

SB0807 Copy of Tenant Safety Act (1).pdf

Uploaded by: Bonnie Weissberg

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA & Renters United Maryland. I am a resident of **District 41**. **I am testifying in support of the Tenant Safety Act (SB0807).**



This bill would enable a group of tenants with the same landlord facing issues in the same property to join a single rent escrow action together, much as a similar law currently does in New York City¹. Under this law, tenants could make use of the rent escrow process without each having to create a separate filing, ensuring tenants who may be behind on rent are still able to demand remedies from their landlords to potentially life-threatening conditions. It would also provide for attorney's fees and damages in these group actions to allow groups of tenants to enlist the assistance of counsel in organizing a case.

At present in Maryland, a group of tenants experiencing the same substandard living conditions from the same landlord each have to file an action individually, and they frequently do not have the benefit of representation as it can be challenging to afford counsel. Even when tenants are able to file, as has been the case in Baltimore for decades, only 6% of cases in rent court result in reduced rent, according to a Baltimore Sun review of over 5,500 cases from 2010 to 2016² – a troublingly low rate.

Maryland was ranked 32nd among the 50 states for severe housing problems in a recent analysis of US Housing & Urban Development data from 2015-2019³. Our state should be leading the nation at providing safe and affordable housing. Instead, we have too many properties bearing significant issues like severe cost burden or insufficient kitchen and plumbing facilities.

This legislation addresses two growing concerns among Marylanders: first, their need for safer housing conditions, and second, the need to lower the barrier of entry to courts to address poor housing conditions. Remarkably, this bill addresses both concerns *while increasing court efficiency*. Since conditions issues cases can be compiled across a particular property owned by a particular landlord into a single proceeding, the courts are saved the administrative burden of duplicative cases.

It is for these reasons that I am encouraging you to vote **in support of SB0807**.

Thank you for your time, service, and consideration.

Sincerely,
Bonnie Weissberg
1704 Mt. Washington Ct., Apt. H
Baltimore, MD 21209
Showing Up for Racial Justice Baltimore

¹ <https://www.nysenate.gov/legislation/laws/RPP/230>

² <https://data.baltimoresun.com/news/dismisssed/>

³ https://www.americashealthrankings.org/explore/annual/measure/severe_housing_problems/state/MD

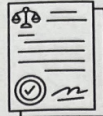
Tenant Safety Act: Create a legal tool for tenants to win repairs together

Delegate Vaughn Stewart

Under current state law, groups of tenant facing the same substandard living conditions with no intention from the landlord to remedy the situation are not able to file a collective rent escrow case or a class action case about conditions. Instead, they each individually have to file the action and are often filing without representation.

This legislation addresses two growing concerns of Maryland renters: (1) their need for safer housing conditions, and (2) the need to lower the barrier of entry to courts to address poor housing conditions. The bill will enable tenant groups with the same landlord to collectively file a single rent escrow case that would address all participating tenants' issues.

The bill would also increase court efficiency by compiling conditions issues related to a property owned by a particular landlord into a single proceeding and provide for attorney's fees so that tenant groups can obtain counsel to manage their collective cases.



The Proposed Law is Tried and True:

The proposed law is based on a tool that already exists in New York City, which allows tenants in a single building to file a single conditions action against their landlord.



Current Escrow Laws Are Inaccessible for Most Tenants:

The current law requires a tenant, unlike any other litigant, to pay in order to be heard in court. As a result, it is not fair to single out tenants when their challenge is about conditions, not their rent.



Poor Escrow Outcomes for Tenants:

Even when tenants are able to file, only 6 percent of cases result in reduced rent, according to a Baltimore Sun review of over 5,000 cases.



Bad Landlords Pay for Their Own Bad Behavior:

The bill provides for damages and attorney's fees so that landlords found liable under this proposed law are directly held accountable and required to reimburse renters.

Renters United Maryland is a coalition of advocates, organizers, policymakers and renters. To learn more about our work on these priorities and other legislation, visit www.rentersunitedmaryland.org

@rentersunitemd



talk to us! <https://bit.ly/RUMsurvey>

SB0807 Tenant Safety Act FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0807

Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act)

Bill Sponsor: Senator Washington

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0807 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state with well over 30,000 members.

The preamble of this bill gets at the heart of the issue that needs to be addressed - It is the public policy of the state that meaningful sanctions be imposed upon those who allow dangerous conditions and defects to exist in leased premises, and that an effective mechanism be established for repairing these conditions and halting their creation.

No one should be forced to live in a dangerous environment while paying for the privilege to do so. This bill provides a remedy for this issue by allowing a group of tenants, or tenant organization, or a single tenant to request injunctive relief or an action for money damages and attorney fees if the landlord refuses to make repairs or correct the problem in a reasonable period of time after being notified.

This legislation does not imply that any and all issues that a tenant has should be covered, only conditions and defects which constitute, or if not promptly corrected will constitute, a fire hazard or a serious and substantial threat to the life, health or safety of occupants. This is more than fair to the landlord and supports the many tenants in Maryland who deserve to live in a building that is not dangerous to their health or their person.

We support this bill and recommend a **FAVORABLE** report in committee.

SB0807_DanielleHerrmann_FAV (1).pdf

Uploaded by: Danielle Herrmann

Position: FAV

February 28, 2023

Danielle Herrmann
Takoma Park, MD 20912



TESTIMONY ON SB807 - POSITION: FAVORABLE
Tenant Safety Act

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Danielle Herrmann, on behalf of Jews United for Justice (JUFJ)

My name is Danielle Herrmann and I am a resident of District 20, in Takoma Park. On behalf of Jews United for Justice (JUFJ), I am submitting this testimony in support of SB807, the Tenant Safety Act. JUFJ organizes 6,000 Jews and allies from across the state in support of social, racial, and economic justice campaigns.

Jewish sacred texts recognize that having safe, stable housing is key to a healthy society, and we know that it is key to reducing structural inequities. As a medical clinical social worker, I have witnessed the adverse effects of substandard housing conditions, disproportionately borne by our community's most vulnerable individuals and families. The injurious impact has staggering consequences, especially for children, BIPOC, and members of low-income communities, as well as elders and those with disabilities. Poor quality housing can lead to injury and disease, which play a large role in generating health inequities. The National Association of Social Workers recognizes that adequate shelter is essential to a stable life, mental well-being, and health and safety.

As an immunocompromised senior citizen, this universal need hits close to home; safe housing is my lifeline. But I lived in dangerous conditions despite being a tenant in good standing, paying over \$25,000 in rent per year for a unit in a multi-family dwelling. All tenants were subjected to uncontrolled roaches, which, according to Pest Control, were the result of chronic basement flooding and structural leaks creating wall moisture and mold in units. During the winter we often had insufficient or no heat for days or even weeks. Some tenants used electric heaters 24/7, which put all tenants at risk of unintended injury and death.

While we all faced the same building-wide hazardous conditions, Maryland law does not allow for groups of tenants to file for collective rent escrow or a class action case. Instead, the burden of seeking legal remedy falls to individual tenants. Yet I discovered single tenant legal cases rarely make it to court, and was warned about a significant court backlog. My fellow tenants would have willingly sought legal remedy if we could have filed as a group, but they feared landlord retaliation if they filed individually. When I contracted a cockroach-related

illness, my doctor deemed my housing unsafe for my kidney health, and instructed me to move. I was lucky, I had the financial resources to relocate - something many of my neighbors were unable to do. To date the remaining tenants continue to live in substandard conditions, including the new tenant who unwittingly moved into my former unit.

The Tenant Safety Act would address these issues by empowering tenants to jointly seek legal justice for substandard living conditions when landlords have no intention to remedy the situation.

On behalf of Jews United for Justice, I respectfully urge this committee to return a favorable report on SB807.

HPRP_SB0807 TSA Testimony.pdf

Uploaded by: DiNesha Rucker

Position: FAV



HOMELESS PERSONS REPRESENTATION PROJECT, INC.

**SB0807 - Landlord and Tenant – Failure to Repair Serious and Dangerous Defects
- Tenant Remedies (Tenant Safety Act)**

**Hearing before the Judicial Proceedings Committee,
Feb. 28, 2023, 1:00PM**

Position: SUPPORT (FAV)

Homeless Persons Representation Project (HPRP) is a non-profit civil legal aid organization that provides free legal representation to people who are homeless or at risk of homelessness on legal issues that can lead to an end to homelessness. HPRP regularly represents tenants in failure to pay rent cases and other landlord-tenant matters in Baltimore City, Montgomery County, and Prince George’s County, including representing tenants with conditions issues.

We support Senate Bill 0807, the Tenant Safety Act, because it would support tenants facing dangerous conditions in accessing rent escrow.

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.

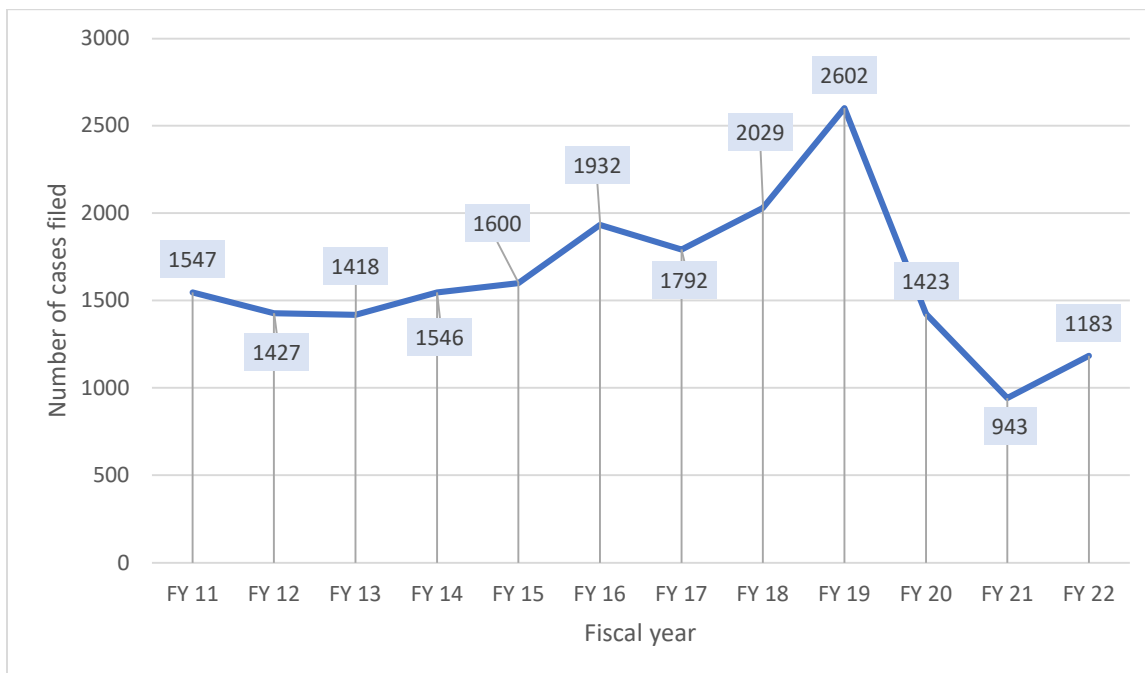
HPRP has represented tenants with conditions issues and continues to do so. While in this space, we have seen meritorious conditions claims fail to come into fruition simply because of one procedural requirement of the rent escrow law. The rent escrow law requires those alleging conditions issues, whether as a claim or an affirmative defense, to place all unpaid rent into the court’s escrow. Many times, this creates a unique barrier for the population we serve. Often, our clientele is already choosing between paying their rent and other bare necessities. The cost of these bare necessities only increases depending on the conditions issues that may be present within the home. SB0807 would alleviate that barrier.

Additionally, one tenant’s conditions complaint typically is not a singular event. Usually, one tenant’s unit is only an example of the conditions issues present in other units within the complex or rowhome. SB0807 would not only provide an opportunity to rectify conditions issues across entire properties in a more efficient manner, but it would also

provide an opportunity for those tenants who would not be able to successfully file a rent escrow complaint, for lack of financial resources, to join under one complaint against the landlord, property owner, or property management company.

SB0807 would substantially rectify conditions issues we have observed and would directly affect HPRP's clientele in a positive way. Notably, SB0807 has the potential to impact the entire housing landscape of the state of Maryland. More rent escrow actions under the proposed law would improve the quality of Maryland's rental housing stock while lessening harm to Maryland tenants caused by substandard housing conditions.

For these reasons, HPRP supports Senate Bill 0807, the Tenant Safety Act.



Data Source: Maryland Judiciary, <https://mdcourts.gov/district/about#stats>

SB0807 addresses such obstacles by introducing group filing procedure to the rent escrow law (Real Property § 8-211). 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. SB0807 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.

SB0807 mirrors an existing procedure in New York City, one that routinely supports tenants in addressing harmful building conditions quickly and collectively. Our organization supports the Tenant Safety Act because we believe Maryland renters

deserve the same opportunity to build power for better housing.

1. SB0807 supports tenant organizing for repairs to conditions that threaten life, health, and safety

SB0807 facilitates tenants in demanding necessary housing improvements that would benefit all Marylanders, renters and homeowners alike. The bill allows a single tenant or a group of tenants, incorporated or unincorporated, living on the same premises with the same landlord, to seek repairs, damages for unaddressed repairs, and attorney's fees.

In individual habitability actions, tenants face a massive power imbalance when seeking necessary repairs from their landlords. In response to an individual escrow filing, landlords can, and do, 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 the fact that it is illegal to do so. In providing a collective option for seeking repairs through the courts and the added remedy of damages and attorney's fees, SB0807 reduces the likelihood of intimidation of individual tenants 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.

2. SB0807 gives tenants more power to compel repairs by ensuring that tenants and courts can hold negligent landlords accountable

As it stands, the only remedies available to tenants that file rent escrow for repairs are rent abatement, distribution of escrow funds or an injunction 90 days after a court finding that the conditions complained of by the tenant exist. These remedies alone, however, have proven unavailing with numerous negligent landlords. There are also limited legal services available to support low-income tenants pursuing rent escrow, which means that tenants often must file on their own or forego filing altogether.

SB0807 strengthens the remedies available to tenants and hold landlords responsible for negligence and delay in a way that fully accounts for the harm they suffer. First, by providing groups of tenants with the opportunity to file together, tenants will be able to hold landlords accountable for the repairs they are already legally required to make. Second, by permitting tenants to pursue damages against a landlord who fails to make repairs, landlords and their agents will be required to account for the actual harm caused by their refusals and failures to make necessary repairs – a remedy that is much more persuasive than lost rental income alone. Finally, the attorney's fees provision increases the likelihood that tenants will be able to avail themselves of legal services, as they will be able to enlist attorneys whose practices depend upon the ability to recoup reasonable fees.

SB0807 also codifies the already-existing implied warranty of habitability and clarifies tenants' right to enforce it. Landlords are currently required to ensure their properties are suitable for human habitation, but negligent landlords often freely collect rent without being held to this basic, common-sense standard. SB0807 provides an important tool to

hold these negligent landlords accountable.

3. SB0807 promotes judicial economy by allowing tenants to address building or complex-wide conditions issues in a single case

SB0807 also has the added benefit of allowing for resolution of tenants' conditions issues with the same landlord and increasing access to justice overall.

Currently, it is difficult for a group of tenants to bring a collective action against a landlord. Indeed, practitioners report that it is functionally impossible to bring an escrow case on behalf of a group of tenants because existing class action requirements are not designed with escrow in mind. Instead, tenants on the same premises with the same landlord are generally required to file individual actions, with each tenant paying a filing fee, drafting a separate complaint and appearing in court. This process is particularly onerous for older and disabled renters, for whom it may be difficult travel to the courthouse on multiple occasions, and low-income renters, for whom taking three separate days off work to go to court could risk their livelihoods. In addition, this process requires judges to hear building or complex-wide conditions issues piecemeal and prevents them from assessing and addressing important safety issues in a single determination. SB0807 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 change that simply makes more sense.

HPRP is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on SB0807**. If you have any questions, please contact: DiNesha Rucker at 410-499-2982 or drucker@hprplaw.org.

