

SB946 - Tenant Safety Act_.pdf

Uploaded by: Alicia Pereschuk

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, in partnership with [Renter's United Maryland](#) and [CASA de Maryland](#). I am a resident of **District 43. I am testifying in support of the Tenant Safety Act of 2024, SB946.**



Showing Up for Racial Justice

This bill enables tenants to take legal action and pursue remedy in court when landlords do not fix life-threatening conditions, including mold. Furthermore, the 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. The bill also lists mold as a dangerous condition

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 SB946, the Tenant Safety Act of 2024.**

Thank you for your time, service, and consideration.

Sincerely,
Alicia Pereschuk
321 W 28th St

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

Baltimore MD 21211
Showing Up for Racial Justice Baltimore

Anna Levy _ SENATE_FAV_Tenant Safety Act_SB0946_03

Uploaded by: Anna Levy

Position: FAV

March 7, 2024
Anna T. Levy
Rockville, MD 20852



TESTIMONY ON SB0946- POSITION: FAVORABLE
Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies
(Tenant Safety Act of 2024)

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

FROM: Anna T. Levy, on behalf of Jews United for Justice (JUFJ)

My name is Anna T. Levy and I am a resident of District 16 in North Bethesda. On behalf of Jews United for Justice (JUFJ), I am submitting this testimony in support of SB0946, 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 people having safe, stable housing is key to a healthy society. Access to safe and stable housing has far-reaching economic, health, and social benefits for individuals, families, and communities, and is key to reducing racial inequities.

I feel very fortunate to live in housing that is safe and well-maintained. But, I am aware that too many Maryland renters live in unconscionably unsafe conditions, with inoperable plumbing, heating or air conditioning; leaks that cause life-threatening mold; and infestations of pests such as rodents and roaches. Most often these tenants are Black and brown families that include children and vulnerable adults who are most at risk for negative health effects – such as asthma – from exposure to these dangerous conditions. And although landlords are required to maintain safe properties, some are not willing to do the necessary repairs, putting tenants and communities at risk.

Current state law creates unnecessary barriers for renters who seek justice from landlords who refuse to make repairs. Currently, under Maryland state law, a tenant can escrow rent to file a case about unsafe conditions. However, many of those most affected lack the financial means to escrow rent, are therefore not able to pursue legal remedy, and likely wouldn't be able to afford legal counsel depending on the case even if they could successfully file one. They do not have the option of filing as a group, either, since groups of tenants facing the same substandard living conditions must file actions individually, and cannot file a collective rent escrow case.

The Tenant Safety Act would remedy these barriers by addressing two growing concerns of Maryland renters: (1) the need for safer housing conditions, and (2) the need to lower the barriers to courts to address poor housing conditions. The bill would also increase court efficiency by compiling conditions 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 Tenant Safety Act would empower tenants to jointly seek legal justice for substandard living conditions and hold their landlords accountable when there is no intention to remedy the situation. The Tenant Safety Act is good for the safety and well-being of Marylanders, providing them with the resources they need to live in a safe place.

On behalf of Jews United for Justice, I respectfully urge this committee to return a favorable report on SB0946, The Tenant Safety Act.

SB946_ArielleJuberg_Fav.pdf

Uploaded by: Arielle Juberg

Position: FAV

Dear Chair Smith and 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, in partnership with Renter's United Maryland and CASA de Maryland. I am a resident of District 8. **I am testifying in support of the Tenant Safety Act of 2024, SB946.**



Showing Up for Racial Justice

As a former renter, I want my neighborhood to have safe and affordable housing. While renting, I had my share of problems, such as inadequate insulation and a rodent infestation, but many Marylanders are dealing with dangerous conditions, including mold. Maryland ranked 32nd among the 50 states for severe housing problems in a recent analysis of US Housing & Urban Development data from 2015-2019¹. 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.

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.

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 SB946, the Tenant Safety Act of 2024**. Thank you for your time, service, and consideration.

Sincerely,

Arielle Juberg
3411 Upton Road
Baltimore, MD 21234
Showing Up for Racial Justice Baltimore

¹ https://www.americashealthrankings.org/explore/annual/measure/severe_housing_problems/state/MD

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

SB0946_Tenant_Safety_Act_of_2024_MLC_FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0946
Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act of 2024)

Bill Sponsor: Senator Kelly

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Aileen Alex, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0946 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

Currently, the “rent escrow” process is inadequate in ensuring remedies for a landlord’s failure to repair serious and dangerous defects that impact the health and safety of tenants. Tenants, living in multi-unit complexes facing similar threats to health and safety should have the ability to join collectively as plaintiffs to hold their landlord accountable. Meaningful sanctions need to be imposed upon those who allow dangerous conditions and defects to exist in leased premises, along with 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, to include mold. 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.

SB 946 Tenant Safety Act RUM Testimony Template.pd

Uploaded by: Chelsea Ortega

Position: FAV



SANTONI, VOCCI & ORTEGA LLC

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SB 946 - Landlord and Tenant – Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act)

Hearing of the Senate Judicial Proceedings Committee, Mar. 7, 2024

Position: SUPPORT (FAV)

Santoni, Vocci & Ortega, LLC is a private tenants' rights firm, representing tenants living in uninhabitable conditions, or have been the subject of an illegal eviction or debt collection violations.

We support SB 946, the Tenant Safety Act, to help tenants hold landlords accountable for refusing to fix severe conditions of disrepair that threaten their life, health, or safety.

Our firm has represented hundreds of clients against their landlords for failing to fix uninhabitable conditions. Being able to join together in rent escrow is particularly important for many of these issues, which are often building-wide in multi-family dwellings like apartment buildings. Rodents, roaches, and bed bugs can easily travel between units. Lack of heat and hot water can also be a building-wide issue.

