970's, the legislature authorized the Governor to appoint a commission to examine Landlord/Tenant law to address the antiquated laws governing the landlord/tenant relationship. As circumstances have changed in the twenty-first century, HB 744 seeks to amend the law so that it provides needed protections for families. As homeownership rates fall, families have to increasingly turn to the rental market. A market where rents are increasing so rental housing is not affordable for thousands of Maryland families. The protections embodied in HB 744 are not only in keeping with the state's duty under international law, they are necessary because the state's constitution requires adherence to the standards of international law.

In a recent case in Baltimore City a tenant, a mother with small children, was rented an unlicensed unsafe apartment, was given an ultimatum - give up your legal defense that the apartment is not licensed and unsafe or face an immediate eviction. The tenant caught between the proverbial rock and a hard place chose to drop her defense. HB 744 would forbid the court from imposing this choice on a mother who turned to the court to find protection from the illegal and dangerous acts of the landlord. This bill would require the landlord to pay for relocation; however a thirty day time limit to move is unrealistic in those parts of the state where there is a tight rental market and rental homes are not available or where the rental homes available are dangerous and unsafe.

It may seem the mother's dilemma is extreme, but it is not. Many judges in district courts throughout the state require the tenant to put the full amount of rent into an escrow account, sometimes before a judge has even heard the complaint. Though current law allows the tenant, after proof of the prerequisites, to open an escrow account and ask the court to abate the rent, many judges don't consider abatement until the account is disbursed. HB 744 would prevent such a result. These circumstance too often accurately reflect the reality of most landlord-tenant relationships, and current practices under standing law serves as a barrier to tenants who wish to evoke the protections of the rent escrow statute.

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<sup>1</sup> Committee on Economic, Social, and Cultural Rights, General Comment 4 , U.N. Doc. E/1992/23 (1991)

In December of 2018, advocates in our Montgomery County office were approached by a group of tenants at a large multifamily property in Takoma Park. The tenants had been facing issues with their new management company since they took over management of the property, and at the time the tenants called us, nearly half of the roughly one-hundred-and-twenty units had no reliable hot water. Many of the tenants spoke limited English, and nearly all of them had little to no disposable income. Tenants had difficulties organizing because the Landlord did not make a meeting space available for tenants to discuss their concerns and organize. It took the involvement of the city government and the imposition of substantial financial penalties to get the property manager to restore hot water to their tenants in the middle of January. While in the end the matter was resolved, it was only because of an unusually well organized group of individuals and an attentive county official. Many tenants don't have government officials willing to get involved or the wherewithal to overcome barriers to organize. This bill would resolve that problem for residents.

### **Further burdens on tenants**

Under the current status quo, our clients are often subjected to additional financial burdens as a result of their landlord's failure to provide a safe, habitable home, but are unable to recover those costs as part of the rent escrow process. These additional cost if paid by a tenant exposes those tenants to a cost burden many are unable to afford and it may cause additional pressures on their ability to pay rent, buy food and clothe their families.<sup>2</sup>

In 2018, Ms. R, a veteran and single mother in Montgomery County, came into our Rockville office seeking assistance in resolving a serious and persistent black mold issue in her home. Ms. R made repeated requests for her landlord to address the issue, but her landlord continued to drag its feet, choosing only to paint over the mold rather than address the root causes of the problem: a plumbing issue in a neighboring unit and a hole in the exterior wall. Due to the landlord's delays in addressing the problem and its root cause, Ms. R was forced to pay out of pocket to hire her own mold inspector and replace furniture and clothing. Worst of all, she was forced to seek medical treatment both for herself and her daughter, whose pre-existing asthma was exacerbated by the mold.

While we were able to resolve the matter and force the landlord to perform necessary repairs, we don't have the funding to represent every client eligible for our services nor are we allowed by our funding to represent tenants who are not financially eligible for our services. HB 744 would permit a tenant in the same circumstances as Ms. R to have the court appoint an administrator to make the repairs using the money in the escrow account. If the bill also required a jurisdiction to use the escrow account and access the cost to the landlord if the cost exceeds the amount in

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<sup>2</sup> See [https://www.washingtonpost.com/news/wonk/wp/2016/05/25/the-shocking-number-of-americans-who-cant-cover-a-400-expense/?noredirect=on&utm\\_term=.29f9496d61fa](https://www.washingtonpost.com/news/wonk/wp/2016/05/25/the-shocking-number-of-americans-who-cant-cover-a-400-expense/?noredirect=on&utm_term=.29f9496d61fa)

escrow, then tenants would be further protected from the devastating ripple effect that the deprivation of safe and habitable housing can have on our clients and their families.

Legal Aid's responsibility is to serve the legal needs of indigent Marylanders, but our mission is the advancement of Human Rights and Justice for All. This includes the right to safe and habitable housing, but it also includes the right to equality before courts and tribunals, and the equal protection of the law as enshrined in Articles 14 and 26 of the International Covenant on Civil and Political Rights. HB 744 which amends current law to give tenants full transparency in circumstances where a landlord bills tenants for utility cost; clarification of tenant rights under the rent escrow law and expansion of those rights to protects tenants from unsafe rental housing including requiring relocation cost for tenants so that they may obtain safe housing; provides more meaningful protections for a tenant's security deposit by shortening the time to return the deposit and requiring a more detailed accounting of a landlord's charges to a tenant vacating an apartment; provides a framework to make it easier for tenants to organize; and provides further protections for those most vulnerable Marylander's those suffering from domestic abuse. The bill addresses many critical issues for renters.

For these reasons we ask this committee for a favorable report on HB 744.

Sincerely



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