

HB1117_FAV_Anna Levy _02-27-2024.pdf

Uploaded by: Anna Levy

Position: FAV

February 27, 2024
Anna T. Levy
Rockville, MD 20852



TESTIMONY ON HB1117 - POSITION: FAVORABLE
Tenant Safety Act

TO: Chair Korman, Vice Chair Boyce, and members of the House Environment and Transportation Committee

FROM: Anna T. Levy, on behalf of Jews United for Justice (JUFJ)

My name is Anna T. Levy and I am a resident of District 16 in North Bethesda. On behalf of Jews United for Justice (JUFJ), I am submitting this testimony in support of HB1117, the Tenant Safety Act. JUFJ organizes 6,000 Jews and allies from across the state in support of social, racial, and economic justice campaigns.

Jewish sacred texts recognize that people having safe, stable housing is key to a healthy society. Access to safe and stable housing has far-reaching economic, health, and social benefits for individuals, families, and communities, and is key to reducing racial inequities.

I feel very fortunate to live in housing that is safe and well-maintained. But, I am aware that too many Maryland renters live in unconscionably unsafe conditions, with inoperable plumbing, heating or air conditioning; leaks that cause life-threatening mold; and infestations of pests such as rodents and roaches. Most often these tenants are Black and brown families that include children and vulnerable adults who are most at risk for negative health effects – such as asthma – from exposure to these dangerous conditions. And although landlords are required to maintain safe properties, some are not willing to do the necessary repairs, putting tenants and communities at risk.

Current state law creates unnecessary barriers for renters who seek justice from landlords who refuse to make repairs. Currently, under Maryland state law, a tenant can escrow rent to file a case about unsafe conditions. However, many of those most affected lack the financial means to escrow rent, are therefore not able to pursue legal remedy, and likely wouldn't be able to afford legal counsel depending on the case even if they could successfully file one. They do not have the option of filing as a group, either, since groups of tenants facing the same substandard living conditions must file actions individually, and cannot file a collective rent escrow case.

The Tenant Safety Act would remedy these barriers by addressing two growing concerns of Maryland renters: (1) the need for safer housing conditions, and (2) the need to lower the barriers to courts to address poor housing conditions. The bill would also increase court efficiency by compiling conditions related to a property owned by a particular landlord into a single proceeding and provide for attorney's fees so that tenant groups can obtain counsel to manage their collective cases.

The Tenant Safety Act would empower tenants to jointly seek legal justice for substandard living conditions and hold their landlords accountable when there is no intention to remedy the situation. The Tenant Safety Act is good for the safety and well-being of Marylanders, providing them with the resources they need to live in a safe place.

On behalf of Jews United for Justice, I respectfully urge this committee to return a favorable report on HB1117, The Tenant Safety Act.

HB1117_ArielleJuberg_Fav.pdf

Uploaded by: Arielle Juberg

Position: FAV

Dear Members of the Environment and Transportation Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County, in partnership with Renter's United Maryland and CASA de Maryland. I am a resident of District 8. **I am testifying in support of the Tenant Safety Act of 2024, HB1117.**



Showing Up for Racial Justice

As a former renter, I want my neighborhood to have safe and affordable housing. While renting, I had my share of problems, such as inadequate insulation and a rodent infestation, but many Marylanders are dealing with dangerous conditions, including mold. Maryland ranked 32nd among the 50 states for severe housing problems in a recent analysis of US Housing & Urban Development data from 2015-2019¹. Our state should be leading the nation at providing safe and affordable housing. Instead, we have too many properties bearing significant issues like severe cost burden or insufficient kitchen and plumbing facilities.

At present in Maryland, a group of tenants experiencing the same substandard living conditions from the same landlord each have to file an action individually, and they frequently do not have the benefit of representation, as it can be challenging to afford counsel. Even when tenants are able to file, as has been the case in Baltimore for decades, only 6% of cases in rent court result in reduced rent, according to a Baltimore Sun review of over 5,500 cases from 2010 to 2016² – a troublingly low rate.

This legislation addresses two growing concerns among Marylanders: first, their need for safer housing conditions, and second, the need to lower the barrier of entry to courts to address poor housing conditions. Remarkably, this bill addresses both concerns *while increasing court efficiency*. Since conditions issues cases can be compiled across a particular property owned by a particular landlord into a single proceeding, the courts are saved the administrative burden of duplicative cases.

It is for these reasons that I am encouraging you to vote **in support of HB1117, the Tenant Safety Act of 2024**. Thank you for your time, service, and consideration.

Sincerely,

Arielle Juberg
3411 Upton Road
Baltimore, MD 21234
Showing Up for Racial Justice Baltimore

¹ https://www.americashealthrankings.org/explore/annual/measure/severe_housing_problems/state/MD

² <https://data.baltimoresun.com/news/dismissed/>

HB1117_Tenant_Safety_Act_of_2024_MLC_FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR HB1117
Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act of 2024)

Bill Sponsor: Senator Kelly

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Aileen Alex, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of HB1117 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

Currently, the “rent escrow” process is inadequate in ensuring remedies for a landlord’s failure to repair serious and dangerous defects that impact the health and safety of tenants. Tenants, living in multi-unit complexes facing similar threats to health and safety should have the ability to join collectively as plaintiffs to hold their landlord accountable. Meaningful sanctions need to be imposed upon those who allow dangerous conditions and defects to exist in leased premises, along with an effective mechanism be established for repairing these conditions and halting their creation.

No one should be forced to live in a dangerous environment while paying for the privilege to do so. This bill provides a remedy for this issue by allowing a group of tenants, or tenant organization, or a single tenant to request injunctive relief or an action for money damages and attorney fees if the landlord refuses to make repairs or correct the problem in a reasonable period of time after being notified.

This legislation does not imply that any and all issues that a tenant has should be covered, only conditions and defects which constitute, or if not promptly corrected will constitute, a fire hazard or a serious and substantial threat to the life, health, or safety of occupants, to include mold. This is more than fair to the landlord and supports the many tenants in Maryland who deserve to live in a building that is not dangerous to their health or their person.

We support this bill and recommend a **FAVORABLE** report in committee.

HB 1117 SVO Tenant Safety Act RUM Testimony.pdf

Uploaded by: Chelsea Ortega

Position: FAV



SANTONI, VOCCI & ORTEGA LLC

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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)

Santoni, Vocci & Ortega, LLC is a private tenants' rights firm, representing tenants living in uninhabitable conditions, or have been the subject of an illegal eviction or debt collection violations.

We support HB 1117, the Tenant Safety Act, to help tenants hold landlords accountable for refusing to fix severe conditions of disrepair that threaten their life, health, or safety.

Our firm has represented hundreds of clients against their landlords for failing to fix uninhabitable conditions. Being able to join together in rent escrow is particularly important for many of these issues, which are often building-wide in multi-family dwellings like apartment buildings. Rodents, roaches, and bed bugs can easily travel between units. Lack of heat and hot water can also be a building-wide issue.

A lease is a two-way street. A tenant should not have to pay their entire rent into escrow if the landlord is not holding up his/her end of the deal and providing habitable and safe housing.

In addition, mold is a serious issue, particularly for children. We have seen children with asthma who cannot breathe in their homes due to mold. Parents of these children will often send them to live with relatives because the conditions are so bad.

In Maryland today there are many more renting families suffering with uninhabitable living conditions than the number who file a court complaint seeking "rent escrow" – where the rent is placed into escrow with the court until repairs are made. Some tenants do not file a rent escrow complaint by themselves out of fear of landlord retaliation or because they have no legal counsel to guide them through the process. 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.

Tenants are not wrong in these assessments. 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. **Many landlords are not being held accountable for repairing major conditions of disrepair that impact not only renting families but entire communities that suffer from the resulting blight.**

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

1. **Join Similar Rent Escrow Cases Together.** Make it easier for tenants with the same repair issues and same landlord to join in a single rent escrow case under the Court’s existing rules on “joinder.” There is strength in numbers when neighbors can work together to hold their landlord accountable.
2. **Reset Expectations.** If a landlord refuses to make repairs, then normally a tenant should pay into escrow a reduced rent (by 50% in most cases) going forward until repairs are made. This will help tenants who do not have the full amount that the landlord claims is past-due to still hold the landlord accountable. This will also incentivize landlords to quickly make repairs to avoid losing rent. 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. **Level the Playing Field with Attorney’s Fees.** Allow a tenant to recover attorney’s fees and costs if they win the case. Most landlords already have a lease provision for attorney’s fees if they win. With this addition to rent escrow law, more attorneys will take rent escrow cases for tenants and help level the playing field.

Santoni, Vocci & Ortega, LLC 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: Chelsea Ortega, cortega@svolaw.com.

HB1117 - Tenant Safety Act .docx.pdf

Uploaded by: Christina Nemphos

Position: FAV

Dear **Members of the Environment and Transportation Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County, in partnership with [Renter's United Maryland](#) and [CASA de Maryland](#). I am a resident of Maryland District 40 and live in the Medifield neighborhood of Baltimore. **I am testifying in support of the Tenant Safety Act of 2024, HB1117.**



Showing Up for Racial Justice

This bill enables tenants to take legal action and pursue remedy in court when landlords do not fix life-threatening conditions, including mold.

Furthermore, the bill would enable a group of tenants with the same landlord, facing issues in the same property, to join a single rent escrow action together, much as a similar law currently does in New York City¹. Under this law, tenants could make use of the rent escrow process without each having to create a separate filing, ensuring tenants who may be behind on rent are still able to demand remedies from their landlords to potentially life-threatening conditions. It would also provide for attorney's fees and damages in these group actions to allow groups of tenants to enlist the assistance of counsel in organizing a case.

At present in Maryland, a group of tenants experiencing the same substandard living conditions from the same landlord each have to file an action individually, and they frequently do not have the benefit of representation as it can be challenging to afford counsel. Even when tenants are able to file, as has been the case in Baltimore for decades, only 6% of cases in rent court result in reduced rent, according to a Baltimore Sun review of over 5,500 cases from 2010 to 2016² – a troublingly low rate.

Maryland was ranked 32nd among the 50 states for severe housing problems in a recent analysis of US Housing & Urban Development data from 2015-2019³. Our state should be leading the nation at providing safe and affordable housing. Instead, we have too many properties bearing significant issues like severe cost burden or insufficient kitchen and plumbing facilities.

This legislation addresses two growing concerns among Marylanders: first, their need for safer housing conditions, and second, the need to lower the barrier of entry to courts to address poor housing conditions. Remarkably, this bill addresses both concerns *while increasing court efficiency*. Since conditions issues cases can be compiled across a particular property owned by a particular landlord into a single proceeding, the courts are saved the administrative burden of duplicative cases.

This bill helps to level the playing field to ensure that all tenants are able to take action to protect their families against substandard or dangerous living conditions.

It is for these reasons that I am encouraging you to vote **in support of HB1117, the Tenant Safety Act of 2024**. Thank you for your time, service, and consideration.

Sincerely,
Christina L Bell
1301 W 42nd Street
Baltimore, Md 21211
Showing Up for Racial Justice Baltimore

¹ <https://www.nysenate.gov/legislation/laws/RPP/230>

² <https://data.baltimoresun.com/news/dismissed/>

³ https://www.americashealthrankings.org/explore/annual/measure/severe_housing_problems/state/MD

HB1117_DHCD_SUPPORT.pdf

Uploaded by: Chuck Cook

Position: FAV

DATE: February 27, 2024

BILL NO.: House Bill 1117

TITLE: Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act of 2024)

COMMITTEE: Environment and Transportation

Letter of Support

Description of Bill:

House Bill 1117 establishes that a landlord offering a residential dwelling unit for rent is deemed to warrant the unit fit for human habitation, specifies that certain mold hazards constitute a condition dangerous to the life, health and safety of occupants, and authorizes multiple tenants of a residential rental property to jointly bring suit against a landlord in civil actions relating to breach of the warranty of habitability, including abatement of rent and rent escrow actions.

Background and Analysis:

Maryland's 96,000-unit housing shortage is limiting tenant mobility and contributing to the problem of unsafe living conditions. Aging housing stock across the state – nearly 60% of Maryland's homes were built prior to 1980 – means tenants often face issues such as inadequate heat and plumbing, rodent infestation, and mold. These conditions can lead to injuries, reduced respiratory capacity, cardiovascular diseases, and infectious diseases such as tuberculosis and influenza. With a housing shortage, renters have less mobility and are less likely to be able to negotiate for better living conditions. Consequently, those with less bargaining power and fewer resources experience increased health risks.

Under existing Maryland law, tenants have legal remedies against landlords who fail to correct certain dangerous conditions. These remedies include the ability to petition the District Court for rent escrow, under which the tenant's rent is paid into the court to be held until the landlord makes the necessary repairs. House Bill 1117 adds two important elements to this remedy: the addition of dangerous mold conditions to the list of defects that must be repaired by landlords, and the ability of multiple tenants to join as plaintiffs in a rent escrow action against a landlord who fails to make necessary repairs.

Landlords have a responsibility to maintain safe living environments. No renter, regardless of income, should live in life-threatening and unsafe conditions. Giving tenants more avenues to address safety hazards will help ensure the safety of Maryland residents.

DHCD Position:

The Maryland Department of Housing and Community Development respectfully requests a **favorable** report on HB 1117.

HB1117 - Tenant Safety Act .pdf

Uploaded by: Daryl Yoder

Position: FAV

Dear **Members of the Environment and Transportation Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County, in partnership with [Renter's United Maryland](#) and [CASA de Maryland](#). I am a resident of District 44A and have been both a renter and a landlord in Baltimore County. **I am testifying in support of the Tenant Safety Act of 2024, HB1117.**



Showing Up for Racial Justice

This bill enables tenants to take legal action and pursue remedy in court when landlords do not fix life-threatening conditions, including mold. Furthermore, the bill would enable a group of tenants with the same landlord, facing issues in the same property, to join a single rent escrow action together, much as a similar law currently does in New York City¹. Under this law, tenants could make use of the rent escrow process without each having to create a separate filing, ensuring tenants who may be behind on rent are still able to demand remedies from their landlords to potentially life-threatening conditions. It would also provide for attorney's fees and damages in these group actions to allow groups of tenants to enlist the assistance of counsel in organizing a case.

At present in Maryland, a group of tenants experiencing the same substandard living conditions from the same landlord each have to file an action individually, and they frequently do not have the benefit of representation as it can be challenging to afford counsel. Even when tenants are able to file, as has been the case in Baltimore for decades, only 6% of cases in rent court result in reduced rent, according to a Baltimore Sun review of over 5,500 cases from 2010 to 2016² – a troublingly low rate. The bill also lists mold as a dangerous condition

Maryland was ranked 32nd among the 50 states for severe housing problems in a recent analysis of US Housing & Urban Development data from 2015-2019³. Our state should be leading the nation at providing safe and affordable housing. Instead, we have too many properties bearing significant issues like severe cost burden or insufficient kitchen and plumbing facilities.

This legislation addresses two growing concerns among Marylanders: first, their need for safer housing conditions, and second, the need to lower the barrier of entry to courts to address poor housing conditions. Remarkably, this bill addresses both concerns *while increasing court efficiency*. Since conditions issues cases can be compiled across a particular property owned by a particular landlord into a single proceeding, the courts are saved the administrative burden of duplicative cases.

It is for these reasons that I am encouraging you to vote **in support of HB1117, the Tenant Safety Act of 2024**. Thank you for your time, service, and consideration.

Sincerely,
Daryl Yoder
309 Glenmore Ave., Catonsville, MD 21228
Showing Up for Racial Justice Baltimore

¹ <https://www.nysenate.gov/legislation/laws/RPP/230>

² <https://data.baltimoresun.com/news/dismissed/>

³ https://www.americashealthrankings.org/explore/annual/measure/severe_housing_problems/state/MD

HB 1117 TSA Written Testimony.pdf

Uploaded by: DiNesha Rucker

Position: FAV

HOMELESS PERSONS REPRESENTATION PROJECT, INC.

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)

The Homeless Persons Representation Project, Inc. (“HPRP”) is a non-profit civil legal aid organization providing free legal aid in Maryland to those suffering from homelessness or at risk of homelessness on legal issues that eliminate barriers to becoming or remaining housed. HPRP regularly provides representation on landlord-tenant matters in Baltimore City, Montgomery County, and Prince George’s County and advocates for continued housing of those at risk of homelessness across Maryland.

We support **HB 1117, the Tenant Safety Act**, to help tenants hold landlords accountable for refusing to fix severe conditions of disrepair that threaten their life, health, or safety.

In Maryland today there are many more renting families suffering with uninhabitable living conditions than the number who file a court complaint seeking “rent escrow” – where the rent is placed into escrow with the court until repairs are made. Some tenants do not file a rent escrow complaint by themselves out of fear of landlord retaliation or because they have no legal counsel to guide them through the process. 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.

Advocacy and representation in matters involving conditions issues are a common occurrence in HPRP’s housing work. Many times, these issues are not directly communicated to HPRP as the primary issue that tenants desire legal assistance with. Instead, these issues are spotted through continued client conversations. In addition to the scenarios stated above, tenants in many instances simply do not know they have legal recourse for the conditions they suffer. Specifically, in HPRP’s Homeless Youth Initiative, many of the condition issues suffered by young tenants are only uncovered after they express their frustrations and/or confusion regarding their duty to pay rent. **HB 1117** could not only bring those who are unaware of their rights into reasonable litigation which may lead to habitable housing but could also be a means to further educate tenants on their rights through experience with such litigation. More importantly, these conversations highlight the inhabitable conditions that many of our clients suffer. These issues can span across properties and landlords.

Tenants are not wrong in their assessments. 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. **Many landlords are not being held accountable for repairing major conditions of disrepair that impact not only renting families but entire communities that suffer from the resulting blight.**

This lack of accountability permeates throughout the current state of Maryland’s current housing stock. In its 10 Year Needs Assessment, the Department of Housing and Community Development, states

housing quality concerns as a major concern in all high need areas across every single region in Maryland.¹ A large majority of Maryland's housing stock was built prior to 1980 and data regarding occupancy rates and high rates of mobility illustrate, for DHCD, the need to focus on the quality of housing in every region in Maryland.² This is not an issue affecting only one region of Maryland. **HB 1117** would provide an ideal mechanism to positively respond to the housing quality concerns stated by DHCD across the state.