In Maryland today there are many more renting families suffering with uninhabitable living conditions than the number who file a court complaint seeking “rent escrow” – where the rent is placed into escrow with the court until repairs are made. Some tenants do not file a rent escrow complaint by themselves out of fear of landlord retaliation or because they have no legal counsel to guide them through the process. Some do not have all of the rent that the landlord claims is past-due. Others have no confidence that the court will provide them any relief or require the landlords to make repairs.

Tenants are not wrong in these assessments. A [2016 investigative report by the Baltimore Sun found that the rent escrow system is broken](#): Even when renting families do overcome the initial obstacles to filing for rent escrow, **the Court reduces the rent and provides immediate relief to renters in only 6% of cases.**

As a result, Maryland is on pace to see only 1,959 “rent escrow” complaints filed by tenants against landlords in 2023, yet there are over 66,500 severely or moderately inadequate rental housing units in Maryland. **Many landlords are not being held accountable for repairing major conditions of disrepair that impact not only renting families but entire communities that suffer from the resulting blight.**

The Tenant Safety Act will do 5 things to make rent escrow work and hold landlords

accountable:

1. **Join Similar Rent Escrow Cases Together.** Make it easier for tenants with the same repair issues and same landlord to join in a single rent escrow case under the Court's existing rules on "joinder." There is strength in numbers when neighbors can work together to hold their landlord accountable.
2. **Reset Expectations.** If a landlord refuses to make repairs, then normally a tenant should pay into escrow a reduced rent (by 50% in most cases) going forward until repairs are made. This will help tenants who do not have the full amount that the landlord claims is past-due to still hold the landlord accountable. This will also incentivize landlords to quickly make repairs to avoid losing rent. At the end of the case, the Court will decide how much is due to each party. Many states like Michigan, Minnesota, Colorado, New York, Massachusetts, and New Mexico have similar provisions that lower the barriers to rent escrow for tenants after they have shown that their landlords have been notified of the need for urgent repairs but refused to make them.
3. **Warranty of Habitability.** For claims of past-due rent, clarify that tenants should *not* have to pay the *full* amount of rent if the landlord refused to make repairs by codifying the "warranty of habitability" that already exists in Maryland law.
4. **Mold.** Clarify that when a tenant can show that mold is a severe threat to life, health, or safety, the tenant should be able to file for rent escrow.
5. **Level the Playing Field with Attorney's Fees.** Allow a tenant to recover attorney's fees and costs if they win the case. Most landlords already have a lease provision for attorney's fees if they win. With this addition to rent escrow law, more attorneys will take rent escrow cases for tenants and help level the playing field.

Santoni, Vocci & Ortega, LLC 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: Chelsea Ortega, cortega@svolaw.com.

SB946 - Tenant Safety Act .docx.pdf

Uploaded by: Christina Nemphos

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 multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County, in partnership with [Renter's Maryland](#) and [CASA de Maryland](#). I am a resident of Maryland 40 and live in the Medifield neighborhood of Baltimore. **I am testifying in support of the Tenant Safety Act of 2024, SB946.**



of a
[United](#)
District

Showing Up for Racial Justice court

This bill enables tenants to take legal action and pursue remedy in when landlords do not fix life-threatening conditions, including mold. Furthermore, the 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. The bill also lists mold as a dangerous condition.

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 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.

This bill helps to level the playing field to ensure that all tenants are able to take action to protect their families against substandard or dangerous living conditions.

It is for these reasons that I am encouraging you to vote **in support of SB946, the Tenant Safety Act of 2024.**

Thank you for your time, service, and consideration.

Sincerely,
Christina L. Bell (formerly Nemphos)
1301 W 42nd Street, Baltimore, Md 21211
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

SB946_DHCD_SUPPORT.pdf

Uploaded by: Chuck Cook

Position: FAV

DATE: March 7, 2024

BILL NO.: Senate Bill 946

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

COMMITTEE: Senate Judicial Proceedings Committee

Letter of Support

Description of Bill:

Senate Bill 946 establishes that a landlord offering a residential dwelling unit for rent is deemed to warrant the unit fit for human habitation, specifies that certain mold hazards constitute a condition dangerous to the life, health, and safety of occupants, and authorizes multiple tenants of a residential rental property to jointly bring suit against a landlord in civil actions relating to breach of the warranty of habitability, including abatement of rent and rent escrow actions.

Background and Analysis:

Maryland's 96,000-unit housing shortage is limiting tenant mobility and contributing to the problem of unsafe living conditions. Aging housing stock across the state – nearly 60% of Maryland's homes were built prior to 1980 – means tenants often face issues such as inadequate heat and plumbing, rodent infestation, and mold. These conditions can lead to injuries, reduced respiratory capacity, cardiovascular diseases, and infectious diseases such as tuberculosis and influenza. With a housing shortage, renters have less mobility and are less likely to be able to negotiate for better living conditions. Consequently, those with less bargaining power and fewer resources experience increased health risks.

Under existing Maryland law, tenants have legal remedies against landlords who fail to correct certain dangerous conditions. These remedies include the ability to petition the District Court for rent escrow, under which the tenant's rent is paid into the court to be held until the landlord makes the necessary repairs. Senate Bill 946 adds two important elements to this remedy: the addition of dangerous mold conditions to the list of defects that must be repaired by landlords, and the ability of multiple tenants to join as plaintiffs in a rent escrow action against a landlord who fails to make necessary repairs.

Landlords have a responsibility to maintain safe living environments. No renter, regardless of income, should live in life-threatening and unsafe conditions. Giving tenants more avenues to address safety hazards will help ensure the safety of Maryland residents.