SB0807 - DRM Tenant Safety Act Testimony - FAVORAB

Uploaded by: E.V. Yost

Position: FAV

**SB0807 - Landlord and Tenant – Failure to Repair Serious and Dangerous Defects
- Tenant Remedies (Tenant Safety Act)
Hearing before the Senate Judicial Proceedings Committee,
Mar. 7, 2023, 1:00PM**

Position: SUPPORT (FAV)

Disability Rights Maryland (DRM, formerly known as the Maryland Disability Law Center) is the federally-appointed Protection & Advocacy agency¹ in Maryland mandated to advance the civil rights of people with disabilities. One of DRM's goals is to end the unnecessary segregation and institutionalization of Marylanders with disabilities. To achieve this goal, DRM's Housing Unit works to expand opportunities for Marylanders with disabilities to be part of their communities and to live in affordable and accessible housing.

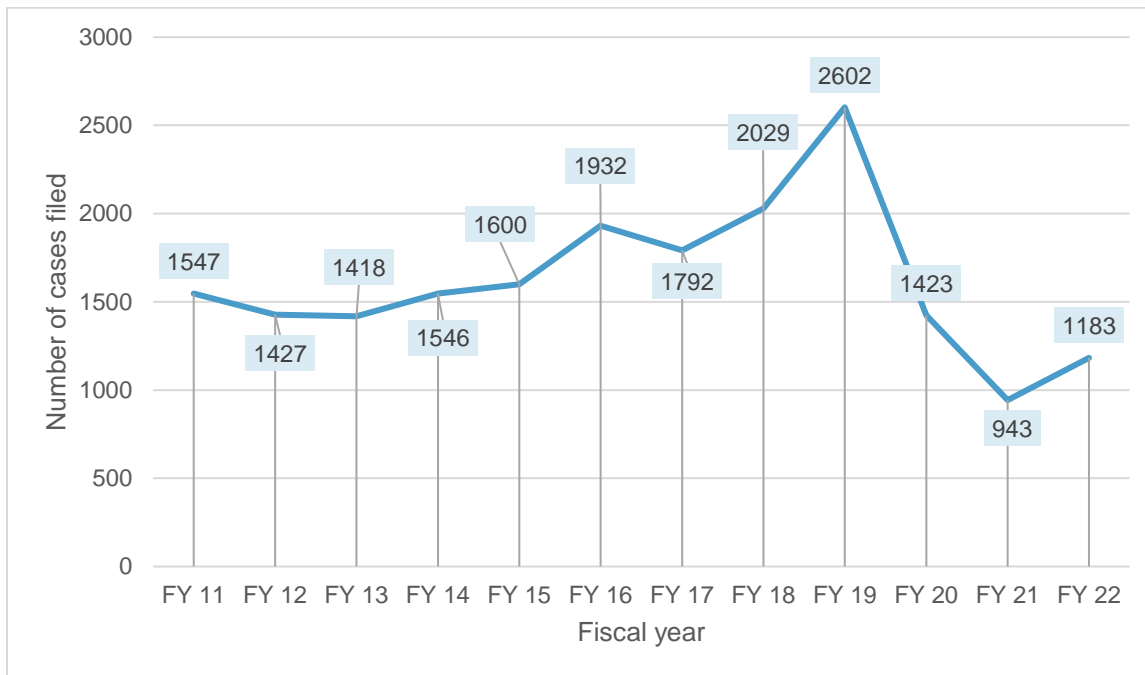
We support Senate Bill 0807, the Tenant Safety Act, because it would support disabled tenants facing dangerous conditions in accessing the rent escrow process and enforcing their rights as renters to safe, habitable homes. Persons with disabilities are disproportionately forced into substandard housing² because of lower-incomes and exclusion from the labor market.³ Consequently, we see many of our clients residing in older housing with significant capital needs, such as chronic failures of elevators. By authorizing groups of tenants to file escrow jointly, this bill would uniquely impact renters with disabilities, decreasing barriers that might otherwise prevent them from enforcing their rights as renters on their own.

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. This is especially true for renters with disabilities, who may require additional support accessing the courts or bringing lawsuits independently. 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.

¹ For more information on Protection & Advocacy agencies, see NATIONAL DISABILITY RIGHTS NETWORK, <https://www.ndrn.org/> (last visited June 18, 2021).

² There is no jurisdiction in Maryland in which a person with a disability receiving SSI benefits can rent a one bedroom unit. TECHNICAL ASSISTANCE COLLABORATIVE, PRICED OUT: THE HOUSING CRISIS FOR PEOPLE WITH DISABILITIES (2021), <http://www.tacinc.org/knowledge-resources/priced-out-v2/>. Maximum SSI payments increased to \$794/month in 2021.

³ About 4.1 million people with disabilities nationwide pay more than half of their income on rent. CENTER ON BUDGET AND POLICY PRIORITIES, UNITED STATES FEDERAL RENTAL ASSISTANCE FACT SHEET (2021), <https://www.cbpp.org/sites/default/files/atoms/files/12-10-19hous-factsheet-us.pdf>.



Data Source: Maryland Judiciary, <https://mdcourts.gov/district/about#stats>

SB0807 addresses such obstacles by introducing group standing and collective remedies to the rent escrow law (Real Property § 8-211). 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. SB0807 would enable a single tenant to file a rent escrow case about building and unit conditions on behalf of multiple tenants or a tenants’ association. 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.

SB0807 mirrors an existing procedure in New York City, one that routinely supports tenants in addressing harmful building conditions quickly and collectively. Our organization supports the Tenant Safety Act because we believe Maryland renters deserve the same opportunity to build power for better housing.

1. SB0807 supports tenant organizing for repairs to conditions that threaten life, health and safety

SB0807 facilitates tenants in demanding necessary housing improvements that would benefit all Marylanders, renters and homeowners alike. The bill allows a single tenant or a group of tenants, incorporated or unincorporated, living on the same premises with the same landlord, to seek repairs, damages for unaddressed repairs, and attorney’s fees.

In individual habitability actions, tenants face a massive power imbalance when seeking necessary repairs from their landlords. In response to an individual escrow filing, landlords can, and do, 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 the fact that it is illegal to do so. In providing a collective option for seeking repairs through the courts and the added remedy of damages and attorney's fees, SB0807 reduces the likelihood of intimidation of individual tenants 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.

2. SB0807 gives tenants more power to compel repairs by ensuring that tenants and courts can hold negligent landlords accountable

As it stands, the only remedies available to tenants that file rent escrow for repairs are rent abatement, distribution of escrow funds or an injunction 90 days after a court finding that the conditions complained of by the tenant exist. These remedies alone, however, have proven unavailing with numerous negligent landlords. There are also limited legal services available to support low-income tenants pursuing rent escrow, which means that tenants often must file on their own or forgo filing altogether.

SB0807 strengthens the remedies available to tenants and ensures that tenants can hold landlords responsible for negligence and delay in a way that fully accounts for the harm they suffer. First, by providing groups of tenants with the opportunity to file together, tenants will be able to hold landlords accountable for the repairs they are already legally required to make. Second, by permitting tenants to pursue damages against a landlord who fails to make repairs, landlords and their agents will be required to account for the actual harm caused by their refusals and failures to make necessary repairs – a remedy that is much more persuasive than lost rental income alone. Finally, the attorney's fees provision increases the likelihood that tenants will be able to avail themselves of legal services, as they will be able to enlist attorneys whose practices depend upon the ability to recoup reasonable fees.

SB0807 also codifies the already-existing implied warranty of habitability and clarifies tenants' right to enforce it. Landlords are currently required to ensure their properties are suitable for human habitation, but negligent landlords often freely collect rent without being held to this basic, common-sense standard. SB0807 provides an important tool to hold these negligent landlords accountable.

3. SB0807 allows tenants to address building or complex-wide conditions issues in a single case

SB0807 also has the added benefit of allowing for resolution of tenants' conditions issues with the same landlord and increasing access to justice overall.

Currently, it is difficult for a group of tenants to bring an action against a landlord together. Indeed, practitioners report that it is functionally impossible to bring an escrow

case on behalf of a group of tenants because existing class action requirements are not designed with escrow in mind. Instead, tenants on the same premises with the same landlord are generally required to file individual actions, with each tenant paying a filing fee, drafting a separate complaint and appearing in court. This process is particularly onerous for older and disabled renters, for whom it may be difficult travel to the courthouse on multiple occasions, and low-income renters, for whom taking three separate days off of work to go to court could risk their livelihoods. In addition, this process requires judges to hear building or complex-wide conditions issues piecemeal and prevents them from assessing and addressing important safety issues in a single determination. SB0807 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 change that simply makes more sense.

Disability Rights Maryland is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on SB0807**. If you have any questions, please contact: E.V. Yost, evy@DisabilityRightsMD.org.

SB807 - Tenant Safety Act.pdf

Uploaded by: Erica Palmisano

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA & Renters United Maryland. I am a resident of District 12. My partner and I are also landlords of a property in Howard County, and **I am testifying in support of the Tenant Safety Act (SB0807).**



This bill would enable a group of tenants with the same landlord facing issues in the same property to join a single rent escrow action together, much as a similar law currently does in New York City¹. Under this law, tenants could make use of the rent escrow process without each having to create a separate filing, ensuring tenants who may be behind on rent are still able to demand remedies from their landlords to potentially life-threatening conditions. It would also provide for attorney's fees and damages in these group actions to allow groups of tenants to enlist the assistance of counsel in organizing a case.

At present in Maryland, a group of tenants experiencing the same substandard living conditions from the same landlord each have to file an action individually, and they frequently do not have the benefit of representation as it can be challenging to afford counsel. Even when tenants are able to file, as has been the case in Baltimore for decades, only 6% of cases in rent court result in reduced rent, according to a Baltimore Sun review of over 5,500 cases from 2010 to 2016² – a troublingly low rate.

Maryland was ranked 32nd among the 50 states for severe housing problems in a recent analysis of US Housing & Urban Development data from 2015-2019³. Our state should be leading the nation at providing safe and affordable housing. Instead, we have too many properties bearing significant issues like severe cost burden or insufficient kitchen and plumbing facilities.

This legislation addresses two growing concerns among Marylanders: first, their need for safer housing conditions, and second, the need to lower the barrier of entry to courts to address poor housing conditions. Remarkably, this bill addresses both concerns *while increasing court efficiency*. Since conditions issues cases can be compiled across a particular property owned by a particular landlord into a single proceeding, the courts are saved the administrative burden of duplicative cases.

It is for these reasons that I am encouraging you to vote **in support of SB0807**.

Thank you for your time, service, and consideration.

Sincerely,

Erica Palmisano

5580 Vantage Point Rd, Apt 5, Columbia, MD 21044

Showing Up for Racial Justice Baltimore

¹ <https://www.nysenate.gov/legislation/laws/RPP/230>

² <https://data.baltimoresun.com/news/dismissed/>

³ https://www.americashealthrankings.org/explore/annual/measure/severe_housing_problems/state/MD

SB0807.pdf

Uploaded by: Gwen DuBois

Position: FAV



**SB0807 - Landlord and Tenant – Failure to Repair Serious and Dangerous Defects
- Tenant Remedies (Tenant Safety Act)**

**Judicial Proceedings,
Feb. 28, 2023**

Position: SUPPORT (FAV)

Chesapeake Physicians for Social Responsibility is a non-profit organization of over 900 physicians, medical students, other health care providers and supporters whose mission is to address the existential threats to public health through a lens of racial and social justice. Because housing is a major social determinant of health, this includes the pursuit of housing that is not a danger to health and safety.

We support Senate Bill SB0807, the Tenant Safety Act, because it will help more renters living under dangerous conditions have access to escrow as a pathway to safer living conditions. An underlying problem is the shortage of available and affordable housing for the very low income families who earn up to only 30% of the area median income. <https://nlihc.org/gap/state/md> . That should not translate into such families having to live under substandard conditions. A Harvard Joint Center for Housing Studies report from 2020 reported that some low-income households, even when spending a large part of their income on housing, aren't getting adequate housing. Over 6% of renters live in severely inadequate housing having one or more serious physical problems related to heating, plumbing, and electrical systems or maintenance. https://www.huduser.gov/portal/Publications/pdf/WorstCaseNeeds_2015.pdf

Of special concern is the effect on children in such situations. There is the physical harm. A Pew Report from 2005 noted that children in substandard housing had more asthma, infectious diseases, lead poisoning, injuries and in the case of fires, more deaths. <https://www.pewtrusts.org/-/media/assets/external-sites/health-impact-project/massachusettsrentalvoucherprogram.pdf> Substandard also takes a psychological toll on children. As if their lives were not important to society: “poor housing quality was most consistently associated with children's and adolescents’

development, including worse emotional and behavioral functioning and lower cognitive skills.” <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3766502/>

Many more tenants suffer from uninhabitable living conditions than file for rent escrow. Obstacles include fear of retaliation and abuse by unscrupulous landlords, fear of facing landlords in court, unaffordable filing fees and time missed from work. These factors help to explain the low numbers of rent escrow actions filed by individual renters each year.

SB0807 reduces the likelihood of intimidation of individual tenants and overcomes the lack of financial resources by allowing them to file with a group of tenants in a similar situation, without filing fees as an obstacle.

SB0807 strengthens the remedies available to tenants and may lead landlords who have been responsible for some of the unhealthiest housing conditions, especially larger corporate landlords, to reconsider the price of inadequate housing.

SB0807 mirrors an existing procedure in New York City, one that routinely supports tenants in addressing harmful building conditions quickly and collectively. Our organization supports the Tenant Safety Act because we believe Maryland renters deserve the same opportunity to build power for better housing.

SB0807 facilitates tenants in demanding necessary housing improvements that would benefit all Marylanders, renters and homeowners alike. The bill allows a single tenant or a group of tenants, incorporated or unincorporated, living on the same premises with the same landlord, to seek repairs, damages for unaddressed repairs, and attorney’s fees.

SB0807 also codifies the already-existing implied warranty of habitability and clarifies tenants’ right to enforce it. Landlords are currently required to ensure their properties are suitable for human habitation, but negligent landlords often freely collect rent without being held to this basic, common-sense standard.

Chesapeake Physicians for Social Responsibility understands that HOUSING IS HEALTH and is, therefore, a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on SB0807.**

If you have any questions, please contact: Gwen DuBois MD, MPH,
gdubois@jhsph.edu or 410-615-0717

SB 0807 (2).pdf

Uploaded by: Holly Powell

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA & Renters United Maryland. I am a resident of **District 46. I am testifying in support of the Tenant Safety Act (SB0807).**



This bill would enable a group of tenants with the same landlord facing issues in the same property to join a single rent escrow action together, much as a similar law currently does in New York City¹. Under this law, tenants could make use of the rent escrow process without each having to create a separate filing, ensuring tenants who may be behind on rent are still able to demand remedies from their landlords to potentially life-threatening conditions. It would also provide for attorney's fees and damages in these group actions to allow groups of tenants to enlist the assistance of counsel in organizing a case.

At present in Maryland, a group of tenants experiencing the same substandard living conditions from the same landlord each have to file an action individually, and they frequently do not have the benefit of representation as it can be challenging to afford counsel. Even when tenants are able to file, as has been the case in Baltimore for decades, only 6% of cases in rent court result in reduced rent, according to a Baltimore Sun review of over 5,500 cases from 2010 to 2016² – a troublingly low rate.

Maryland was ranked 32nd among the 50 states for severe housing problems in a recent analysis of US Housing & Urban Development data from 2015-2019³. Our state should be leading the nation at providing safe and affordable housing. Instead, we have too many properties bearing significant issues like severe cost burden or insufficient kitchen and plumbing facilities.

This legislation addresses two growing concerns among Marylanders: first, their need for safer housing conditions, and second, the need to lower the barrier of entry to courts to address poor housing conditions. Remarkably, this bill addresses both concerns *while increasing court efficiency*. Since conditions issues cases can be compiled across a particular property owned by a particular landlord into a single proceeding, the courts are saved the administrative burden of duplicative cases.

It is for these reasons that I am encouraging you to vote **in support of SB0807**.

Thank you for your time, service, and consideration.

