

Robin Carter
Chairperson, Board of Commissioners

Janet Abrahams
President | Chief Executive Officer



HB 1117

February 27, 2024

TO: Members of the Environment and Transportation Committee

FROM: Janet Abrahams, HABC President & CEO

RE: Senate Bill 946 - Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act)

POSITION: Letter of Information

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Housing Authority of Baltimore City (HABC) wishes to submit information on SB 946.

HABC offers affordable housing opportunities through our Public Housing and Housing Choice Voucher (HCV) programs, serving 44,000 individuals throughout Baltimore City. HABC currently owns and operates 6,000 public housing units located at 10 conventional public housing developments and various scattered sites. The average age of these sites are 78 years and immediate capital needs are estimated at over \$120,000 million. HABC's housing programs are funded and regulated by the U.S Department of Housing and Urban Development (HUD), which has established guidelines that all housing must be decent, safe, sanitary and in good repair.

SB 946 authorizes a tenant to bring a civil action for money damages against a landlord if a landlord fails to repair certain mold hazards that constitute dangerous conditions and defects for which a tenant may obtain reliefs within a reasonable time and the award of reasonable attorney's fees to prevailing tenants.

HABC has a 24-hour turnaround for emergency repairs and maintenance as required by HUD. HABC has an operating order which sets forth the procedures for addressing and responding to reports of mold and moisture infiltration. Residents are provided with a mold prevention notice, upon the signing of a lease, during recertification and upon request by the resident and any moisture related maintenance visits that are made to the unit. HABC employs an Environmental Engineer ("EE") which serves as HABC's mold remediation expert.

A report of mold or fungal growth may occur either upon observation by an HABC staff member or by report from a resident. The remediation process is designed to contain, remove, and/or clean the mold contaminated material. The moisture source or event and mold contamination must be addressed. Repaired areas shall be cleaned, plastered, painted, and otherwise completed within one (1) month of the Work Order being initiated. While HABC understands the critical importance of making timely repairs to defects that present a threat to life, health and safety, we have concerns as the bill does not specify the exact type of mold.

This legislation potentially exposes HABC to expensive and extensive lawsuits, which would threaten our already limited resources to meet the city's need for the provision of affordable housing by allowing one tenant or tenant organization to bring a claim on behalf of tenants who are (actually, allegedly or potentially) impacted by the conditions. This legislation could become especially problematic in HABC's larger public housing developments, where a rent escrow case could be filed on behalf of the entire development for conditions that may exist in one unit.

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While HABC agrees with the bill's intent to protect tenants from dangerous defects in a dwelling unit, we respectfully request that the information above is considered in relation to House Bill 1117.

Respectfully submitted.

Janet Abrahams, HABC President & CEO

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