DHCD Position:

The Maryland Department of Housing and Community Development respectfully requests a **favorable** report on SB 946.

SB946 - Tenant Safety Act .pdf

Uploaded by: Daryl Yoder

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, in partnership with [Renter's United Maryland](#) and [CASA de Maryland](#). I am a resident of District 44A and have been both a landlord and a tenant in Baltimore County. **I am testifying in support of the Tenant Safety Act of 2024, SB946.**



Showing Up for Racial Justice

This bill enables tenants to take legal action and pursue remedy in court when landlords do not fix life-threatening conditions, including mold. Furthermore, the 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. The bill also lists mold as a dangerous condition. 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 SB946, the Tenant Safety Act of 2024.**

Thank you for your time, service, and consideration.

Sincerely,
Daryl Yoder,
309 Glenmore Ave., Catonsville, MD 21228
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

SB946 Testimony - Renters Alliance.pdf

Uploaded by: David Mullins

Position: FAV



TESTIMONY
Maryland General Assembly
Judicial Proceedings Committee
In Favor of SB946 - Tenant Safety Act of 2024

David Mullins, (817) 676-1548
Outreach Director, Montgomery County Renters Alliance, Inc.

Chairman Smith, Vice Chair Waldstreicher, and Committee members:

I am writing on behalf of the Montgomery County Renters Alliance to urge the committee's favorable report on SB946, the Tenant Safety Act. The Renters Alliance is Maryland's first and only regional nonprofit dedicated exclusively to renter outreach, education, organizing, and advocacy. Since our founding in 2010, the Renters Alliance has been an unwavering advocate for expanding and strengthening renter protections, which distinctly aligns with the goals of SB946 regarding tenant remedies for dangerous defects in the home.

The Renters Alliance is in strong support of SB946, which will protect tenants from living in substandard housing without tangible recourse. We would like to thank Senator Kelly for introducing this important bill. SB946 will empower tenants with an accessible remedy for dangerous living conditions by allowing them to keep their landlord accountable for serious defects in the home that threaten their life, health, and safety.

There is a disproportionately low amount of rent escrow cases filed compared to the large number of tenants suffering in uninhabitable living conditions. The Tenant Safety Act will improve the feasibility and effectiveness of the rent escrow process by allowing tenants under the same landlord to join a single rent escrow case with their neighbors who are experiencing the same repair issues. This will help combat the fear of landlord retaliation by providing tenants with the opportunity to join together as a collective.

Tenants will also be protected with a warranty of habitability, so that they don't have to pay the full amount of rent when landlords refuse to make repairs to which tenants are entitled. If passed, SB946 will streamline the court process by allowing tenants to recover attorney costs and fees if they win their case. This provision will encourage attorneys to take on rent escrow cases, helping to narrow the gap between tenants living in unsafe rental properties and tenants successfully filing for rent escrow.

This bill will give tenants vital remedies for addressing the lack of crucial repairs in their homes that inhibit their right to life, health, and safety. We strongly urge a favorable report.

Thank you.

SB 0946 TSA Written Testimony.pdf

Uploaded by: DiNesha Rucker

Position: FAV

HOMELESS PERSONS REPRESENTATION PROJECT, INC.

SB 0946 - Landlord and Tenant – Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act)

Hearing of the Judicial Proceedings Committee, Mar. 7, 2024

Position: SUPPORT (FAV)

The Homeless Persons Representation Project, Inc. (“HPRP”) is a non-profit civil legal aid organization providing free legal aid to those suffering from homelessness or at risk of homelessness on legal issues that eliminate barriers to becoming or remaining housed. HPRP regularly provides representation on landlord-tenant matters in Baltimore City, Montgomery County, and Prince George’s County and advocates for continued housing of those at risk of homelessness across Maryland.

HPRP support **SB 0946, the Tenant Safety Act**, to help tenants hold landlords accountable for refusing to fix severe conditions of disrepair that threaten their life, health, or safety.

Today, In Maryland there are many more renting families suffering with uninhabitable living conditions than the number who file a court complaint seeking “rent escrow” – where the rent is placed into escrow with the court until repairs are made. Some tenants do not file a rent escrow complaint by themselves out of fear of landlord retaliation or because they have no legal counsel to guide them through the process. Some do not have all of the rent that the landlord claims is past-due. Others have no confidence that the court will provide them any relief or require the landlords to make repairs.

Advocacy and representation in matters involving conditions issues are a common occurrence in HPRP’s housing work. Many times, these issues are not directly communicated to HPRP as the primary issue that tenants desire legal assistance with. Instead, these issues are spotted through continued client conversations. This is because tenants, in addition to the scenarios listed above, in many instances simply do not know they have legal recourse for the conditions they suffer. Specifically, in HPRP’s Homeless Youth Initiative, many of the condition issues suffered by young tenants are only uncovered after they express their frustrations and/or confusion regarding their duty to pay rent. **SB 0946** could not only bring those who are unaware of their rights into reasonable litigation which may lead to habitable housing but could also be a means to further educate tenants on their rights through experience with such litigation. More importantly, these conversations really highlight how ubiquitous it is that our clients are suffering from horrible and inhabitable conditions. We also discover, that many condition issues can span across the property, properties and landlords.

