



HOMELESS PERSONS REPRESENTATION PROJECT, INC.

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Support – HB 50 – Landlord and Tenant – Residential Leases – Tenant Rights and Protections (Tenant Protection Act of 2021) Hearing of the Environment & Transportation Committee, January 26, 2021

The Homeless Persons Representation Project, Inc. (HPRP) is a non-profit civil legal aid organization that provides free legal representation to people who are homeless or at risk of homelessness on legal issues that will lead to an end to homelessness. HPRP regularly represents tenants in failure to pay rent cases and other landlord-tenant matters in Baltimore City.

HB 50 is an omnibus renters' rights bill that will provide important protections to tenants throughout Maryland, including issues related to the return of a tenant's security deposit and providing additional safety measures for survivors of domestic violence, sexual assault, and stalking. Under current landlord-tenant law, a landlord has forty-five days to either return the security deposit to a tenant who has moved out or to provide "a written list of the damages" claimed by the landlord "together with a statement of the cost actually incurred."¹ HB 50 would require landlords to provide supporting documentation for repair work that is the basis for withholding the security deposit so that a tenant may identify the services provided and the materials used by the landlord to make the repairs. This will bring needed accountability to Maryland's security deposit law.

HB 50 will also extend early lease termination protections to survivors of stalking. These protections are currently provided to survivors of domestic violence and sexual assault under Maryland law. HB 50 is a common sense yet vital extension of early lease termination protections, since a majority of stalking survivors are stalked by someone they know.² Allowing a survivor of stalking to break their lease early and move will increase the likelihood of safe outcomes for these individuals.

Additionally, HB 50 gives survivors of domestic violence, sexual assault, and stalking additional avenues to avail themselves of the benefit of early lease termination when their personal safety is at risk. Under current law, survivors may only qualify for the benefit of early lease termination if they can provide a copy of either a final protective or peace order issued by a court to their landlord with their written notice. This requirement is an impediment to survivors who either cannot or do not want to pursue a court order. According to the National Coalition Against Domestic Violence, 22,891 domestic violence crimes were reported to law enforcement in Maryland³; however, only 10,310 final protective orders were issued in the state during the same year⁴. This statistic illustrates in very stark terms the need to create other mechanisms for survivors to confirm their status and establish their need to break their lease and move from the property for reasons of personal safety. HB 50 will permit qualified third parties such as social workers and psychologists to provide a report of the survivor's situation. This provision will enable more survivors to break their lease and move to protect their own personal safety and that of their families.

¹ Md. Code, Real Property 8-203(f)(1)(i).

² Stalking Prevention, Awareness, and Resource Center, "Stalking Fact Sheet", available at https://www.stalkingawareness.org/wp-content/uploads/2019/01/SPARC_StalkingFactSheet_2018_FINAL.pdf

³ National Coalition Against Domestic Violence, "Domestic Violence in Maryland", available at https://assets.speakcdn.com/assets/2497/ncadv_maryland_fact_sheet_2020.pdf

⁴ Maryland Courts, "Domestic Violence Monthly Reports", available at <https://www.courts.state.md.us/eservices/dvmonthlypublicreports>

Early lease termination for survivors of domestic violence, sexual assault, and stalking saves lives. By expanding and extending these protections, HB 50 will demonstrate Maryland's commitment to keeping survivors of these crimes safe in their homes.

HPRP urges a FAVORABLE REPORT on HB 50.

Please contact Carisa A. Hatfield, Homeless Persons Representation Project, at 410-685-6589 ext. 32 or chatfield@hprplaw.org with any questions.