Moreover, **HB 1117** would be an effective legal tool to respond to infestation conditions which riddle many multifamily units across Maryland, specifically Baltimore City. Often landlords when confronted with infestation issues do the work necessary to bring one unit into compliance. This may include sealing holes, setting traps, etc. Although that specific unit's issue is now resolved, another unit now suffers the consequences of those repairs and may struggle with its own infestation. The underlying problem remains. **HB 1117** would couple those units under one claim and encourage the landlord to remedy the underlying problem. Thereby, making the entire property safe and habitable for all tenants. This would not only benefit the tenants but also the court by increasing judicial efficacy.

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

1. **Join Similar Rent Escrow Cases Together.** Make it easier for tenants with the same repair issues and same landlord to join in a single rent escrow case under the Court's existing rules on "joinder." There is strength in numbers when neighbors can work together to hold their landlord accountable.
2. **Reset Expectations.** If a landlord refuses to make repairs, then normally a tenant should pay into escrow a reduced rent (by 50% in most cases) going forward until repairs are made. This will help tenants who do not have the full amount that the landlord claims is past-due to still hold the landlord accountable. This will also incentivize landlords to quickly make repairs to avoid losing rent. 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. **Level the Playing Field with Attorney's Fees.** Allow a tenant to recover attorney's fees and costs if they win the case. Most landlords already have a lease provision for attorney's fees if they win. With this addition to rent escrow law, more attorneys will take rent escrow cases for tenants and help level the playing field.

HPRP 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: DiNesha Rucker at drucker@hprplaw.org or (410) 449-2982.

¹ See Appendix G, Maryland Housing Needs Assessment & 10-Year Strategic Plan, p.15
https://dhcd.maryland.gov/Documents/Other_Publications/Report.pdf (last visited February 22, 2024).

² See *id.*

DRM HB 1117 Tenant Safety Act Testimony - FAV.pdf

Uploaded by: E.V. Yost

Position: FAV

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

**Hearing before the House Environment and Transportation Committee,
February 27, 2024, 1:00PM**

Position: SUPPORT (FAV)

Disability Rights Maryland (DRM) is the federally-appointed Protection & Advocacy agency¹ in Maryland mandated to advance the civil rights of people with disabilities. One of DRM's goals is to end the unnecessary segregation and institutionalization of Marylanders with disabilities. To achieve this goal, DRM's Housing Unit works to expand opportunities for Marylanders with disabilities to be part of their communities and to live in affordable and accessible housing.

DRM supports House Bill 1117, the Tenant Safety Act, because it would reduce barriers for disabled tenants living in dangerous conditions in accessing the rent escrow process and enforcing their rights as renters to safe, habitable homes. Persons with disabilities are disproportionately forced into substandard housing² because of lower-incomes and their exclusion from the labor market.³ Consequently, many of our clients reside in older housing with significant capital needs. By authorizing groups of tenants to file escrow jointly, this bill would uniquely impact renters with disabilities, decreasing barriers that often otherwise prevent them from enforcing their rights as renters on their own.

First, allowing tenants with the same landlord and unaddressed conditions issues to “join” escrow cases filed by their neighbors would render the rent escrow process more physically accessible for renters with disabilities. Countless DRM callers have been unable to seek legal remedies for the uninhabitable conditions in which they are living due to the inaccessibility of filing and bringing an escrow claim based on the nature of their disabilities – whether mobility impairments, mental health, or intellectual or developmental disabilities that make being physically present in court difficult if not impossible for them. By permitting joinder when appropriate, HB 1117 would also incentivize landlords to make repairs for low-income renters who receive rental subsidies and pay only a minimal portion of rent, if any. Without the “hook” or incentive of losing market rate rent for multiple months of escrow proceedings, landlords are less motivated to make timely repairs and address conditions impacting the life, health, and

¹ For more information on Protection & Advocacy agencies, see NATIONAL DISABILITY RIGHTS NETWORK, <https://www.ndrn.org/> (last visited June 18, 2021).

² There is no jurisdiction in Maryland in which a person with a disability receiving SSI benefits can rent a one bedroom unit. TECHNICAL ASSISTANCE COLLABORATIVE, PRICED OUT: THE HOUSING CRISIS FOR PEOPLE WITH DISABILITIES (2021), <http://www.tacinc.org/knowledge-resources/priced-out-v2/>. Maximum SSI payments increased to \$794/month in 2021.

³ About 4.1 million people with disabilities nationwide pay more than half of their income on rent. CENTER ON BUDGET AND POLICY PRIORITIES, UNITED STATES FEDERAL RENTAL ASSISTANCE FACT SHEET (2021), <https://www.cbpp.org/sites/default/files/atoms/files/12-10-19hous-factsheet-us.pdf>.

safety of renters, particularly when the repairs required are significant and costly. When able to join complaints with neighbors who pay market-rate rent, low-income tenants who themselves pay reduced or no rent would benefit from the financial incentives the escrow process relies on.

Second, by expanding the statute to explicitly include mold as a potentially hazardous condition, HB 1117 would benefit renters with disabilities and especially families including children who have disabilities, for whom mold may present a higher risk to health, life, and safety. Currently, DRM represents a single mother living in Public Housing operated by the Housing Authority of Baltimore City whose newborn son has begun developing upper respiratory distress due to the pervasive mold in her unit. Despite her repeated requests for a transfer and maintenance reports, the Housing Authority has not abated the mold in her unit. If mold was already recognized under the current statute, she could have utilized the rent escrow process as intended to compel prompt action by her landlord to remedy this dangerous condition.

Finally, by leveling the playing field and permitting the recovery of attorney's fees, HB 1117 would render the rent escrow process more accessible for tenants with disabilities who are low-income and unable to work, like many of DRM's clients, or for whom representing themselves in an escrow proceeding would pose an undue barrier. This change would incentivize attorneys to take on escrow cases of low-income tenants with strong cases, who otherwise might not be able to afford or access legal recourse.

Disability Rights Maryland 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: E.V. Yost, evy@DisabilityRightsMD.org.

HB1117 Testimony.pdf

Uploaded by: Emilee Towey

Position: FAV



TESTIMONY
Maryland General Assembly
Environment and Transportation Committee
In Favor of HB1117 - Tenant Safety Act of 2024

Emilee Towey, 240-429-1127
Outreach Coordinator, Montgomery County Renters Alliance, Inc.
Feb. 27, 2024 at 1:00PM

Good afternoon, Chairman Korman, Vice Chair Boyce, and Committee members. Thank you for giving me the opportunity to speak today. My name is Emilee Towey and I am speaking on behalf of the Montgomery County Renters Alliance as one of our outreach coordinators. The Renters Alliance is Maryland's first and only regional nonprofit dedicated exclusively to renter outreach, education, organizing, and advocacy. Since our founding in 2010, the Renters Alliance has been an unwavering advocate for expanding and strengthening renter protections, which distinctly aligns with the goals of HB1117 regarding tenant remedies for dangerous defects in the home.

The Renters Alliance is in strong support of HB1117, which will protect tenants from living in substandard housing without tangible recourse. We would like to thank Delegate Stewart for reintroducing this important bill and for his longtime commitment to protecting renter rights. HB1117 will empower tenants with an accessible remedy for dangerous living conditions by allowing them to keep their landlord accountable for serious defects in the home that threaten their life, health, and safety.

There is a shocking disproportionate amount of rent escrow cases filed compared to the large number of tenants suffering in uninhabitable living conditions. The Tenant Safety Act will improve the feasibility and effectiveness of the rent escrow process by allowing tenants under the same landlord to join a single rent escrow case with their neighbors who are experiencing the same repair issues. This will help combat the fear of landlord retaliation by providing tenants with the opportunity to join together as a collective.

Tenants will also be protected with a warranty of habitability, so that they don't have to pay the full amount of rent when landlords refuse to make repairs that tenants are entitled to. If passed, HB1117 will streamline the court process by allowing tenants to recover attorney costs and fees if they win their case. This provision will encourage attorneys to take on rent escrow cases, helping to narrow the gap between tenants living in unsafe rental properties and tenants successfully filing for rent escrow.

This bill will give tenants vital remedies for addressing the lack of crucial repairs in their home that inhibit their right to life, health, and safety. We strongly urge a favorable report. Thank you for your time.

HB1117 - Tenant Safety Act.pdf

Uploaded by: Erica Palmisano

Position: FAV

Dear **Members of the Environment and Transportation Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County, in partnership with [Renter's United Maryland](#) and [CASA de Maryland](#). I am a resident of District 12A and I am a small private landlord. **I am testifying in support of the Tenant Safety Act of 2024, HB1117.**



Showing Up for Racial Justice

This bill enables tenants to take legal action when landlords do not fix life-threatening conditions, including mold. Furthermore, it would enable a group of tenants with the same landlord, facing issues in the same property, to join a single rent escrow action together, much as a similar law currently does in New York City¹. Under this law, tenants could make use of the rent escrow process without each having to create a separate filing, ensuring tenants who may be behind on rent are still able to demand remedies from their landlords to potentially life-threatening conditions. It would also provide for attorney's fees and damages in these group actions to allow groups of tenants to enlist the assistance of counsel in organizing a case.

At present in Maryland, a group of tenants experiencing the same substandard living conditions from the same landlord each have to file an action individually, and they frequently do not have the benefit of representation as it can be challenging to afford counsel. Even when tenants are able to file, as has been the case in Baltimore for decades, only 6% of cases in rent court result in reduced rent, according to a Baltimore Sun review of over 5,500 cases from 2010 to 2016² – a troublingly low rate. This legislation addresses two growing concerns among Marylanders: first, their need for safer housing conditions, and second, the need to lower the barrier of entry to courts to address such conditions. Remarkably, this bill addresses both concerns *while increasing court efficiency*.

Maryland was ranked 32nd among the 50 states for severe housing problems in a recent analysis of US Housing & Urban Development data from 2016-2020³. Our state should be leading the nation at providing safe and affordable housing. Instead, we have too many properties bearing significant issues like severe cost burden or insufficient kitchen and plumbing facilities.

Right now bad actors in the field of property management profit from their inattention or blatant disregard for the law and for tenant safety. Their competitive advantage arises from the legal and moral qualms of good-faith landlords and their tenants' functional powerlessness to hold them accountable. Removing this competitive advantage doesn't hurt but benefits landlords like me who operate legally and ethically.

It is for these reasons that I am encouraging you to vote **in support of HB1117, the Tenant Safety Act of 2024**. Thank you for your time, service, and consideration.

Sincerely,
Erica Palmisano
5580 Vantage Point Rd, Apt 5, Columbia, MD
Showing Up for Racial Justice Baltimore

¹ <https://www.nysenate.gov/legislation/laws/RPP/230>

² <https://data.baltimoresun.com/news/dismissed/>

³ https://www.americashealthrankings.org/explore/annual/measure/severe_housing_problems/state/MD

MD Catholic Conference_HB 1117_FAV.pdf

Uploaded by: Garrett O'Day

Position: FAV



MARYLAND
CATHOLIC
CONFERENCE

February 27, 2024

HB 1117

Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act of 2024)

House Environment & Transportation Committee

Position: FAVORABLE

The Maryland Catholic Conference offers this testimony in support of House Bill 1117. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

House Bill 1117 requires landlords to warrant that their rental units are fit for human habitation. It obligates landlords to repair and eliminate conditions and defects which constitute a fire hazard or a serious and substantial threat to the life, health, or safety of occupants, including but not limited to dangerous mold. If a landlord refuses to remedy these situations, this legislation allows tenants to hold rent in escrow. They may do so individually or in a class of renters. Landlords who fail to make repairs will face significant financial penalties. This bill passed the house in 2023 and has been revised to address concerns raised in the senate.

House Bill 1117 is a very reasonable measure to ensure protection against inhabitable living conditions. Catholic teaching supports the right to private property but recognizes that communities and government have an obligation to ensure that housing needs of all are met, especially the poor and vulnerable members of our communities. Access to safe and affordable housing is a fundamental human right and this legislation represents a positive step toward achieving this goal.

The Conference appreciates your consideration and, for these reasons urges a favorable report on House Bill 1117.

HB 1117 Tenant Safety Act .pdf

Uploaded by: Gwen DuBois

Position: FAV



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

HB1117 - Tenant Safety Act .pdf

Uploaded by: Holly Powell

Position: FAV

Dear **Members of the Environment and Transportation Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County, in partnership with [Renter's United Maryland](#) and [CASA de Maryland](#). I am a resident of **District 46. I am testifying in support of the Tenant Safety Act of 2024, HB1117.**



Showing Up for Racial Justice

This bill enables tenants to take legal action and pursue remedy in court when landlords do not fix life-threatening conditions, including mold. Furthermore, the bill would enable a group of tenants with the same landlord, facing issues in the same property, to join a single rent escrow action together, much as a similar law currently does in New York City¹.

Under this law, tenants could make use of the rent escrow process without each having to create a separate filing, ensuring tenants who may be behind on rent are still able to demand remedies from their landlords to potentially life-threatening conditions. It would also provide for attorney's fees and damages in these group actions to allow groups of tenants to enlist the assistance of counsel in organizing a case.

At present in Maryland, a group of tenants experiencing the same substandard living conditions from the same landlord each have to file an action individually, and they frequently do not have the benefit of representation as it can be challenging to afford counsel. Even when tenants are able to file, as has been the case in Baltimore for decades, only 6% of cases in rent court result in reduced rent, according to a Baltimore Sun review of over 5,500 cases from 2010 to 2016² – a troublingly low rate. The bill also lists mold as a dangerous condition

Maryland was ranked 32nd among the 50 states for severe housing problems in a recent analysis of US Housing & Urban Development data from 2015-2019³. Our state should be leading the nation at providing safe and affordable housing. Instead, we have too many properties bearing significant issues like severe cost burden or insufficient kitchen and plumbing facilities.

This legislation addresses two growing concerns among Marylanders: first, their need for safer housing conditions, and second, the need to lower the barrier of entry to courts to address poor housing conditions. Remarkably, this bill addresses both concerns *while increasing court efficiency*. Since conditions issues cases can be compiled across a particular property owned by a particular landlord into a single proceeding, the courts are saved the administrative burden of duplicative cases.

It is for these reasons that I am encouraging you to vote **in support of HB1117, the Tenant Safety Act of 2024**. Thank you for your time, service, and consideration.

Sincerely,
Holly Powell
2308 Cambridge Street
Baltimore, MD 21224
Showing Up for Racial Justice Baltimore

¹ <https://www.nysenate.gov/legislation/laws/RPP/230>

² <https://data.baltimoresun.com/news/dismissed/>

³ https://www.americashealthrankings.org/explore/annual/measure/severe_housing_problems/state/MD

HB 1117 - Written Testimony - HOUSE.pdf

Uploaded by: Jennifer Mercer

Position: FAV



HB 1117 - Landlord and Tenant – Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act)
Hearing before the House Environment & Transportation Committee,
February 27, 2024, 1:00PM
Position: Favorable

The Pro Bono Resource Center of Maryland (“PBRC”), an independent 501(c)(3) non-profit organization, is the statewide coordinator, thought leader and clearinghouse for volunteer civil legal services in Maryland. As the designated pro bono arm of the Maryland State Bar Association, PBRC provides training, mentorship, and pro bono service opportunities to members of the private bar. We respond to acute legal needs identified in areas across the state by piloting and operating innovative pro bono service projects targeting specific legal problems or populations.

In May 2017, with a grant from the Maryland Judiciary’s Access to Justice Department, PBRC launched the **Tenant Volunteer Lawyer of the Day (TVLD) Program** in Baltimore City Rent Court to provide day-of-court legal representation to tenants who appear unrepresented for their proceedings. Since then, this continually expanding Program has allowed PBRC staff and volunteer attorneys to represent thousands of tenants in both Baltimore City and Baltimore County in multiple types of legal actions that could result in eviction. The overwhelming majority of our clients are tenants facing Failure to Pay Rent (FTPR) actions filed by their landlords.

PBRC supports HB 1117 because it will allow tenants to hold their landlords accountable when they fail to comply with the law regarding habitability and the provision of safe and healthy housing conditions. A significant barrier facing low-income tenants seeking to utilize rent escrow protections is the requirement that they deposit the entire amount of rent due under the lease into the escrow account. We find that tenants most in need of rent escrow are often those least able to do this. Better-resourced tenants will simply move rather than tolerate hazardous conditions in their rental unit or take the landlord to court. HB 1117 will ensure that fewer valid complaints are dismissed due to lack of funding by creating a rebuttable presumption that tenants must deposit an amount equal to 50% of the rent due in order to open and sustain an escrow action. At the end of the case, a judge will decide how to disburse the funds, potentially requiring the tenants to pay their full rent and thus allowing landlords the opportunity to be fully compensated if a case is not meritorious.

Furthermore, HB 1117 will support tenant organizing for better and safer housing conditions. As it stands, there are many more tenants suffering with uninhabitable living conditions than file for rent escrow. For many, the prospect of bringing an individual lawsuit raises insurmountable fear of retaliation and abuse by unscrupulous landlords. For others, the filing fee and time missed from work are infeasible on a lean budget. For others still, the intimidating prospect of facing off against landlords and judges chills their pursuit of a remedy. These factors help to explain the paltry numbers of rent escrow actions filed by individual renters each year.

At our Tenant Volunteer Lawyer of the Day courthouse clinics, PBRC staff frequently encounter tenants who are faced with serious hazards to the health, life, and safety of themselves and their children. Landlords are currently required by case law to provide conditions that are “habitable,” yet we often speak to tenants whose living conditions are hazardous to human health. Commonly mentioned issues include mold, rodent and other pest infestation, and lack of operable heat, among others. We often serve multiple tenants at the same complex who speak of the same hazards. PBRC staff and volunteer attorneys counsel these clients regarding rent escrow, but clients often tell us they do not have the

resources necessary to pursue rent escrow or that they fear retaliation by landlords. By providing groups of tenants with the opportunity to file together, HB 1117 will allow tenants to exert significantly more pressure on landlords as a group than they could as individuals. The legislation references the existing Maryland Rules on joinder to ensure that only those tenants with circumstances in common will be able to participate. **This will facilitate rent escrow actions where multiple tenants have a common threat to life, health, or safety in premises owned by the same landlord, thus helping to eliminate some of these difficulties and promoting judicial economy.**

HB 1117 also strengthens the remedies available to tenants (including rent escrow) and ensures that tenants can hold landlords responsible for negligence and delay in a way that fully accounts for the harm they suffer. By permitting tenants to pursue damages against a landlord who fails to make repairs, the legislation will require landlords to account for the actual harm caused by their refusals to make necessary repairs – a remedy that is much more persuasive than lost rental income alone. Finally, the attorney’s fees provision increases the likelihood that tenants will be able to avail themselves of legal services, as they can enlist attorneys whose practices depend on the ability to recoup reasonable fees.