Sincerely,
Holly Powell
2308 Cambridge Street
Baltimore, Maryland 21224
Showing Up for Racial Justice Baltimore

¹ <https://www.nysenate.gov/legislation/laws/RPP/230>

² <https://data.baltimoresun.com/news/dismissed/>

³ https://www.americashealthrankings.org/explore/annual/measure/severe_housing_problems/state/MD

Testimony22723.pdf.pdf

Uploaded by: Jennifer Roman

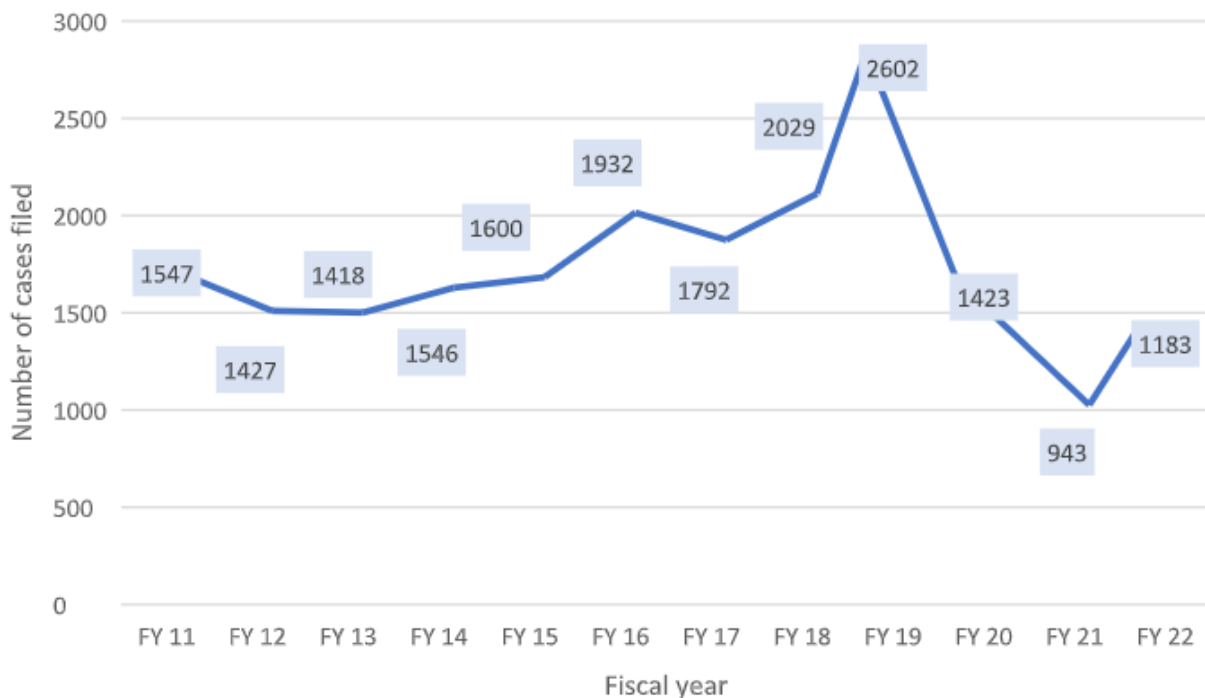
Position: FAV

Dear Members of the House Environment & Transportation Committee:

Dear Members of the Senate Judicial Proceedings Committee:

I am a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. I am a resident of district 33A. I am testifying in support of Senate Bill 0807, the Tenant Safety Act, because it would support tenant organizing for better and safer housing conditions.

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.



Data Source: Maryland Judiciary, <https://mdcourts.gov/district/about#stats>

SB0807 addresses such obstacles by introducing group standing and collective remedies to the rent escrow law (Real Property § 8-211). 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. SB0807 would enable a single tenant to file a rent escrow case about building and unit conditions on behalf of multiple tenants or a tenants' association. 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.

SB0807 mirrors an existing procedure in New York City, one that routinely supports tenants in addressing harmful building conditions quickly and collectively. Our organization supports the Tenant Safety Act because we believe Maryland renters deserve the same opportunity to build power for better housing.

1. SB0807 supports tenant organizing for repairs to conditions that threaten life, health and safety

SB0807 facilitates tenants in demanding necessary housing improvements that would benefit all Marylanders, renters and homeowners alike. The bill allows a single tenant or a group of tenants, incorporated or unincorporated, living on the same premises with the same landlord, to seek repairs, damages for unaddressed repairs, and attorney's fees.

In individual habitability actions, tenants face a massive power imbalance when seeking necessary repairs from their landlords. In response to an individual escrow filing, landlords can, and do, 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 the fact that it is illegal to do so. In providing a collective option for seeking repairs through the courts and the added remedy of damages and attorney's fees, SB0807 reduces the likelihood of intimidation of individual tenants 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.

2. SB0807 gives tenants more power to compel repairs by ensuring that tenants and courts can hold negligent landlords accountable

As it stands, the only remedies available to tenants that file rent escrow for repairs are rent abatement, distribution of escrow funds or an injunction 90 days after a court finding that the conditions complained of by the tenant exist. These remedies alone, however, have proven unavailing with numerous negligent landlords. There are also limited legal services available to support low-income tenants pursuing rent escrow, which means that tenants often must file on their own or forgo filing altogether.

SB0807 strengthens the remedies available to tenants and ensures that tenants can hold landlords responsible for negligence and delay in a way that fully accounts for the harm they suffer. First, by providing groups of tenants with the opportunity to file together, tenants will be able to hold landlords accountable for the repairs they are already legally required to make. Second, by permitting tenants to pursue damages against a landlord who fails to make repairs, landlords and their agents will be required to account for the actual harm caused by their refusals and failures to make necessary repairs – a remedy that is much more persuasive than lost rental income alone. Finally, the attorney’s fees provision increases the likelihood that tenants will be able to avail themselves of legal services, as they will be able to enlist attorneys whose practices depend upon the ability to recoup reasonable fees.

SB0807 also codifies the already-existing implied warranty of habitability and clarifies tenants’ right to enforce it. Landlords are currently required to ensure their properties are suitable for human habitation, but negligent landlords often freely collect rent without being held to this basic, common-sense standard. SB 0807 provides an important tool to hold these negligent landlords accountable.

3. SB0807 allows tenants to address building or complex-wide conditions issues in a single case

SB0807 also has the added benefit of allowing for resolution of tenants’ conditions issues with the same landlord and increasing access to justice overall.

Currently, it is difficult for a group of tenants to bring an action against a landlord together. Indeed, practitioners report that it is functionally impossible to bring an escrow case on behalf of a group of tenants because existing class action requirements are not designed with escrow in mind. Instead, tenants on the same premises with the same landlord are generally required to file individual actions, with each tenant paying a filing fee, drafting a separate complaint and appearing in court. This process is particularly onerous for older and disabled renters, for whom it may be difficult to travel to the courthouse on multiple occasions, and low-income renters, for whom taking three separate days off of work to go to court could risk their livelihoods. In addition, this process requires judges to hear building or complex-wide conditions issues piecemeal and prevents them from assessing and addressing important safety issues in a single determination. SB0807 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 change that simply makes more sense.

I ask that the Committee **issue a report of FAVORABLE on SB0807.**

I appreciate your time, service, and consideration.

Sincerely,

Jennifer Roman
847 Harvest Moon Dr
Odenton, MD 21113

Health Care for the Homeless - 2023 SB 807 FAV - T

Uploaded by: Joanna Diamond

Position: FAV

HEALTH CARE FOR THE HOMELESS TESTIMONY
IN SUPPORT OF
**SB 807 – Landlord and Tenant - Failure to Repair Serious and
Dangerous Defects - Tenant Remedies (Tenant Safety Act)**

Senate Judicial Proceedings Committee
February 28, 2023



Health Care for the Homeless supports SB 807, which will markedly improve unsafe and uninhabitable living conditions faced by tenants. This bill would enable a single tenant to file a rent escrow case about building and unit conditions on behalf of multiple tenants or a tenants' association. Moreover, the bill holds landlords accountable for serious conditions of disrepair that threaten the lives, health and safety of multiple occupants with the same landlord.

Health Care for the Homeless serves many clients, both individuals and families experience homelessness or housing insecurity, who are forced to live in unsafe and unhealthy housing conditions. Frequently, our clients live in dangerous conditions because they have no other housing options. It often takes landlords a long time to resolve these conditions, if at all. Maintenance issues are rampant in public housing, in particular. Our supportive housing team works closely with property managers to address issues facing clients in their housing situation. In many instances, it has taken multiple staff from our supportive housing team to follow up with property managers to ensure actions were taken to remediate the dangerous conditions in our client's home.

Many of these hazardous living conditions are particularly harmful to children. As our supportive housing providers and case managers can attest, children living in hazardous conditions experiences effects well beyond just the home, including missed school days, frequent or long ED visits, impacts on their physical activity and social activities, etc.

Under current state law, groups of tenants facing the same substandard living conditions with no intention from the landlord to remedy the situation are not able to file a collective rent escrow case or a class action case about conditions. Instead, they each individually have to file the action and are often filing with representation. This system is entirely inefficient and also does not yield the necessary results in order to protect the health and safety of tenants. This legislation addresses two growing concerns of Maryland renters: (1) their need for safer housing conditions, and (2) the need to lower the barrier of entry to courts to address poor housing conditions. This 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.

We know that mortality among those experiencing homelessness has escalated over the last 5-10 years. Individuals and families experiencing homelessness should never be forced to live in unsafe conditions. There is no amount of health care that can substitute stable and healthy housing.

For the health and safety of the clients we serve and for all Marylanders, Health Care for the Homeless urges a favorable report on SB 807.

Health Care for the Homeless is a member of Renters United Maryland (RUM), which is a coalition of independent non-profit, legal services, and community-based organizations. RUM's vision is a Maryland in which renters live in safe and affordable housing and have security of tenure. As a member of RUM, Health Care for the Homeless asks for a favorable report on this legislation. See Renters United Maryland's Housing Justice plan for the 2023 legislative session here: <https://rentersunitedmaryland.org/>.

Health Care for the Homeless is Maryland's leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We deliver medical care, mental health services, state-certified addiction treatment, dental care, social services, housing support services, and housing for over 10,000 Marylanders annually at sites in Baltimore City and Baltimore County.

Our Vision: Everyone is healthy and has a safe home in a just and respectful community.

Our Mission: We work to end homelessness through racially equitable health care, housing and advocacy in partnership with those of us who have experienced it.

For more information, visit www.hchmd.org.

SB 807_MD Center on Economic Policy_FAV.pdf

Uploaded by: Kali Schumitz

Position: FAV

Tenants Should Be Able To Hold Negligent Landlords Accountable

Position Statement Supporting Senate Bill 807

Given before the Senate Judicial Proceedings 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 Senate Bill 807 because the bill gives protections and remedies for tenants experiencing hazardous living conditions.**

SB 807 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. SB 807 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. SB 807 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.

SB 807 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 Judicial Proceedings Committee to make a favorable report on Senate Bill 807.**

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

Equity Impact Analysis: Senate Bill 807

Bill Summary

SB 807 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.

SB 807 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. HB0691 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

SB 807 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

Senate Bill 807 will likely **improve racial, gender, and economic equity** in Maryland.

SB0807 - CLS Tenant Safety Act Testimony.pdf

Uploaded by: Kayla Williams

Position: FAV



**SB0807 - Landlord and Tenant – Failure to Repair Serious and Dangerous Defects
- Tenant Remedies (Tenant Safety Act)**

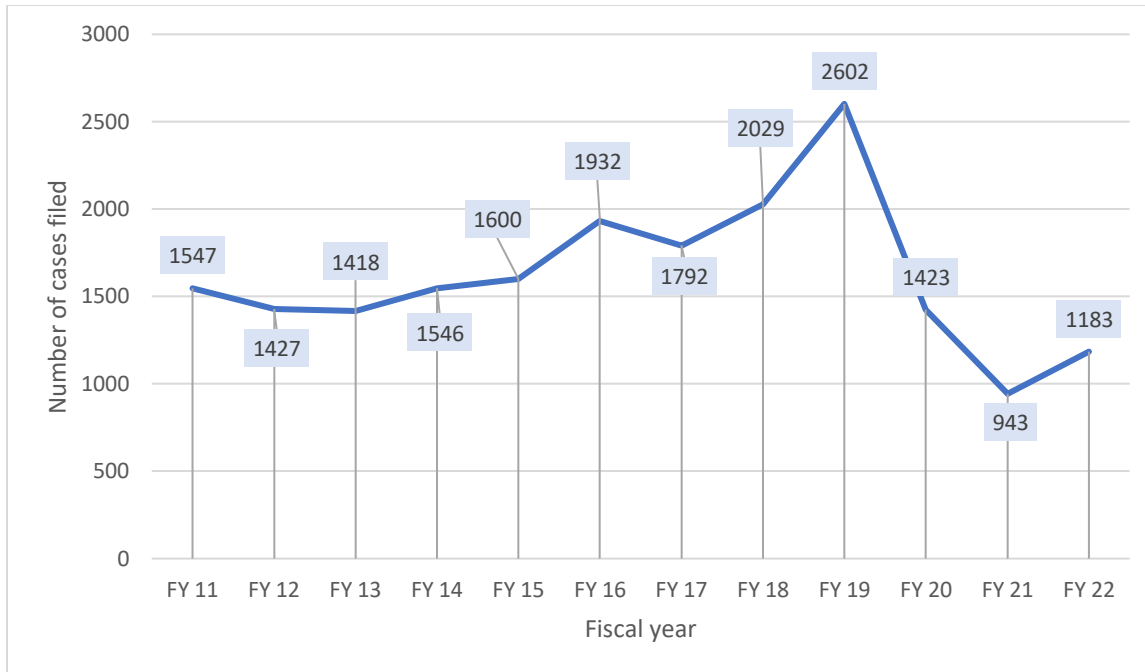
**Hearing before the Senate Judicial Proceedings Committee,
Mar. 7, 2023, 1:00PM**

Position: SUPPORT (FAV)

Community Legal Services of Prince George's County, Inc., is a non-profit organization established to provide civil legal services to low-income residents in Prince George County. We provide representation to tenants facing eviction in both Prince George's and Anne Arundel County.

We support Senate Bill 0807, the Tenant Safety Act, because it would support tenant organizing for better and safer housing conditions.

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.



Data Source: Maryland Judiciary, <https://mdcourts.gov/district/about#stats>

SB0807 addresses such obstacles by introducing group standing and collective remedies to the rent escrow law (Real Property § 8-211). 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. SB0807 would enable a single tenant to file a rent escrow case about building and unit conditions on behalf of multiple tenants or a tenants’ association. 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.

SB0807 mirrors an existing procedure in New York City, one that routinely supports tenants in addressing harmful building conditions quickly and collectively. Our organization supports the Tenant Safety Act because we believe Maryland renters deserve the same opportunity to build power for better housing.

1. SB0807 supports tenant organizing for repairs to conditions that threaten life, health and safety

SB0807 facilitates tenants in demanding necessary housing improvements that would benefit all Marylanders, renters and homeowners alike. The bill allows a single tenant or a group of tenants, incorporated or unincorporated, living on the same premises with the same landlord, to seek repairs, damages for unaddressed repairs, and attorney’s fees.

In individual habitability actions, tenants face a massive power imbalance when seeking necessary repairs from their landlords. In response to an individual escrow filing, landlords can, and do, 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 the fact that it is illegal to do so. In providing a collective option for seeking repairs through the courts and the added remedy of damages and attorney's fees, SB0807 reduces the likelihood of intimidation of individual tenants 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.

2. SB0807 gives tenants more power to compel repairs by ensuring that tenants and courts can hold negligent landlords accountable

As it stands, the only remedies available to tenants that file rent escrow for repairs are rent abatement, distribution of escrow funds or an injunction 90 days after a court finding that the conditions complained of by the tenant exist. These remedies alone, however, have proven unavailing with numerous negligent landlords. There are also limited legal services available to support low-income tenants pursuing rent escrow, which means that tenants often must file on their own or forgo filing altogether.

SB0807 strengthens the remedies available to tenants and ensures that tenants can hold landlords responsible for negligence and delay in a way that fully accounts for the harm they suffer. First, by providing groups of tenants with the opportunity to file together, tenants will be able to hold landlords accountable for the repairs they are already legally required to make. Second, by permitting tenants to pursue damages against a landlord who fails to make repairs, landlords and their agents will be required to account for the actual harm caused by their refusals and failures to make necessary repairs – a remedy that is much more persuasive than lost rental income alone. Finally, the attorney's fees provision increases the likelihood that tenants will be able to avail themselves of legal services, as they will be able to enlist attorneys whose practices depend upon the ability to recoup reasonable fees.

SB0807 also codifies the already-existing implied warranty of habitability and clarifies tenants' right to enforce it. Landlords are currently required to ensure their properties are suitable for human habitation, but negligent landlords often freely collect rent without being held to this basic, common-sense standard. HB0691 provides an important tool to hold these negligent landlords accountable.

3. SB0807 allows tenants to address building or complex-wide conditions issues in a single case

SB0807 also has the added benefit of allowing for resolution of tenants' conditions issues with the same landlord and increasing access to justice overall.

