



House Bill 1117 – Landlord and Tenant – Failure to Repair Serious and Dangerous Defects – Tenant Remedies (Tenant Safety Act of 2024)

Position: Unfavorable

Maryland REALTORS® oppose HB 1117 which adds mold to the actionable conditions under the rent escrow law and adds a new statutory provision on the warrant of habitability.

The purpose of the current rent escrow law is to provide tenants with a tool to force housing providers to repair serious and dangerous defects rather than simply making a landlord pay damages that do nothing to improve living conditions in the dwelling unit. If the landlord fails to make a repair within the statutory time limit, the landlord may not collect the escrowed rent or the tenant has a defense to a suit brought against them for nonpayment of rent.

The REALTORS® are concerned with new section 8-212 which defines a warrant of habitability that parallels the rights of a tenant under 8-211 (the rent escrow law). While section 8-211 provides statutory remedies like nonpayment of rent and abatement of rent for serious defects, 8-212 would provide the same remedies for a breach of the warrant of habitability. 8-211 makes clear the remedies under that section do not apply to a housing provider's "failure to repair and eliminate minor defects or, in those locations governed by such codes, housing code violations of a nondangerous nature." 8-212 raises confusion about the listed, actionable conditions under 8-211 by seeming to provide the same remedy to any condition deemed a breach of habitability.

8-212 is a significant expansion of the rent escrow law and the Maryland REALTORS® recommend an unfavorable report.

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