

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Environment and Transportation Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 691
Landlord and Tenant – Failure to Repair Serious and Dangerous
Defects – Tenant Remedies (Tenant Safety Act)
DATE: February 15, 2023
(2/24)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 691. House Bill 691 authorizes single tenant, a group of tenants or a tenants' organization to seek legal remedies for a landlord's failure to repair serious and dangerous defects on the leased premises for any violation occurring in multiple dwelling units located within the same premises owned by the same landlord, or on the property in common of which the leased premises form a part.

It is the legislature's prerogative to create new causes of action. However, the bill as drafted authorizes a single tenant to bring an action on behalf of a group of tenants or a tenants' organization. This would permit the joinder of parties or the creation of a class without the traditional safeguards attendant to a class action suit, such as judicial review of the criteria for joinder or class to ensure all parties are properly included. Moreover, some tenants may not wish to have other tenants assert claims on their behalf, or may disagree with the remedy or remedies sought, and it is unclear whether those tenants could bring their own cause of action. If there were multiple causes of action by separate parties for the same underlying condition, it is unclear how the courts would apportion any damages recovered. Further, rent escrow actions are most typically filed in the District Court, which is a less than ideal setting for class action suits, given the high volume nature of their dockets.

This bill also seems to conflate two causes of action – a rent escrow action and an action for damages. This bill creates an apparent conflict as these are two distinct causes of action.

cc. Hon. Vaughn Stewart
Judicial Council
Legislative Committee