



HB 1117 - Landlord and Tenant – Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act)

Hearing of the House Environment & Transportation Committee, Feb. 27, 2024

Position: SUPPORT (FAV)

Chesapeake Physicians for Social Responsibility (CPSR) strongly supports HB 1117, the Tenant Safety Act. Housing is an important social determinant of health and this bill, by giving tenants easier access to escrow as a remedy, creates incentives to induce landlords to fix severe conditions of disrepair that threaten their life, health, or safety,

With HB1117, more renters living under dangerous conditions will have access to escrow as a pathway to safer living conditions. An underlying problem is the shortage of available and affordable housing for the very low-income families who earn up to only 30% of the area median income. <https://nlihc.org/gap/state/md> . That should not translate into such families having to live under substandard conditions. A Harvard Joint Center for Housing Studies report from 2020 reported that some low-income households, even when spending a large part of their income on housing, over 6% of renters live in severely inadequate housing having one or more serious physical problems related to heating, plumbing, electrical systems and maintenance. https://www.huduser.gov/portal/Publications/pdf/WorstCaseNeeds_2015.pdf

Of special concern is the effect on children in such situations. A Pew Report from 2005 noted that **children in substandard housing had more asthma, infectious diseases, lead poisoning, injuries and in the case of fires, more deaths.** <https://www.pewtrusts.org/-/media/assets/external-sites/health-impact-project/massachusettsrentalvoucherprogram.pdf>

Substandard conditions take a **psychological toll on children**. As if their lives were not important to society: “poor housing quality was most consistently associated with children's and adolescents’ development, including worse emotional and behavioral functioning and lower cognitive skills.” <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3766502/>

Poor housing conditions like leakage from roofs, pipes, and walls lead to excessive moisture and the growth of **mold** which can **trigger asthma attacks.** <https://www.cdc.gov/mold/faqs.htm> Some studies have suggested a relationship between exposure to mold and the **development of asthma** in susceptible children. In addition, those who are allergic, immune suppressed and those with chronic lung disease are all at higher risk of **infection** from mold. Dampness and

mold may be particularly prevalent in poorly maintained housing for low-income people and thus it becomes an important **equity issue**. In addition, minority families, often in low-income neighborhoods with reduced quality housing, have a higher incidence of asthma <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4210655/> and the presence of mold may be one factor that contributes to this link. Increased heat and moisture promote mold growth, so we are likely to see **mold become a greater problem with this change in our climate**.

Many more tenants suffer from uninhabitable living conditions than file for rent escrow. Obstacles include fear of retaliation and abuse by unscrupulous landlords, fear of facing landlords in court, unaffordable filing fees and time missed from work. Some do not have all of the rent that the landlord claims is past-due. Others have no confidence that the court will provide them any relief or require the landlords to make repairs. A [2016 investigative report by the Baltimore Sun found that the rent escrow system is broken](#): Even when renting families do overcome the initial obstacles to filing for rent escrow, **the Court reduces the rent and provides immediate relief to renters in only 6% of cases**.

As a result, Maryland is on pace to see only 1,959 “rent escrow” complaints filed by tenants against landlords in 2023, yet there are over 66,500 severely or moderately inadequate rental housing units in Maryland.

The Tenant Safety Act will do 5 things to make rent escrow work and hold landlords accountable:

1. **Join Similar Rent Escrow Cases Together.** The tenant is enabled with the same repair issues and same landlord to join in a single rent escrow case under the Court’s existing rules on “joinder.” This promotes landlords to address building-wide problems.
2. **Reset Expectations.** The tenant is entitled to an abatement of rent and may not be required to pay into escrow more than 50% of the amount of rent in the lease. At the end of the case, the Court will decide how much is due to each party
3. **Warranty of Habitability.** For claims of past-due rent, clarify that tenants should *not* have to pay the *full* amount of rent if the landlord refused to make repairs by codifying the “warranty of habitability” that already exists in Maryland law.
4. **Mold.** Clarify that when a tenant can show that mold is a severe threat to life, health, or safety, the tenant should be able to file for rent escrow.
5. **Allow a tenant to recover attorney’s fees and costs if they win the case.**

Chesapeake Physicians for Social Responsibility is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on HB 1117**. If you have any questions, please contact: Gwen L. DuBois MD, MPH gdubois@jhsph.edu