Landlords are required to provide “habitable” conditions, meaning that the premises must be free from health and safety hazards. This minimal and common-sense standard is met by all but the most negligent of landlords. Landlords who are unwilling or unable to provide safe housing must be held accountable, but current law provides several logistical barriers in the face of tenants seeking to do so. **HB 1117 provides an important means for the most vulnerable tenants to seek the protection of the courts from the most negligent of landlords.**

For the above reasons,

PBRC urges a FAVORABLE report on HB 1117.

Please contact Katie Davis, Director of PBRC’s Courtroom Advocacy Project, with any questions.

kdavis@probonomd.org • 443-703-3049

HB 1117_JoShifrin_FAV.pdf

Uploaded by: Jo Shifrin

Position: FAV

HB 1117_JoShifrin_FAV

Date of Hearing: February 27, 2024

Jo Shifrin

Bethesda, MD 20817

TESTIMONY ON HB 1117 - POSITION: FAVORABLE

**Failure to Repair Serious and Dangerous Defects - Tenant Remedies
(Tenant Safety Act of 2024)**

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Jo Shifrin

My name is Jo Shifrin. I am a resident of District 16. I am submitting this testimony in support of HB 1117, Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act of 2024).

I have been a resident of Montgomery County for the past 10 years. My support for this legislation comes from my grounding in Jewish values: Judaism offers a moral framework: *Tikkun Olam*, an obligation to make the world a more fair and equitable place for people to live; and *Dei Machsoro*, to make sure that everyone has what they need to live and thrive. The need for safe housing is central to Jewish thought. Jewish texts speak about the obligation of landlords and tenants, about how homes should be built safely.

The existing rent escrow process is inadequate in ensuring remedies that tenants can use to deal with a landlord's failure to repair serious and dangerous defects that impact their health and safety. Tenants who live in multi-unit complexes who all face similar threats to health and safety should have the ability to join collectively as plaintiffs to hold their landlord accountable. Meaningful sanctions need to be imposed upon landlords who allow dangerous conditions and defects to exist in premises that they lease. Additionally, an effective mechanism must be established to ensure that repairs are made.

No one should have to live in an unhealthy and unsafe environment while having to pay for the privilege of doing so. This bill provides a remedy for this issue by allowing a single tenant, a group of tenants, or a tenant organization to request injunctive relief or money damages and attorneys' fees if the landlord refuses to make repairs or correct the problem in a reasonable period of time after being notified.

This bill does not require any and all issues that a tenant has to be covered. It simply requires that conditions and defects that constitute –or will constitute if not promptly corrected– a fire hazard or a serious and substantial threat to life, health, and/or safety of the tenants must be

addressed. This is fair to the tenants, who are paying for their use of the property, and it is fair to the landlords, who should want to maintain the property in order to protect their investment.

Tenants in Maryland deserve to live in a building that is not dangerous to their well being.

Therefore, I respectfully urge this committee to return a favorable report on HB 1117.

HB1117 - Tenant Safety Act .pdf

Uploaded by: John Ford

Position: FAV

Dear **Members of the Environment and Transportation Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County, in partnership with [Renter's United Maryland](#) and [CASA de Maryland](#). I am a resident of **District 46. I am a property owner and a landlord in the City of Baltimore. I am testifying in support of the Tenant Safety Act of 2024, HB1117.**



Showing Up for Racial Justice

This bill enables tenants to take legal action and pursue remedy in court when landlords do not fix life-threatening conditions, including mold. Furthermore, the bill would enable a group of tenants with the same landlord, facing issues in the same property, to join a single rent escrow action together, much as a similar law currently does in New York City¹. Under this law, tenants could make use of the rent escrow process without each having to create a separate filing, ensuring tenants who may be behind on rent are still able to demand remedies from their landlords to potentially life-threatening conditions. It would also provide for attorney's fees and damages in these group actions to allow groups of tenants to enlist the assistance of counsel in organizing a case.

At present in Maryland, a group of tenants experiencing the same substandard living conditions from the same landlord each have to file an action individually, and they frequently do not have the benefit of representation as it can be challenging to afford counsel. Even when tenants are able to file, as has been the case in Baltimore for decades, only 6% of cases in rent court result in reduced rent, according to a Baltimore Sun review of over 5,500 cases from 2010 to 2016² – a troublingly low rate. The bill also lists mold as a dangerous condition

Maryland was ranked 32nd among the 50 states for severe housing problems in a recent analysis of US Housing & Urban Development data from 2015-2019³. Our state should be leading the nation at providing safe and affordable housing. Instead, we have too many properties bearing significant issues like severe cost burden or insufficient kitchen and plumbing facilities.

This legislation addresses two growing concerns among Marylanders: first, their need for safer housing conditions, and second, the need to lower the barrier of entry to courts to address poor housing conditions. Remarkably, this bill addresses both concerns *while increasing court efficiency*. Since conditions issues cases can be compiled across a particular property owned by a particular landlord into a single proceeding, the courts are saved the administrative burden of duplicative cases.

It is for these reasons that I am encouraging you to vote **in support of HB1117, the Tenant Safety Act of 2024**. Thank you for your time, service, and consideration.

Sincerely,

John Ford

529 S East Ave, Baltimore, MD 21224

Showing Up for Racial Justice Baltimore

¹ <https://www.nysenate.gov/legislation/laws/RPP/230>

² <https://data.baltimoresun.com/news/dismissed/>

³ https://www.americashealthrankings.org/explore/annual/measure/severe_housing_problems/state/MD

HB 1117_MD Center on Economic Policy_FAV.pdf

Uploaded by: Kali Schumitz

Position: FAV

Tenants Should Be Able To Hold Negligent Landlords Accountable

Position Statement Supporting House Bill 1117

Given before the House Environment and Transportation Committee

All Marylanders deserve safe, healthy housing, and addressing the state’s affordable housing challenges is critical to our state’s future economic success. Unfortunately, low-income renters who have few options of where they can afford to live often face unsafe and unhealthy living conditions and unscrupulous landlords who refuse to make repairs. **The Maryland Center on Economic Policy supports House Bill 1117, the Tenant Safety Act**, to help tenants hold landlords accountable for refusing to fix severe conditions of disrepair that threaten their life, health, or safety.

In Maryland today, there are many more renting families suffering with uninhabitable living conditions than the number who file a court complaint seeking “rent escrow” – where the rent is placed into escrow with the court until repairs are made. 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.ⁱ

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. Many landlords are not being held accountable for repairing major conditions of disrepair that impact not only renting families but entire communities that suffer from the resulting blight.

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

1. **Join similar rent escrow cases together.** Make it easier for tenants with the same repair issues and same landlord to join in a single rent escrow case under the Court’s existing rules on “joinder.” There is strength in numbers when neighbors can work together to hold their landlord accountable.
2. **Reset expectations.** If a landlord refuses to make repairs, then normally a tenant should pay into escrow a reduced rent (by 50% in most cases) going forward until repairs are made. This will help tenants who do not have the full amount that the landlord claims is past-due to still hold the landlord accountable. This will also incentivize landlords to quickly make repairs to avoid losing rent. 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. **Level the playing field with attorney's fees.** Allow a tenant to recover attorney's fees and costs if they win the case. Most landlords already have a lease provision for attorney's fees if they win. With this addition to rent escrow law, more attorneys will take rent escrow cases for tenants and help level the playing field.

All Marylanders deserve a safe, stable, and affordable place to live. However, too often low- and moderate-income renters face challenges in getting landlords to make needed repairs to their homes. HB 1117 would address several obstacles tenants face when filing escrow while living in uninhabitable conditions. It would discourage landlord negligence and give tenants organizational power and proper avenues to seek remedies. For these reasons, **the Maryland Center on Economic Policy respectfully requests the House Environment and Transportation Committee to make a favorable report on House Bill 1117.**

Equity Impact Analysis: House Bill 1117

Bill Summary

HB 1117, the Tenant Safety Act, would help tenants hold landlords accountable for refusing to fix severe conditions of disrepair that threaten their life, health, or safety.

Background

HB 1117 seeks to support tenants facing dangerous conditions in accessing rent escrow. Currently, more tenants live in uninhabitable living conditions than file for rent escrow. The process of access rent escrow can be costly, time consuming, and intimidating as they must make time to file and appear before landlords and judges.

- Currently, it is difficult for a group of tenants to bring an action against a landlord together. Each tenant in the same building with the same landlord is generally required to file individual actions, with each tenant paying a filing fee, drafting a separate complaint and appearing in court. HB 1117 would explicitly provide a mechanism for tenants to raise related issues and conditions in a single, streamlined case in court, and provide tenants with better access to justice. a single tenant can file a rent escrow case about building and unit conditions that other tenants with the same landlord on the same property could join. This reflects current procedures in areas like New York City where tenants enjoy better protections.
- Tenants face a massive power imbalance when seeking necessary repairs from their landlords. In response to an individual escrow filing, landlords can refuse to act or refuse to extend a tenant's lease. Landlords can also easily harass individual tenants, file an eviction, or unilaterally lock the tenant out, despite it

Equity Implications

HB 1117 strengthens the remedies available to low-income tenants by allowing them to pursue damages for landlord negligence regarding repairs and living conditions. Black Marylanders are more likely to face unaffordable housing costs than their white neighbors.

Impact

HB 1117 will likely **improve racial, health and economic equity** in Maryland.

ⁱ The Baltimore Sun <https://www.baltimoresun.com/2017/04/28/dismissed-tenants-lose-landlords-win-in-baltimores-rent-court/>

HB 1117- Tenant Safety Act .pdf

Uploaded by: Kim Sauer

Position: FAV



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

Feb. 27, 2024

FAVORABLE

My name is Kristefer Burnett and I am the Baltimore City Councilmember for District 8. I wholly support HB 1117, the Tenant Safety Act, to help tenants hold landlords accountable for refusing to fix severe conditions of disrepair that threaten their life, health, or safety.

In 2022, my office established the first ever Baltimore City Mold Task Force (BCMTF). The BCMTF’s membership is that of housing attorneys, physicians, mold remediation experts, public health experts, community & housing advocates, policy makers, and more in an attempt to address the negative health outcomes that long term exposure of moisture and mold conditions cause. We started this taskforce as a direct response to the horrendous conditions that we found tenants across Baltimore City were forced to live in. What we found was that more often than not, rent escrow cases were being denied and landlords were given a “pass” if they only addressed the repair but had no obligation to remediate the mold.

Additionally, our experience in navigating the rent escrow process was not only incredibly challenging for tenants but as my staff attempted to walk them through the process and support their efforts, more often than not, Judges dismissed valid requests for rent escrow, leaving tenants in chronic unhealthy environments but also left me and my staff to have to pivot to find other means, often relocation and breaching of leases, to assist our constituents. This is less than ideal, especially given the affordable housing crisis we are faced with. **Families who rent should not have to compromise health and safety because we as a society have deemed that those are luxuries and not human rights.**

In Maryland today there are many more renting families suffering with uninhabitable living conditions than the number who file a court complaint seeking “rent escrow” – where the rent is placed into escrow with the court until repairs are made. Some tenants do not file a rent escrow complaint by themselves out of fear of landlord retaliation or because they have no legal counsel to guide them through the process. 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.

Tenants are not wrong in these assessments. 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. Many landlords are not being held accountable for repairing major conditions of disrepair that impact not only renting families but entire communities that suffer from the resulting blight.

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

- **Join Similar Rent Escrow Cases Together.** Make it easier for tenants with the same repair issues and same landlord to join in a single rent escrow case under the Court’s existing rules on “joinder.” There is strength in numbers when neighbors can work together to hold their landlord accountable.
- **Reset Expectations.** If a landlord refuses to make repairs, then normally a tenant should pay into escrow a reduced rent (by 50% in most cases) going forward until repairs are made. This will help tenants who do not have the full amount that the landlord claims is past-due to still hold the landlord accountable. This will also incentivize landlords to quickly make repairs to avoid losing rent. At the end of the case, the Court will decide how much is due to each party.
- **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.
- **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.
- **Level the Playing Field with Attorney’s Fees.** Allow a tenant to recover attorney’s fees and costs if they win the case. Most landlords already have a lease provision for attorney’s fees if they win. With this addition to rent escrow law, more attorneys will take rent escrow cases for tenants and help level the playing field.

As a fellow legislator, **I am urging a favorable report on HB 1117.** Should you have any further questions or concerns, please do not hesitate to reach out to me or my Direct of Policy, Kimberly Sauer at kimberly.sauer@baltimorecity.gov.

Respectfully,



Baltimore Councilmember Kristerfer Burnett - *8th District*
410-396-4818 | kristerfer.burnett@baltimorecity.gov

HB 1117_Consumer Protection Division_Support_2024_

Uploaded by: Kira Wilpone-Welborn

Position: FAV

CANDACE McLAREN LANHAM
Chief Deputy Attorney General

CAROLYN A. QUATTROCKI
Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CHRISTIAN E. BARRERA
Chief Operating Officer

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

PETER V. BERNIS
General Counsel



ANTHONY G. BROWN
Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

WILLIAM D. GRUHN
Chief
Consumer Protection Division

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February 23, 2024

To: The Honorable Marc Korman
Chair, Environment and Transportation Committee

From: Kira Wilpone-Welborn, Assistant Attorney General
Consumer Protection Division

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

The Consumer Protection Division of the Office of the Attorney General (the “Division”) supports House Bill 1117, the Tenant Safety Act, sponsored by Delegate Vaughn Stewart. Landlord-tenant complaints are consistently among the top complaints received from consumers by the Division. A significant number of the landlord-tenant complaints the Division receives each year involve complaints about the conditions in rental housing. Occasionally, the Division is able to resolve the complaint by having landlord agree to address the conditions or reimburse a tenant for any repair costs paid by a tenant. If, however, the Division is unable to achieve an amicable resolution to a complaint, it will recommend that a tenant seek an individual judicial remedy, such as filing a rent escrow action, regardless of whether the complaint involves an individual or a systemic health and safety issue. Presently, the rent escrow provisions of the Real Property Article are intended to provide only individual tenants with a means of incentivizing landlords to repair dangerous defects in their individual unit. As a result, similarly situated tenants in the same building with unaddressed health and safety violations are required to each petition the court to order their landlord to make repairs, creating a patchwork of repaired units and units that continue to have unaddressed serious health and safety violations. House Bill 1117 seeks to remedy the present deficiencies in Real Property Article § 8-211 by modifying the statute in four primary ways.

First, House Bill 1117 clarifies that the presence of mold in a residential unit that “presents a serious and substantial threat to the health of the occupants” is a condition that a landlord should eliminate and that, if left unabated, can form the basis of a rent escrow action or an affirmative defense in any failure to pay rent eviction proceeding. Explicitly identifying mold that is a threat to the health of occupants as a condition governed by Real Property Article § 8-211 will assist tenants in rent escrow actions and failure to pay rent eviction proceedings and the Division in mediating complaints it receives from consumers about unabated mold growth in their residences. Section 8-211(e)(5) currently covers “any condition which presents a health . . . hazard...” However, specifically listing mold in § 8-211 will help tenants facing a health hazard from mold, particularly those who lack legal representation.

Second, House Bill 1117 seeks to codify a cause of action of breach of the warranty of habitability. The current rent escrow framework does not explicitly make clear that tenants should be able to recover for damages that accrue before an escrow action is filed but after a landlord has notice of a dangerous defect. House Bill 1117’s codification of the warranty of habitability would (1) permit a tenant to combine a breach of warranty action that can provide relief for past harms with a rent escrow action that can help address continuing injuries, and (2) make it clear that the breach of warranty action does not require the tenant to make rental payments into the court.

Third, House Bill 1117 would permit similarly situated tenants to bring a rent escrow action against their landlord for similar claims of unaddressed health and safety violations through Maryland’s joinder rules. The current rent escrow framework requires each individual tenant in a building to file an action against their landlord despite having the same or similar complaints of unaddressed health and safety violations. When each tenant is required to file their own rent escrow action to seek a judicial order of repair, a variety of outcomes can result. Some tenants may elect to forego the rent escrow process due to time and financial constraints, leaving their unit subject to continued unsafe and unhealthy conditions. Other tenants may file complaints in District Court, but the actions themselves could result in a variety of dispositions. As such, the current rent escrow system can result in a patchwork of unaddressed health and safety conditions at the same building or complex. House Bill 1117’s expansion of § 8-211 to similarly situated tenants through joinder would allow tenants to pool their resources to address systemic health and safety violations, thus reducing the burden on the judiciary and leading to uniform remediation of violations and consistent relief for similar tenants.

Finally, House Bill 1117 would permit prevailing petitioners reasonable attorneys’ fees, expenses, and costs. Presently, tenants filing rent escrow actions often file *pro se* or rely on legal service agencies to assist with these cases. Permitting tenants to seek attorneys’ fees and costs when prevailing in complaints for unrepaired health and safety violations may attract more attorneys to provide tenants with much-needed representation in rent escrow actions because their fees and costs can be reimbursed.