Moreover, a [2016 investigative report by the Baltimore Sun found that the rent escrow system is broken](#). Even when renting families do overcome the initial obstacles to filing for rent escrow, **the Court reduces the rent and provides immediate relief to renters in only 6% of cases.**

As a result, Maryland is on pace to see only 1,959 “rent escrow” complaints filed by tenants against landlords in 2023, yet there are over 66,500 severely or moderately inadequate rental housing units in Maryland. **Many landlords are not being held accountable for repairing major conditions of disrepair that impact not only renting families but entire communities that suffer from the resulting blight.**

This lack of accountability permeates through the current state of Maryland’s current housing stock. In its 10 Year Needs Assessment, the Department of Housing and Community Development, states housing

quality concerns as a major concern in all high need areas across every single region in Maryland.¹ A large majority of Maryland's housing stock was built prior to 1980. The data regarding occupancy rates and high rates of mobility illustrate, for DHCD, the need to focus on the quality of the housing stock in every region in Maryland.² This is not an issue affecting only one region of Maryland. **SB 0946** would provide an ideal mechanism to positively respond to the housing quality concerns stated by DHCD across the state.

Moreover, **SB 0946** would be an effective legal tool to respond to infestation conditions which riddle many multifamily units across Maryland, specifically Baltimore City. Often when confronted with infestation issues, landlords do the work minimal amount of work to bring one unit into compliance. This may include sealing holes, setting traps, etc. Although that specific unit's issue is now resolved, another unit now suffers the consequences of those repairs and may struggle with its own infestation. The underlying problem remains. **SB 0946** would bring those units under one claim and encourage the landlord to resolve the underlying problem. Thereby, making the entire property safe and habitable for all tenants. This would not only benefit the tenants but also the court by increasing judicial efficacy.

The Tenant Safety Act will do 5 things to make rent escrow work and hold landlords accountable:

1. **Join Similar Rent Escrow Cases Together.** Make it easier for tenants with the same repair issues and same landlord to join in a single rent escrow case under the Court's existing rules on "joinder." There is strength in numbers when neighbors can work together to hold their landlord accountable.
2. **Reset Expectations.** If a landlord refuses to make repairs, then normally a tenant should pay into escrow a reduced rent (by 50% in most cases) going forward until repairs are made. This will help tenants who do not have the full amount that the landlord claims is past-due to still hold the landlord accountable. This will also incentivize landlords to quickly make repairs to avoid losing rent. At the end of the case, the Court will decide how much is due to each party.
3. **Warranty of Habitability.** For claims of past-due rent, clarify that tenants should *not* have to pay the *full* amount of rent if the landlord refused to make repairs by codifying the "warranty of habitability" that already exists in Maryland law.
4. **Mold.** Clarify that when a tenant can show that mold is a severe threat to life, health, or safety, the tenant should be able to file for rent escrow.
5. **Level the Playing Field with Attorney's Fees.** Allow a tenant to recover attorney's fees and costs if they win the case. Most landlords already have a lease provision for attorney's fees if they win. With this addition to rent escrow law, more attorneys will take rent escrow cases for tenants and help level the playing field.

HPRP is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on SB 0946**. If you have any questions, please contact: DiNesha Rucker at drucker@hprplaw.org or (410) 449-2982.

¹ See Appendix G, Maryland Housing Needs Assessment & 10-Year Strategic Plan, p.15 https://dhcd.maryland.gov/Documents/Other_Publications/Report.pdf (last visited February 22, 2024).

² See *id.*

DRM SB 946 Tenant Safety Act Testimony - FAV.pdf

Uploaded by: E.V. Yost

Position: FAV

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)

Disability Rights Maryland (DRM) 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 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 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.

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

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/12-10-19hou-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.

SB946 - 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, in partnership with [Renter's United Maryland](#) and [CASA de Maryland](#). I am a resident of District 12 and I am a small private landlord. **I am testifying in support of the Tenant Safety Act of 2024, SB946.**



Showing Up for Racial Justice

This bill enables tenants to take legal action when landlords do not fix life-threatening conditions, including mold. Furthermore, it 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. 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 such conditions. Remarkably, this bill addresses both concerns *while increasing court efficiency*.

Maryland was ranked 32nd among the 50 states for severe housing problems in a recent analysis of US Housing & Urban Development data from 2016-2020³. 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.

Right now bad actors in the field of property management profit from their inattention or blatant disregard for the law and for tenant safety. Their competitive advantage arises from the legal and moral qualms of good-faith landlords and their tenants' functional powerlessness to hold them accountable. Removing this competitive advantage doesn't hurt but benefits landlords like me who operate legally and ethically.

It is for these reasons that I am encouraging you to vote **in support of SB946, the Tenant Safety Act of 2024**. Thank you for your time, service, and consideration.

Sincerely,
Erica Palmisano
5580 Vantage Point Rd, Apt 5, Columbia, MD
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

Tenant Safety Act 2024.pdf

Uploaded by: Jan Kleinman

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, in partnership with [Renter's United Maryland](#) and [CASA de Maryland](#). I am a resident of District 40. Also, I currently rent. While my rental unit feels safe, clean, and my landlord acts reasonably (so far), I can imagine what it must feel like to have a subpar unit with an inattentive manager. I **am testifying in support of the Tenant Safety Act of 2024, SB946.**



Showing Up for Racial Justice

This bill enables tenants to take legal action and pursue remedy in court when landlords do not fix life-threatening conditions, including mold. Furthermore, the 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.

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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 SB946, the Tenant Safety Act of 2024.**

Thank you for your time, service, and consideration.

Sincerely,

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

Jan Kleinman
816 Union Ave
Baltimore, MD 21211
Showing Up for Racial Justice Baltimore

Maryland Catholic Conference_FAV_SB946.pdf

Uploaded by: Jenny Kraska

Position: FAV



March 7, 2024

SB 946

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

Senate Education, Energy, and the Environment Committee

Position: FAVORABLE

The Maryland Catholic Conference offers this testimony in support of Senate Bill 946. The 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 946 requires landlords to warrant that their rental units are fit for human habitation. It obligates landlords to repair and eliminate conditions and defects which constitute a fire hazard or a serious and substantial threat to the life, health, or safety of occupants, including but not limited to dangerous mold. If a landlord refuses to remedy these situations, this legislation allows tenants to hold rent in escrow. They may do so individually or in a class of renters. Landlords who fail to make repairs will face significant financial penalties. This bill passed the house in 2023 and has been revised to address concerns raised in the senate.

