



Bill No: HB 392-- Landlord and Tenant—Failure to Repair Serious and Dangerous Defects—Tenant Remedies (Tenant Justice Act)

Committee: Environment and Transportation Committee

Date: February 8, 2022

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.

HB 392 authorizes a single resident to seek remedies on behalf of a group of residents or a tenant’s organization 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 resulting in failure to repair defects in multiple units. The bill allows a resident to bring a civil action for money damages against the Housing provider for failure to repair defects. A resident who prevails in action is entitled to reasonable attorney’s fees.

AOBA opposes this legislation because it conflicts with existing laws on rent escrow. By permitting a resident or organization of tenants to seek remedies on behalf of other residents, AOBA believes there is an accountability issue. In authorizing a group or individual to represent others, the bill seeks to create a quasi-class action suit, but it seems this can be used for maintenance issues even if it doesn’t impact all residents the same way and with very little formal organization. This amendment to the requirements of Rent Escrow only further confuses housing providers. It allows residents to utilize an organization to rectify their problems instead of resolving them with the housing provider.

For these reasons, AOBA urges an unfavorable report on HB 392.

For further information, contact Ryan Washington, AOBA Government Affairs Manager, at rashington@aoba-metro.org or call 202-770-7713.