Currently, it is difficult for a group of tenants to bring an action against a landlord together. Indeed, practitioners report that it is functionally impossible to bring an escrow case on behalf of a group of tenants because existing class action requirements are not designed with escrow in mind. Instead, tenants on the same premises with the same landlord are generally required to file individual actions, with each tenant paying a filing fee, drafting a

separate complaint and appearing in court. This process is particularly onerous for older and disabled renters, for whom it may be difficult travel to the courthouse on multiple occasions, and low-income renters, for whom taking three separate days off of work to go to court could risk their livelihoods. In addition, this process requires judges to hear building or complex-wide conditions issues piecemeal and prevents them from assessing and addressing important safety issues in a single determination. HB0691 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 change that simply makes more sense.

Community Legal Services of Prince George's County, Inc., is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on SB0807**. If you have any questions, please don't hesitate to contact me.

Sincerely,

Kayla Williams
Community Legal Services of Prince George's County, Inc.
6301 Ivy Lane, Suite 720
Greenbelt, MD 20770
240-391-6370
williams@clspgc.org
www.clspgc.org

SB 807_Consumer Protection Division_Favorable_2023

Uploaded by: Kira Wilpone-Welborn

Position: FAV

ANTHONY G. BROWN
Attorney General

CANDACE MCLAREN LANHAM
Chief of Staff

CAROLYN QUATTROCKI
Deputy Attorney General



WILLIAM D. GRUHN
Chief
Consumer Protection Division

Writer's Fax No.

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

Writer's Direct Dial No.
410-576-6986
kwilponeweborn@oag.state.md.us

February 27, 2023

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

From: Kira Wilpone-Welborn, Assistant Attorney General
Consumer Protection Division

Re: Senate Bill 807 – Landlord and Tenant - Failure to Repair Serious and Dangerous Defects
- Tenant Remedies (Tenant Safety Act)(SUPPORT)

The Consumer Protection Division of the Office of the Attorney General (the “Division”) supports Senate Bill 807, the Tenant Safety Act, sponsored by Senator Alonzo Washington. Landlord-tenant complaints are consistently among the top complaints received from consumers by the Division. A significant number of the landlord-tenant complaints the Division receives each year involve complaints about the conditions in rental housing. Occasionally, the Division is able to resolve the complaints by having landlords agree to address the conditions or reimburse a tenant for any repair costs paid by a tenant. If, however, the Division is unable to achieve an amicable resolution to a complaint, it will recommend that a tenant seek an individual judicial remedy, such as filing a rent escrow action, regardless of whether the complaint involves an individual or a systemic health and safety issue, because, presently, the rent escrow provisions of the Real Property Article are intended to provide only individual tenants with a means of incentivizing landlords to repair dangerous defects in their individual unit. Similarly situated tenants in the same building with unaddressed health and safety violations are required to each petition the court to order their landlord to make repairs, creating a patchwork of repaired units and units that continue to have unaddressed serious health and safety violations. Senate Bill 807 seeks to remedy the present deficiencies in Real Property Article § 8-211 by modifying the statute in three ways.

First, Senate Bill 807 seeks to codify a cause of action of breach of the warranty of habitability. The current rent escrow framework does not explicitly make clear that tenants should be able to recover for damages that accrue before an escrow action is filed but after a landlord has notice of a dangerous defect. Senate Bill 807’s codification of the warranty of habitability cause of action would (1) permit a tenant to combine a breach of warranty action that

can provide relief for past harms with a rent escrow action that can help address continuing injuries, but (2) make it clear that the breach of warranty action does not require the tenant to make rental payments into the court.

Second, Senate Bill 807 would permit multiple tenants, or a tenant organization, to bring a rent escrow or breach of warranty of habitability action against their landlord for similar claims of unaddressed health and safety violations. The current rent escrow framework requires each individual tenant in a building to file an action against their landlord despite having the same or similar complaints of unaddressed health and safety violations. When each tenant is required to file their own rent escrow action to seek a judicial order of repair, a variety of outcomes can result. Some tenants elect to forego the rent escrow process due to time and financial constraints, leaving their unit subject to continued unsafe and unhealthy conditions. Other tenants may file complaints in District Court, but the actions themselves could result in a variety of dispositions. As such, the current rent escrow system can result in a patchwork of unaddressed health and safety conditions at the same building or complex. Senate Bill 807's expansion of § 8-211 to groups of tenants and tenant organizations would allow tenants to pool their resources to address systemic health and safety violations, thus reducing the burden on the judiciary and leading to uniform remediation of violations and consistent relief for similar tenants.

Finally, Senate Bill 807 would permit prevailing petitioners reasonable attorneys' fees, expenses, and costs. Presently, tenants filing rent escrow actions often file *pro se* or rely on legal service agencies to assist with these cases. Permitting tenants to seek attorneys' fees and costs when prevailing in complaints for unrepaired health and safety violations may attract more attorneys to provide representation in rent escrow actions because their fees and costs can be reimbursed.

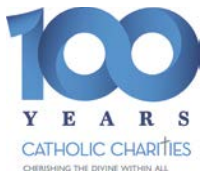
Accordingly, the Division requests that the Judicial Proceedings Committee give Senate Bill 807 a favorable report.

cc: The Honorable Alonzo Washington
Members, Judicial Proceedings Committee

SB0807_CC_Klingenmaier_FAV.pdf

Uploaded by: Lisa Klingenmaier

Position: FAV



Senate Bill 807
Landlord and Tenant – Failure to Repair Serious and Dangerous Defects – Tenant Remedies (Tenant Safety Act)

Senate Judicial Proceedings Committee

February 28, 2023

Support

Catholic Charities of Baltimore strongly supports SB 807, which allows a group of tenants to access a rent escrow process to collectively hold the landlord accountable for serious conditions of disrepair that threaten the lives, health, and safety of multiple tenants of the same landlord.

Inspired by the Gospel to love, serve and teach, Catholic Charities provides care and services to improve the lives of Marylanders in need. For 100 years, Catholic Charities has accompanied Marylanders as they age with dignity, obtain empowering careers, heal from trauma and addiction, achieve economic independence, prepare for educational success and feel welcome as immigrant neighbors. As one of the largest human service providers in Maryland, we see the traumatic impact of inhabitable living conditions and housing displacement every day.

SB 807 will reduce the incidence housing instability by allowing tenants to file rent escrow cases together when there are ongoing serious conditions of disrepair that threaten all of the tenants of the same landlord. We provide homeless services across central and western Maryland, and often those we work with tell us their households spiraled into homelessness due to an eviction or a loss of stable, safe housing. Stable housing is a cornerstone of stable families, and studies show that poor quality housing is directly correlated with poor health, including injuries and mental health struggles.¹ Without safe shelter, families are more susceptible to adverse childhood experiences (ACEs), mold, rodents, and poor health.

SB 807 removes barriers to the legal remedies that are available to tenants to hold landlords accountable for unsafe living conditions. Many low-income families struggle in unsafe living conditions because of the significant barriers that often exist for tenants to file rent escrow cases. For many, the prospect of bringing an individual lawsuit raises fear of retaliation and retribution. For others, the filing fee and time missed from work are infeasible on a lean budget. SB 807 addresses these obstacles by permitting tenants to file a rent escrow case together, which will allow families to collectively leverage their time and resources to demand safer living conditions.

SB 807 is sound fiscal policy. Unsafe housing entrenches families into poverty and poor health, which are extraordinarily expensive to address. Maryland should be working to prevent loss of housing, especially among households with children. Safe and reliable housing provides the stability needed to secure and maintain employment, promote good health, invest in educational opportunities and ultimately saves the state resources that otherwise go to maintain shelters and state-funded safety net programs. We know our individuals and families thrive in economically secure households with stable housing, and thriving families means a thriving economy.

On behalf of the individuals and families we work with, Catholic Charities of Baltimore appreciates your consideration, and urges the committee to issue a favorable report for SB 807.

Submitted By: Lisa Klingenmaier, Assistant Director of Advocacy

¹ Louis Morales-Brown, How Can Housing Influence Health? Med. News Today (May 13, 2021), <https://www.medicalnewstoday.com/articles/housing-and-health>.
320 Cathedral Street | Baltimore MD 21201-4421 | 667 600 2000 | www.cc-md.org

HB 691-SB 807-Tenant Safety Act.pdf

Uploaded by: Loraine Arikat

Position: FAV



Testimony in support of HB 691/SB 807

**Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies
(Tenant Safety Act)**

Position: FAVORABLE

To Chair Barve and members of the Environment and Transportation Committee; Chair Smith and members of the Judicial Proceedings Committee:

My name Ricarra Jones and I am the Political Director with 1199SEIU United Healthcare Workers East. We are the largest healthcare workers union in the nation, representing over 10,000 members in Maryland & Washington DC alone. Our union supports HB 691/SB 807 to ensure every Marylander lives in safe and healthy units. We urge the Committee to issue a favorable report.

Our members work in hospitals, federally qualified health centers, and long-term care facilities across the state. They are certified nursing assistants, dietary aides, housekeepers, janitors, and technicians taking care of our most vulnerable patients. However, when they go home, they have to deal with uncompliant landlords that fail to repair serious and dangerous defects. One 1199 SEIU member struggled to navigate the justice system when her landlord failed to remedy water damage and mold in her home.

1199 SEIU supports HB 691/SB 807 because it allows tenants to band together around shared concerns to compel their landlords to make life-saving repairs. As a union, our healthcare workers understand the power of collective advocacy amidst a severe healthcare staffing crisis to support the health and wellbeing of their patients and co-workers. The ability to have safe and livable homes is a public health issue that impacts the health of residents across the state.

1199 SEIU members have been referred to our legal partners that support tenants facing housing injustice, eviction, or seeking rent escrow. HB 691/SB 807 strengthens the attorney's fees provisions which increases the likelihood that tenants will seek legal recourse for harms caused by landlord negligence. Tenants face an unfair power imbalance when confronting landlords with rent escrow and risk retaliation that impacts housing stability. This bill reduces the likelihood of landlord intimidation. Increasing access to justice for members who are care takers, disabled, or elderly is a worthy cause in a system that often disadvantages our most vulnerable residents.

For these reasons and more, 1199 SEIU urges the committee to issue a favorable report on HB 691/SB 807.

In unity,

Ricarra Jones, Political Director of 1199 SEIU United Healthcare Workers East

Ricarra.jones@1199.org

Kronser Testimony supporting SB807 (1).pdf

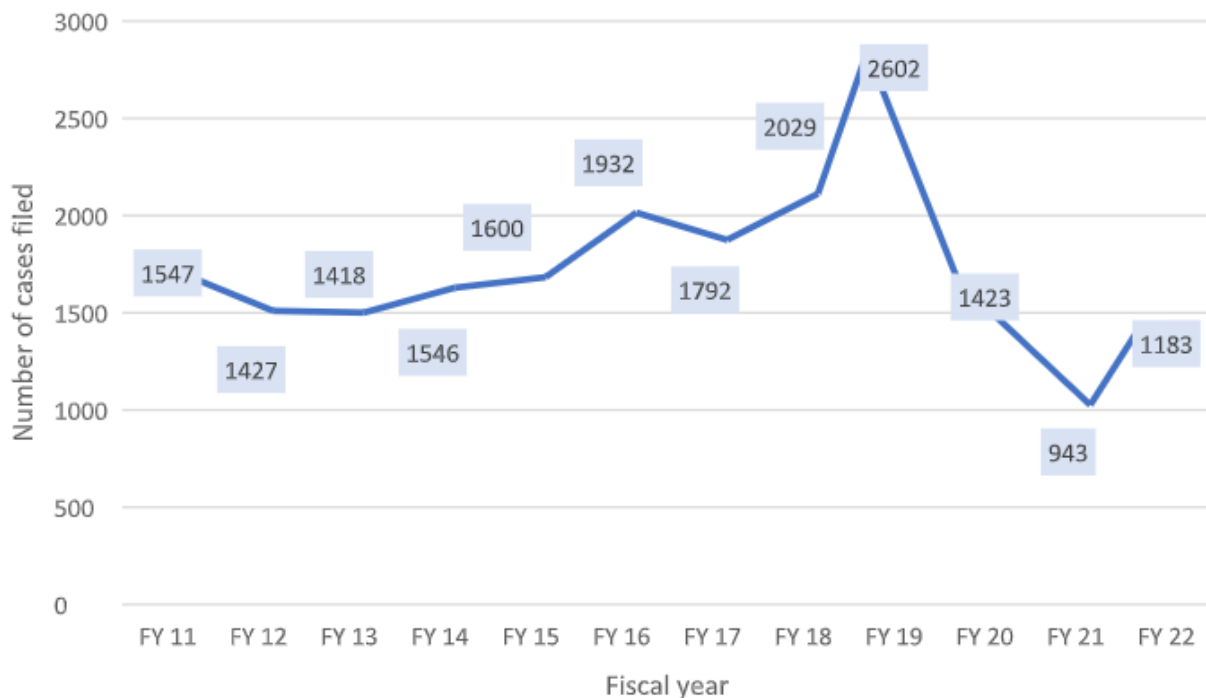
Uploaded by: Lori Kronser

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee:

I am a member of Showing Up for Racial Justice Annapolis and Anne Arundel County, the Mission Elder at Ark and Dove Presbyterian Church and I am a resident of District 23 in Bowie. I am testifying in support of Senate Bill 0807, the Tenant Safety Act, because it would support tenant organizing for better and safer housing conditions.

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.



Data Source: Maryland Judiciary, <https://mdcourts.gov/district/about#stats>

SB0807 addresses such obstacles by introducing group standing and collective remedies to the rent escrow law (Real Property § 8-211). 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. SB0807 would enable a single tenant to file a rent escrow case about building and unit conditions on behalf of multiple tenants or a tenants' association. 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.

SB0807 mirrors an existing procedure in New York City, one that routinely supports tenants in addressing harmful building conditions quickly and collectively. Our organization supports the Tenant Safety Act because we believe Maryland renters deserve the same opportunity to build power for better housing.

1. SB0807 supports tenant organizing for repairs to conditions that threaten life, health and safety

SB0807 facilitates tenants in demanding necessary housing improvements that would benefit all Marylanders, renters and homeowners alike. The bill allows a single tenant or a group of tenants, incorporated or unincorporated, living on the same premises with the same landlord, to seek repairs, damages for unaddressed repairs, and attorney's fees.

In individual habitability actions, tenants face a massive power imbalance when seeking necessary repairs from their landlords. In response to an individual escrow filing, landlords can, and do, 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 the fact that it is illegal to do so. In providing a collective option for seeking repairs through the courts and the added remedy of damages and attorney's fees, SB0807 reduces the likelihood of intimidation of individual tenants 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.

2. SB0807 gives tenants more power to compel repairs by ensuring that tenants and courts can hold negligent landlords accountable

As it stands, the only remedies available to tenants that file rent escrow for repairs are rent abatement, distribution of escrow funds or an injunction 90 days after a court finding that the conditions complained of by the tenant exist. These remedies alone, however, have proven unavailing with numerous negligent landlords. There are also limited legal services available to support low-income tenants pursuing rent escrow, which means that tenants often must file on their own or forgo filing altogether.

SB0807 strengthens the remedies available to tenants and ensures that tenants can hold landlords responsible for negligence and delay in a way that fully accounts for the harm they suffer. First, by providing groups of tenants with the opportunity to file together, tenants will be able to hold landlords accountable for the repairs they are already legally required to make. Second, by permitting tenants to pursue damages

against a landlord who fails to make repairs, landlords and their agents will be required to account for the actual harm caused by their refusals and failures to make necessary repairs – a remedy that is much more persuasive than lost rental income alone. Finally, the attorney’s fees provision increases the likelihood that tenants will be able to avail themselves of legal services, as they will be able to enlist attorneys whose practices depend upon the ability to recoup reasonable fees.

SB0807 also codifies the already-existing implied warranty of habitability and clarifies tenants’ right to enforce it. Landlords are currently required to ensure their properties are suitable for human habitation, but negligent landlords often freely collect rent without being held to this basic, common-sense standard. SB 0807 provides an important tool to hold these negligent landlords accountable.

3. SB0807 allows tenants to address building or complex-wide conditions issues in a single case

SB0807 also has the added benefit of allowing for resolution of tenants’ conditions issues with the same landlord and increasing access to justice overall.