Senate Bill 946 is a very reasonable measure to ensure protection against inhabitable living conditions. Catholic teaching supports the right to private property but recognizes that communities and government have an obligation to ensure that housing needs of all are met, especially the poor and vulnerable members of our communities. Access to safe and affordable housing is a fundamental human right and this legislation represents a positive step toward achieving this goal.

The Conference appreciates your consideration and, for these reasons urges a favorable report on Senate Bill 946.

SB 946_JoShifrin_FAV.pdf

Uploaded by: Jo Shifrin

Position: FAV

SB 946_JoShifrin_FAV

Date of Hearing: March 7, 2024

Jo Shifrin

Bethesda, MD 20817

TESTIMONY ON SB 946 - POSITION: FAVORABLE

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

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

FROM: Jo Shifrin

My name is Jo Shifrin. I am a resident of District 16. I am submitting this testimony in support of SB 946, Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act of 2024).

I have been a resident of Montgomery County for the past 10 years. My support for this legislation comes from my grounding in Jewish values: Judaism offers a moral framework: *Tikkun Olam*, an obligation to make the world a more fair and equitable place for people to live; and *Dei Machsoro*, to make sure that everyone has what they need to live and thrive. The need for safe housing is central to Jewish thought. Jewish texts speak about the obligation of landlords and tenants, about how homes should be built safely.

The existing rent escrow process is inadequate in ensuring remedies that tenants can use to deal with a landlord's failure to repair serious and dangerous defects that impact their health and safety. Tenants who live in multi-unit complexes who all face similar threats to health and safety should have the ability to join collectively as plaintiffs to hold their landlord accountable. Meaningful sanctions need to be imposed upon landlords who allow dangerous conditions and defects to exist in premises that they lease. Additionally, an effective mechanism must be established to ensure that repairs are made.

No one should have to live in an unhealthy and unsafe environment while having to pay for the privilege of doing so. This bill provides a remedy for this issue by allowing a single tenant, a group of tenants, or a tenant organization to request injunctive relief or money damages and attorneys' fees if the landlord refuses to make repairs or correct the problem in a reasonable period of time after being notified.

This bill does not require any and all issues that a tenant has to be covered. It simply requires that conditions and defects that constitute –or will constitute if not promptly corrected– a fire hazard or a serious and substantial threat to life, health, and/or safety of the tenants must be

addressed. This is fair to the tenants, who are paying for their use of the property, and it is fair to the landlords, who should want to maintain the property in order to protect their investment.

Tenants in Maryland deserve to live in a building that is not dangerous to their well being. **Therefore, I respectfully urge this committee to return a favorable report on SB 946.**

downloadfile.PDF

Uploaded by: John Ford

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, in partnership with [Renter's United Maryland](#) and [CASA de Maryland](#). I am a resident of **District 46. I am a landlord and homeowner and former renter and a stakeholder on both sides of this issue. I am testifying in support of the Tenant Safety Act of 2024, SB946.**



Showing Up for Racial Justice

This bill enables tenants to take legal action and pursue remedy in court when landlords do not fix life-threatening conditions, including mold. Furthermore, the 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. The bill also lists mold as a dangerous condition

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 SB946, the Tenant Safety Act of 2024.**

Thank you for your time, service, and consideration.

Sincerely,
John Ford

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

529 S East Ave, Baltimore, MD 21224
Showing Up for Racial Justice Baltimore

SB 946 - Written Testimony - SENATE .pdf

Uploaded by: Katherine Davis

Position: FAV



SB 946 - Landlord and Tenant – Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act)
Hearing before the Senate Judicial Proceedings Committee
March 7, 2024, 1:00 PM
Position: Favorable

The Pro Bono Resource Center of Maryland (“PBRC”), an independent 501(c)(3) non-profit organization, is the statewide coordinator, thought leader and clearinghouse for volunteer civil legal services in Maryland. As the designated pro bono arm of the Maryland State Bar Association, PBRC provides training, mentorship, and pro bono service opportunities to members of the private bar. We respond to acute legal needs identified in areas across the state by piloting and operating innovative pro bono service projects targeting specific legal problems or populations.

In May 2017, with a grant from the Maryland Judiciary’s Access to Justice Department, PBRC launched the **Tenant Volunteer Lawyer of the Day (TVLD) Program** in Baltimore City Rent Court to provide day-of-court legal representation to tenants who appear unrepresented for their proceedings. Since then, this continually expanding Program has allowed PBRC staff and volunteer attorneys to represent thousands of tenants in both Baltimore City and Baltimore County in multiple types of legal actions that could result in eviction. The overwhelming majority of our clients are tenants facing Failure to Pay Rent (FTPR) actions filed by their landlords.

PBRC supports SB 946 because it will allow tenants to hold their landlords accountable when they fail to comply with the law regarding habitability and the provision of safe and healthy housing conditions. A significant barrier facing low-income tenants seeking to utilize rent escrow protections is the requirement that they deposit the entire amount of rent due under the lease into the escrow account. We find that tenants most in need of rent escrow are often those least able to do this. Better-resourced tenants will simply move rather than tolerate hazardous conditions in their rental unit or take the landlord to court. SB 946 will ensure that fewer valid complaints are dismissed due to lack of funding by creating a rebuttable presumption that tenants must deposit an amount equal to 50% of the rent due in order to open and sustain an escrow action. At the end of the case, a judge will decide how to disburse the funds, potentially requiring the tenants to pay their full rent and thus allowing landlords the opportunity to be fully compensated if a case is not meritorious.