Accordingly, the Division requests that the Environment and Transportation Committee give House Bill 1117 a favorable report.

cc: The Honorable Vaughn Stewart
Members, Environment and Transportation Committee

HB1117_MoCoDHCA_Frey_FAV.pdf

Uploaded by: Leslie Frey

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

HB 1117

DATE: February 27, 2024

SPONSOR: Delegate Stewart

ASSIGNED TO: Environment and Transportation

CONTACT PERSON: Leslie Frey (leslie.frey@montgomerycountymd.gov)

POSITION: FAVORABLE (Department of Housing and Community Affairs)

Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act of 2024)

House Bill 1117 establishes that a landlord offering a dwelling for rent is deemed to warrant the dwelling fit for human habitation; clarifies that certain mold hazards constitute dangerous conditions and defects for which a tenant may obtain relief; authorizes multiple tenants to join as plaintiffs in the same civil action against a landlord; establishes that, prior to a certain court order, there is a rebuttable presumption that a tenant is entitled to have a court adjudicate a request for rent abatement; establishes a rebuttable presumption related to the abatement of prospective rent and the requirements for rent escrow, including a rebuttable presumption that limits rent escrow payments to rent that is due and unpaid subsequent to a court order. In addition, House Bill 1117 authorizes the award of attorney's fees, costs, and expenses related to litigation, preempts local laws that are comparable except those that provide broader applicability or more protections for tenants than the bill; and authorizes remedies for a tenant if a landlord breaches the warranty of habitability, among other provisions.

Current law addressing landlord responsibilities for repair and remedy of conditions deemed to make the unit not suitable for human habitation does not explicitly identify existence of mold in a unit that presents a serious and substantial threat to health. The bill adds the existence of mold as a condition requiring repair and elimination of condition promptly. Additionally, House Bill 1117 clarifies the defensible actions of a tenant when a landlord refuses or fails to remedy conditions timely, including language clarifying the bringing an action of rent escrow and refusing to pay rent due to the asserted defects or conditions. It also establishes a process for tenants to withhold rent from landlords, through escrow or withheld payment, if landlords fail to make repairs or remedy issues identified as specific health, safety, and required for human habitability. Both tenants and landlords in Montgomery County would benefit from clarifying the requirements and remedies for enforcing the landlord's implied warranty for human habitation. These clarifications will help remedy rental property conditions by allowing tenants to have a better understanding of legal actions available to them. This clarity will help landlords understand their responsibilities and the enforcement actions available. For these reasons, Montgomery County Department of Housing and Community Affairs respectfully requests a favorable report on House Bill 1117.

HB1117 - Tenant Safety Act.pdf

Uploaded by: Lindsay Keipper

Position: FAV

Dear **Members of the Environment and Transportation Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County, in partnership with Renter's United Maryland and CASA de Maryland. I am a resident of **District 46 and I am testifying in support of the Tenant Safety Act of 2024, HB1117.**



Showing Up for Racial Justice

This bill enables tenants with the same landlord, facing issues in the same property, to join a single rent escrow action together, much as a similar law currently does in New York City¹. Under this law, tenants could make use of the rent escrow process without each having to create a separate filing, ensuring tenants who may be behind on rent are still able to demand remedies from their landlords to potentially life-threatening conditions. It would also provide for attorney's fees and damages in these group actions to allow groups of tenants to enlist the assistance of counsel in organizing a case.

At present in Maryland, a group of tenants experiencing the same substandard living conditions from the same landlord each have to file an action individually, and they frequently do not have the benefit of representation as it can be challenging to afford counsel. Even when tenants are able to file, as has been the case in Baltimore for decades, only 6% of cases in rent court result in reduced rent, according to a Baltimore Sun review of over 5,500 cases from 2010 to 2016² – a troublingly low rate. The bill also takes the important step of adding severe mold to the list of unsafe conditions that landlords must correct for a unit to be deemed habitable. Mold infestation can cause or contribute to multiple health conditions, and the law should recognize this.

Maryland was ranked 32nd among the 50 states for severe housing problems in a recent analysis of US Housing & Urban Development data from 2015-2019³. Our state should be leading the nation at providing safe and affordable housing. Instead, we have too many properties bearing significant issues like severe cost burden or insufficient kitchen and plumbing facilities.

This legislation addresses two growing concerns among Marylanders: first, their need for safer housing conditions, and second, the need to lower the barrier of entry to courts to address poor housing conditions. Remarkably, this bill addresses both concerns *while increasing court efficiency*. Since conditions issues cases can be compiled across a particular property owned by a particular landlord into a single proceeding, the courts are saved the administrative burden of duplicative cases.

It is for these reasons that I am encouraging you to vote **in support of HB1117, the Tenant Safety Act of 2024**. Thank you for your time, service, and consideration.

Sincerely,

Lindsay Keipper

2425 Fleet St.

Showing Up for Racial Justice Baltimore

¹ <https://www.nysenate.gov/legislation/laws/RPP/230>

² <https://data.baltimoresun.com/news/dismissed/>

³ https://www.americashealthrankings.org/explore/annual/measure/severe_housing_problems/state/MD

HB 1117 Tenant Safety Act PJC FAV.pdf

Uploaded by: Matt Hill

Position: FAV



C. Matthew Hill
Attorney
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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)

Public Justice Center (PJC) is a nonprofit public interest law firm that assists over 800 renters and their families each year. As part of Renters United Maryland, we stand with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing. We support HB 1117, the Tenant Safety Act, to help tenants hold landlords accountable for refusing to fix severe conditions of disrepair that threaten their life, health, or safety.

We have represented tenants in countless rent escrow proceedings over the last 20 years, and too often we have seen that the system is broken: Some bad actors know that they can refuse to make repairs and get away with it. The Court lets cases drag on for months with no repairs because a bad actor landlord does not have a sufficient financial incentive to make costly repairs. The Court rarely abates or reduces the rent. Landlords never have to pay attorney's fees. Tenants cannot join together with their neighbors to reinforce each other's case. Often tenants don't make it past the first hearing because the Court requires them to pay every cent of back-rent the landlord claims is due to even have their case heard. **In no other type of case in the country is a debtor required to put into escrow every cent the creditor claims is due to even have their defense to those amounts heard.**

This was not the intent of the rent escrow law, but because of the structural imbalance of power at court, this is how it plays out. In Maryland today there are many more renting families suffering with uninhabitable living conditions than the number who file a court complaint seeking "rent escrow" – where the rent is placed into escrow with the court until repairs are made. Some tenants do not file a rent escrow complaint by themselves out of fear of landlord retaliation or because they have no legal counsel to guide them through the process. 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.

Tenants are not wrong in these assessments. 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.¹ Over 15% of Maryland residents live with “Severe Housing Problems” defined as having one or more of the following problems: lack of complete kitchen facilities, lack of plumbing facilities, overcrowding or severely cost-burdened occupants.² **Many landlords are not being held accountable for repairing major conditions of disrepair that impact not only renting families but entire communities that suffer from the resulting blight.**

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

1. **Join Similar Rent Escrow Cases Together.** Make it easier for tenants with the same repair issues and same landlord to join in a single rent escrow case under the Court’s existing rules on “joinder.” There is strength in numbers when neighbors can work together to hold their landlord accountable.
2. **Reset Expectations.** If a landlord refuses to make repairs, then normally a tenant should pay into escrow a reduced rent (by 50% in most cases) going forward until repairs are made. This will help tenants who do not have the full amount that the landlord claims is past-due to still hold the landlord accountable. This will also incentivize landlords to quickly make repairs to avoid losing rent. 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. **Level the Playing Field with Attorney’s Fees.** Allow a tenant to recover attorney’s fees and costs if they win the case. Most landlords already have a lease provision for attorney’s fees if they win. With this addition to rent escrow law, more attorneys will take rent escrow cases for tenants and help level the playing field.

Public Justice Center is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on HB 1117.**

¹ U.S. Census Bureau, American Housing Survey for the United States: 2021, Table Creator (Select area: Maryland, Select a table: Housing Quality); Judiciary statistics, <https://mdcourts.gov/district/about#stats>.

² https://www.americashealthrankings.org/explore/measures/severe_housing_problems/MD

HB1117 - Tenant Safety Act_Badeker.pdf

Uploaded by: Melissa Badeker

Position: FAV

Dear **Members of the Environment and Transportation Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County, in partnership with [Renter's United Maryland](#) and [CASA de Maryland](#). I am a resident of **District 8. I am testifying in support of the Tenant Safety Act of 2024, HB1117.**



Showing Up for Racial Justice

This bill enables tenants to take legal action and pursue remedy in court when landlords do not fix life-threatening conditions, including mold. Furthermore, the bill would enable a group of tenants with the same landlord, facing issues in the same property, to join a single rent escrow action together, much as a similar law currently does in New York City¹. Under this law, tenants could make use of the rent escrow process without each having to create a separate filing, ensuring tenants who may be behind on rent are still able to demand remedies from their landlords to potentially life-threatening conditions. It would also provide for attorney's fees and damages in these group actions to allow groups of tenants to enlist the assistance of counsel in organizing a case.

At present in Maryland, a group of tenants experiencing the same substandard living conditions from the same landlord each have to file an action individually, and they frequently do not have the benefit of representation as it can be challenging to afford counsel. Even when tenants are able to file, as has been the case in Baltimore for decades, only 6% of cases in rent court result in reduced rent, according to a Baltimore Sun review of over 5,500 cases from 2010 to 2016² – a troublingly low rate. The bill also lists mold as a dangerous condition

Maryland was ranked 32nd among the 50 states for severe housing problems in a recent analysis of US Housing & Urban Development data from 2015-2019³. Our state should be leading the nation at providing safe and affordable housing. Instead, we have too many properties bearing significant issues like severe cost burden or insufficient kitchen and plumbing facilities.

This legislation addresses two growing concerns among Marylanders: first, their need for safer housing conditions, and second, the need to lower the barrier of entry to courts to address poor housing conditions. Remarkably, this bill addresses both concerns *while increasing court efficiency*. Since conditions issues cases can be compiled across a particular property owned by a particular landlord into a single proceeding, the courts are saved the administrative burden of duplicative cases.

It is for these reasons that I am encouraging you to vote **in support of HB1117, the Tenant Safety Act of 2024**. Thank you for your time, service, and consideration.

Sincerely,
Melissa Badeker
3020 Linwood Avenue, Parkville MD 21234
Showing Up for Racial Justice Baltimore

¹ <https://www.nysenate.gov/legislation/laws/RPP/230>

² <https://data.baltimoresun.com/news/dismissed/>

³ https://www.americashealthrankings.org/explore/annual/measure/severe_housing_problems/state/MD

HB1117 favorable testimony - Google Docs.pdf

Uploaded by: Michael English

Position: FAV

HB1117- Landlord and Tenant – Failure to Repair Serious and Dangerous Defects (Tenant Safety Act of 2024)

Hearing before the House Environment and Transportation Committee,

February 27, 2024

Position: SUPPORT (FAV)

My name is Michael English, and I strongly support House Bill 1117, the Tenant Safety Act, because it would support tenants facing dangerous conditions in accessing rent escrow.

I'll be honest with you, before an earlier version of this bill came up last year, I had no idea what rent escrow was, and even now my knowledge is somewhat limited, with the gaps filled in by my more well versed advocates I've come to work with. Still, that shows just how important this law is. If housing advocates aren't familiar with the legalities of collective rent escrow and lawsuits, then what are the chances a group of tenants are? What chance do they have of navigating a complex process that is set up to divide and conquer them? This reform will make it much easier for them to seek collective justice.

As it stands, there are many more tenants suffering with uninhabitable living conditions than file for rent escrow. For many, the prospect of bringing an individual lawsuit raises insurmountable fear of retaliation and abuse by unscrupulous landlords. For others, the filing fee and time missed from work are infeasible on a lean budget. For others still, the intimidating prospect of facing off against landlords and judges chills their pursuit of a remedy.

By allowing tenants to join their interests together, this bill would have an enormous impact on tenants' ability to organize quickly and efficiently to compel landlords to make potentially life-saving repairs. HB1117 would enable a single tenant to file a rent escrow case about building and unit conditions that other tenants with the same landlord on the same property could join. Moreover, the bill ensures landlord accountability by enabling tenants to seek damages and attorney's fees from negligent landlords who refuse to make necessary repairs to uninhabitable conditions.

HB1117 facilitates tenants in demanding necessary housing improvements that would benefit all Marylanders, renters and homeowners alike. The bill allows a single tenant or a group of tenants, incorporated or unincorporated, living on the same premises with the same landlord, to seek repairs, damages for unaddressed repairs, and attorney's fees. In individual habitability actions, tenants face a massive power imbalance when seeking necessary repairs from their landlords. In response to an individual escrow filing,

landlords can, and do, refuse to act or refuse to extend a tenant's lease. Landlords can also easily harass individual tenants, file an eviction, or unilaterally lock the tenant out, despite the fact that it is illegal to do so. In providing a collective option for seeking repairs through the courts and the added remedy of damages and attorney's fees, HB1117 reduces the likelihood of intimidation of individual tenants and ensures that those living in truly threatening housing conditions will have a fair shot at compelling negligent landlords to act in the interest of life, health and safety.

HB1117 also gives tenants more power to compel repairs by ensuring that tenants and courts can hold negligent landlords accountable. As it stands, the only remedies available to tenants that file rent escrow for repairs are rent abatement, distribution of escrow funds or an injunction 90 days after a court finding that the conditions complained of by the tenant exist. These remedies alone, however, have proven unavailing with numerous negligent landlords.

There are also limited legal services available to support low-income tenants pursuing rent escrow, which means that tenants often must file on their own or forgo filing altogether. HB1117 strengthens the remedies available to tenants and ensures that tenants can hold landlords responsible for negligence and delay in a way that fully accounts for the harm they suffer. First, by providing groups of tenants with the opportunity to file together, tenants will be able to hold landlords accountable for the repairs they are already legally required to make. Second, by permitting tenants to pursue damages against a landlord who fails to make repairs, landlords and their agents will be required to account for the actual harm caused by their refusals and failures to make necessary repairs – a remedy that is much more persuasive than lost rental income alone. Finally, the attorney's fees provision increases the likelihood that tenants will be able to avail themselves of legal services, as they will be able to enlist attorneys whose practices depend upon the ability to recoup reasonable fees.

HB1117 also codifies the already-existing implied warranty of habitability and clarifies tenants' right to enforce it. Landlords are currently required to ensure their properties are suitable for human habitation, but negligent landlords often freely collect rent without being held to this basic, common-sense standard. HB1117 provides an important tool to hold these negligent landlords accountable.

Further, HB1117 promotes judicial economy by allowing tenants to address building or complex-wide conditions issues in a single case.

HB1117 also has the added benefit of allowing for resolution of tenants' conditions issues with the same landlord and increasing access to justice overall. Currently, it is difficult for a group of tenants to bring an action against a landlord together. Indeed, practitioners report that it is functionally impossible to bring an escrow case on behalf of a group of tenants because existing class action requirements are not designed with escrow in mind. Instead, tenants on the same premises with the same

landlord are generally required to file individual actions, with each tenant paying a filing fee, drafting a separate complaint and appearing in court. This process is particularly onerous for older and disabled renters, for whom it may be difficult travel to the courthouse on multiple occasions, and low-income renters, for whom taking three separate days off of work to go to court could risk their livelihoods. In addition, this process requires judges to hear building or complex-wide conditions issues piecemeal and prevents them from assessing and addressing important safety issues in a single determination. HB1117 would explicitly provide a mechanism for tenants to raise related issues and conditions in a single, streamlined case in court, and provide tenants with better access to justice – a change that simply makes more sense.

Thank you

Michael English

Downtown Silver Spring

HB 1117 Tenant Safety Act Favorable Testimony.pdf

Uploaded by: Michael Lent

Position: FAV

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)

I, Michael Lent of Maryland District 8, support HB 1117, the Tenant Safety Act, to help tenants hold landlords accountable for refusing to fix severe conditions of disrepair that threaten their life, health, or safety.

When an apartment in a multi-story building floods, whether from sprinklers or a pipe break, it affects multiple families. When pests infest a garden style apartment that is rarely limited to one unit. If the heat or air conditioning is broken or purposely turned off in a communal area like a lounge, this affects all residents who want to come together with their neighbors. Many issues effect multiple units and often the whole community, I believe we should make it easier for tenants to file together to seek repairs and remediation.

In Maryland today there are many more renting families suffering with uninhabitable living conditions than the number who file a court complaint seeking “rent escrow” – where the rent is placed into escrow with the court until repairs are made. Some tenants do not file a rent escrow complaint by themselves out of fear of landlord retaliation or because they have no legal counsel to guide them through the process. Some do not have all the rent that the landlord claims to be past-due. Others have no confidence that the court will provide them any relief or require the landlords to make repairs.

Tenants are not wrong in these assessments. 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. **Many landlords are not being held accountable for repairing major conditions of disrepair that impact not only renting families but entire communities that suffer from the resulting blight.**

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

1. **Join Similar Rent Escrow Cases Together.** Make it easier for tenants with the same repair issues and same landlord to join in a single rent escrow case under the Court’s existing rules on “joinder.” There is strength in numbers when neighbors can work together to hold their landlord accountable.
2. **Reset Expectations.** If a landlord refuses to make repairs, then normally a tenant should pay into escrow a reduced rent (by 50% in most cases) going forward until repairs are made. This will help tenants who do not have the full amount that the landlord claims is past-due to still hold the landlord accountable. This will also incentivize landlords to quickly make repairs to avoid losing rent. 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. **Level the Playing Field with Attorney’s Fees.** Allow a tenant to recover attorney’s fees and costs if they win the case. Most landlords already have a lease provision for attorney’s fees if they win. With this addition to rent escrow law, more attorneys will take rent escrow cases for tenants and help level the playing field.

I, Michael Lent, ask that the Committee issue a report of FAVORABLE on HB 1117.

Michael Lent
2504 Creighton Ave.
Parkville, MD 21234

HB1117_MiriamGrant_Landlord_FAV - Google Docs.pdf

Uploaded by: Miriam Grant

Position: FAV

February 27, 2024

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

Position: FAVORABLE

TO: Chair Korman, Vice Chair Boyce, and members of the Environment & Transportation Committee

FROM: Miriam Grant

I own a duplex in the Reservoir Hill neighborhood of Baltimore City (District 40) and as a landlord, I believe HB 1117 is essential to ensure the health and safety of renters. We landlords have a contractual obligation to provide safe living conditions for our tenants. When any of us refuses to fix severe conditions of disrepair that threaten their life, health, or safety, renters should be provided with a legal process which allows them to easily seek remedy. I am deeply distressed in hearing about [the living conditions my neighbors suffer with](#), and the inaction of their landlords.

