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SB006 - Landlord and Tenant - Residential Leases - Tenant Rights and Protections (Tenant Protection Act of 2022)

**Hearing before the Senate Judicial Proceedings Committee,
Feb. 3, 2022**

Position: SUPPORT (FAV)

Disability Rights Maryland (DRM – formerly Maryland Disability Law Center) is the Protection & Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM works to increase opportunities for Marylanders with disabilities to be part of their communities and live in safe, decent, affordable and accessible housing.

DRM supports SB 006, the Tenant Protection Act of 2022, as reintroduced.

SB 006, the Tenant Protection Act of 2022, provides Maryland renters four concise, long-needed, meaningful reforms that help balance landlord-tenant relations, and aids those who face barriers to employment and stable income. Furthermore, this bill passed the House in 2020 and 2021 and reflects amendments and compromises achieved in the 2020 session.

These protections are meaningful to ensure people with disabilities have housing in the community, and are not placed in institutional settings, such as nursing homes, state hospitals, and jails and prisons. Persons with disabilities are overwhelmingly rent-burdened compared to their non-disabled peers and face greater housing insecurity.¹ The Tenant Protection Act of 2022 will meaningfully support the ability of persons with disabilities to obtain and stay in stable housing in the community by protecting housing security.²

¹ The current Social Security Income payment is \$794 a month, while the average price of a 1 bedroom in Maryland is \$1247, or 157% of a disabled person's income, leaving no money for food, transportation, clothing, or other necessities. Technical Assistance Collaborative, [Priced Out: The Housing Crisis for People with Disabilities](https://www.tacinc.org/resources/priced-out/), <https://www.tacinc.org/resources/priced-out/> (2021).

² K. C. Lakin, S. Larson, P. Salmi, and A. Webster (2010). *Residential Services for Persons with Developmental Disabilities: Status and Trends through 2009*, University of Minnesota, <http://rtc.umn.edu/docs/risp2009.pdf>

SB 006 adds documentation of security deposit deductions

In Maryland, release of a tenant's security deposit can be delayed up to 45 days after the tenant moves out of the property. Particularly for lower-income renters in Maryland, this delay imposes economic hardship that can destabilize the renter's new tenancy. This hardship is worsened when renters finally receive their security deposit back and find that the landlord deducted fees or charges unreasonably. Current law requires landlords only to itemize the amounts withheld from the released security deposit. SB 006 creates an additional obligation by which landlords would provide documentation for those withheld amounts. For instance, if a landlord were to withhold hundreds of dollars for carpet cleaning after the renter moved out, SB 006 would require that the landlord, as practicable, provide their former tenant an invoice or other documentation that substantiates the itemized carpet-cleaning cost. Renters rely on the return of their security deposit and deserve to know, with the added certainty of documentation, why their former landlord deducted from the full deposit amount.

SB 006 expands grounds for early lease termination to include victims of stalking

Currently, Maryland law limits the costs faced by a tenant who seeks early lease termination on grounds that they are a victim of domestic violence or sexual assault. SB 006 adds stalking, as defined in the Criminal Law Article, as a third basis. This bill also addresses the difficult documentation standard in the current law, which requires the tenant to provide notice of intent to vacate to the landlord *plus* evidence of a peace order/protective order to substantiate their status as a victim. Because for many renters in these circumstances the peace order or protective order may be unattainable, SB 006 expands the documentation standard to include a report by a "qualified third party" (physician, psychologist, social worker) that supports the renter's assertion of domestic violence, sexual assault, or stalking. Additionally, SB 006 specifies that a tenant in one of these emergency circumstances is responsible for payment of rent *only* for the period between their delivery of notice to the landlord and the date on which they vacate, up to a maximum of 30 days.

People with disabilities are at higher risk of being victims of violent crimes, and have lower levels of reporting due to pressure from outside sources. Violent crimes against people with disabilities are underreported to the police, making it difficult for people with disabilities to show they have been victims of a crime.³ People with disabilities may not wish to come forward to report or request a peace/protective order as their abuser may have financial or physical control over them. Allowing reports by a qualified third-party will protect people with disabilities who have been victims of domestic violence without relying on reports from the criminal legal system. This provision offers a significant protection for persons with disabilities who are fleeing domestic and sexual violence.

³ Only 47% of Violent Crimes towards people with disabilities are ever reported to the Police. Erika Harrell, *Crime Against Persons with Disabilities, 2009–2014 - Statistical Tables* (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 2016).

SB 006 allows renters access to utility information at master-meter buildings

SB 006 also sets forth new transparency provisions to help renters in Ratio Utility Billing System (“RUBS”) properties understand their energy and water charges. These properties are typically multi-family buildings on a master meter serviced by the local utility company. The owner then contracts with a third party to allocate utility charges to each unit in the building. Under current law (outside Montgomery County and Baltimore City), tenants have no statutory rights to access the allocation calculations or to see the underlying billing and consumption data for the building. SB 006 addresses this information gap. This bill requires that tenants have written notice explaining exactly which utilities they will be expected to pay and the exact method or formula for how these costs will be allocated. In addition, the bill requires landlords to provide tenants with the average monthly cost for each utility in the prior calendar year. Importantly, too, SB 006 provides incumbent tenants the right to request information that would verify the accuracy of allocated utility bills – including past bills. All of these components of SB 006 offer tenants the opportunity to understand fluctuating utility charges over time and to dispute excessive or confusing utility costs.

We oppose any amendments to put short-window restrictions (for instance 7-day limits) on tenants’ access to utility information.

SB 006 gives tenant organizations the right of assembly in their buildings

Except in Montgomery County, tenant organizations can be intimidated or effectively shut down when their landlords prohibit their use of common areas. SB006 defines “tenant organization” and sets forth a right of tenant organizations to assemble freely in a meeting room in certain multi-family properties.

Disability Rights Maryland is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on SB 006**. If you have any questions, please contact:

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