Furthermore, SB 946 will 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.

At our Tenant Volunteer Lawyer of the Day courthouse clinics, PBRC staff frequently encounter tenants who are faced with serious hazards to the health, life, and safety of themselves and their children. Landlords are currently required by case law to provide conditions that are “habitable,” yet we often speak to tenants whose living conditions are hazardous to human health. Commonly mentioned issues include mold, rodent and other pest infestation, and lack of operable heat, among others. We often serve multiple tenants at the same complex who speak of the same hazards. PBRC staff and volunteer attorneys counsel these clients regarding rent escrow, but clients often tell us they do not have the

resources necessary to pursue rent escrow or that they fear retaliation by landlords. By providing groups of tenants with the opportunity to file together, SB 946 will allow tenants to exert significantly more pressure on landlords as a group than they could as individuals. The legislation references the existing Maryland Rules on joinder to ensure that only those tenants with circumstances in common will be able to participate. **This will facilitate rent escrow actions where multiple tenants have a common threat to life, health, or safety in premises owned by the same landlord, thus helping to eliminate some of these difficulties while also promoting judicial economy.**

SB 946 also strengthens the remedies available to tenants (including rent escrow) and ensures that tenants can hold landlords responsible for negligence and delay in a way that fully accounts for the harm they suffer. By permitting tenants to pursue damages against a landlord who fails to make repairs, the legislation will require landlords to account for the actual harm caused by their refusals 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 can enlist attorneys whose practices depend on the ability to recoup reasonable fees.

Landlords are required to provide “habitable” conditions, meaning that the premises must be free from health and safety hazards. This minimal and common-sense standard is met by all but the most negligent of landlords. Landlords who are unwilling or unable to provide safe housing must be held accountable, but current law provides several logistical barriers in the face of tenants seeking to do so. **SB 946 provides an important means for the most vulnerable tenants to seek the protection of the courts from the most negligent of landlords.**

For the above reasons,

PBRC urges a FAVORABLE report on SB 946.

Please contact Katie Davis, Director of PBRC’s Courtroom Advocacy Project, with any questions.

kdavis@probonomd.org • 443-703-3049

SB 946_Consumer Protection Division_Support_2024.p

Uploaded by: Kira Wilpone-Welborn

Position: FAV

CANDACE MCLAREN LANHAM
Chief Deputy Attorney General

CAROLYN A. QUATTROCKI
Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CHRISTIAN E. BARRERA
Chief Operating Officer

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

PETER V. BERNS
General Counsel



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Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

WILLIAM D. GRUHN
Chief
Consumer Protection Division

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

March 6, 2024

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

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

Re: Senate Bill 946 – Landlord and Tenant - Failure to Repair Serious and Dangerous Defects
- Tenant Remedies (Tenant Safety Act of 2024) (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General (the “Division”) supports Senate Bill 946, the Tenant Safety Act, sponsored by Senator Ariana B. Kelly. 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 complaint by having landlord 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. 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. As a result, 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 946 seeks to remedy the present deficiencies in Real Property Article § 8-211 by modifying the statute in four primary ways.

First, Senate Bill 946 clarifies that the presence of mold in a residential unit that “presents a serious and substantial threat to the health of the occupants” is a condition that a landlord should eliminate and that, if left unabated, can form the basis of a rent escrow action or an affirmative defense in any failure to pay rent eviction proceeding. Explicitly identifying mold that is a threat to the health of occupants as a condition governed by Real Property Article § 8-211 will assist tenants in rent escrow actions and failure to pay rent eviction proceedings and the Division in mediating complaints it receives from consumers about unabated mold growth in their residences. Section 8-211(e)(5) currently covers “any condition which presents a health . . . hazard. . . .” However, specifically listing mold in § 8-211 will help tenants facing a health hazard from mold, particularly those who lack legal representation.

Second, Senate Bill 946 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 946’s codification of the warranty of habitability 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, and (2) make it clear that the breach of warranty action does not require the tenant to make rental payments into the court.

Third, Senate Bill 946 would permit similarly situated tenants to bring a rent escrow action against their landlord for similar claims of unaddressed health and safety violations through Maryland’s joinder rules. 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 may 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 946’s expansion of § 8-211 to similarly situated tenants through joinder 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 946 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 tenants with much-needed 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 946 a favorable report.

cc: The Honorable Ariana B. Kelly
Members, Judicial Proceedings Committee

SB946_MoCoDHCA_Frey_FAV.pdf

Uploaded by: Leslie Frey

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 946

DATE: March 7, 2024

SPONSOR: Senator Kelly

ASSIGNED TO: Judicial Proceedings

CONTACT PERSON: Leslie Frey

(leslie.frey@montgomerycountymd.gov)

POSITION: FAVORABLE (Department of Housing and Community Affairs)

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.

SB946 - Tenant Safety Act .docx.pdf

Uploaded by: Lindsay Keipper

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, in partnership with Renter's United Maryland and CASA de Maryland. I am a resident of **District 46 and I am testifying in support of the Tenant Safety Act of 2024, SB946.**



Showing Up for Racial Justice

This bill enables 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. The bill also takes the important step of adding severe mold to the list of unsafe conditions that landlords must correct for a unit to be deemed habitable. Mold infestation can cause or contribute to multiple health conditions, and the law should recognize this.

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 SB946, the Tenant Safety Act of 2024.**

Thank you for your time, service, and consideration.