In Maryland today there are many more renting families suffering with uninhabitable living conditions than the number who file a court complaint seeking “rent escrow” – where the rent is placed into escrow with the court until repairs are made. Some tenants do not file a rent escrow complaint by themselves out of fear of landlord retaliation or because they have no legal counsel to guide them through the process. 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 with any relief or require the landlords to make repairs. Tenants are not wrong in these assessments. 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. Many landlords are not being held accountable for repairing major conditions of disrepair that impact not only renting families but entire communities that suffer from the resulting blight.

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

1. Join Similar Rent Escrow Cases Together. Make it easier for tenants with the same repair issues and same landlord to join in a single rent escrow case under the Court’s existing rules on “joinder.”
2. Reset Expectations. If a landlord refuses to make repairs, then a tenant should pay into escrow a reduced rent (by 50% in most cases) going forward until repairs are made. This will help tenants who do not have the full amount that the landlord claims is past-due to still hold the landlord accountable. This will also incentivize landlords to quickly make repairs to avoid losing rent. 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. Level the Playing Field with Attorney’s Fees. Allow a tenant to recover attorney’s fees and costs if they win the case. Most landlords already have a lease provision for attorney’s fees if they win. With this addition to rent escrow law, more attorneys will take rent escrow cases for tenants and help level the playing field.

In order to keep Marylanders safe and healthy, we must change the system to make it easier to hold landlords accountable for upholding our contractual obligations. **I therefore respectfully urge a favorable report on HB 1117.**

HB 1117 - Landlord and Tenant - Failure to Repair

Uploaded by: NaShona Kess

Position: FAV



NAACP

Maryland
STATE CONFERENCE

February 27, 2024

Environment and Transportation
Maryland General Assembly
Annapolis, Maryland

Re: HB 1117 – Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act of 2024)

Members of the Committee,

We are writing to offer strong support for House Bill 1117, the Tenant Safety Act. This crucial piece of legislation addresses the urgent need to ensure that all Maryland residents have access to safe and habitable housing, particularly those in marginalized communities who are disproportionately impacted by substandard living conditions.

In Maryland today, far too many families face the harsh reality of living in uninhabitable conditions. Shockingly, the number of renting families enduring these conditions far exceeds the number who file complaints seeking rent escrow as a recourse. This alarming trend is driven by various factors, including fear of landlord retaliation, lack of legal counsel, and insufficient funds to meet rent demands amidst ongoing disrepair. Moreover, a damning investigative report by the Baltimore Sun in 2016 exposed the systemic failures of the rent escrow system, wherein only 6% of cases resulted in immediate relief for renters, further exacerbating the plight of vulnerable communities.

The Tenant Safety Act presents a comprehensive solution to rectify these injustices and hold landlords accountable for maintaining safe and habitable living conditions. This legislation will enact five critical provisions aimed at improving the efficacy of rent escrow and safeguarding tenant rights:

1. **Joining Similar Rent Escrow Cases Together**: Facilitating the consolidation of rent escrow cases with identical repair issues and landlords will empower tenants to collectively hold negligent landlords accountable, amplifying their voices and strengthening their legal standing.
2. **Resetting Expectations**: By mandating a reduced rent payment into escrow when landlords fail to make repairs, tenants will retain financial agency and incentivize landlords to expedite necessary repairs to avoid loss of rent, thereby fostering a more equitable resolution process.

3. ****Warranty of Habitability****: Clarifying tenants' rights regarding past-due rent in cases of landlord negligence by codifying the existing "warranty of habitability" will provide legal clarity and enhance tenant protections under Maryland law.

4. ****Addressing Mold Hazards****: Recognizing the severe health implications of mold exposure, particularly in marginalized communities, by allowing tenants to seek rent escrow when mold poses a threat to life, health, or safety will ensure prompt remediation and mitigate health risks.

5. ****Leveling the Playing Field with Attorney's Fees****: Empowering tenants to recover attorney's fees and costs in successful rent escrow cases will promote greater access to legal representation and redress disparities in legal resources, thereby leveling the playing field for tenants navigating complex legal proceedings.

House Bill 1117 represents a pivotal opportunity to enact meaningful change and uphold the fundamental right to safe and dignified housing for all Maryland residents, particularly communities of color who bear the brunt of housing inequities. By addressing systemic barriers and enhancing tenant protections, this legislation will not only improve individual living conditions but also foster healthier, more resilient communities statewide.

In closing, I urge you to prioritize the passage of House Bill 1117 and stand in solidarity with Maryland residents who deserve nothing less than safe, habitable housing. Together, let us reaffirm our commitment to justice, equity, and dignity for all.

Thank you for your attention to this critical matter.

In Service,

NaShona Kess, Esq., MLS
Executive Director, NAACP Maryland State Conference
NaShonakess.mdnaacp@gmail.com

Nicole Moore Testimony - Tenant Safety Act.pdf

Uploaded by: Nicole Moore

Position: FAV

Nicole Moore

HB1117 — Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act of 2024)

Position: Support

My name is Nicole Moore, and I'm a renter and resident of Baltimore City. I support HB 1117, which would allow tenants like me to have more rights to safe housing that doesn't threaten the health and safety of me and my family.

I live with my daughter and her children in a rowhouse in Baltimore. We moved in last year, and after the first big rainfall, we started having serious flooding. My daughter's room is in the basement, and it flooded so bad we were wading through a small pool of water. We let the landlord know right away, but they still haven't fixed it.

On top of that, the doors and windows don't secure properly, so someone could just come in. I told the landlord about this too but they haven't done anything. I'm always worried someone is in the house and I'm constantly stressed about my family's safety. I'm always calling my daughter to check on her. It's hard to sleep. I just started therapy to try and work through the stress that this has been putting on me.

I want to pay my rent, but only what's fair. I shouldn't owe the full \$2000 a month after dealing with these issues for so long. I filed an escrow case, but my lawyer has warned me that a judge will typically require the full, unabated rent to be put into escrow, which would be hard for me to afford. I might not be able to do escrow just because I can't afford something that I might not even owe in the first place!

Tenants like me need fair access to court proceedings to address serious conditions issues. This bill would make that possible for me. For these reasons, I ask the Committee to give a favorable report on HB 1117.

Nicole Moore

HB1117 - Tenant Safety Act .pdf

Uploaded by: Rebecca Shillenn

Position: FAV

Dear **Members of the Environment and Transportation Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County, in partnership with [Renter's United Maryland](#) and [CASA de Maryland](#). I am a resident of **District 45. I am testifying in support of the Tenant Safety Act of 2024, HB1117.**



Showing Up for Racial Justice

This bill enables tenants to take legal action and pursue remedy in court when landlords do not fix life-threatening conditions, including mold. Furthermore, the bill would enable a group of tenants with the same landlord, facing issues in the same property, to join a single rent escrow action together, much as a similar law currently does in New York City¹. Under this law, tenants could make use of the rent escrow process without each having to create a separate filing, ensuring tenants who may be behind on rent are still able to demand remedies from their landlords to potentially life-threatening conditions. It would also provide for attorney's fees and damages in these group actions to allow groups of tenants to enlist the assistance of counsel in organizing a case.

At present in Maryland, a group of tenants experiencing the same substandard living conditions from the same landlord each have to file an action individually, and they frequently do not have the benefit of representation as it can be challenging to afford counsel. Even when tenants are able to file, as has been the case in Baltimore for decades, only 6% of cases in rent court result in reduced rent, according to a Baltimore Sun review of over 5,500 cases from 2010 to 2016² – a troublingly low rate. The bill also lists mold as a dangerous condition

Maryland was ranked 32nd among the 50 states for severe housing problems in a recent analysis of US Housing & Urban Development data from 2015-2019³. Our state should be leading the nation at providing safe and affordable housing. Instead, we have too many properties bearing significant issues like severe cost burden or insufficient kitchen and plumbing facilities.

This legislation addresses two growing concerns among Marylanders: first, their need for safer housing conditions, and second, the need to lower the barrier of entry to courts to address poor housing conditions. Remarkably, this bill addresses both concerns *while increasing court efficiency*. Since conditions issues cases can be compiled across a particular property owned by a particular landlord into a single proceeding, the courts are saved the administrative burden of duplicative cases.

It is for these reasons that I am encouraging you to vote **in support of HB1117, the Tenant Safety Act of 2024**. Thank you for your time, service, and consideration.

Sincerely,

Rebecca Shillenn

5401 Elsrode Avenue Baltimore MD 21214

Showing Up for Racial Justice Baltimore

¹ <https://www.nysenate.gov/legislation/laws/RPP/230>

² <https://data.baltimoresun.com/news/dismissed/>

³ https://www.americashealthrankings.org/explore/annual/measure/severe_housing_problems/state/MD

Eckel HB1117 - Tenant Safety Act .pdf

Uploaded by: Rianna Eckel

Position: FAV

Dear **Members of the Environment and Transportation Committee**,

My name is Rianna Eckel, I'm a renter with a terrible, negligent landlord, and a resident of the 43rd District. I am submitting this testimony as a member of Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County, in partnership with [Renter's United Maryland](#) and [CASA de Maryland](#). **I am testifying in support of the Tenant Safety Act of 2024, HB1117.**



Showing Up for Racial Justice

This bill enables tenants to take legal action and pursue remedy in court when landlords do not fix life-threatening conditions, including mold. Furthermore, the bill would enable a group of tenants with the same landlord, facing issues in the same property, to join a single rent escrow action together, much as a similar law currently does in New York City¹. Under this law, tenants could make use of the rent escrow process without each having to create a separate filing, ensuring tenants who may be behind on rent are still able to demand remedies from their landlords to potentially life-threatening conditions. It would also provide for attorney's fees and damages in these group actions to allow groups of tenants to enlist the assistance of counsel in organizing a case.

At present in Maryland, a group of tenants experiencing the same substandard living conditions from the same landlord each have to file an action individually, and they frequently do not have the benefit of representation as it can be challenging to afford counsel. Even when tenants are able to file, as has been the case in Baltimore for decades, only 6% of cases in rent court result in reduced rent, according to a Baltimore Sun review of over 5,500 cases from 2010 to 2016² – a troublingly low rate. The bill also lists mold as a dangerous condition

Maryland was ranked 32nd among the 50 states for severe housing problems in a recent analysis of US Housing & Urban Development data from 2015-2019³. Our state should be leading the nation at providing safe and affordable housing. Instead, we have too many properties bearing significant issues like severe cost burden or insufficient kitchen and plumbing facilities.

This legislation addresses two growing concerns among Marylanders: first, their need for safer housing conditions, and second, the need to lower the barrier of entry to courts to address poor housing conditions. Remarkably, this bill addresses both concerns *while increasing court efficiency*. Since conditions issues cases can be compiled across a particular property owned by a particular landlord into a single proceeding, the courts are saved the administrative burden of duplicative cases.

It is for these reasons that I am encouraging you to vote **in support of HB1117, the Tenant Safety Act of 2024**. Thank you for your time, service, and consideration.

Sincerely,
Rianna Eckel
2300 Hunter St, Baltimore 21218
Showing Up for Racial Justice Baltimore

¹ <https://www.nysenate.gov/legislation/laws/RPP/230>

² <https://data.baltimoresun.com/news/dismissed/>

³ https://www.americashealthrankings.org/explore/annual/measure/severe_housing_problems/state/MD

Testimony in support of HB1117.pdf

Uploaded by: Richard KAP Kaplowitz

Position: FAV

HB1117_RichardKaplowitz_FAV

2/27/2024

Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON HB#/1117 – FAVORABLE

**Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies
(Tenant Safety Act of 2024)**

TO: Chair Korman, Vice Chair Boyce and members of the Environment and Transportation Committee

FROM: Richard Keith Kaplowitz

My name is Richard K. Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of HB#1117, Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act of 2024)

This bill promotes the safety, health, and welfare of any tenant. It has four specific benefits that accrue to a tenant.

1. Residential dwelling units must be warranted as fit for human habitation.
2. The existence of mold is declared as a danger and the tenant may obtain relief from that.
3. Courts may order certain relief in a civil action over a breach of warranty of habitability.
4. Said order may include actual damages, abatement of rent, and lease termination.

In the midst of a critical housing shortage we must make the moral and ethical choice to ensure that the housing stock that exists is safe for habitation. Protections against immoral and unethical conduct by landlords must be part of how Maryland manages to fix these problems.

As reported in the Maryland 2022 Healthy Housing Fact Sheet “Hazardous conditions found in unsafe housing can lead to lead poisoning, asthma and other respiratory illnesses, cancer, and unintentional injuries or death, resulting in poor school attendance and performance for children, missed workdays for parents, and the loss of loved ones for all. These hazards and their health impacts disproportionately affect communities of color and low-income communities, making the need for healthy housing a significant environmental and racial justice issue. The COVID-19 pandemic has revealed, urgently, our need for safer, healthier, and affordable housing: The increased time spent at home and challenges to healthy housing service delivery have not only affected health negatively but also displayed—in sharp contrast—the longstanding crisis of inequitable access to quality housing and healthcare. In addition, climate change and the associated increase in both incidence and severity of extreme weather events are expanding the scope of policies contributing to healthy housing.”¹

This bill can start to remediate these problems and provide remedies for affected tenants.

I respectfully urge this committee to return a favorable report and pass HB1117.

¹ https://nchh.org/resource-library/fact-sheet_state-healthy-housing_md.pdf

02.23 - HB 1117 - Landlord and Tenant - Failure t

Uploaded by: Robin McKinney

Position: FAV



HB 1117 - Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act of 2024)

Environment and Transportation Committee

February 27, 2024

SUPPORT

Chair Korman, Vice-Chair Boyce and members of the committee, thank you for the opportunity to submit testimony in support of House Bill 1117. This bill will help tenants hold landlords accountable for refusing to fix severe conditions of disrepair that threaten their life, health, or safety.

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program 'VITA', offering free financial education and coaching, and engaging in policy research and advocacy. **Almost 4,000 of CASH's tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.**

In Maryland today there are many more renting families suffering with uninhabitable living conditions than the number who file a court complaint seeking "rent escrow" – where the rent is placed into escrow with the court until repairs are made. Some tenants do not file a rent escrow complaint by themselves out of fear of landlord retaliation or because they have no legal counsel to guide them through the process. 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.

Tenants are not wrong in these assessments. [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. Many landlords are not being held accountable for repairing major conditions of disrepair that impact not only renting families but entire communities that suffer from the resulting blight.

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

1. **Join Similar Rent Escrow Cases Together.** Make it easier for tenants with the same repair issues and same landlord to join in a single rent escrow case under the Court's existing rules on "joinder." There is strength in numbers when neighbors can work together to hold their landlord accountable.
2. **Reset Expectations.** If a landlord refuses to make repairs, then normally a tenant should pay into escrow a reduced rent (by 50% in most cases) going forward until repairs are made. This will help tenants who do not have the full amount that the landlord claims is past-due to still hold the landlord accountable. This will also incentivize landlords to quickly make repairs to avoid losing rent. 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.

Creating Assets, Savings and Hope



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. **Level the Playing Field with Attorney's Fees.** Allow a tenant to recover attorney's fees and costs if they win the case. Most landlords already have a lease provision for attorney's fees if they win. With this addition to rent escrow law, more attorneys will take rent escrow cases for tenants and help level the playing field.

The CASH Campaign of Maryland is a member of the Renters United Maryland coalition and asks that the Committee issue a report of FAVORABLE on HB 1117.

Creating Assets, Savings and Hope

HB1117 - Tenant Safety Act.pdf

Uploaded by: Sarah Johnson

Position: FAV

Dear **Members of the Environment and Transportation Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County, in partnership with [Renter's United Maryland](#) and [CASA de Maryland](#). I am a resident of District 41. **I am testifying in support of the Tenant Safety Act of 2024, HB1117.**



Showing Up for Racial Justice

This bill enables tenants to take legal action and pursue remedy in court when landlords do not fix life-threatening conditions, including mold. Furthermore, the bill would enable a group of tenants with the same landlord, facing issues in the same property, to join a single rent escrow action together, much as a similar law currently does in New York City¹. Under this law, tenants could make use of the rent escrow process without each having to create a separate filing, ensuring tenants who may be behind on rent are still able to demand remedies from their landlords to potentially life-threatening conditions. It would also provide for attorney's fees and damages in these group actions to allow groups of tenants to enlist the assistance of counsel in organizing a case.

At present in Maryland, a group of tenants experiencing the same substandard living conditions from the same landlord each have to file an action individually, and they frequently do not have the benefit of representation as it can be challenging to afford counsel. Even when tenants are able to file, as has been the case in Baltimore for decades, only 6% of cases in rent court result in reduced rent, according to a Baltimore Sun review of over 5,500 cases from 2010 to 2016² – a troublingly low rate. The bill also lists mold as a dangerous condition.

Maryland was ranked 32nd among the 50 states for severe housing problems in a recent analysis of US Housing & Urban Development data from 2015-2019³. Our state should be leading the nation at providing safe and affordable housing. Instead, we have too many properties bearing significant issues like severe cost burden or insufficient kitchen and plumbing facilities.

This legislation addresses two growing concerns among Marylanders: first, their need for safer housing conditions, and second, the need to lower the barrier of entry to courts to address poor housing conditions. Remarkably, this bill addresses both concerns *while increasing court efficiency*. Since conditions issues cases can be compiled across a particular property owned by a particular landlord into a single proceeding, the courts are saved the administrative burden of duplicative cases.

It is for these reasons that I am encouraging you to vote **in support of HB1117, the Tenant Safety Act of 2024**. Thank you for your time, service, and consideration.

Sincerely,
Sarah Johnson
1 Merryman Court, Baltimore, MD 21210
Showing Up for Racial Justice Baltimore

¹ <https://www.nysenate.gov/legislation/laws/RPP/230>

² <https://data.baltimoresun.com/news/dismissed/>

³ https://www.americashealthrankings.org/explore/annual/measure/severe_housing_problems/state/MD

HB1117 - Tenant Safety Act .docx (1).pdf

Uploaded by: Theresa Columbus

Position: FAV

Dear **Members of the Environment and Transportation Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County, in partnership with [Renter's United Maryland](#) and [CASA de Maryland](#). I am a resident of **District 43-A. I am testifying in support of the Tenant Safety Act of 2024, HB1117.**



Showing Up for Racial Justice

This bill enables tenants to take legal action and pursue remedy in court when landlords do not fix life-threatening conditions, including mold. Furthermore, the bill would enable a group of tenants with the same landlord, facing issues in the same property, to join a single rent escrow action together, much as a similar law currently does in New York City¹. Under this law, tenants could make use of the rent escrow process without each having to create a separate filing, ensuring tenants who may be behind on rent are still able to demand remedies from their landlords to potentially life-threatening conditions. It would also provide for attorney's fees and damages in these group actions to allow groups of tenants to enlist the assistance of counsel in organizing a case.

