



# Montgomery County

## Office of Intergovernmental Relations

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**SB 946**

**DATE: March 7, 2024**

**SPONSOR: Senator Kelly**

**ASSIGNED TO: Judicial Proceedings**

**CONTACT PERSON: Leslie Frey**

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**POSITION: FAVORABLE (Department of Housing and Community Affairs)**

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### **Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act of 2024)**

Senate Bill 946 establishes that a landlord offering a dwelling for rent is deemed to warrant the dwelling fit for human habitation; clarifies that certain mold hazards constitute dangerous conditions and defects for which a tenant may obtain relief; authorizes multiple tenants to join as plaintiffs in the same civil action against a landlord; establishes that, prior to a certain court order, there is a rebuttable presumption that a tenant is entitled to have a court adjudicate a request for rent abatement; establishes a rebuttable presumption related to the abatement of prospective rent and the requirements for rent escrow, including a rebuttable presumption that limits rent escrow payments to rent that is due and unpaid subsequent to a court order. In addition, Senate Bill 946 authorizes the award of attorney's fees, costs, and expenses related to litigation, preempts local laws that are comparable except those that provide broader applicability or more protections for tenants than the bill; and authorizes remedies for a tenant if a landlord breaches the warranty of habitability, among other provisions.

Current law addressing landlord responsibilities for repair and remedy of conditions deemed to make the unit not suitable for human habitation does not explicitly identify existence of mold in a unit that presents a serious and substantial threat to health. The bill adds the existence of mold as a condition requiring repair and elimination of condition promptly. Additionally, Senate Bill 946 clarifies the defensible actions of a tenant when a landlord refuses or fails to remedy conditions timely, including language clarifying the bringing an action of rent escrow and refusing to pay rent due to the asserted defects or conditions. It also establishes a process for tenants to withhold rent from landlords, through escrow or withheld payment, if landlords fail to make repairs or remedy issues identified as specific health, safety, and required for human habitability. Both tenants and landlords in Montgomery County would benefit from clarifying the requirements and remedies for enforcing the landlord's implied warranty for human habitation. These clarifications will help remedy rental property conditions by allowing tenants to have a better understanding of legal actions available to them. This clarity will help landlords understand their responsibilities and the enforcement actions available. For these reasons, Montgomery County Department of Housing and Community Affairs respectfully requests a favorable report on Senate Bill 946.