Sincerely,

Lindsay Keipper

2425 Fleet St.

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 946_MAP_FAV.pdf

Uploaded by: Mark Huffman

Position: FAV



TESTIMONY IN SUPPORT OF SB 946

Tenant Safety Act of 2024

Judicial Proceedings
March 7, 2024

Submitted by Mark Huffman, Co-Chair

Member Agencies:

211 Maryland

Anne Arundel County Food Bank

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 946, which reforms the rent escrow process to make it easier for tenants to work together to hold their landlords accountable for severe conditions of disrepair that threaten life, health, or safety.

Rent escrow is where tenants pay their rent into a court-controlled fund, rather than to a landlord. This makes it possible for tenants to legally withhold rent when landlords fail to make appropriate and needed repairs to the building. Current rent escrow law is broken and does not hold landlords accountable for failing to repair threats to life, health, and safety. This affects not only renting families but entire communities that have to deal with neglected and blighted properties.

The Tenant Safety Act will make it easier for tenants with the same issues and landlord to join in a single rent escrow case. If a landlord refuses to make repairs, then a tenant will normally pay a reduced rent (by 50% in most cases) into escrow until repairs are made. This will help tenants, who do not have the full amount the landlord claims is due, to still hold the landlord accountable. At the end of the case, the Court still decides how much is due to each party.

For claims of past-due rent, this bill would clarify that tenants should not have to pay the full amount of rent if the landlord refused to fix major defects. It would also hold landlords accountable for serious mold hazards.

This bill will level the playing field by allowing a tenant to recover attorney's fees and costs – if they win. Landlords already have this ability through their leases. This will encourage more attorneys to take on tenants' cases.

This bill passed by the House in 2023 has been revised to address concerns raised by the Senate.

MAP appreciates your consideration and urges the committee to issue a favorable report for SB 946.

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.

SB 946 Tenant Safety Act PJC FAV.pdf

Uploaded by: Matt Hill

Position: FAV



C. Matthew Hill
Attorney
Public Justice Center
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Baltimore, Maryland 21201
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SB 946 - Landlord and Tenant – Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act)

Hearing of the Senate Judicial Proceedings Committee, March 7, 2024

Position: SUPPORT (FAV)

Public Justice Center (PJC) is a nonprofit public interest law firm that assists over 800 renters and their families each year. As part of Renters United Maryland, we stand with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing. We support SB 946, the Tenant Safety Act, to help tenants hold landlords accountable for refusing to fix severe conditions of disrepair that threaten their life, health, or safety.

We have represented tenants in countless rent escrow proceedings over the last 20 years, and too often we have seen that the system is broken: Some bad actors know that they can refuse to make repairs and get away with it. The Court lets cases drag on for months with no repairs because a bad actor landlord does not have a sufficient financial incentive to make costly repairs. The Court rarely abates or reduces the rent. Landlords never have to pay attorney's fees. Tenants cannot join together with their neighbors to reinforce each other's case. Often tenants don't make it past the first hearing because the Court requires them to pay every cent of back-rent the landlord claims is due to even have their case heard. **In no other type of case in the country is a debtor required to put into escrow every cent the creditor claims is due to even have their defense to those amounts heard.**

This was not the intent of the rent escrow law, but because of the structural imbalance of power at court, this is how it plays out. In Maryland today there are many more renting families suffering with uninhabitable living conditions than the number who file a court complaint seeking "rent escrow" – where the rent is placed into escrow with the court until repairs are made. Some tenants do not file a rent escrow complaint by themselves out of fear of landlord retaliation or because they have no legal counsel to guide them through the process. Some do not have all of the rent that the landlord claims is past-due. Others have no confidence that the court will provide them any relief or require the landlords to make repairs.

Tenants are not wrong in these assessments. A [2016 investigative report by the Baltimore Sun found that the rent escrow system is broken](#): Even when renting families do overcome the initial obstacles to filing for rent escrow, **the Court reduces the rent and provides immediate relief to renters in only 6% of cases.**

As a result, Maryland is on pace to see only 1,959 "rent escrow" complaints filed by tenants

against landlords in 2023, yet there are over 66,500 severely or moderately inadequate rental housing units in Maryland.¹ Over 15% of Maryland residents live with “Severe Housing Problems” defined as having one or more of the following problems: lack of complete kitchen facilities, lack of plumbing facilities, overcrowding or severely cost-burdened occupants.² **Many landlords are not being held accountable for repairing major conditions of disrepair that impact not only renting families but entire communities that suffer from the resulting blight.**

The Tenant Safety Act will do 5 things to make rent escrow work and hold landlords accountable:

1. **Join Similar Rent Escrow Cases Together.** Make it easier for tenants with the same repair issues and same landlord to join in a single rent escrow case under the Court’s existing rules on “joinder.” There is strength in numbers when neighbors can work together to hold their landlord accountable.
2. **Reset Expectations.** If a landlord refuses to make repairs, then normally a tenant should pay into escrow a reduced rent (by 50% in most cases) going forward until repairs are made. This will help tenants who do not have the full amount that the landlord claims is past-due to still hold the landlord accountable. This will also incentivize landlords to quickly make repairs to avoid losing rent. At the end of the case, the Court will decide how much is due to each party. Many states like Michigan, Minnesota, Colorado, New York, Massachusetts, and New Mexico have similar provisions that lower the barriers to rent escrow for tenants after they have shown that their landlords have been notified of the need for urgent repairs but refused to make them.
3. **Warranty of Habitability.** For claims of past-due rent, clarify that tenants should *not* have to pay the *full* amount of rent if the landlord refused to make repairs by codifying the “warranty of habitability” that already exists in Maryland law.
4. **Mold.** Clarify that when a tenant can show that mold is a severe threat to life, health, or safety, the tenant should be able to file for rent escrow.
5. **Level the Playing Field with Attorney’s Fees.** Allow a tenant to recover attorney’s fees and costs if they win the case. Most landlords already have a lease provision for attorney’s fees if they win. With this addition to rent escrow law, more attorneys will take rent escrow cases for tenants and help level the playing field.

