



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

**STATEWIDE
ADVOCACY SUPPORT UNIT**

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February 1, 2022

The Honorable William C. Smith, Jr.
Chairman of the Judicial Proceedings Committee
Miller Senate Office Building
Annapolis, Maryland 21401

**Re: Maryland Legal Aid's Testimony in Support for Senate Bill 6 (cross-filed as
HB 86)—Landlord and Tenant—Tenant Rights and Protections (Tenant
Protection Act of 2022)**

Dear Mr. Chair and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 6 (cross-filed as HB 86). SB6 would provide more adequate protections for tenants, provide transparency when landlords charge for utilities, increase the security deposit statute's clarity, protect tenants' rights to organize, and provide further protections for victims of domestic violence.

Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. MLA handles civil legal cases involving a wide range of issues, including family law, housing, public benefits, consumer law (e.g., bankruptcy and debt collection), and criminal record expungements to remove barriers to obtaining employment, child custody, housing, and a driver's license. This letter serves as notice that Gregory Countess will be testifying on behalf of MLA at the request of Senator Jeff Waldstreicher.

SB6 improves the fundamental transparency and fairness in the landlord-tenant relationship, by requiring landlords to provide transparent information regarding utility billing during the tenancy, and explanation of charges they seek to assess at the end of the tenancy. The requirement in SB6 that landlords who seek to use a ratio utility billing system fully explain that system in the lease will reduce confusion and increase fairness for tenants. Allowing tenants to see the way charges will be assessed and have documented information should prevent disputes, limit confusion, improve accounting and reduce arbitrary charges. Like all contracts under Maryland law, leases must be clear regarding all parties' rights and responsibilities to be fair and enforceable.

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The bill's provisions should further improve transparency and reduce disputes by requiring landlords to provide specifics about the costs they withhold from a tenant's security deposit at the end of a tenancy. A security deposit is meant to provide security for the landlord to cover damages caused by the tenant's use of the property beyond ordinary wear and tear. SB6 provides a straightforward way landlords must show actual damages caused by use beyond normal wear and tear. MLA has seen numerous tenants subject to unfair costs attributed to damages deducted from their security deposits over the years. With the increased clarity mandated by this SB6, fewer disputes and unsupported withholding of security deposits should occur.

In April of 2020, advocates in MLA's Baltimore City office were approached by a group of tenants at a large multifamily property in Baltimore. The tenants had been facing issues with their owner since first moving in. The building was unlicensed. Many dangerous conditions were on the premises, including severe life and safety concerns such as rodent and insect infestation. The small number of tenants who had leases were concerned about bad lease terms which, because units contained more than one tenant residence, left leaseholders responsible for rent for an entire unit, but no means to determine who rented those individual residences. When tenants organized to educate their peers about their right to withhold rent because the property wasn't licensed and organize themselves into a tenant council, the owner threatened tenants with eviction. Also, the pandemic impeded efforts to organize so that even space outside the building under the owner's control was unavailable for tenants to discuss their concerns and organize. SB6 would resolve problems like these for residents.

This bill broadens the definition of tenants who are protected due to being victims of domestic violence, to include stalking. These changes to the law rightfully broaden the class of tenants protected from eviction or liability for breaking a lease if they are subject to harm by an abuser.

MLA's responsibility is to serve indigent Marylanders' legal needs, but the mission is the advancement of Human Rights and Justice for All. This includes the right to safe and habitable housing. However, it also includes the right to equality before courts and tribunals and the equal protection of the law as enshrined in Articles 14 and 26 of the International Covenant on Civil and Political Rights. The bill provides more meaningful protections for a tenant's security deposit by requiring a more detailed accounting of the charges landlords levy against a tenant vacating an apartment. It also provides a framework to make it easier for tenants to organize; and provides further protections for those most vulnerable Marylander's suffering from domestic abuse. The bill addresses many critical issues for renters.

For these reasons, MLA asks this committee for a favorable report on SB 6 (cross-filed as HB 86).

Sincerely,

/s/ Gregory Countess

Gregory Countess, Esq.

Director of Advocacy for Housing and Community Economic Development

Maryland Legal Aid

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