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Maryland was ranked 32nd among the 50 states for severe housing problems in a recent analysis of US Housing & Urban Development data from 2015-2019³. Our state should be leading the nation at providing safe and affordable housing. Instead, we have too many properties bearing significant issues like severe cost burden or insufficient kitchen and plumbing facilities.

This legislation addresses two growing concerns among Marylanders: first, their need for safer housing conditions, and second, the need to lower the barrier of entry to courts to address poor housing conditions. Remarkably, this bill addresses both concerns *while increasing court efficiency*. Since conditions issues cases can be compiled across a particular property owned by a particular landlord into a single proceeding, the courts are saved the administrative burden of duplicative cases.

It is for these reasons that I am encouraging you to vote **in support of HB1117, the Tenant Safety Act of 2024**. Thank you for your time, service, and consideration.

Sincerely,
Theresa Columbus
712 Gorsuch Ave Apt 1
Baltimore, MD 21218

¹ <https://www.nysenate.gov/legislation/laws/RPP/230>

² <https://data.baltimoresun.com/news/dismissed/>

³ https://www.americashealthrankings.org/explore/annual/measure/severe_housing_problems/state/MD

Showing Up for Racial Justice Baltimore

HB 1117 FAV Del Stewart.pdf

Uploaded by: Vaughn Stewart

Position: FAV

VAUGHN STEWART
Legislative District 19
Montgomery County

Environment and Transportation
Committee

Subcommittees

Environment

Land Use and Ethics



The Maryland House of Delegates
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Annapolis, Maryland 21401
410-841-3528 • 301-858-3528
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Vaughn.Stewart@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Testimony in Support of HB 1117
Tenant Safety Act of 2024
Testimony by Delegate Vaughn Stewart
February 27, 2024 • Environment and Transportation Committee

What the Bill Does:

The Tenant Safety Act of 2024 seeks to buttress Marylanders' right to live in habitable housing. A much more expansive version of this bill passed the House last year but did not receive a vote in the Senate's Judicial Proceedings Committee. This year's bill is a product of many conversations over the interim, and is an attempt to forge consensus on this issue.

First, the bill codifies the status quo in three ways. Mold is explicitly listed as a reason renters can sue to their landlords for serious hazards. The implied warranty of habitability is enshrined in law for the first time, turning the implied into the explicit. And the bill clarifies that tenants suing under the rent escrow law can join together under existing joinder rules.

Second, the bill resets the baseline expectations in a rent escrow case by creating rebuttal presumptions. A rebuttal presumption is exactly that: a default rule that can be overcome by evidence from either party. The bill establishes that the presumption in rent escrow cases is that tenants pay 50% of their prospective rent into escrow until the case is decided. The 50% number is halfway between what the tenant is arguing—that their apartment is so unlivable that they should not be expected to pay anything—and what the landlord is arguing—that the tenant should pay their full rent as they promised in their lease agreement.

Finally, the bill allows tenants to recover attorney's fees if they win. Landlords are already able to recover their litigation costs under both judicial rules and through their leases.

Why the Bill is Important:

The Tenant Safety Act seeks to promote health and safety in our neighbors' homes. We know there are at least 65,000 unhealthy housing units in Maryland. That means that hundreds of thousands of our constituents and neighbors are living with rodents, roaches, sewage, and mold, and without heat

and air conditioning. But very few Marylanders ever enforce their right to a safe home. There are less than 2000 rent escrow cases filed every year, and only 6% of them result in reduced rent.¹

Codifying certain implied provisions - such as the warranty of habitability or mold as a serious threat to health and safety - does not expand the law, but provides tenants with more effective tools and resources to demand safe and habitable housing from their landlords. Clarifying the processes by which a group of tenants can join together in order to collectively bring a rent escrow action against their landlord does the same. Many tenants are not aware of the existing joinder processes, and as a result, may choose to live in unsafe conditions rather than trust the court system. This especially affects the most vulnerable tenants, such as those of low-income who are predominantly people of color.

The rebuttable presumptions established by the bill also help to ensure that the process is fair. In the case of the third presumption, for example, if a tenant believes they should not be required to pay any rent into escrow due to deplorable conditions on the property, they must provide proof of these claims and show that the landlord has egregiously failed in their duty to remedy the defects. On the other hand, if a landlord believes the tenant should pay 100% of the rent, they too must show that this is a more appropriate agreement for the particular circumstances of the case. Setting a presumption in the middle, at 50% of the rent, ensures that the burden of proof in more extreme circumstances falls fairly on both parties.

Why the Committee Should Vote Favorably:

Marylanders already have a right to live in safe and healthy housing free from egregious defects. But the right is illusory because the path to enforce it—the rent escrow process—is flawed.

The Tenant Safety Act of 2024 makes it easier for tenants to hold the worst slumlords in the state accountable for their legal and moral violations. As such, it represents a step towards making safe and healthy housing fair and available to all. For this reason, **I urge a favorable report.**

¹ [Dismissed: Tenants lose, landlords win in Baltimore's Rent Court](#). The Baltimore Sun.

Health Care for the Homeless - 2024 HB 1117 FAV -

Uploaded by: Vicky Stewart

Position: FAV

HEALTH CARE FOR THE HOMELESS TESTIMONY
IN SUPPORT OF
**HB 1117 – Landlord and Tenant - Failure to Repair Serious and
Dangerous Defects - Tenant Remedies (Tenant Safety Act)**

House Environment and Transportation Committee
February 27, 2024



Health Care for the Homeless supports HB 1117, which will markedly improve unsafe and uninhabitable living conditions faced by tenants. This bill would enable a single tenant to file a rent escrow case about building and unit conditions on behalf of multiple tenants or a tenants' association. Moreover, the bill holds landlords accountable for serious conditions of disrepair that threaten the lives, health and safety of multiple occupants with the same landlord.

Health Care for the Homeless serves many clients, both individuals and families experience homelessness or housing insecurity, who are forced to live in unsafe and unhealthy housing conditions. Frequently, our clients live in dangerous conditions because they have no other housing options. It often takes landlords a long time to resolve these conditions, if at all. Maintenance issues are rampant in public housing, in particular. Our supportive housing team works closely with property managers to address issues facing clients in their housing situation. In many instances, it has taken multiple staff from our supportive housing team to follow up with property managers to ensure actions were taken to remediate the dangerous conditions in our client's home.

Many of these hazardous living conditions are particularly harmful to children. As our supportive housing providers and case managers can attest, children living in hazardous conditions experiences effects well beyond just the home, including missed school days, frequent or long ED visits, impacts on their physical activity and social activities, etc.

Under current state law, groups of tenants facing the same substandard living conditions with no intention from the landlord to remedy the situation are not able to file a collective rent escrow case or a class action case about conditions. Instead, they each individually have to file the action and are often filing with representation. This system is entirely inefficient and also does not yield the necessary results in order to protect the health and safety of tenants. This legislation addresses two growing concerns of Maryland renters: (1) their need for safer housing conditions, and (2) the need to lower the barrier of entry to courts to address poor housing conditions. This bill ensures landlord accountability by enabling tenants to seek damages and attorney's fees from negligent landlords who refuse to make necessary repairs to uninhabitable conditions.

We know that mortality among those experiencing homelessness has escalated over the last 5-10 years. Individuals and families experiencing homelessness should never be forced to live in unsafe conditions. There is no amount of health care that can substitute stable and healthy housing.

For the health and safety of the clients we serve and for all Marylanders, Health Care for the Homeless urges a favorable report on HB 1117.

Health Care for the Homeless is Maryland's leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We deliver medical care, mental health services, state-certified addiction treatment, dental care, social services, housing support services, and housing for over 10,000 Marylanders annually at sites in Baltimore City and Baltimore County.

Our Vision: Everyone is healthy and has a safe home in a just and respectful community.

Our Mission: We work to end homelessness through racially equitable health care, housing and advocacy in partnership with those of us who have experienced it.

For more information, visit www.hchmd.org.

Health Care for the Homeless is a member of Renters United Maryland (RUM), which is a coalition of independent non-profit, legal services, and community-based organizations. RUM's vision is a Maryland in which renters live in safe and affordable housing and have security of tenure. As a member of RUM, Health Care for the Homeless asks for a favorable report on this legislation. See Renters United Maryland's Housing Justice plan for the 2024 legislative session here: <https://rentersunitedmaryland.org/>.

HB1117 - Maryland Legal Aid - FAV.pdf

Uploaded by: Zafar Shah

Position: FAV



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

**HB1117 - Landlord and Tenant – Failure to Repair Serious and Dangerous Defects -
Tenant Remedies (Tenant Safety Act)**

Hearing before the House Environment and Transportation Committee on Feb. 27, 2024

Position: FAVORABLE

Maryland Legal Aid (MLA) submits its written and oral testimony on HB1117 at the request of bill sponsor Delegate Vaughn Stewart.

MLA is a non-profit law firm that provides free legal services to the State’s low-income and vulnerable residents. We serve residents in each of Maryland’s 24 jurisdictions and handle a range of civil legal matters, including housing cases involving substandard conditions. MLA urges the Committee’s favorable report on HB1117, which would strengthen private remedies against hazardous housing conditions and allows groups of tenants to file legal actions together.

HB1117 creates 5 long-needed reforms that enable renters to hold accountable negligent landlords who refuse to make necessary repairs to dangerous housing conditions:

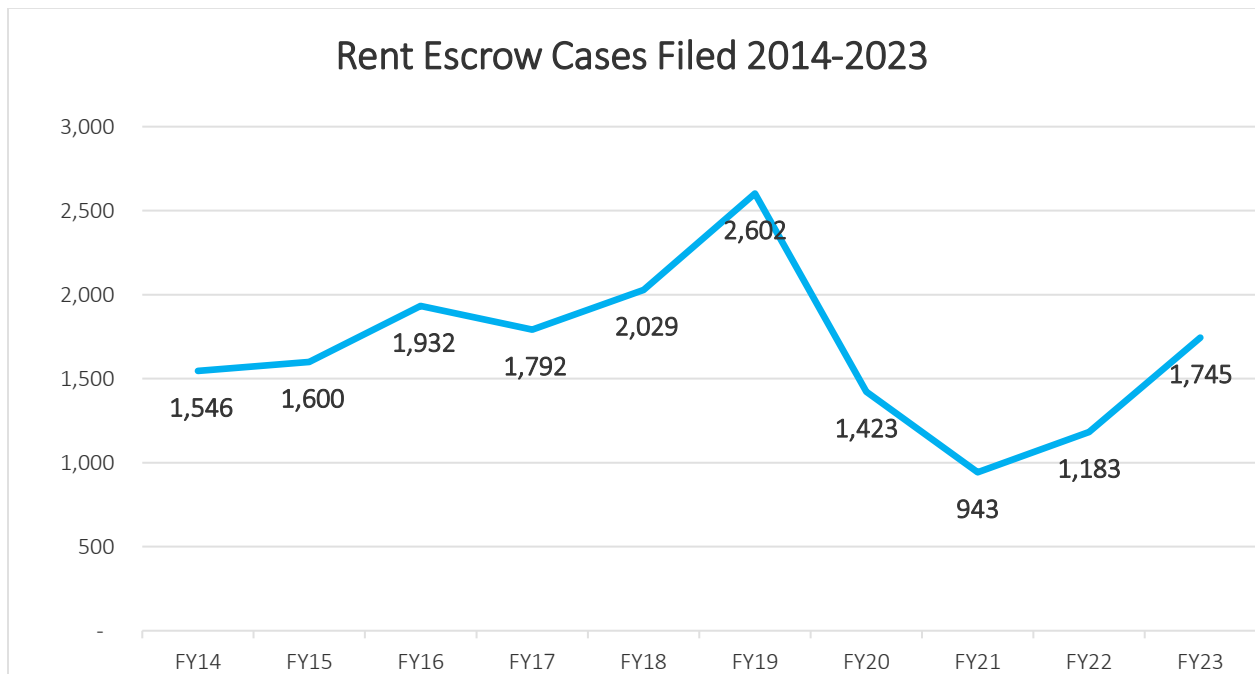
1. Enabling multiple tenants to join as plaintiffs in a single Rent Escrow action for repair of hazardous conditions that affect multiple units or commons areas of a building or complex.
2. Lowering the financial hurdle to initiating a Rent Escrow claim by setting a rebuttable presumption that prospective rent should be abated by 50 percent.
3. Codifying the Implied Warranty of Habitability (“IWH”), which is typically ignored in Maryland courts, and extending the multi-plaintiff approach to this remedy for actual damages.
4. Setting forth a “fee shifting” provision in the Rent Escrow and IWH causes of action, whereby prevailing tenants could win awards of attorney’s fees and costs, thereby attracting private counsel to these cases.
5. Including mold hazards as a specific basis for establishing a rent escrow and allowing courts to award the costs of mold testing to a prevailing tenant.

These reforms bring balance to Maryland’s nearly 50-year-old rent escrow law. HB1117 would significantly improve tenants’ ability to act collectively, quickly, and efficiently to compel potentially life-saving repairs.

“Rent Escrow” today is not accomplishing its legislated purpose.

In 1975 the General Assembly enacted the Rent Escrow law, proclaiming that “[I]t is the public policy of Maryland that *meaningful sanctions* be imposed upon those who allow dangerous conditions and defects to exist in leased premises, and that *an effective mechanism* be established for repairing these conditions and halting their creation.” Md. Code Ann., Real Prop. § 8-211(b) (emphasis added).

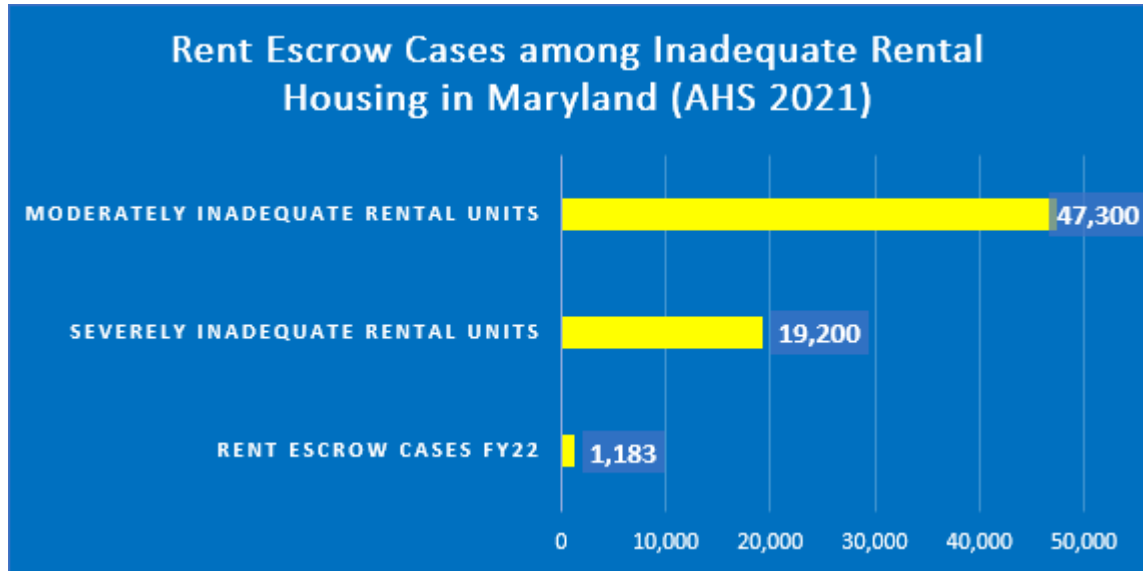
The Maryland Judiciary’s statistics on rent escrow filings also demonstrate the low utilization of rent escrow.



Source: District Court of Maryland, <https://www.mdcourts.gov/district/about#stats>

A ten-year average of 1,654 rent escrow cases per year means that renters, individually, file these cases only rarely. This underutilization is not due to a lack of substandard conditions. Over 66,000 renter households in Maryland reported [“severely” and “moderately” inadequate defects](#) in

the 2021 American Housing Survey.¹ There were 56 times more substandard rental units than rent escrow cases filed that year:



Sources: U.S. Census Bureau, American Housing Survey for the United States: 2021, Table Creator (Select area: Maryland, Select a table: Housing Quality); Maryland Judiciary, About the District Court: Statistics, <https://mdcourts.gov/district/about#stats>.

Why, then, are so few rent escrow actions filed? In MLA’s experience with our clients, the financial barriers to using the court process are high, and even where our clients can get through the initial hurdles, the impact of their cases is low. In practice, rent escrow cases minimize financial compensation to renters.

A ubiquitous court practice is to order a tenant to pay all rent allegedly owing at the time they raise their rent escrow claim, even though that allegation is in dispute. Effectively, the tenant must pay a deposit to be heard about the dispute, unlike any other civil consumer litigation. By taking this approach, courts ignore the tenant’s contractual right, i.e., the implied warranty of habitability (IWH), to set off the lowered value of the rental property in its substandard condition against the full rent. Additionally, this approach ignores the tenant’s right under the Rent Escrow statute to an abatement, or reduction, of the rent that must be paid into escrow.

Rent abatement is rarely granted, even though the Rent Escrow statute provides this relief unless the landlord shows cause to deny it. In our experience, judges rarely determine whether cause is shown to deny abatement. Instead, they ignore the issue or set it aside until a final proceeding –

¹ U.S. Census Bureau, American Housing Survey for the United States: 2021, Appendix A-13, <https://www2.census.gov/programs-surveys/ahs/2021/2021%20AHS%20Definitions.pdf>.

which our clients may not end up having. Failure to pay the ordered amount of rent into the court's escrow account typically leads to automatic dismissal of the case without a hearing.

