



HOWARD COUNTY DEPARTMENT OF COMMUNITY RESOURCES AND SERVICES

9830 Patuxent Woods Drive ■ Columbia, Maryland 21046 ■ 410-313-6400 voice/relay

Jacqueline R. Scott, Director
communityresources@howardcountymd.gov

FAX 410-313-6424

February 24, 2023

Delegate C. T. Wilson, Chair
Delegate Brian M. Crosby, Vice Chair
House Economic Matters Committee
House Office Building, Room 231
Annapolis, Maryland 21401

RE: HB907: Public Safety - Out-of-Service Elevators - Repair Contract

Chair Wilson, Vice Chair Crosby and Members of the House Economic Matters Committee,

The Howard County Department of Community Resources and Services (DCRS) provides vital human services through its nine offices and ten boards and commissions. Three offices relevant to this bill are the Office on Aging and Independence (OAI), Office of Consumer Protection (OCP), and Office of Disability Services (ODS). OAI's mission is to ensure that Howard County older adults and persons with disabilities have the resources they need to grow, thrive, and live with dignity, by improving access to services and supports, promoting individual choice, and enhancing efficiency and quality of services. The OCP helps to protect Howard County consumers and tenants by mediating disputes, taking enforcement action or providing tips on how to avoid scams or make smart purchasing decisions. Finally, ODS strives to promote the self-sufficiency and well-being of people with disabilities through information, referral, advocacy and education. The goal of the ODS is to serve as a critical link to a network of community services focused on ensuring that those living with disabilities who reside and/or work in Howard County have the supports they need to be successful.

DCRS, and these three Offices, file these comments in support of HB907, a bill sponsored by Del. Courtney Watson. HB907 seeks to provide a needed solution to exclusive maintenance contracts for elevators. These repair contracts are a method by which residential landlords can negotiate costs, build in regular maintenance and inspection schedules, and otherwise control repair costs and liability. However, when the maintenance agreement limits a landlord's ability to obtain repairs at all or elsewhere—repairs the chosen contractor cannot fulfill in a reasonable timeline—the tenants can suffer.

Due to a lightning strike on or about August 5, 2022, the control panels for elevators at Gatherings at Jefferson Place (GJP) were damaged rendering the elevators disabled and out of service. GJP is a 55+ community in Ellicott City, MD. On August 19 2022, Maryland Access Point (MAP)—a program operating under OAI--received a call from a GJP resident complaining about the inoperable elevators and requesting resources to address same. MAP contacted the OCP as a resource on this inquiry and the Offices collaborated to provide resources for the residents. Based on the inquiry, it was our understanding that the contractor with a maintenance contract with GJP had been unable to acquire the necessary parts to repair the elevator. GJP, given the maintenance contract and its exclusivity, was unable to hire another repair contractor to make the repairs

The Department of Community Resources and Services provides vital human services through its offices of ADA Coordination, Aging and Independence, Children and Families, Community Partnerships, Consumer Protection, Disability Services, Human Trafficking Prevention, the Local Children's Board, and Veterans and Military Families.

without risking liability under the maintenance agreement. The complainant estimated that 1/3 of the residents were materially impacted by this outage as they were unable to navigate stairs without assistance or pain. By August 23, 2022, neither new nor refurbished parts had been received by the exclusive contractor and repairs not made.

HB907 seeks to provide a legislative solution to such situations caused by exclusive maintenance agreements. Proposed PS §12-817(1)(I) could have helped GJP as it is a “multifamily dwelling unit in which a disabled tenant or a tenant who is at least 60 years old resides” where an elevator is “out of service.” HB907 not only allows flexibility to repair elevators when the exclusive contractor is unable but allows the repair in such a way that the landlord is protected from liability for “breaching” the maintenance agreements. This solution, therefore, protects public safety, tenants, as well as the landlords.

For this reason, DCRS by and through its Office on Aging and Independence, Office of Consumer Protection, and Office of Disability Services support this bill.

Sincerely,

DocuSigned by:


Jacqueline R. Scott, Director

Cc: Karen Booth, Administrator ODS
Ofelia Ott, Acting Administrator OAI
Tracy Rezvani, Administrator OCP