

HB 1117 - Landlord and Tenant – Failure to Repair Serious and Dangerous Defects -**Tenant Remedies (Tenant Safety Act)****Hearing of the Senate Judicial Proceedings Committee, April 2, 2024****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 HB 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.

HB 1117 would help tenants hold landlords accountable for refusing to fix severe conditions of disrepair that threaten their life, health, or safety. This bill was significantly amended in the House to address concerns from the Maryland Judiciary and the landlord industry, including allowing the court to separate joined cases to avoid delay, removing mold, separating the warrant of habitability from the rent escrow section, and providing landlords with an opportunity to seek a postponement if requested. We urge you to move favorable!

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

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/12-10-19hou-factsheet-us.pdf>.

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 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.

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.