In a 2017 study of over 5,000 rent escrow cases, the Baltimore Sun found that although housing inspectors reported threats to life, health and safety in 1,427 cases, judges established an escrow account in just 702 [49%] of them.”² “Judges reduced or waived rent in just 344 cases, or 6 percent of all complaints” and “awarded damages to tenants in fewer than 20 cases – less than one half of 1 percent of all cases.”³

Empirically, the Rent Escrow law has fallen short of a “meaningful sanction” that provides an “effective mechanism” to combat substandard housing. HB1117 proposes 5 reforms that can steer this court process back to its intended purpose.

Add a multi-plaintiff mechanism to the Rent Escrow process

This year's version of the Tenant Safety Act strikes the “lead petition” mechanism that marked prior bills. Rather than use a single petitioner to initiate a group action, HB1117 adds express language into the Rent Escrow law that would allow multiple tenants, under existing civil rules of joinder, to initiate one action for rent escrow.

Under Maryland Rule 3-212, joinder allows that

“[a]ll persons may join in one action as plaintiffs if they assert a right to relief jointly, severally, or in the alternative in respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences, and if any question of law or fact common to all these persons will arise in the action. . . . A plaintiff or defendant need not be interested in obtaining or defending against all relief demanded. Judgment may be given for one or more of the plaintiffs according to their respective rights to relief and against one or more defendants according to their respective liabilities.”

By expressly incorporating the joinder rule, HB1117 would ensure that district courts allow multiple households to assert together that similar dangerous defects affect multiple units or common areas in a multi-family property. In a multi-plaintiff version of Rent Escrow, the state's policy would continue to condition relief on each plaintiff's payment of rent into a court account.

² Doug Donovan and Jean Marbella, “Dismissed: Tenants lose, landlords win in Baltimore's rent court,” The Baltimore Sun (2017) (attached).

³ *Id.*

The bill leaves to judges' sound discretion how the court should proceed with taking testimony for multiple tenants about multiple units throughout the proceedings.

The multi-plaintiff filing creates efficiency and ensures consistent legal outcomes for tenants facing similar problems in their building. More importantly, by filing together, renters may reduce the likelihood of retaliation against any one litigant.

Recalibrate the rent abatement and order of payment into escrow

The Tenant Safety Act brings focus to the rent abatement, setting a rebuttable presumption that rent should be reduced by 50% at the time an escrow account is established. In other words, where a court has already established that substandard conditions exist that warrant establishing an escrow account and order of repairs, the court would reduce by half the amount of rent due under the lease. A landlord may overcome this presumption just as, in existing law, the landlord may show good cause to deny an abatement altogether. MLA believes based on practice in courts throughout the state that the presumptive 50% abatement is necessary as an instruction to judges to consider abatement timely and deliberatively. This is a correction on the broken, ineffective state of the law. Additionally, this provision of the Tenant Safety Act lowers the financial barrier to invoking the Rent Escrow process, with the likely effect of increasing the number of Rent Escrow cases that move forward to an order of repairs and the court's monitoring the completing of repairs.

The bill also clarifies that payments of rent into escrow are limited to prospective rent.

A Failed Rent Escrow in District 43A

Our client Ms. Elliot had a severe flood in her finished basement, which damaged the walls and caused around \$1,300 in damage to her personal property. The unit also had plumbing issues that caused raw sewage to enter the property. After the landlord did not fix the plumbing or clean the sewage, Ms. Elliot paid \$1,700 out of pocket for a plumber. During that month, Ms. Elliot's children were sick, presumably from the lack of sanitation, and her family had to spend several nights in a hotel, at their own expense. Instead of compensating Ms. Elliot and remediating the property, the landlord sued her in a "Failure to Pay Rent" eviction case in December. MLA raised a defense under the Rent Escrow law.

At the initial Rent Escrow hearing, the court refused to reduce back rent, to abate prospective rent, or to consider Ms. Elliot's out-of-pocket costs. Instead, the judge ordered her to pay \$5,800 to establish the escrow (three months of back rent, plus rent for the current month). The court said Ms. Elliot could argue for abatement at a future hearing at the case's end. However, when she was unable to pay that high amount into her escrow, the court dismissed her case and entered a judgment to evict her based on the back rent and fees.

Consequently, the court did not order repairs or ensure that Ms. Elliot's home was safe to live in. The court's eviction order forces Ms. Elliot to pay the full market rate of a home in substandard condition, else be evicted. Her out-of-pocket payments during this ordeal are just sunk costs that she could not afford and will never recoup.

Under the Tenant Safety Act, “back rent” owed at the time that a tenant raises their Rent Escrow claim should be adjudicated within the framework of the Warranty of Habitability. Payment of “back rent” would no longer be a precondition to the tenant’s Rent Escrow case, which would move forward based on the tenant’s paying current and future rent into court.

Codify a cause of action for violation of the Warranty of Habitability

HB1117 expressly states that a warranty of habitability is implied in all rental agreements and additionally provides both affirmative and defensive claims for violation of the warranty. Although “[t]he concept of an implied warranty of habitability is no stranger to the common law,”⁴ Maryland district courts invariably deny tenants’ claims based on violation of the warranty in part because judges interpret the rent escrow statute as overriding the warranty. For instance, when a tenant raises dangerous defects as a set-off defense to non-payment of rent, the bench may respond, “If you are asserting that there are poor conditions, you must file an escrow case.” This ubiquitous confusion of two distinct legal claims – one for compensation based on past defects, the other for injunctive relief (repairs, rent abatement) based on continuing defects – requires the clarification offered by this bill.

Permit awards of attorney’s fees and costs to prevailing tenants

The fee-shifting provision in HB1117 would increase the accessibility and effectiveness of the Rent Escrow process. Opponents of the bill have objected to this language that allows a court to award attorneys’ fees to the prevailing tenants. This Committee is well-aware that fee-shifting provisions depart from the “American Rule” on attorney’s fees, i.e., that each party is responsible for paying their own attorneys’ fees, regardless of the outcome of the case. Fee-shifting breaks with the rule to promote utilization and enforcement of remedial laws. Civil rights, consumer protection, and environmental laws are examples. Another example is Maryland’s retaliatory eviction statute (Real Prop. § 8-208.1) whereby a court may award attorneys’ fees to the tenant who prevails in showing that their landlord retaliated by attempting an eviction. HB1117 proposes the same measure for Rent Escrow and the Warranty of Habitability.

Absent a fee-shifting mechanism, few attorneys in the private bar represent tenants in rent escrow cases. Their potential clients, who typically earn low incomes, are unlikely to be able to afford to pay attorney fees. Nor can these renters obtain free legal representation for affirmative rent escrow cases under the Access to Counsel in Evictions law. Under the recent enactment, the Access to Counsel law did not include affirmative rent escrow actions except where the renter has

⁴ *Jack Spring, Inc. v. Little*, 50 Ill. 2d 351, 360 (1972).

been constructively evicted (meaning, they have already temporarily or permanently vacated the rental unit).

Maryland Legal Aid frequently raises Rent Escrow claims on behalf of our income-eligible clients, but we do not have the resources to meet all requests for assistance. The availability of an attorneys' fee award would increase the likelihood that low-income renters are able to obtain legal representation, which in turn boosts the likelihood that they utilize the laws that the General Assembly intended for their protection.

Notably, the rent escrow statute already includes a provision by which landlords may win an award of attorneys' fees if the court finds the rent escrow action was frivolous or brought in bad faith.

Address mold hazards in the Rent Escrow process

The Tenant Safety Act adds "mold... that presents serious and substantial threat to the health of the occupants" as one of six specific grounds for establishing a rent escrow. Although opponents of this measure suggest that "mold" is already a basis for establishing rent escrow, practitioners know that the courts are inconsistent in how they view the appearance of mold under the rent escrow law. The language in HB1117 will clarify for judges, landlords, and tenants alike that mold hazards are cognizable under the statute and, furthermore, that the health of the tenant would be a factor in how a court assesses mold in establishing an escrow case.

In addition, the bill specifies that the cost of mold testing, among other costs of litigation, may be awarded to a prevailing tenant. The average cost of a professional mold inspection in mid-sized home is around \$640 and air testing may run between \$240 and \$360.⁵ Although professional services for inspecting and testing mold hazards are necessary to a viable Rent Escrow case, low-income renters are typically unable to absorb such high costs.

For all the foregoing reasons, **Maryland Legal Aid urges the Committee's favorable report on HB1117**. If you have any questions, please contact:

Zafar S. Shah
Assistant Advocacy Director – Tenants' Right to Counsel Project
zshah@mdlaborg | (443) 202-4478

⁵ Lawrence Bonk, "How Much Does Mold Inspection Cost In 2024?" Forbes Home (28 Nov. 2023), available at www.forbes.com/home-improvement/home-emergencies/mold-inspection-cost/#cost_of_mold_testing_by_type_section.

Gregory Countess
Director of Advocacy for Housing and Community Economic Development
gcountess@mdlaboratory.org | (410) 951-7687

HB1117 - Tenant Safety Act FAV written .pdf

Uploaded by: Zoe Gallagher

Position: FAV



Testimony to the House Environment and Transportation Committee
HB01117 - Landlord and Tenant – Failure to Repair Serious and Dangerous Defects - Tenant Remedies
(Tenant Safety Act)
Position: Favorable

2/27/2024

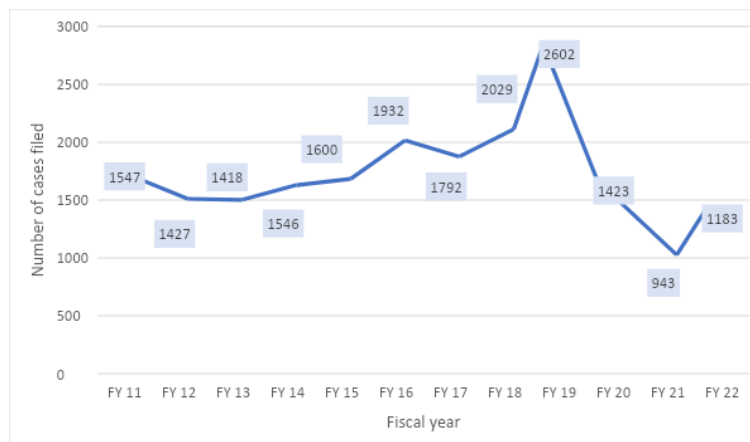
The Honorable Delegate Korman, Chair
Environment and Transportation Committee
Room 251
House Office Building
Annapolis, MD 21401

CC: Members of the House Environment and Transportation Committee

Economic Action Maryland (formerly the Maryland Consumer Rights Coalition) is a people-centered movement to expand economic rights, housing justice, and community reinvestment for working families, low-income communities, and communities of color. Economic Action Maryland provides direct assistance today while passing legislation and regulations to create systemic change in the future.

I am writing to urge your favorable report on HB1117 because it would support tenants facing dangerous conditions in accessing rent escrow.

As it stands, there are many more tenants suffering with uninhabitable living conditions than file for rent escrow. For many, the prospect of bringing an individual lawsuit raises insurmountable fear of retaliation and abuse by unscrupulous landlords. The intimidating prospect of facing off against landlords and judges chills their pursuit of a remedy. These factors help to explain the paltry numbers of rent escrow actions filed by individual renters each year.



Data Source: Maryland Judiciary, <https://mdcourts.gov/district/about#stats>



HB01117 addresses such obstacles by introducing a group filing procedure to the rent escrow law (Real Property § 8-211). By allowing tenants to join their interests together, this bill would have an enormous impact on tenants' ability to organize quickly and efficiently to compel landlords to make potentially life-saving repairs. HB01117 would enable a single tenant to file a rent escrow case about building and unit conditions that other tenants with the same landlord facing similar conditions on the same property could join. Moreover, the bill ensures landlord accountability by enabling tenants to seek damages and attorney's fees from negligent landlords who refuse to make necessary repairs to uninhabitable conditions.

HB01117 mirrors an existing procedure in New York City called the "group HP process," which routinely supports tenants in addressing harmful building conditions quickly and collectively in a summary process. Our organization supports the Tenant Safety Act because we believe Maryland renters deserve the same opportunity to build power for better housing.

HB01117 supports tenant organizing for repairs to conditions that threaten life, health and safety

HB01117 facilitates tenants in demanding necessary housing improvements that would benefit all Marylanders, renters and homeowners alike. The bill allows a group of tenants living on the same premises with the same landlord to ask the Court to order the landlord to make repairs to serious threats to life, health or safety.

In individual habitability actions, tenants face a massive power imbalance when seeking necessary repairs from their landlords. In response to an individual escrow filing, landlords can, and do, refuse to act or refuse to extend a tenant's lease. Landlords can also easily harass individual tenants, file an eviction, or unilaterally lock the tenant out, despite the fact that it is illegal to do so. In providing a group option for seeking repairs through the courts, HB01117 reduces the likelihood of intimidation of individual tenants and ensures that those living in truly threatening housing conditions will have a fair shot at compelling negligent landlords to act in the interest of life, health and safety.

HB01117 gives tenants more power to compel repairs by ensuring that tenants and courts can hold negligent landlords accountable

As it stands, the only remedies available to tenants that file rent escrow for repairs are rent abatement, distribution of escrow funds or an injunction 90 days after a court finding that the conditions complained of by the tenant exist. These remedies alone, however, have proven unavailing with numerous negligent landlords. There are also limited legal services available to support low-income tenants pursuing rent escrow, which means that tenants often must file on their own or forgo filing altogether.

HB01117 strengthens the remedies available to tenants and ensures that tenants can hold landlords responsible for negligence and delay in a way that fully accounts for the harm they suffer. First, by providing groups of tenants with the opportunity to file together, tenants will be able to hold landlords accountable for the repairs they are already legally required to make. Second, the bill also codifies the already-existing implied warranty of habitability and clarifies an individual tenant's right to enforce it. Landlords are currently required to ensure their properties are suitable for human habitation, but



negligent landlords often freely collect rent without being held to this basic, common-sense standard. HB01117 provides an important tool to hold these negligent landlords accountable. Finally, the attorney's fees provision increases the likelihood that tenants will be able to avail themselves of legal services, as they will be able to enlist attorneys whose practices depend upon the ability to recoup reasonable fees. Landlords are usually represented by attorneys in these matters, so this provision helps level the playing field.

HB01117 promotes judicial economy by allowing tenants to address building or complex-wide conditions issues in a single case

HB01117 also has the added benefit of allowing for resolution of tenants' conditions issues with the same landlord and increasing access to justice overall.

Currently, it is difficult for a group of tenants to bring an action against a landlord together. It is functionally impossible to bring an escrow case on behalf of a group of tenants because class actions are not permitted in District Court while rent escrow cases are within the exclusive jurisdiction of District Court. While joinder of tenants may be possible in some cases, it is not common in the current practice of the District Court. Instead, tenants on the same premises with the same landlord are generally required to file individual actions, with each tenant paying a filing fee and drafting a separate complaint. HB01117 would explicitly provide a mechanism for tenants to raise related issues and conditions in a single, streamlined case in court, and provide tenants with better access to justice – a change that simply makes more sense.

Economic Action Maryland is a member of the Renters United Maryland coalition and asks that the Committee issue a report of FAVORABLE on HB01117.

Sincerely,
Zoe Gallagher, Policy Associate

MMHA - 2024 - HB 1117 - Tenant Safety Act(2).pdf

Uploaded by: Aaron Greenfield

Position: UNF



Bill Title: House Bill 1117, Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act of 2024)

Committee: Environment and Transportation Committee

Date: February 27, 2024

Position: Unfavorable

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose membership consists of owners and managers of more than 207,246 rental housing homes in more than 937 apartment communities. Our members house over 667,000 residents of the State of Maryland throughout the entire State of Maryland. MMHA membership also includes more than 216 associate members that supply goods and services to the multi-housing industry. More information is available at <https://www.mmhaonline.org/>

House Bill 1117 establishes that a landlord who offers a residential dwelling unit for rent is deemed to warrant the dwelling fit for human habitation. The bill adds to the list of what constitutes dangerous conditions and defects for which a tenant may obtain relief under the rent escrow statute by including “the existence of mold hazards”. House Bill 1117 purports to follow the Maryland Rules on Joinder in order to allow multiple tenants to “join” as Plaintiffs in a rent escrow or breach of warranty of habitability claim. The court may order a tenant with remedies relating to the breach of warranty of habitability, including actual damages, abatement of rent, and lease termination.

MMHA opposes this bill because it seeks to dismantle Maryland’s long standing rent escrow procedure which balances the rights of tenants to live in housing free of serious and substantial defects with the responsibilities of landlords to supply such housing. This bill further establishes a specialized type of multi-plaintiff litigation which circumvents Maryland’s current stringent judicial process to certify class actions, usurping judicial discretion and upending the protections provided by current rent escrow proceedings.

I. Rent Escrow

Maryland Real Property Code, Rent Escrow Code Section 8-211: This Legislature passed Maryland’s Rent Escrow statute for the specific purpose of “providing tenants with a mechanism for encouraging the repair of serious and dangerous defects which exist within or as part of any residential dwelling unit or on property used in common of which the dwelling unit is a part”.

The statute has very specific requirements. For example:



- applies only to “serious and substantial defects and conditions” defined by the statute
- requires a tenant to provide notice of the defect to the landlord
- requires a tenant to escrow their rent while repairs are being made
- allows the landlord to have a “reasonable time” to address defects
- and most importantly, allows the Court to determine appropriate remedies based upon the situation. These include rent abatement and credits, entering injunctions allowing 3rd parties to make needed repairs and even termination of the lease.

This legislature intended that the rent escrow statute would require housing providers to swiftly cure a defect in rented property and provide tenants with a simple and timely remedy to keep their rented homes safe. While the Bill retains the tenant’s ability to pay rent into escrow while the defect issue is resolved; it now inexplicably broadens the current statute’s “Affirmative Defense” regarding defects or conditions by also allowing a Tenant to bring “ANY OTHER DEFENSE” regardless of whether it has anything to do with property defects., see page 4, line 23 Furthermore the creation of an entirely new multiple plaintiff cause of action under the rent escrow statute is not only complicated, it will destroy the rapid response mechanism devised by this legislature to assure that defective conditions in rental property are timely repaired and tenants are protected.