Currently, it is difficult for a group of tenants to bring an action against a landlord together. Indeed, practitioners report that it is functionally impossible to bring an escrow case on behalf of a group of tenants because existing class action requirements are not designed with escrow in mind. Instead, tenants on the same premises with the same landlord are generally required to file individual actions, with each tenant paying a filing fee, drafting a separate complaint and appearing in court. This process is particularly onerous for older and disabled renters, for whom it may be difficult to travel to the courthouse on multiple occasions, and low-income renters, for whom taking three separate days off of work to go to court could risk their livelihoods. In addition, this process requires judges to hear building or complex-wide conditions issues piecemeal and prevents them from assessing and addressing important safety issues in a single determination. SB0807 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 change that simply makes more sense.

I ask that the Committee **issue a report of FAVORABLE on SB0807.**

I appreciate your time, service, and consideration.

Sincerely,

Lori Kronser
12800 Holiday Lane, Bowie, MD 20716

SB 807 Tenant Safety Act Public Justice Ctr FAV.pd

Uploaded by: Matt Hill

Position: FAV



C. Matthew Hill
Attorney
Public Justice Center
201 North Charles Street, Suite 1200
Baltimore, Maryland 21201
410-625-9409, ext. 229
hillm@publicjustice.org

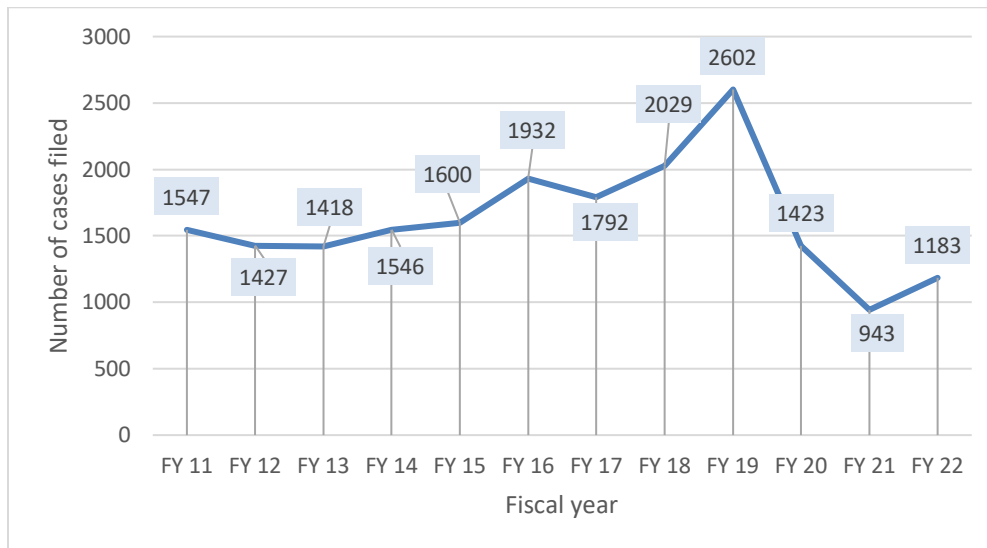
SB 807 - Landlord and Tenant – Failure to Repair Serious and Dangerous Defects -
Tenant Remedies (Tenant Safety Act)

Hearing before Judicial Proceedings Committee,
Feb. 28, 2023, 1:00PM

Position: SUPPORT (FAV)

Public Justice Center (PJC) is a nonprofit public interest law firm that assists over 800 renters
each year. We stand with tenants to protect and expand their rights to safe, habitable,
affordable, and non-discriminatory housing. We support SB 807, the Tenant Safety Act,
because it would support tenants facing dangerous conditions in accessing rent escrow.

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.



Data Source: Maryland Judiciary, <https://mdcourts.gov/district/about#stats>

SB 807 addresses such obstacles by introducing group filing procedure to the rent escrow law (Real Property § 8-211). 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. SB 807 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.

SB 807 mirrors an existing procedure in New York City, one that routinely supports tenants in addressing harmful building conditions quickly and collectively. Our organization supports the Tenant Safety Act because we believe Maryland renters deserve the same opportunity to build power for better housing.

1. SB 807 supports tenant organizing for repairs to conditions that threaten life, health and safety

SB 807 facilitates tenant demands for necessary housing improvements that would benefit all Marylanders, renters and homeowners alike. The bill allows a single tenant or a group of tenants, incorporated or unincorporated, living on the same premises with the same landlord, to seek repairs, damages for unaddressed repairs, and attorney's fees.

In individual habitability actions, tenants face a massive power imbalance when seeking necessary repairs from their landlords. In response to an individual escrow filing, landlords can, and do, 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 the fact that it is illegal to do so. In providing a collective option for seeking repairs through the courts and the added remedy of damages and attorney's fees, SB 807 reduces the likelihood of intimidation of individual tenants 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.

2. SB 807 gives tenants more power to compel repairs by ensuring that tenants and courts can hold negligent landlords accountable

As it stands, the only remedies available to tenants that file rent escrow for repairs are rent abatement, distribution of escrow funds or an injunction 90 days after a court finding that the conditions complained of by the tenant exist. These remedies alone, however, have proven unavailing with numerous negligent landlords. There are also limited legal services available to support low-income tenants pursuing rent escrow, which means that tenants often must file on their own or forgo filing altogether.

SB 807 strengthens the remedies available to tenants and ensures that tenants can hold

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

landlords responsible for negligence and delay in a way that fully accounts for the harm they suffer. First, by providing groups of tenants with the opportunity to file together, tenants will be able to hold landlords accountable for the repairs they are already legally required to make. Second, by clarifying that tenants have an additional means to pursue damages against a landlord who fails to make repairs, landlords and their agents will be required to account for the actual harm caused by their refusals and failures to make necessary repairs – a remedy that is much more persuasive than lost rental income alone. Finally, the attorney’s fees provision increases the likelihood that tenants will be able to avail themselves of legal services, as they will be able to enlist attorneys whose practices depend upon the ability to recoup reasonable fees.

SB 807 also codifies the already-existing implied warranty of habitability and clarifies tenants’ right to enforce it. Landlords are currently required to ensure their properties are suitable for human habitation, but negligent landlords often freely collect rent without being held to this basic, common-sense standard. SB 807 provides an important tool to hold these negligent landlords accountable.

3. SB 807 promotes judicial economy by allowing tenants to address building or complex-wide conditions issues in a single case

SB 807 also has the added benefit of allowing for resolution of tenants’ conditions issues with the same landlord and increasing access to justice overall.

Currently, it is difficult for a group of tenants to bring an action against a landlord together. It is functionally impossible to bring an escrow case on behalf of a group of tenants because existing class action requirements are not designed with escrow in mind and must be filed in the circuit court. Instead, tenants on the same premises with the same landlord are generally required to file individual actions, with each tenant paying a filing fee, drafting a separate complaint and appearing in court. This process is particularly onerous for older and disabled renters, for whom it may be difficult travel to the courthouse on multiple occasions, and low-income renters, for whom taking three separate days off of work to go to court could risk their livelihoods. In addition, this process requires judges to hear building or complex-wide conditions issues piecemeal and prevents them from assessing and addressing important safety issues in a single determination. SB 807 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 change that simply makes more sense.

Public Justice Center is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on SB 807.**

MEnglish SB0807 Favorable.pdf

Uploaded by: Michael English

Position: FAV

SB0807- Landlord and Tenant – Failure to Repair Serious and Dangerous Defects

- Tenant Remedies (Tenant Safety Act)

Hearing before the Senate Judicial Proceedings Committee,

Feb. 24, 2023, 1:00PM

Position: SUPPORT (FAV)

My name is Michael English, and I strongly support Senate Bill 0807, the Tenant Safety Act, because it would support tenants facing dangerous conditions in accessing rent escrow.

I'll be honest with you, a few months ago, I had no idea what rent escrow was, and even now my knowledge is somewhat limited, with the gaps filled in by my more well versed advocates I've come to work with. Still, that shows just how important this law is. If housing advocates aren't familiar with the legalities of collective rent escrow and lawsuits, then what are the chances a group of tenants are? What chance do they have of navigating a complex process that is set up to divide and conquer them? This reform will make it much easier for them to seek collective justice.

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.

SB0807 addresses such obstacles by introducing group filing procedure to the rent escrow law (Real Property § 8-211). 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. SB0807 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.

SB0807 facilitates tenants in demanding necessary housing improvements that would benefit all Marylanders, renters and homeowners alike. The bill allows a single tenant or a group of tenants, incorporated or unincorporated, living on the same premises with the same landlord, to seek repairs, damages for unaddressed repairs, and attorney's fees. In individual habitability actions, tenants face a massive power imbalance when seeking necessary repairs from their landlords. In response to an individual escrow filing,

landlords can, and do, 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 the fact that it is illegal to do so. In providing a collective option for seeking repairs through the courts and the added remedy of damages and attorney's fees, HB0691 reduces the likelihood of intimidation of individual tenants 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.

SB0807 also gives tenants more power to compel repairs by ensuring that tenants and courts can hold negligent landlords accountable. As it stands, the only remedies available to tenants that file rent escrow for repairs are rent abatement, distribution of escrow funds or an injunction 90 days after a court finding that the conditions complained of by the tenant exist. These remedies alone, however, have proven unavailing with numerous negligent landlords.

There are also limited legal services available to support low-income tenants pursuing rent escrow, which means that tenants often must file on their own or forgo filing altogether. SB0807 strengthens the remedies available to tenants and ensures that tenants can hold landlords responsible for negligence and delay in a way that fully accounts for the harm they suffer. First, by providing groups of tenants with the opportunity to file together, tenants will be able to hold landlords accountable for the repairs they are already legally required to make. Second, by permitting tenants to pursue damages against a landlord who fails to make repairs, landlords and their agents will be required to account for the actual harm caused by their refusals and failures to make necessary repairs – a remedy that is much more persuasive than lost rental income alone. Finally, the attorney's fees provision increases the likelihood that tenants will be able to avail themselves of legal services, as they will be able to enlist attorneys whose practices depend upon the ability to recoup reasonable fees.

SB0807 also codifies the already-existing implied warranty of habitability and clarifies tenants' right to enforce it. Landlords are currently required to ensure their properties are suitable for human habitation, but negligent landlords often freely collect rent without being held to this basic, common-sense standard. SB0807 provides an important tool to hold these negligent landlords accountable.

Further, SB0807 promotes judicial economy by allowing tenants to address building or complex-wide conditions issues in a single case.

SB0807 also has the added benefit of allowing for resolution of tenants' conditions issues with the same landlord and increasing access to justice overall. Currently, it is difficult for a group of tenants to bring an action against a landlord together. Indeed, practitioners report that it is functionally impossible to bring an escrow case on behalf of a group of tenants because existing class action requirements are not designed with escrow in mind. Instead, tenants on the same premises with the same

landlord are generally required to file individual actions, with each tenant paying a filing fee, drafting a separate complaint and appearing in court. This process is particularly onerous for older and disabled renters, for whom it may be difficult travel to the courthouse on multiple occasions, and low-income renters, for whom taking three separate days off of work to go to court could risk their livelihoods. In addition, this process requires judges to hear building or complex-wide conditions issues piecemeal and prevents them from assessing and addressing important safety issues in a single determination. SB0807 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 change that simply makes more sense.

I ask that the Committee issue a report of FAVORABLE on SB0807.

Thank you

Michael English

Downtown Silver Spring

SB0807 - Tenant Safety Act Testimony Michael Lent.

Uploaded by: Michael Lent

Position: FAV

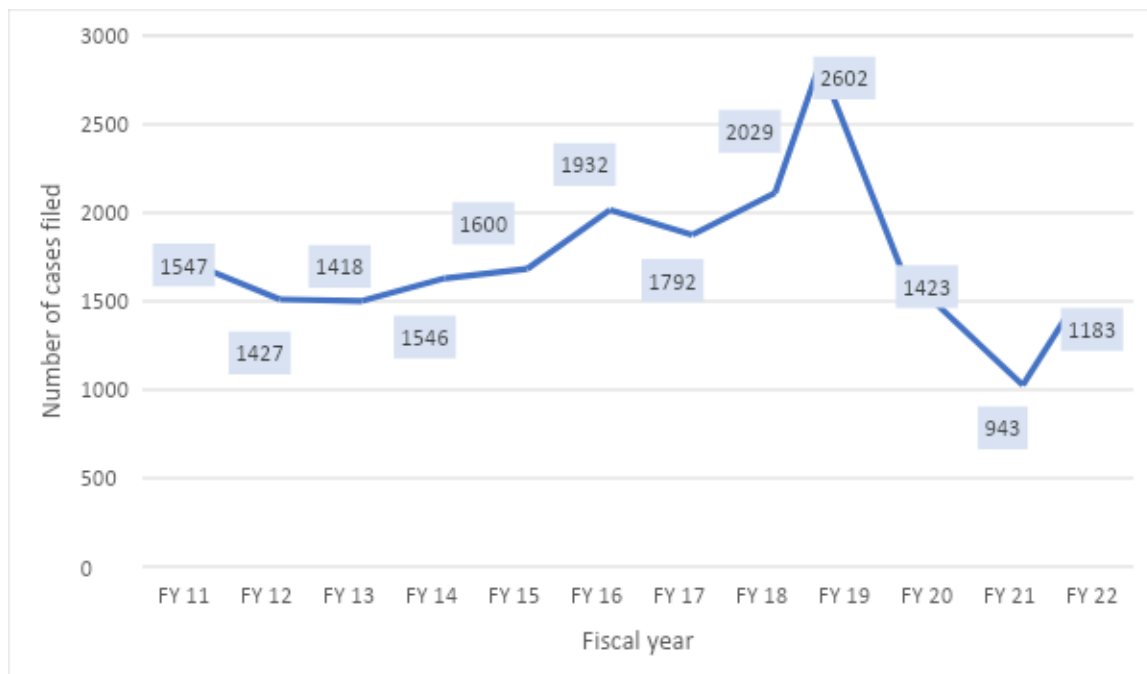
**SB0807 - Landlord and Tenant – Failure to Repair Serious and Dangerous Defects
- Tenant Remedies (Tenant Safety Act)**

**Hearing before the Senate Judicial Proceedings Committee,
Feb 28, 2023, 1:00PM**

Position: SUPPORT (FAV)

I support Senate Bill 0807, the Tenant Safety Act, because it would support tenant organizing for better and safer housing conditions.

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.



Data Source: Maryland Judiciary, <https://mdcourts.gov/district/about#stats>

SB0807 addresses such obstacles by introducing group standing and collective remedies to the rent escrow law (Real Property § 8-211). 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. SB0807 would enable a single tenant to file a rent escrow case about building

and unit conditions on behalf of multiple tenants or a tenants' association. 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.

SB0807 mirrors an existing procedure in New York City, one that routinely supports tenants in addressing harmful building conditions quickly and collectively. Our organization supports the Tenant Safety Act because we believe Maryland renters deserve the same opportunity to build power for better housing.

1. SB0807 supports tenant organizing for repairs to conditions that threaten life, health and safety

SB0807 facilitates tenants in demanding necessary housing improvements that would benefit all Marylanders, renters and homeowners alike. The bill allows a single tenant or a group of tenants, incorporated or unincorporated, living on the same premises with the same landlord, to seek repairs, damages for unaddressed repairs, and attorney's fees.

In individual habitability actions, tenants face a massive power imbalance when seeking necessary repairs from their landlords. In response to an individual escrow filing, landlords can, and do, 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 the fact that it is illegal to do so. In providing a collective option for seeking repairs through the courts and the added remedy of damages and attorney's fees, SB0807 reduces the likelihood of intimidation of individual tenants 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.

2. SB0807 gives tenants more power to compel repairs by ensuring that tenants and courts can hold negligent landlords accountable

As it stands, the only remedies available to tenants that file rent escrow for repairs are rent abatement, distribution of escrow funds or an injunction 90 days after a court finding that the conditions complained of by the tenant exist. These remedies alone, however, have proven unavailing with numerous negligent landlords. There are also limited legal services available to support low-income tenants pursuing rent escrow, which means that tenants often must file on their own or forgo filing altogether.

SB0807 strengthens the remedies available to tenants and ensures that tenants can hold landlords responsible for negligence and delay in a way that fully accounts for the harm they suffer. First, by providing groups of tenants with the opportunity to file together, tenants will be able to hold landlords accountable for the repairs they are already legally required to make. Second, by permitting tenants to pursue damages against a landlord who fails to make repairs, landlords and their agents will be required to account for the actual harm caused by their refusals and failures to make necessary repairs – a remedy that is much more persuasive than lost rental income alone. Finally,

the attorney's fees provision increases the likelihood that tenants will be able to avail themselves of legal services, as they will be able to enlist attorneys whose practices depend upon the ability to recoup reasonable fees.

