



House Bill 392 – Landlord and Tenant – Failure to Repair Serious and Dangerous Defects – Tenant Remedies (Tenant Justice Act)

Position: Unfavorable

Maryland REALTORS® opposes HB 392 which would change the nature of the serious defects section of Landlord Tenant law from a notice and repair statute to a potential cause of action against a landlord for money damages.

The current law achieves two important goals. First, it gives tenants a right to compel landlords to fix defects in a property that present a danger to life, health and safety by allowing the tenant to escrow rent payments until the defects are fixed. Second, it ensures that the landlords spend money fixing the property and improving the quality of the housing rather than on court costs and money damages. Like the intent behind the original lead law in Maryland, this section of the code seeks to improve the safety of housing in the most cost-effective way to preserve affordability.

By giving tenants a choice between money damages and attorney fees in addition to a plea for injunctive relief from the court, HB 392 could result in significant litigation that makes it harder for landlords to control their costs and keep rents affordable.

For these reasons, the Maryland REALTORS® requests an unfavorable report.

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