



HOWARD COUNTY DEPARTMENT OF COMMUNITY RESOURCES AND SERVICES

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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.

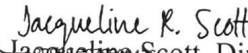
without risking liability under the maintenance agreement. The complainant estimated that 1/3 of the residents were materially impacted by this outage as they were unable to navigate stairs without assistance or pain. By August 23, 2022, neither new nor refurbished parts had been received by the exclusive 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 Scott, Director

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

Date : 02/27/2023

Re: Delegate Courtney Watson's Bill HB907

We are writing in hopes of encouraging you to vote for HB907. We live in a 5-building neighborhood known at Jefferson Place Condominiums, which is a 55+ condominium community in Howard County. Each building contains 27 units and are 4 stories high. We live on the 4th floor of one of those buildings.

A lightning strike disabled our elevator and we were without elevator service for approximately 3 weeks. Many of the residents in the 135 condominiums have mobility issues, which makes taking the stairs almost impossible when there is no elevator service. In some cases, taking the stairs poses a high safety risk for those that needed to enter and exit the building, but had no other choice but to use the stairs.

Many of the neighbors in our community assisted others by retrieving their mail from the lobby area mailboxes, plus volunteered to get groceries and medicines for those that could not navigate the stairs. However, many of my neighbors had doctor appointments that could not be missed. In one case, one of our residents was an 87-year-old woman who required kidney dialysis 3 times a week, plus she had other medical issues. This required her grandchildren to move her up and down the stairs while she was in her wheelchair.

One of the other buildings had an elevator outage that was over two weeks long. Again, many residents had medical issues that prevented them from using the stairs. Plus, there was one person that had the unfortunate experience of scheduling a moving company to move her out of her condo while the elevator was not working.

Our elevator service contract is restrictive with the threat of penalties and cancellation if we use another service provider that does have the parts needed to fix our elevator. The proposed law seems to be written for apartment complexes, because of the use of Landlord. This law needs to include not just landlords for apartments, but also Board of Directors for condominiums. Also, it should include language that waives all penalties if the landlord or Board finds a faster fix to our problem than the current vendor is able to.

The possibility existed that a local vendor could have supplied the parts needed in a shorter time. However, our service contract for our elevator has language that specifically prohibits getting parts from a different vendor.

We are asking you to consider legislation that could help reduce the length of time that our elevators will be out of service due to the disruptions and we support Bill HB907 or any Bill that allows us to get back to our normal lives as soon as possible and especially because medical and safety issues.

Sincerely,

Gary & Barb Gaither
8901 Brauerton Road, Unit 407
Ellicott City, MD 21043

Testimony in support of House Bill 907

RE: Delegate Courtney Watson bill entitled:

An Act Concerning Public Safety – Out of Service Elevators – Repair Contracts

My name is Virginia Townsend and I reside at 8901 Brauerton Road, Unit 206, Ellicott City, Maryland 21043. My building is one of the five 4 story multi-family dwelling units and is part of the Jeffersons Complex.

This past summer our building was struck by lightning during a severe storm and the strike damaged the electrical system and basically “fried” the circuit board controlling the elevator. Each building has four floors and one elevator. As a result of the lightning damage the elevator was out of service from August 6, 2022 to August 25, 2022. We were advised that there would be a delay in repairing the elevator because there was no spare circuit board and the contractor had advised they were on back order and might take as long as six weeks to receive.

This created a major crisis for me as I live with and cared for my 87 year old mother who required kidney dialysis 3 times per week (M-W-F). In addition to suffering from kidney disease she had COPD, and chronic arthritis in her knees. She required transport from our condo unit to the car via wheelchair as she was only able to navigate short distances with use of a cane and/or walker. I explored options for assistance with local county health agencies and E-911 services and was basically told there was no resource to provide assistance.

Fortunately, I was able to have my two grandsons, aged 18 and 19, come and carry her down the stairs in her wheelchair, to take her to dialysis and bring her back up the stairs when she returned. This was cumbersome and dangerous as my mother weighed approximately 125 pounds and the wheelchair another 35. There were no handles to facilitate carrying a patient and we consider ourselves lucky that they were able to do this without any problems. In fact, we did have to purchase and use a transport wheelchair that was about 15 pounds lighter to make it easier and safer for my grandsons to do this job.

Because this work was an imposition to my grandson’s schedule I basically postponed and deferred my mother’s routine doctor’s appointments until the elevator could be repaired. The appointments were needed but they were not life-threatening like the dialysis.

Our building captain had solicited the tenants for ideas and concerns and established some support for tenants who could not navigate the stairs but needed help with groceries or shopping errands. He had also asked the contractor for the elevator about the possibility of our Condo Association purchasing a circuit board from another vendor and having that installed since there were numerous tenants in this building that were extremely inconvenienced by the elevator outage. He found that the service contract with the elevator vendor prohibited the use of any outside equipment or repairmen be used to repair or service the elevators, Even in this emergency situation, where the vendor had advised possible a six week outage, there was no option other than to wait.

I don’t know that I would have been able to maintain my mother’s dialysis schedule for six weeks, and certainly she could not have deferred all of her medical/dental appointments for that long. I may have had to consider moving her to a temporary managed care facility for the duration of the outage which would have created a financial burden because I doubt her health insurance would have covered the cost.

Had HB 907 been in effect it could have allowed an expedited repair of the elevator outage and purchase of the necessary equipment in a more timely manner. Please consider the impact this outage had not only on my family but the others in this building that were disrupted by this event. I fully support HB907 and urge you to vote for it’s implementation as soon as possible.

Thank You-