SB0807 also codifies the already-existing implied warranty of habitability and clarifies tenants' right to enforce it. Landlords are currently required to ensure their properties are suitable for human habitation, but negligent landlords often freely collect rent without being held to this basic, common-sense standard. SB0807 provides an important tool to hold these negligent landlords accountable.

3. SB0807 allows tenants to address building or complex-wide conditions issues in a single case

SB0807 also has the added benefit of allowing for resolution of tenants' conditions issues with the same landlord and increasing access to justice overall.

Currently, it is difficult for a group of tenants to bring an action against a landlord together. Indeed, practitioners report that it is functionally impossible to bring an escrow case on behalf of a group of tenants because existing class action requirements are not designed with escrow in mind. Instead, tenants on the same premises with the same landlord are generally required to file individual actions, with each tenant paying a filing fee, drafting a separate complaint and appearing in court. This process is particularly onerous for older and disabled renters, for whom it may be difficult to travel to the courthouse on multiple occasions, and low-income renters, for whom taking three separate days off of work to go to court could risk their livelihoods. In addition, this process requires judges to hear building or complex-wide conditions issues piecemeal and prevents them from assessing and addressing important safety issues in a single determination. SB0807 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 change that simply makes more sense.

I ask that the Committee issue a report of FAVORABLE on SB0807.

Sincerely,

Michael Lent

District 08

2504 Creighton Ave Parkville MD 21234

MD Catholic Conference_FAV_SB0807.pdf

Uploaded by: MJ Kraska

Position: FAV



MARYLAND
CATHOLIC
CONFERENCE

February 28th, 2023

SB 807

**Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies
(Tenant Safety Act)**

Judicial Proceedings Committee

Position: Favorable

The Maryland Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals, and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 807 establishes that a landlord that offers a dwelling for rent is deemed to warrant the dwelling fit for human habitation; authorizing 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; authorizing a tenant, a group of tenants, or a tenants' organization to bring a 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.

The Conference believe decent, safe, and affordable housing is a human right. Catholic teaching supports the right to private property but recognizes that communities and the government have an obligation to ensure the housing needs of all are met, especially poor and vulnerable people and their families. In a time of rising homelessness and when many workers' wages are stagnant and living expenses are rising, it is important to ensure housing security.

The Conference appreciates your consideration and, for these reasons, respectfully requests a **favorable** report on Senate Bill 807.

CASA_FAV_SB807.docx.pdf

Uploaded by: Ninfa Amador

Position: FAV



Testimony in SUPPORT of SB 807

Landlord and Tenant – Failure to Repair Serious and Dangerous Defects - Tenant Remedies
(Tenant Safety Act)

Senate Judicial Proceedings Committee

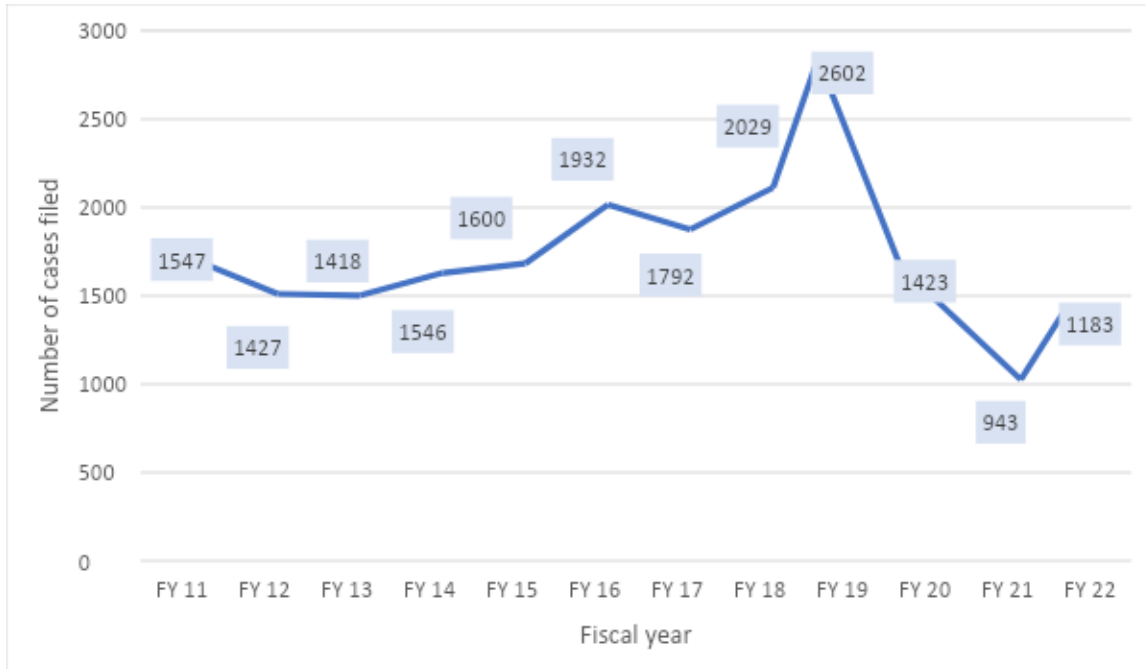
February 28, 2023

Dear Honorable Chair Smith and Members of the Committee,

CASA is pleased to offer favorable testimony in strong support of SB 807, the Tenant Safety Act. CASA is the largest immigrant services and advocacy organization in Maryland, and in the Mid-Atlantic region, with a membership of over 120,000 Black and Latino immigrants and working families. Our mission is to create a more just society by building power and improving the quality of life in working-class and immigrant communities. We envision a future where our members stand in their own power, our families live free from discrimination and fear, and our diverse communities thrive as we work with our partners to achieve full human rights for all.

For nearly forty years, CASA has employed grassroots community organizing to bring our communities closer together and fight for justice, while simultaneously providing much-needed services to these communities, helping to ensure that low-income immigrants are able to live rich and full lives. CASA member-led tenant associations are increasing in number and in their power. Our grassroots organizing has created safer housing for our members in communities such as White Oak in Montgomery County. Our Housing Legal team has also been working closely with members facing uninhabitable living conditions who have brought cases against their unresponsive landlords. 10 CASA members successfully filed individual rent escrow cases against their landlord for issues that were complex-wide. From rodent infestation to water intrusion concerns. With the help of CASA's housing legal team, these members even received monetary compensation for their landlord's negligence. These were 10 individual rent escrow cases that our legal team represented. These cases, all for the same reason, resulted in over 12 different court appearances. We know that many more renters have sufficient claims to file rent escrow but do not.

SB 807, the Tenant Safety Act, is key legislation that ensures tenants, facing dangerous housing conditions, have access to collectively file for rent escrow. As current law stands, there are many more tenants suffering from uninhabitable living conditions than filing 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.



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SB 807 addresses such obstacles by introducing a group filing procedure to the rent escrow law (Real Property § 8-211). 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. SB 807 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.

SB 807 mirrors an existing procedure in New York City, one that routinely supports tenants in addressing harmful building conditions quickly and collectively. Our organization supports the Tenant Safety Act because we believe Maryland renters deserve the same opportunity to build power for better housing.

1. SB 807 supports tenant organizing for repairs to conditions that threaten life, health, and safety

SB 807 facilitates tenants in demanding necessary housing improvements that would benefit all Marylanders, renters, and homeowners alike. The bill allows a single tenant or a group of tenants, incorporated or unincorporated, living on the same premises with the same landlord, to seek repairs, damages for unaddressed repairs, and attorney’s fees.

In individual habitability actions, tenants face a massive power imbalance when seeking necessary repairs from their landlords. In response to an individual escrow filing, landlords can,

and do, 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 the fact that it is illegal to do so. In providing a collective option for seeking repairs through the courts and the added remedy of damages and attorney's fees, SB 807 reduces the likelihood of intimidation of individual tenants 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.

2. SB 807 gives tenants more power to compel repairs by ensuring that tenants and courts can hold negligent landlords accountable

As it stands, the only remedies available to tenants that file rent escrow for repairs are rent abatement, distribution of escrow funds, or an injunction 90 days after a court finding that the conditions complained of by the tenant exist. These remedies alone, however, have proven unavailing with numerous negligent landlords. There are also limited legal services available to support low-income tenants pursuing rent escrow, which means that tenants often must file on their own or forgo filing altogether.

SB 807 strengthens the remedies available to tenants and ensures that tenants can hold landlords responsible for negligence and delay in a way that fully accounts for the harm they suffer. First, by providing groups of tenants with the opportunity to file together, tenants will be able to hold landlords accountable for the repairs they are already legally required to make. Second, by permitting tenants to pursue damages against a landlord who fails to make repairs, landlords and their agents will be required to account for the actual harm caused by their refusals and failures to make necessary repairs – a remedy that is much more persuasive than lost rental income alone. Finally, the attorney's fees provision increases the likelihood that tenants will be able to avail themselves of legal services, as they will be able to enlist attorneys whose practices depend upon the ability to recoup reasonable fees.

SB 807 also codifies the already-existing implied warranty of habitability and clarifies tenants' right to enforce it. Landlords are currently required to ensure their properties are suitable for human habitation, but negligent landlords often freely collect rent without being held to this basic, common-sense standard. SB 807 provides an important tool to hold these negligent landlords accountable.

3. SB 807 promotes judicial economy by allowing tenants to address building or complex-wide conditions issues in a single case

SB 807 also has the added benefit of allowing for resolution of tenants' conditions issues with the same landlord and increasing access to justice overall.

Currently, it is difficult for a group of tenants to bring an action against a landlord together. Indeed, practitioners report that it is functionally impossible to bring an escrow case on behalf of a group of tenants because existing class action requirements are not designed with escrow in mind. Instead, tenants on the same premises with the same landlord are generally required to file individual actions, with each tenant paying a filing fee, drafting a separate complaint and appearing in court. This process is particularly onerous for older and disabled renters, for whom

it may be difficult travel to the courthouse on multiple occasions, and low-income renters, for whom taking three separate days off of work to go to court could risk their livelihoods. In addition, this process requires judges to hear building or complex-wide conditions issues piecemeal and prevents them from assessing and addressing important safety issues in a single determination. SB 807 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 change that simply makes more sense.

CASA is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on SB 807.**

Eckel SB807 FAV.pdf

Uploaded by: Rianna Eckel

Position: FAV

Dear Members of the Judicial Proceedings Committee,

My name is Rianna Eckel, and I'm a resident of the 43rd District and a tenant in Baltimore City. I am submitting this testimony as a member of Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA & Renters United Maryland. **I am testifying in support of the Tenant Safety Act (SB0807).**



This bill would enable a group of tenants with the same landlord facing issues in the same property to join a single rent escrow action together, much as a similar law currently does in New York City¹. Under this law, tenants could make use of the rent escrow process without each having to create a separate filing, ensuring tenants who may be behind on rent are still able to demand remedies from their landlords to potentially life-threatening conditions. It would also provide for attorney's fees and damages in these group actions to allow groups of tenants to enlist the assistance of counsel in organizing a case.

At present in Maryland, a group of tenants experiencing the same substandard living conditions from the same landlord each have to file an action individually, and they frequently do not have the benefit of representation as it can be challenging to afford counsel. Even when tenants are able to file, as has been the case in Baltimore for decades, only 6% of cases in rent court result in reduced rent, according to a Baltimore Sun review of over 5,500 cases from 2010 to 2016² – a troublingly low rate.

Maryland was ranked 32nd among the 50 states for severe housing problems in a recent analysis of US Housing & Urban Development data from 2015-2019³. Our state should be leading the nation at providing safe and affordable housing. Instead, we have too many properties bearing significant issues like severe cost burden or insufficient kitchen and plumbing facilities.

This legislation addresses two growing concerns among Marylanders: first, their need for safer housing conditions, and second, the need to lower the barrier of entry to courts to address poor housing conditions. Remarkably, this bill addresses both concerns *while increasing court efficiency*. Since conditions issues cases can be compiled across a particular property owned by a particular landlord into a single proceeding, the courts are saved the administrative burden of duplicative cases.

It is for these reasons that I am encouraging you to vote **in support of SB0807**.

Thank you for your time, service, and consideration.

Sincerely,
Rianna Eckel
2300 Hunter St, Baltimore, 21218
Showing Up for Racial Justice Baltimore

¹ <https://www.nysenate.gov/legislation/laws/RPP/230>

² <https://data.baltimoresun.com/news/dismissed/>

³ https://www.americashealthrankings.org/explore/annual/measure/severe_housing_problems/state/MD

(2.27) SB 807- Landlord and Tenant - Failure to Re

Uploaded by: Robin McKinney

Position: FAV

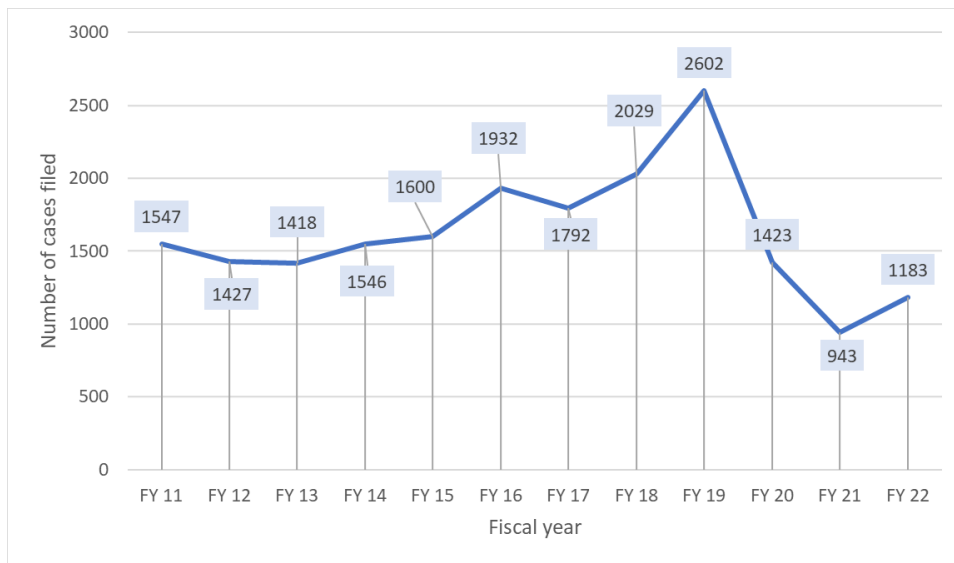


SB 807 Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act)
Judicial Proceedings Committee
February 27th, 2023
SUPPORT

Chairman Smith, Vice-Chair and members of the committee, thank you for the opportunity to submit testimony in support of Senate Bill 807. This bill will support tenants facing dangerous conditions in accessing rent escrow.

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program 'VITA', offering free financial education and coaching, and engaging in policy research and advocacy. **Almost 4,000 of CASH's tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.**

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.



Data Source: Maryland Judiciary, <https://mdcourts.gov/district/about#stats>

SB0807 addresses such obstacles by introducing group standing and collective remedies to the rent escrow law (Real Property § 8-211). 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

Creating Assets, Savings and Hope



repairs. SB0807 would enable a single tenant to file a rent escrow case about building and unit conditions on behalf of multiple tenants or a tenants' association. 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.

SB0807 mirrors an existing procedure in New York City, one that routinely supports tenants in addressing harmful building conditions quickly and collectively. Our organization supports the Tenant Safety Act because we believe Maryland renters deserve the same opportunity to build power for better housing.

SB0807 supports tenant organizing for repairs to conditions that threaten life, health and safety

SB0807 facilitates tenants in demanding necessary housing improvements that would benefit all Marylanders, renters and homeowners alike. The bill allows a single tenant or a group of tenants, incorporated or unincorporated, living on the same premises with the same landlord, to seek repairs, damages for unaddressed repairs, and attorney's fees.

In individual habitability actions, tenants face a massive power imbalance when seeking necessary repairs from their landlords. In response to an individual escrow filing, landlords can, and do, 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 the fact that it is illegal to do so. In providing a collective option for seeking repairs through the courts and the added remedy of damages and attorney's fees, SB0807 reduces the likelihood of intimidation of individual tenants 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.

SB0807 gives tenants more power to compel repairs by ensuring that tenants and courts can hold negligent landlords accountable

As it stands, the only remedies available to tenants that file rent escrow for repairs are rent abatement, distribution of escrow funds or an injunction 90 days after a court finding that the conditions complained of by the tenant exist. These remedies alone, however, have proven unavailing with numerous negligent landlords. There are also limited legal services available to support low-income tenants pursuing rent escrow, which means that tenants often must file on their own or forgo filing altogether.

