

Tenants Should Be Able To Hold Negligent Landlords Accountable

Position Statement Supporting House Bill 691

Given before the House Environment and Transportation Committee

All Marylanders deserve a safe, stable, and affordable place to live. However, too often low- and moderate-income renters face challenges in getting landlords to make needed repairs to their homes. **The Maryland Center on Economic Policy supports House Bill 691 because the bill gives protections and remedies for tenants experiencing hazardous living conditions.**

HB 691 seeks to support tenants facing dangerous conditions in accessing rent escrow. Currently, more tenants live in uninhabitable living conditions than file for rent escrow. The process of access rent escrow can be costly, time consuming, and intimidating as they must make time to file and appear before landlords and judges. The number of cases filed each year is underwhelming¹.

- Currently, it is difficult for a group of tenants to bring an action against a landlord together. Each tenant in the same building with the same landlord is generally required to file individual actions, with each tenant paying a filing fee, drafting a separate complaint and appearing in court. HB 691 would explicitly provide a mechanism for tenants to raise related issues and conditions in a single, streamlined case in court, and provide tenants with better access to justice. a single tenant can file a rent escrow case about building and unit conditions that other tenants with the same landlord on the same property could join. This reflects current procedures in areas like New York City where tenants enjoy better protections.
- Tenants face a massive power imbalance when seeking necessary repairs from their landlords. In response to an individual escrow filing, landlords can refuse to act or refuse to extend a tenant's lease. Landlords can also easily harass individual tenants, file an eviction, or unilaterally lock the tenant out, despite its illegality. HB 691 provides a collective option for seeking repairs through the courts and the added remedy of damages and attorney's fees, likely reducing the likelihood of intimidation and ensures that those living in truly threatening housing conditions will have a fair shot at compelling negligent landlords to act in the interest of life, health and safety.

HB 691 would address several obstacles tenants face when filing escrow while living in uninhabitable conditions. It would discourage landlord negligence and give tenants organizational power and proper avenues to seek remedies. For these reasons, **the Maryland Center on Economic Policy respectfully requests the Environmental and Transportation Committee to make a favorable report on House Bill 691.**

¹ <https://mdcourts.gov/district/about>

Equity Impact Analysis: House Bill 691

Bill Summary

HB 691 would authorize a single tenant or tenants' organization to seek remedies on behalf of a group of tenants for a landlord's failure to repair serious and dangerous defects on the leased premises and allow them to bring civil action for money damages if a landlord fails to repair certain defects within 90 days of the court finding the conditions complained of exist.

Background

As it stands, there are many more tenants suffering with uninhabitable living conditions than file for rent escrow. For many, the prospect of bringing an individual lawsuit raises insurmountable fear of retaliation and abuse by unscrupulous landlords. For others, the filing fee and time missed from work are infeasible on a lean budget. For others still, the intimidating prospect of facing off against landlords and judges chills their pursuit of a remedy. These factors help to explain the paltry numbers of rent escrow actions filed by individual renters each year.

HB 691 addresses such obstacles by introducing group filing procedure to the rent escrow law. By allowing tenants to join their interests together, this bill would have an enormous impact on tenants' ability to organize quickly and efficiently to compel landlords to make potentially life-saving repairs. HB691 would enable a single tenant to file a rent escrow case about building and unit conditions that other tenants with the same landlord on the same property could join. Moreover, the bill ensures landlord accountability by enabling tenants to seek damages and attorney's fees from negligent landlords who refuse to make necessary repairs to uninhabitable conditions.

Equity Implications

HB 691 strengthens the remedies available to low-income tenants by allowing them to pursue damages for landlord negligence regarding repairs and living conditions. Black Marylanders are more likely to face unaffordable housing costs than their white neighbors. Black Marylanders are also considerably more likely to rent their homes than their white counterparts.

Impact

House Bill 691 will likely **improve racial, gender, and economic equity** in Maryland.