

**SB0946- Landlord and Tenant – Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act)****Hearing before the Senate Judicial Proceedings Committee,  
Mar. 7, 2024, 1:00PM****Position: SUPPORT (FAV)**

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Disability Rights Maryland (DRM) is the federally-appointed Protection & Advocacy agency<sup>1</sup> 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 946, 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 housing<sup>2</sup> because of lower-incomes and exclusion from the labor market.<sup>3</sup> 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.

First, allowing tenants with the same landlord and unaddressed conditions issues to “join” escrow cases filed by their neighbors would render the rent escrow process more physically accessible for renters with disabilities. Countless DRM callers have been unable to seek legal remedies for the uninhabitable conditions in which they are living due to the inaccessibility of filing and bringing an escrow claim based on the nature of their disabilities – whether mobility impairments, mental health, or intellectual or developmental disabilities that make being physically present in court difficult if not impossible for them. Currently, it is difficult for a

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

<sup>2</sup> 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.

<sup>3</sup> 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/12-10-19hou-factsheet-us.pdf>.

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 946 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.

By permitting joinder when appropriate, SB 946 would also incentivize landlords to make repairs for low-income renters who receive rental subsidies and pay only a minimal portion of rent, if any. Without the “hook” or incentive of losing market rate rent for multiple months of escrow proceedings, landlords are less motivated to make timely repairs and address conditions impacting the life, health, and safety of renters, particularly when the repairs required are significant and costly. When able to join complaints with neighbors who pay market-rate rent, low-income tenants who themselves pay reduced or no rent would benefit from the financial incentives the escrow process relies on.

Second, by expanding the statute to explicitly include mold as a potentially hazardous condition, SB 946 would benefit renters with disabilities and especially families including children who have disabilities, for whom mold may present a higher risk to health, life, and safety. Currently, DRM represents a single mother living in Public Housing operated by the Housing Authority of Baltimore City whose newborn son has begun developing upper respiratory distress due to the pervasive mold in her unit. Despite her repeated requests for a transfer and maintenance reports, the Housing Authority has not abated the mold in her unit. If mold was already recognized under the current statute, she could have utilized the rent escrow process as intended to compel prompt action by her landlord to remedy this dangerous condition.

Finally, by leveling the playing field and permitting the recovery of attorney’s fees, SB 946 would render the rent escrow process more accessible for tenants with disabilities who are low-income and unable to work, like many of DRM’s clients, or for whom representing themselves in an escrow proceeding would pose an undue barrier. This change would incentivize attorneys to take on escrow cases of low-income tenants with strong cases, who otherwise might not be able to afford or access legal recourse.

Disability Rights Maryland is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on SB 946**. If you have any questions, please contact: E.V. Yost, [evy@DisabilityRightsMD.org](mailto:evy@DisabilityRightsMD.org).