SB0807 strengthens the remedies available to tenants and ensures that tenants can hold landlords responsible for negligence and delay in a way that fully accounts for the harm they suffer. First, by providing groups of tenants with the opportunity to file together, tenants will be able to hold landlords accountable for the repairs they are already legally required to make. Second, by permitting tenants to pursue damages against a landlord who fails to make repairs, landlords and their agents will be required to account for the actual harm caused by their refusals and failures to make necessary repairs – a remedy that is much more persuasive than lost rental income alone. Finally, the attorney's fees provision increases the likelihood that tenants will be able to avail themselves of legal services, as they will be able to enlist attorneys whose practices depend upon the ability to recoup reasonable fees.

SB0807 also codifies the already-existing implied warranty of habitability and clarifies tenants' right to enforce it. Landlords are currently required to ensure their properties are suitable for human habitation, but negligent landlords often freely collect rent without being held to this basic, common-sense standard. HB0691 provides



an important tool to hold these negligent landlords accountable.

SB0807 allows tenants to address building or complex-wide conditions issues in a single case

SB0807 also has the added benefit of allowing for resolution of tenants' conditions issues with the same landlord and increasing access to justice overall.

Currently, it is difficult for a group of tenants to bring an action against a landlord together. Indeed, practitioners report that it is functionally impossible to bring an escrow case on behalf of a group of tenants because existing class action requirements are not designed with escrow in mind. Instead, tenants on the same premises with the same landlord are generally required to file individual actions, with each tenant paying a filing fee, drafting a separate complaint and appearing in court. This process is particularly onerous for older and disabled renters, for whom it may be difficult travel to the courthouse on multiple occasions, and low-income renters, for whom taking three separate days off of work to go to court could risk their livelihoods. In addition, this process requires judges to hear building or complex-wide conditions issues piecemeal and prevents them from assessing and addressing important safety issues in a single determination. HB0691 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 change that simply makes more sense.

CASH is a member of the Renters United Maryland coalition and asks that the Committee issue a report of FAVORABLE on SB0807.

SB807_Tenant Safety Act_FAV.pdf

Uploaded by: Sarah Johnson

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA & Renters United Maryland. I am a resident of 41. **I am testifying in support of the Tenant Safety Act (SB0807).**



This bill would enable a group of tenants with the same landlord facing issues in the same property to join a single rent escrow action together, much as a similar law currently does in New York City¹. Under this law, tenants could make use of the rent escrow process without each having to create a separate filing, ensuring tenants who may be behind on rent are still able to demand remedies from their landlords to potentially life-threatening conditions. It would also provide for attorney's fees and damages in these group actions to allow groups of tenants to enlist the assistance of counsel in organizing a case.

At present in Maryland, a group of tenants experiencing the same substandard living conditions from the same landlord each have to file an action individually, and they frequently do not have the benefit of representation as it can be challenging to afford counsel. Even when tenants are able to file, as has been the case in Baltimore for decades, only 6% of cases in rent court result in reduced rent, according to a Baltimore Sun review of over 5,500 cases from 2010 to 2016² – a troublingly low rate.

Maryland was ranked 32nd among the 50 states for severe housing problems in a recent analysis of US Housing & Urban Development data from 2015-2019³. Our state should be leading the nation at providing safe and affordable housing. Instead, we have too many properties bearing significant issues like severe cost burden or insufficient kitchen and plumbing facilities.

This legislation addresses two growing concerns among Marylanders: first, their need for safer housing conditions, and second, the need to lower the barrier of entry to courts to address poor housing conditions. Remarkably, this bill addresses both concerns *while increasing court efficiency*. Since conditions issues cases can be compiled across a particular property owned by a particular landlord into a single proceeding, the courts are saved the administrative burden of duplicative cases.

It is for these reasons that I am encouraging you to vote **in support of SB0807**.

Thank you for your time, service, and consideration.

Sincerely,
Sarah Johnson
1 Merryman Court
Baltimore, MD 21210
Showing Up for Racial Justice Baltimore

¹ <https://www.nysenate.gov/legislation/laws/RPP/230>

² <https://data.baltimoresun.com/news/dismissed/>

³ https://www.americashealthrankings.org/explore/annual/measure/severe_housing_problems/state/MD

SB 807_MAP_FAV.pdf

Uploaded by: Stacey Jefferson

Position: FAV



TESTIMONY IN SUPPORT OF SB 807

Landlord and Tenant – Failure to Repair Serious and Dangerous Defects – Tenant Remedies (Tenant Safety Act)

Judicial Proceedings Committee
February 28, 2023 1PM

Position: Support (FAV)

Submitted by Kali Schumitz and Mark Huffman, Co-Chairs

Member Agencies:

- 211 Maryland
- Baltimore Jewish Council
- Behavioral Health System Baltimore
- CASH Campaign of Maryland
- Energy Advocates
- Episcopal Diocese of Maryland
- Family League of Baltimore
- Fuel Fund of Maryland
- Job Opportunities Task Force
- Laurel Advocacy & Referral Services, Inc.
- League of Women Voters of Maryland
- Loyola University Maryland
- Maryland Center on Economic Policy
- Maryland Community Action Partnership
- Maryland Family Network
- Maryland Food Bank
- Maryland Hunger Solutions
- Paul's Place
- St. Vincent de Paul of Baltimore
- Welfare Advocates

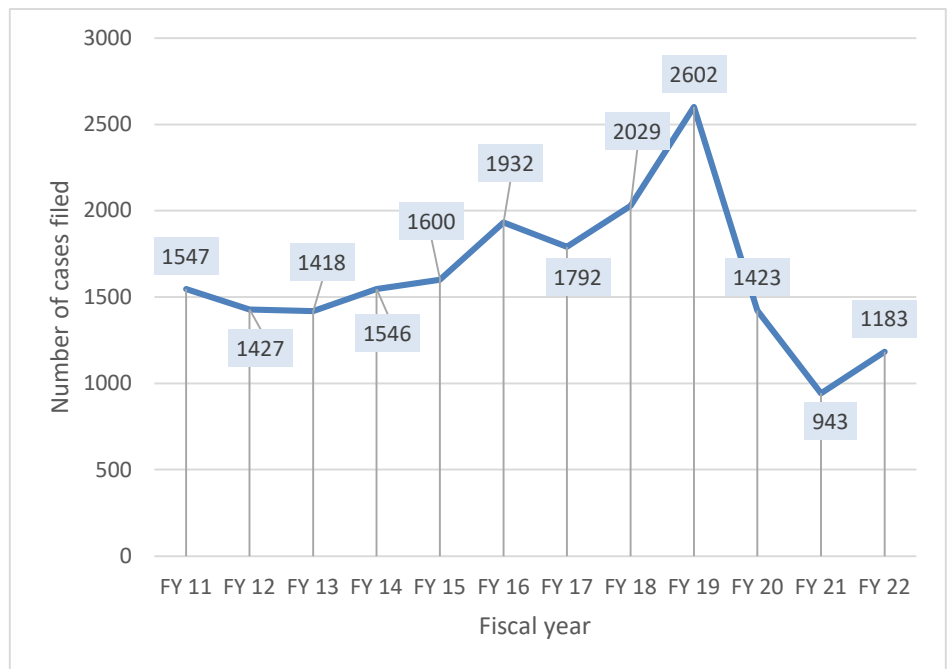
Marylanders Against Poverty

Kali Schumitz, Co-Chair
P: 410-412- 9105 ext 701
E: kschumitz@mdeconomy.org

Mark Huffman, Co-Chair
P: (301) 776-0442 x1033
E: MHuffman@laureladvocacy.org

Marylanders Against Poverty (MAP) strongly supports SB 807, the Tenant Safety Act, because it would support tenants facing dangerous conditions in accessing rent escrow.

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.



Data Source: Maryland Judiciary,
<https://mdcourts.gov/district/about#stats>

SB0807 addresses such obstacles by introducing group filing procedure to the rent escrow law (Real Property § 8-211). 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. SB0807 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.

SB0807 mirrors an existing procedure in New York City, one that routinely supports tenants in addressing harmful building conditions quickly and collectively. Our organization supports the Tenant Safety Act because we believe Maryland renters deserve the same opportunity to build power for better housing.

1. SB0807 supports tenant organizing for repairs to conditions that threaten life, health and safety

SB0807 facilitates tenants in demanding necessary housing improvements that would benefit all Marylanders, renters and homeowners alike. The bill allows a single tenant or a group of tenants, incorporated or unincorporated, living on the same premises with the same landlord, to seek repairs, damages for unaddressed repairs, and attorney's fees.

In individual habitability actions, tenants face a massive power imbalance when seeking necessary repairs from their landlords. In response to an individual escrow filing, landlords can, and do, 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 the fact that it is illegal to do so. In providing a collective option for seeking repairs through the courts and the added remedy of damages and attorney's fees, SB0807 reduces the likelihood of intimidation of individual tenants 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.

2. SB0807 gives tenants more power to compel repairs by ensuring that tenants and courts can hold negligent landlords accountable

As it stands, the only remedies available to tenants that file rent escrow for repairs are rent abatement, distribution of escrow funds or an injunction 90 days after a court finding that the conditions complained of by the tenant exist. These remedies alone, however, have proven unavailing with numerous negligent landlords. There are also limited legal services available to support low-income tenants pursuing rent escrow, which means that tenants often must file on their own or forgo filing altogether.

SB0807 strengthens the remedies available to tenants and ensures that tenants can hold landlords responsible for negligence and delay in a way that fully accounts for the harm they suffer. First, by providing groups of tenants with the opportunity to file together, tenants will be able to hold landlords accountable for the repairs they are already legally required to make. Second, by permitting tenants to pursue damages against a landlord who fails to make repairs, landlords and their agents will be required to account for the actual harm caused by their refusals and failures to make necessary repairs – a remedy that is much more persuasive than lost rental income alone. Finally, the attorney's fees provision increases the likelihood that tenants will be able to avail themselves of legal services, as they will be able to enlist attorneys whose practices depend upon the ability to recoup reasonable fees.

SB0807 also codifies the already-existing implied warranty of habitability and clarifies tenants' right to enforce it. Landlords are currently required to ensure their properties are suitable for human habitation, but negligent landlords often freely collect rent without being held to this basic, common-sense standard. SB0807 provides an important tool to hold these negligent landlords accountable.

3. SB0807 promotes judicial economy by allowing tenants to address building or complex-wide conditions issues in a single case

SB0807 also has the added benefit of allowing for resolution of tenants' conditions issues with the same landlord and increasing access to justice overall.

Currently, it is difficult for a group of tenants to bring an action against a landlord together. Indeed, practitioners report that it is functionally impossible to bring an escrow case on behalf of a group of tenants because existing class action requirements are not designed with escrow in mind. Instead, tenants on the same premises with the same landlord are generally required to file individual actions, with each tenant paying a filing fee, drafting a separate complaint, and appearing in court. This process is particularly onerous for older and disabled renters, for whom it may be difficult travel to the courthouse on multiple occasions, and low-income renters, for whom taking three separate days off of work to go to court could risk their livelihoods. In addition, this process requires judges to hear building or complex-wide conditions issues piecemeal and prevents them from assessing and addressing important safety issues in a single determination. SB0807 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 change that simply makes more sense.

MAP appreciates your consideration and urges the committee to issue a favorable report for SB 807.

Marylanders Against Poverty (MAP) is a coalition of service providers, faith communities, and advocacy organizations advancing statewide public policies and programs necessary to alleviate the burdens faced by Marylanders living in or near poverty, and to address the underlying systemic causes of poverty.

SB0807 - Maryland Legal Aid - FAV.pdf

Uploaded by: Zafar Shah

Position: FAV



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

**SB0807 - Landlord and Tenant – Failure to Repair Serious and Dangerous Defects -
Tenant Remedies (Tenant Safety Act)**

Hearing before the Senate Judicial Proceedings Committee,
Feb. 28, 2023, 1:00PM

Position: FAVORABLE

Maryland Legal Aid (MLA) submits its written and oral testimony on SB0807 at the request of bill sponsor Senator Alonzo Washington.

MLA is a non-profit law firm that provides free legal services to the State’s low-income and vulnerable residents. Our 12 offices serve residents in each of Maryland’s 24 jurisdictions and handle a range of civil legal matters, including housing, family law, public benefits, bankruptcy and other debt collection matters, and criminal record expungements. MLA urges the Committee’s favorable report on SB0807, which would allow groups of tenants to file rent escrow actions.

SB0807 creates 3 sorely needed tools for renters to rein in negligent landlords who refuse to make necessary repairs to dangerous housing conditions:

1. The bill enables a tenant association or a single tenant, as “lead petitioner,” to file a rent escrow case for repair of hazardous conditions that affect multiple units or commons areas of a building or complex. Notably, SB0807 does not contemplate that an entire rental community could “live rent free,” as opponents might say. The group escrow procedure in the bill requires the lead petitioner to pay rent into the court’s escrow account. Although fellow tenants who opt into the escrow action would not have to pay their own rents into that account, they would consequently still need to pay rent or raise a defense to non-payment in an “Failure to Pay Rent” proceeding.
2. SB0807 also codifies the Implied Warranty of Habitability (“IWH”), which is typically ignored in Maryland courts. While the IWH is already codified in Baltimore City public local law, it exists throughout Maryland as common law. Nonetheless, it is typically either ignored completely or conflated with the rent escrow statute. When renters wish to set off the economic damages related to violation of the IWH against their landlords’ claims for rent, district courts too often instruct them to pay their rent into escrow. This ubiquitous confusion

of two distinct legal claims – one for damages, the other for injunctive relief via repairs – requires the clarification offered by this bill.

3. SB0807 sets forth a “fee shifting” provision in the existing rent escrow law, whereby prevailing tenants would win attorney’s fees and costs. Currently, renters who pursue a rent escrow claim have no statutory basis to win attorneys’ fees and or to recover their filing costs and litigation expenses. SB0807 rectifies that omission from the law. This is an important mechanism to attract attorneys to these cases. The recent enactment of the Access to Counsel in Evictions law did not include affirmative rent escrow actions except where the renter has been constructively evicted (meaning, they have already temporarily vacated the rental unit).

These tools help to balance Maryland’s nearly 50-year-old rent escrow law. SB0807 would enormously impact tenants’ ability to act collectively, quickly, and efficiently to compel potentially life-saving repairs.

The need for SB0807 is readily apparent across the state:

Prince George’s County

Several years ago, in Prince George’s County, pipes burst at an affordable rental housing building primarily serving the elderly. The property was flooded on several floors. The owner decided to only wet vac the carpeted flooring and failed to remove drywall. Predictably, mold grew throughout the common areas on the premises. Compounding the problem, routine maintenance was deficient, residents alleged. The owner failed to clean and maintain the HVAC systems and neglected to replace air filters. Apparently, as a result, condensation accumulated in the HVAC units and leaked out of the systems, causing mold to spread inside the rental units.

Individual resident complaints received negligible response from the owner. These residents, many of whom had respiratory health issues, struggled with accelerating health concerns. They banded together to attempt to force the owner, who continued to deny the existence of a problem, to address their concerns. Yet, they endured months of hardship as they attempted to find counsel to explore class action relief.

Missing from their toolkit was the relief provided by SB0807, which would have offered this group of tenants an expedited means to access the courts together and to obtain holistic repairs of their inter-related conditions by court order.

Charles County

Last December, a group of elderly residents in a Charles County affordable multifamily rental property suffered through a miserable Christmas. Many of their units were flooded and without heat during a record-breaking cold front that had swept across Maryland during the holiday season. Those residents could seek redress for the harms caused by flooding and lack of heat in individual actions, but consequently, the court's findings would be limited to one single unit at a time. If only a few impacted tenants could pay into escrow, other units would be left out of the court's orders for repair. SB0807 would allow these renters to file a single affirmative rent escrow action and to win uniform redress for all units so long as one tenant pays into the escrow account.

Coupled with the rent escrow reforms in HB0972 and HB0976, which, respectively, add mold as a basis for rent escrow relief and require the State to establish standards for mold inspection and remediation, SB0807 presents the General Assembly the opportunity to strengthen the protections it promised to Maryland renters in the 1975 rent escrow law.

The human right to housing is one of the most essential and broadly recognized human rights. It finds strong recognition in International Law, Federal Law, State Law, and case law at all levels. The Universal Declaration of Human Rights guarantees “the right to a standard of living adequate for the health and well-being of [the individual] and of his[/her] family, including food, clothing, shelter and medical care and necessary social services.” The Universal Declaration of Human Rights, G.A. Res. 217, U.N. GAOR, 3d Sess., pt. 1, U.N. Doc. A/810 (1948). One of the basic aspects of the right to housing is that such housing should be safe, decent and sanitary.