II. Concerns with House Bill 1117

- Adding mold hazards to rent escrow: The bill adds the existence of mold that presents a serious and substantial threat to the health of the occupants (page 3, lines 17-18). Passed by this Committee, Chapter 347 of 2023 established the Workgroup on Mold Standards and Remediation to study information on mold assessment and remediation to determine the best practices for identifying mold. That Workgroup continues to meet and is due to submit a report to the General Assembly in October of 2024. Until the Workgroup concludes its work, adding mold hazards at this time is premature. Thus, MMHA urges that Committee to strike this language.
- Maryland Rules on Joinder: This bill allows multiple tenants to join as plaintiffs in a rent escrow action (page 4, lines 26-27) or breach of the warrant of habitability (page 8, lines 23-25) in accordance with the Maryland Rules on Joinder. Joinder of plaintiffs in an action under RP § 8-211 would likely subvert that purpose of the joinder rules by increasing complexity, time, and expense of highly individualized proceedings. Joinder in an action under RP § 8-211 would fall under the purview of Rule 3-212. Under that rule, all persons may join in one action as plaintiff if: (1) they assert a right to relief jointly, severally, or in the alternative in respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences, and (2) if any question of law or fact common to all these persons will arise in the action. The purpose of Maryland Rules on the joinder of parties is “to simplify and expedite proceedings and to avoid the useless publication, expense, and possible uncertainty of more than one trial.” Allen Whalen v. Crimberg Co., 229 Md. 585 (1962). The typical rent escrow case involves the need to



MARYLAND MULTI-HOUSING ASSOCIATION, INC.

address a particularized problem or problems in a specific tenant’s rental unit. Even in multifamily buildings, a tenant’s repair issues are generally unique to their living situation and are easily identifiable through tenant complaints and inspections by the landlord or Code Officials. Housing providers must repair and eliminate conditions that are a serious threat to the life, health, or safety of occupants. If a housing provider fails to repair serious or dangerous problems in a rental unit, a resident has the right to pay rent into an escrow account established at the local District Court. In many cases, a rent escrow action can result in multiple hearings tracking the progress of abatement on a specific issue in a tenant’s rental unit. The Court will hold the rent until a Judge hears the case and decides what, **if any**, rent should be returned to the tenant or to the housing provider which under Williams v. Authority of Baltimore City, 361 Md. 143 (2000) “[is] *emphasis added*... limited to the difference between the amount of rent paid or owed and the reasonable rental value of the dwelling in its deteriorated condition commencing from the time that the landlord acquired actual knowledge of the breach [of warranty]”. The Court also has the power to terminate the lease, issue an injunction to have repairs made by someone other than the housing provider, appoint a special administrator to assure that repairs are made and to use escrowed funds to avoid foreclosure on the property if the housing provider fails to pay the mortgage. For the vast majority of escrow cases, there will be no commonality between any questions of law or fact. An escrow account would still be required for each individual plaintiff, a finding of fact would still be required on the specific conditions alleged in each unit, and an order of relief would still be required based on the specific situation and reasonable rental value of each unit. Even if common questions of fact or law exist between plaintiffs, the highly individualized relief required by the statute would likely subvert the purpose of joinder by prolonging proceedings and increasing the amount of trial and hearing dates until all issues are addressed and/or corrected for each plaintiff.

- Rebuttable Presumptions: HB 1117 initiates a new and heretofore unprecedented “rebuttable presumption” that essentially upends the long-held balance of this statute. By establishing that in a rent escrow action, there is a rebuttable presumption that a tenant is entitled to adjudication of a request for rent abatement, abatement of prospective rent and may not be required to pay into escrow more than 50% of the amount of rent required by the lease. What if the rent escrow matter is frivolous? What if the rent escrow action is a delay tactic by the tenant to pay rent? MMHA believes that the tenant(s) should be penalized for such actions and the housing provider entitled to reasonable attorneys’ fees and costs related to the litigation. Furthermore, it is not unusual for a claim of “rent escrow” to first be brought at the trial of the Failure to Pay Rent case, without any notice from the tenant. In such cases it would be unjustifiable for the provisions on page 5 lines 1-15 to be exercised by the tenant or the Court without providing the landlord with the possibility of a postponement to determine the veracity of the allegations being made and to respond to them. As such ADD the following language at page 5, line 8 after (II) 1. WHERE THE TENANT FIRST BRINGS AN ALLEGATION OF DEFECT AT THE TRIAL OF A FAILURE TO PAY RENT CASE THE LANDLORD WILL, UPON REQUEST, BE GRANTED A POSTPONMENT OF THE CASE IN ORDER TO



MARYLAND MULTI-HOUSING ASSOCIATION, INC.

PROVIDE EVIDENCE AND ADDITIONAL INFORMATION TO THE COURT REGARDING THE ALLEGATIONS OF DEFECTS IN THE RENTAL PROPERTY.

- Tenant Recovery: The bill permits the court to order any relief including reasonable attorney's fees and costs and reasonable expenses related to litigation in a rent escrow action or breach of the warrant of habitability. Again, if the tenant(s) claim is frivolous, the prevailing party, not only the tenant, should be entitled to reasonable attorney's fees and costs related to the case.

For these reasons, we respectfully request an unfavorable report on House Bill 1117.

For additional information, please contact Aaron J. Greenfield, 410.446.1992

HB 1117 RMI Testimony.pdf

Uploaded by: Katherine Howard

Position: UNF

REGIONAL MANAGEMENT INC.

House Bill 1117
Landlord and Tenant - Failure to Repair Serious and Dangerous Defects
Tenant Remedies (Tenant Safety Act of 2024)
February 27, 2024

Position: Unfavorable

Regional Management, Inc, (RMI) is a property management company which has, for over 60 years, managed over 5,000 units of affordable, market rate, residential properties in Baltimore City and County. RMI is a founding member of the Maryland MultiHousing Association.

House Bill 1117 would establish that a landlord who offers a residential dwelling unit for rent is now deemed to warrant the dwelling fit for human habitation. The bill adds to the list of what constitutes dangerous conditions and defects for which a tenant may obtain relief under the rent escrow statute by prematurely including “the existence of mold hazards”. House Bill 1117 purports to allow multiple tenants to “join” as Plaintiffs in a rent escrow or breach of warranty of habitability claim, despite the fact that the Maryland Rules on Joinder would be available to them now, as long as they meet the standards set in the rule regarding joinder.

RMI opposes this bill because it seeks to dismantle Maryland’s long standing rent escrow procedure which balances the rights of tenants to live in housing free of serious and substantial defects with the responsibilities of landlords to supply such housing. It seeks to change the amounts of rent that should be escrowed in the courts while the case is ongoing upending the finely tuned balance established in rent escrow cases by two Gubernatorial Task Forces regarding Landlord Tenant Laws. This bill’s “joinder” section seeks to create a different type of Joinder rule for rent escrow through a specialized type of multi-plaintiff litigation which circumvents Maryland’s current stringent judicial process regarding permissive joinder rules, usurping judicial discretion and upending the protections for both tenants and landlords through the escrow process.

For these reasons RMI asks for an unfavorable report

Respectfully Submitted,
Katherine Kelly Howard, General Counsel for RMI

hb1117.pdf

Uploaded by: Linda Miller

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Environment and Transportation Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1117
Landlord and Tenant – Failure to Repair Serious and Dangerous
Defects – Tenant Remedies (Tenant Safety Act)
DATE: February 21, 2024
(2/27)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 1117. This bill amends Real Property § 8–211 to state that a landlord that offers a residential dwelling unit for rent, whether by written or oral lease or agreement, shall be deemed to warrant that the dwelling is fit for human habitation and the landlord is obligated to repair and eliminate conditions and effects that constitute a fire hazard or serious and substantial threat to life, health or safety of occupants. It adds the existence of mold in a dwelling unit that presents a serious or substantial health threat to the occupants as one of the conditions or defects for which a tenant can seek legal remedies.

The Judiciary recognizes that the legislature is the policy-making branch and defers to its authority on the public policy matters within the bill. However, there are certain operational and drafting issues that cause concern.

For example, on page 4, lines 28–30, the Judiciary is directed to adjudicate requests for rent abatement and on page 5, lines 1–7, the bill creates a rebuttable presumption that a tenant is entitled to an abatement of prospective rent and may not be required to pay into escrow more than 50 percent of the amount of rent required by the lease. Given that the bill allows for the joinder of multiple tenants, these provisions pose issues in distributing funds and fashioning judgments. Additionally, the language at lines 11-15 pose the same concerns. On page 7, lines 21–22, the bill would permit a tenant to recover, among other things, “reasonable expenses related to litigation, such as expenses for a mold assessment at the residence of the tenant,” which may be unworkable and pose issues in those cases that involve multiple tenants joined or certified as a class, as there would be variations among the amounts paid for such assessments. Further, on page 8, lines 23-25, the language allowing multiple tenants to join as plaintiffs could potentially confuse the specifics as to each unit, i.e., the units may have one common threat, but various other threats to life, health, safety. All of these issues remove the needed discretion of a judge

to adjudicate each case based on the unique facts of the case and the evidence presented at the hearing.

Second, the language on page 3, lines 17–18, “serious and substantial” is vague and overly broad in that the bill does not specify how much mold would trigger a landlord’s duty to eliminate the defect or what evidence would be admissible to demonstrate the existence of mold. The Judiciary recognizes that mold can be a condition that impacts the health and safety of tenants but the current language will cause varying interpretations and application.

Finally, HB 1117 seeks to create a separate cause of action in § 8–212 for the breach of the warranty of habitability. However, by incorporating the very same defects into the rent escrow section of Real Property § 8–211 (D) (at page 3 lines 1-7), the two actions (rent escrow and breach of warranty of habitability) are conflated. It is unclear how to read these sections in tandem and it is confusing and unworkable. While the Judiciary recognizes that the overall fitness for habitability is very important as it applies to the condition of the property, it is a *separate cause of action* and is misplaced as incorporated in § 8–211. As proposed, this structure would subvert the requirements of the tenant to pay rent to the court while the landlord is required to make repairs or correct the conditions found by the court. This bill conflates two causes of action – a rent escrow action and action for breach of warranty of habitability.

By way of example, Baltimore City PLL § 9-14.1 governs this type of implied warranty of fitness. The warranty of habitability is a continuing warranty and allows the tenant to pursue legal action, *separate from an escrow action*, for breach of this warranty at any time during the tenancy if the dwelling becomes unfit for human habitation.

The Judiciary request an unfavorable report as to HB 1117.

cc. Hon. Vaughn Stewart
Judicial Council
Legislative Committee

MBIA Letter of Opposition HB 1117.pdf

Uploaded by: Lori Graf

Position: UNF

February 23, 2024

The Honorable Marc Korman
Chairman, House Environment & Transportation Committee
Room 251, House Office Building
Annapolis, Maryland 21401

RE: MBIA Letter of Opposition HB 1117 Landlord and Tenant – Failure to Repair Serious and Dangerous Defects – Tenant Remedies (Tenant Safety Act of 2024).

Dear Chairman Korman,

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **HB 1117 Landlord and Tenant – Failure to Repair Serious and Dangerous Defects – Tenant Remedies (Tenant Safety Act of 2024)**.

This bill proposes significant changes to Maryland's rent escrow procedures, aiming to broaden tenants' rights and streamline multi-plaintiff litigation. MBIA opposes this measure.

Maryland's rent escrow statute was originally designed to prompt landlords to address serious defects in a timely manner. The current statute outlines specific requirements for tenants, such as notice to the landlord if there is a defect, escrowing rent during repairs, and court-mediated remedies based on the situation. While the bill maintains the tenant's ability to pay rent into escrow during repairs, it expands the tenant's ability to withhold rent for reasons unrelated to property defects. This will put a costly burden on landlords. Additionally, the creation of an entirely new multiple plaintiff cause of action under the rent escrow statute is complicated and threatens the swift procedure for resolving defects that the legislature originally put in place. MBIA also urges the Committee to wait until the Workgroup on Mold Standards concludes its work before adding mold hazards to rent escrow.

For these reasons, MBIA respectfully urges the Committee to give this measure **an unfavorable** report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the House Environment & Transportation Committee

HB 1117-- AOBA--UNF.pdf

Uploaded by: Ryan Washington

Position: UNF



Bill No: HB 1117-- Landlord and Tenant—Failure to Repair Serious and Dangerous Defects—Tenant Remedies (Tenant Safety Act of 2024)

Committee: Environment and Transportation

Date: February 27, 2024

Position: Unfavorable

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George’s Counties.

House Bill 1117 establishes that rental housing providers shall warrant the units fit for human habitation and are obligated to repair and eliminate conditions and defects that constitute health and safety concerns. The existence of mold in a dwelling unit that presents a serious and substantial threat to the resident's health is also established in this bill and can make an affirmative defense for rent escrow or refusal to pay rent. HB 1117 authorizes multiple residents to join in an action seeking remedies on behalf of a group of residents if a housing provider fails to repair serious and dangerous defects on the property. Additionally, a group of residents or a tenant organization can employ remedies for any violation failing to repair defects in multiple units.

AOBA opposes this legislation for the following reasons:

- The bill will amend the rent escrow process and create a new process for residents to utilize the Court’s as a defensive measure; and
- Existing rent escrow laws provide protection for residents.

AOBA appreciates the bill sponsor adding provisions of the bill to allow for a resident to notify the housing provider and provide reasonable time to make abatement for any severe defects. As drafted, a group of tenants can employ remedies on behalf of

a resident. This presents grave concerns for AOBA members as it creates a new process for class action suits for one individual to represent an entire group without legal rights and liabilities to speak for other residents and bring an action to a housing provider. This bill essentially creates a "collective action" that conceptually fails to be a useful model for rent escrow proceedings. Residents use rent escrow to get the courts to require a housing provider to perform necessary repairs in the dwelling unit. Collective action will prolong the process for remedies and delay repairs as there are specific rules within the statute that the housing provider and resident must follow to ensure the Court determines the facts and appropriate remedies for each case.

Even where a defect might affect a common area or an entire building (for instance, if the whole roof collapses or the heat is out in the entire building), the unique impact experienced in each rental unit and/or by each tenant mitigates against the "collective action's" core idea that all tenants are similarly situated claimants who can rely on one person to represent their interests. This bill uses a one size fits all approach to defects that may vary from other units.

AOBA members believe the existing rent escrow statute provides potent remedies to protect tenants. Unlike complicated class action litigation, the typical rent escrow case involves addressing a particular problem or problems in a specific resident's rental unit. Even in multifamily buildings, residents' repair issues are generally unique to their living situation and easily identifiable through resident complaints and inspections by the housing provider or Code Officials. Housing providers must repair and eliminate conditions that seriously threaten occupants' life, health, or safety. Suppose a housing provider fails to fix severe or dangerous problems in a rental unit. In that case, a resident can pay rent into an escrow account established at the local District Court.

For these reasons, AOBA urges an unfavorable report on HB 1117. For further information, contact Ryan Washington, AOBA Government Affairs Manager, at rwashington@aoba-metro.org or call 202-770-7713.

HB 1117_ realtors_unf.pdf

Uploaded by: William Castelli

Position: UNF



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.

**For more information contact lisa.mays@mdrealtor.org or
christa.mcgee@mdrealtor.org**

House Bill 1117 - Landlord and Tenant - Failure to

Uploaded by: Crystal Hypolite

Position: INFO

Robin Carter
Chairperson, Board of Commissioners

Janet Abrahams
President | Chief Executive Officer



HB 1117

February 27, 2024

TO: Members of the Environment and Transportation Committee

FROM: Janet Abrahams, HABC President & CEO

RE: House Bill 1117 - Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act)

POSITION: Letter of Information

Chair Korman, Vice Chair Boyce, and Members of the Committee, please be advised that the Housing Authority of Baltimore City (HABC) wishes to submit information on HB 1117.

HABC offers affordable housing opportunities through our Public Housing and Housing Choice Voucher (HCV) programs, serving 44,000 individuals throughout Baltimore City. HABC currently owns and operates 6,000 public housing units located at 10 conventional public housing developments and various scattered sites. The average age of these sites are 78 years and immediate capital needs are estimated at over \$120,000 million. HABC's housing programs are funded and regulated by the U.S Department of Housing and Urban Development (HUD), which has established guidelines that all housing must be decent, safe, sanitary and in good repair.

HB 1117 authorizes a tenant to bring a civil action for money damages against a landlord if a landlord fails to repair certain mold hazards that constitute dangerous conditions and defects for which a tenant may obtain reliefs within a reasonable time and the award of reasonable attorney's fees to prevailing tenants.

HABC has a 24-hour turnaround for emergency repairs and maintenance as required by HUD . HABC has an operating order which sets forth the procedures for addressing and responding to reports of mold and moisture infiltration. Residents are provided with a mold prevention notice, upon the signing of a lease, during recertification and upon request by the resident and any moisture related maintenance visits that are made to the unit. HABC employs an Environmental Engineer ("EE") which serves as HABC's mold remediation expert.

A report of mold or fungal growth may occur either upon observation by an HABC staff member or by report from a resident. The remediation process is designed to contain, remove, and/or clean the mold contaminated material. The moisture source or event and mold contamination must be addressed. Repaired areas shall be cleaned, plastered, painted, and otherwise completed within one (1) month of the Work Order being initiated. While HABC understands the critical importance of making timely repairs to defects that present a threat to life, health and safety, we have concerns as the bill does not specify the exact type of mold.

This legislation potentially exposes HABC to expensive and extensive lawsuits, which would threaten our already limited resources to meet the city's need for the provision of affordable housing by allowing one tenant or tenant organization to bring a claim on behalf of tenants who are (actually, allegedly or potentially) impacted by the conditions. This legislation could become especially problematic in HABC's larger public housing developments, where a rent escrow case could be filed on behalf of the entire development for conditions that may exist in one unit.

Housing Authority of Baltimore City | 417 East Fayette Street, Baltimore, MD 21202

410.396.3232 www.HABC.org @BmoreHabc

While HABC agrees with the bill's intent to protect tenants from dangerous defects in a dwelling unit, we respectfully request that the information above is considered in relation to House Bill 1117.

Respectfully submitted.

Janet Abrahams, HABC President & CEO

Housing Authority of Baltimore City | 417 East Fayette Street, Baltimore, MD 21202

 410.396.3232  www.HABC.org    @BmoreHabc 