SB0807 moves Maryland further along that continuum and **we ask the Committee for a favorable report**. If you have any questions, please contact:

Gregory Countess, Esq.
Director of Advocacy for Housing and Community Economic Development
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Zafar Shah
Assistant Director of Advocacy – Access to Counsel in Evictions
zshah@mdlab.org | (410) 951-7672

MMHA - 2023 - SB 807 - Tenant Safety Act.pdf

Uploaded by: Grason Wiggins

Position: UNF



Bill Title: Senate Bill 807, Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act)

Committee: Judicial Proceedings Committee

Date: February 28, 2023

Position: Unfavorable

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose membership consists of owners and managers of more than 207,246 rental housing homes in more than 937 apartment communities. Our members house over 667,000 residents of the State of Maryland throughout the entire State of Maryland. MMHA membership also includes more than 216 associate members that supply goods and services to the multi-housing industry. More information is available at <https://www.mmhaonline.org/>

Senate Bill 807 amends the rent escrow statute and authorizes a single tenant or tenants' organization to bring an action for money damages against the housing provider for breach of the warrant of habitability stemming from a failure to repair serious and dangerous defects on the leased premises. The bill provides details on what must be contained in a petition.

MMHA opposes this bill because it seeks to dismantle Maryland's long standing rent escrow procedure which balances the rights of tenants to live in housing free of serious and substantial defects with the responsibilities of landlords to supply such housing. This bill further establishes a specialized type of multi-plaintiff litigation which circumvents Maryland's current stringent judicial process to certify class actions, usurping judicial discretion and upending the protections provided by current rent escrow proceedings.

I. Background

- A. Maryland Real Property Code, Rent Escrow Code Section 8-211: This Legislature passed Maryland's Rent Escrow statute for the specific purpose of "providing tenants with a mechanism for encouraging the repair of serious and dangerous defects which exist within or as part of any residential dwelling unit or on property used in common of which the dwelling unit is a part".

The statute has very specific requirements. For example:

- it applies only to "serious and substantial defects and conditions" defined by the statute
- requires a tenant to provide notice of the defect to the landlord
- requires a tenant to escrow their rent while repairs are being made



- allows the landlord to have a “reasonable time” to address defects
- and most importantly, allows the Court to determine appropriate remedies based upon the situation. These include rent abatement and credits, entering injunctions allowing 3rd parties to make needed repairs and even termination of the lease.

This Legislature intended that the rent escrow statute would require housing providers to swiftly cure a defect in rented property and provide tenants with a simple and timely remedy to keep their rented homes safe. However, this Bill’s creation of an entirely new multiple plaintiff cause of action under the rent escrow statute is not only complicated, it will destroy the rapid response mechanism devised by this Legislature to assure that defective conditions in rental property are timely repaired and tenants are protected.

B. Maryland Rule 2-231-Class Actions: Maryland Rule 2-231 is designed to address large scale litigation seeking redress for plaintiffs with similar injuries stemming from similar causes. The statute governs how class actions in civil cases are certified. Four prerequisites must be present before a court can consider certifying one or more persons as a class to bring suit against another party. These are:

- potential class members are so numerous that adding additional tenants to a lawsuit is not practical,
- there are questions of facts or law common to the class members,
- the claims or defenses of the chosen representative are typical of other class members, and
- the chosen representative will fairly and adequately protect the interests of the class.

The policy considerations underpinning these elements are key. The most important element of a class action is efficiency and certainty for all parties. If everyone in the class has been damaged the same way and wants the same thing, then there is an efficiency achieved in proceeding by class action versus individual suits. However, the rule requires that there be sufficient overlap in injuries/remedies of all class members so that all class members have all of their rights vindicated. The other salient element of these actions is that the class members are adequately identified so that the defendant is assured that through the class litigation all claims of the plaintiffs will be fully and completely addressed.

II. **MMHA’s Objections to Senate Bill 807**

A. SB 807 establishes a new, more complicated, cause of action: Senate Bill 807 seeks to establish the concept of “collective action” in rent escrow cases, which until now, has been limited to use in Federal Fair Labor Standards Act (FLSA) wage and hour litigation. This bill’s proposal to graft this concept onto rent escrow matters would be unprecedented and unworkable under Maryland law.



The FLSA provides that an employee may file an action for damages for certain violations of the Act on behalf of themselves “and other employees similarly situated.” 29 U.S.C. § 216(b). Other employees do not become parties unless they file written consents with the court. *Id.* Thus, they are termed “collective actions.” *See Sandoz v. Cingular Wireless LLC*, 553 F.3d 913, 914 (5th Cir. 2008). In a collective action, only similarly situated persons who affirmatively opt in as plaintiffs are bound by the court's judgment. *McKnight v. D. Houston, Inc.*, 756 F. Supp. 2d 794, 808 (S.D. Tex. 2010). Thus, an individual’s choice to not opt-in or to remain silent does not waive their right to file a separate lawsuit under the FLSA, either individually or as a collective action.

Contrastingly, in “class actions”, members who would be eligible to be class members who do not want to participate must opt-out of the class. Those who make no choice and remain silent, generally waive their right to file separate lawsuits arising from the same set of facts.

Once the “opt-in” process is completed in the “collective action” the court must then proceed through another a two-step determination to decide whether the case should proceed as a “collective action”. The criteria for these decisions are analogous to those used in class actions, making the entire process more complex. *See Syrja v. Westat, Inc.*, 756 F. Supp. 2d 682, 686 (D. Md. 2010) (summarizing relevant case law). Midland Funding, LLC v. Cain, 2020 WL 4370888, at *12 (Md. App. July 30, 2020), cert. granted, 471 Md. 261, 241 A.3d 858 (2020), and aff'd in part, rev'd in part, 475 Md. 4, 256 A.3d 765 (2021).

Further, when the “collective action” tool is used in the labor context, it appears that there is no need for a court to make individualized assessments of each claim of each employee since the collective group of employees has the same claim (i.e., overtime, child labor, misclassification, etc.), therefore, the claim of everyone in the group is the same. This is unlike the typical rent escrow situation,

- B. Rent escrow is not intended for “collective action”: The “collective action” concept fails to be a useful model for rent escrow proceedings. Rent escrow (Md. RP Section 8-211) is designed to provide a speedy mechanism for a tenant to utilize the power of the Court to make a landlord perform necessary repairs in the tenant’s rental unit. The “collective action” process is likely to prolong the rent escrow process resulting in delayed repairs. There are very precise rules within the rent escrow statute that must be followed by the tenant and the landlord in order for the Court to determine the facts of and the appropriate remedies for each case. These include:
- whether notice of the problem was properly given to the landlord,
 - whether the defects constitute a "substantial threat to life health and safety" of the tenant,
 - whether the Landlord has a defense to the complaint such as lack of cooperativeness of the tenant, interference with access and the tenant having too many prior judgments to bring an action for escrow,



- how much rent to put in escrow while repairs are made,
- whether there has been a disruption of the tenant's "quiet enjoyment" of their unit and if so how much rent abatement should be awarded to compensate for that, and in severe cases, whether the situation warrants the court issuing an injunctive action for an outside contractor to make repairs and ultimately, if warranted, to end the tenant's lease and award damages.

Even where a defect might affect a common area or an entire building (for instance if the whole roof collapses or the heat is out in the entire building), the unique impact experienced in each rental unit and/or by each tenant mitigates against the "collective action" core idea that all tenants are similarly situated claimants who can rely on one person to represent their interests. Additionally, the fact that some tenants may decide not to "opt-in" to the proceedings presents the specter of never-ending rent escrow actions, which could easily exhaust landlord's resources, both legal and operational.

- C. Senate Bill 807 seeks to circumvent Maryland's class action rules: Unlike collective actions, class certification exists to ensure that the representative(s), who stand in a fiduciary relationship to the class, will adequately represent the entirety of the class, and not just certain interests. The objective is to essentially benefit the class in union from whatever outcome may be achieved, without some interests being placed above others.

The unworkable new and procedurally flawed alternative proposed in Senate Bill 807 is unnecessary and threatens to end the over 40-year balance that this Legislature has had in place to protect the rights of both residents of rental property and their housing providers.

- D. Rent escrow can, if necessary, be litigated as a class action: Nothing in current law prevents a rent escrow case from being litigated as a class action where there is a common and pervasive issue being experienced by some or all tenants. Please see Johnson, et al v. City of Annapolis, CCB- 21-1120.¹ However, the proponents of this bill desire to evade the class action requirements of Rule 2-231, through new, less rigorous procedures thereby skirting the class action process which ensures that all class members have similar claims and will be protected and benefit through this tested and proven process.

¹ In Johnson v. City of Annapolis, a federal judge certified a class action lawsuit that pits approximately 1,700 public housing residents against the City of Annapolis. The class action follows a 2020 settlement that awarded \$1.8 million in damages to 52 Housing Authority of City of Annapolis residents, who claimed the city's failure to inspect nearly 800 public housing units led to extensive mold and other hazardous living conditions, and discriminated against Black residents. That court-approved settlement established that residents of the Housing Authority of the City of Annapolis are entitled to payments of more than \$17,000 each from the city. With the class action status certified by U.S. District Judge Catherine C. Blake, the city could face paying comparable damages to all HACA residents, a total liability of nearly \$30 million.



E. Maryland’s existing rent escrow statute provides powerful remedies to protect tenants and to deliver solutions appropriate to each case: The typical rent escrow case involves the need to address a particularized problem or problems in a specific tenant’s rental unit. Even in multifamily buildings, a tenant’s repair issues are generally unique to their living situation and are easily identifiable through tenant complaints and inspections by the landlord or Code Officials. Housing providers must repair and eliminate conditions that are a serious threat to the life, health, or safety of occupants.

If a housing provider fails to repair serious or dangerous problems in a rental unit, a resident has the right to pay rent into an escrow account established at the local District Court.

The Court will hold the rent until a Judge hears the case and decides what, **if any**, rent should be returned to the tenant or to the housing provider which under Williams v. Authority of Baltimore City, 361 Md. 143 (2000) “[is] *emphasis added*... limited to the difference between the amount of rent paid or owed and the reasonable rental value of the dwelling in its deteriorated condition commencing from the time that the landlord acquired actual knowledge of the breach [of warranty]”.

The Court also has the power to terminate the lease, issue an injunction to have repairs made by someone other than the housing provider, appoint a special administrator to assure that repairs are made and to use escrowed funds to avoid foreclosure on the property if the housing provider fails to pay the mortgage.

In sum, Senate Bill 807’s attempt to create a new form of litigation in rent escrow cases overlooks the fact that Maryland currently has a robust and balanced mechanism in place to protect tenants in need of repairs, that in rare circumstances can be litigated as a “class action.” Maryland has no mechanism to govern “collective actions”, which appear to be useful only in wage and hour litigation, and further, do not support the realities of how rent escrow cases assist tenants and landlords to rectify repair issues in a reasonable, timely and proper way.

For these reasons, we respectfully request an unfavorable report on Senate Bill 807.

For additional information, please contact Aaron J. Greenfield, 410.446.1992

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Uploaded by: Matthew Pipkin

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 807
Landlord and Tenant – Failure to Repair Serious and Dangerous
Defects – Tenant Remedies (Tenant Safety Act)
DATE: February 15, 2023
(2/28)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 807. Senate Bill 807 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. Alonzo Washington
Judicial Council
Legislative Committee

SB 807-- AOBA--UNF.pdf

Uploaded by: Ryan Washington

Position: UNF



Bill No: SB 807-- Landlord and Tenant—Failure to Repair Serious and Dangerous Defects—Tenant Remedies (Tenant Safety Act)

Committee: Judicial Proceedings

Date: February 28, 2022

Position: Unfavorable

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George's Counties.

Senate Bill 807 establishes that housing providers that offer rental housing shall warrant the units fit for human habitation. The bill authorizes a single resident to seek remedies on behalf of a group of residents or a tenant's organization if a housing provider fails to repair serious and dangerous defects on the property. Additionally, a group of residents or a tenant organization can employ remedies for any violation resulting in failure to repair defects in multiple units. The bill allows a resident to bring a civil action for monetary damages against the Housing provider for failure to repair defects within 90 days of the Court finding the conditions still exist. A resident that prevails in an action is entitled to reasonable attorney's fees.

AOBA opposes this legislation for the following reasons:

- The bill will amend the rent escrow process and establish a new specialized type of class action that evades the current process to certify class actions;
- Existing rent escrow laws provide protections for residents.

As drafted, an organization or group of tenants can employ remedies on behalf of a resident. This presents grave concerns for AOBA members as it creates a new process for class action suits for one individual to represent an entire group without legal rights and liabilities to speak for other residents and bring a civil action to a housing provider.

This bill essentially creates a "collective action" that conceptually fails to be a useful model for rent escrow proceedings. Residents use rent escrow to get the courts to require a housing provider to perform necessary repairs in the dwelling unit. Collective action will prolong the process for remedies and delay repairs as there are specific rules within the statute that the housing provider and resident must follow to ensure the Court determines the facts and appropriate remedies for each case. These include:

- whether notice of the problem was adequately given to the housing provider,
- whether the defects constitute a "substantial threat to the life, health, and safety" of the resident,
- whether the housing provider has a defense to the complaint, such as lack of cooperativeness of the resident, interference with access, and the tenant having too many prior judgments to bring an action for escrow,
- how much rent to put in escrow while repairs are made,
- whether there has been a disruption of the resident's "quiet enjoyment" of their unit and, if so, how much rent abatement should be awarded to compensate for that, and in severe cases, whether the situation warrants the Court issuing an injunctive action for an outside contractor to make repairs and ultimately, if warranted, to end the tenant's lease and award damages.

Even where a defect might affect a common area or an entire building (for instance, if the whole roof collapses or the heat is out in the entire building), the unique impact experienced in each rental unit and/or by each tenant mitigates against the "collective action's" core idea that all tenants are similarly situated claimants who can rely on one person to represent their interests. Additionally, tenants who decide not to "opt-in" to the proceedings present the specter of never-ending rent escrow actions, which could quickly exhaust legal and operational resources for housing providers.

AOBA members believe the existing rent escrow statute provides potent remedies to protect tenants. Unlike complicated class action litigation, the typical rent escrow case involves addressing a particular problem or problems in a specific resident's rental unit. Even in multifamily buildings, residents' repair issues are generally unique to their living situation and easily identifiable through resident complaints and inspections by the housing provider or Code Officials. Housing providers must repair and eliminate conditions that seriously threaten occupants' life, health, or safety. Suppose a housing provider fails to fix severe or dangerous problems in a rental unit. In that case, a resident can pay rent into an escrow account established at the local District Court.

For these reasons, AOBA urges an unfavorable report on SB 807. For further information, contact Ryan Washington, AOBA Government Affairs Manager, at rwashington@aoba-metro.org or call 202-770-7713.

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Uploaded by: William Castelli

Position: UNF



Senate Bill 807 – Landlord and Tenant – Failure to Repair Serious and Dangerous Defects – Tenant Remedies (Tenant Safety Act)

Position: Unfavorable

Maryland REALTORS® oppose SB 807 which, among other provisions, allows for money damages under the rent escrow law.

REALTORS® often manage property for owners who lease their single-family property for many reasons. Sometimes it is because the owner is seeking to create additional income for their family by holding onto property they once lived in. Sometimes, they choose rental real estate as a separate investment vehicle where the rent helps pay the mortgage allowing landlords to build equity in the property. Sometimes, it is because the owner of the property has a job relocation but wants to return to Maryland.

Regardless of the reason, not all landlords are large corporations. In fact, many times, their rent barely covers the cost of their mortgage and maintenance costs. Their payoff is not the yearly rent income, but the equity that builds in the property over many years.

SB 807 poses a significant challenge for these landlords by allowing a tenant to use the rent escrow law to sue for money damages. The purpose of the law is to provide tenants with a tool to force landlords to repair serious and dangerous defects rather than simply making a landlord pay damages that do nothing to improve living conditions in the dwelling unit.

Furthermore, the bill establishes the right for landlords to be sued by tenant organizations which will ensure even more money is spent in legal proceedings rather than in fixing properties and bringing them to up to code.

For this reason, the Maryland REALTORS® recommend an unfavorable report.

**For more information contact lisa.mays@mdrealtor.org or
christa.mcgee@mdrealtor.org**