Public Justice Center is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on SB 946**

¹ U.S. Census Bureau, American Housing Survey for the United States: 2021, Table Creator (Select area: Maryland, Select a table: Housing Quality); Judiciary statistics, <https://mdcourts.gov/district/about#stats>.

² https://www.americashealthrankings.org/explore/measures/severe_housing_problems/MD

SB 946 Tenant Safety Act Favorable Testimony.docx.

Uploaded by: Michael Lent

Position: FAV

**SB 946 - Landlord and Tenant – Failure to Repair Serious and Dangerous Defects
- Tenant Remedies (Tenant Safety Act)**

Hearing of the Senate Judicial Proceedings Committee, Mar. 7, 2024

Position: SUPPORT (FAV)

I, Michael Lent of District 08, support SB 946, the Tenant Safety Act, to help tenants hold landlords accountable for refusing to fix severe conditions of disrepair that threaten their life, health, or safety.

Giving tenants an easier way to work together in court who have common problems stemming from the same issue will help reduce the number of court dates and filings. If a lower portion of a high rise floods periodically and affects multiple tenants and the landlord will not fix the situation why should the tenants act individually when it affects their entire floor. When a pest problem is in a garden style apartment it will likely be affecting others in the same block. Why not give them the ability to file together to ask the court for help in alleviating the condition plaguing them all.

In Maryland today there are many more renting families suffering with uninhabitable living conditions than the number who file a court complaint seeking “rent escrow” – where the rent is placed into escrow with the court until repairs are made. Some tenants do not file a rent escrow complaint by themselves out of fear of landlord retaliation or because they have no legal counsel to guide them through the process. Some do not have all of the rent that the landlord claims is past-due. Others have no confidence that the court will provide them any relief or require the landlords to make repairs.

Tenants are not wrong in these assessments. A [2016 investigative report by the Baltimore Sun found that the rent escrow system is broken](#); Even when renting families do overcome the initial obstacles to filing for rent escrow, **the Court reduces the rent and provides immediate relief to renters in only 6% of cases.**

As a result, Maryland is on pace to see only 1,959 “rent escrow” complaints filed by tenants against landlords in 2023, yet there are over 66,500 severely or moderately inadequate rental housing units in Maryland. **Many landlords are not being held accountable for repairing major conditions of disrepair that impact not only renting families but entire communities that suffer from the resulting blight.**

The Tenant Safety Act will do 5 things to make rent escrow work and hold landlords accountable:

1. **Join Similar Rent Escrow Cases Together.** Make it easier for tenants with the same repair issues and same landlord to join in a single rent escrow case under the

Court's existing rules on "joinder." There is strength in numbers when neighbors can work together to hold their landlord accountable.

2. **Reset Expectations.** If a landlord refuses to make repairs, then normally a tenant should pay into escrow a reduced rent (by 50% in most cases) going forward until repairs are made. This will help tenants who do not have the full amount that the landlord claims is past-due to still hold the landlord accountable. This will also incentivize landlords to quickly make repairs to avoid losing rent. At the end of the case, the Court will decide how much is due to each party. Many states like Michigan, Minnesota, Colorado, New York, Massachusetts, and New Mexico have similar provisions that lower the barriers to rent escrow for tenants after they have shown that their landlords have been notified of the need for urgent repairs but refused to make them.
3. **Warranty of Habitability.** For claims of past-due rent, clarify that tenants should *not* have to pay the *full* amount of rent if the landlord refused to make repairs by codifying the "warranty of habitability" that already exists in Maryland law.
4. **Mold.** Clarify that when a tenant can show that mold is a severe threat to life, health, or safety, the tenant should be able to file for rent escrow.
5. **Level the Playing Field with Attorney's Fees.** Allow a tenant to recover attorney's fees and costs if they win the case. Most landlords already have a lease provision for attorney's fees if they win. With this addition to rent escrow law, more attorneys will take rent escrow cases for tenants and help level the playing field.

I support the work of Renters United Maryland coalition and ask that the Committee issue a report of **FAVORABLE** on SB 946.

Michael Lent

District 08

2504 Creighton Ave Parkville MD 21234

Nicole Moore Testimony - Tenant Safety Act for Jud

Uploaded by: Nicole Moore

Position: FAV

Nicole Moore

SB 946 — Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act of 2024)

Position: Support

My name is Nicole Moore, and I'm a renter and resident of Baltimore City. I support SB 946, which would allow tenants like me to have more rights to safe housing that doesn't threaten the health and safety of me and my family.

I live with my daughter and her children in a rowhouse in Baltimore. We moved in last year, and after the first big rainfall, we started having serious flooding. My daughter's room is in the basement, and it flooded so bad we were wading through a small pool of water. We let the landlord know right away, but they still haven't fixed it.

On top of that, the doors and windows don't secure properly, so someone could just come in. I told the landlord about this too but they haven't done anything. I'm always worried someone is in the house and I'm constantly stressed about my family's safety. I'm always calling my daughter to check on her. It's hard to sleep. I just started therapy to try and work through the stress that this has been putting on me.

I want to pay my rent, but only what's fair. I shouldn't owe the full \$2000 a month after dealing with these issues for so long. I filed an escrow case, but my lawyer has warned me that a judge will typically require the full, unabated rent to be put into escrow, which would be hard for me to afford. I might not be able to do escrow just because I can't afford something that I might not even owe in the first place!

Tenants like me need fair access to court proceedings to address serious conditions issues. This bill would make that possible for me. For these reasons, I ask the Committee to give a favorable report on SB 946.

Nicole Moore

SB946 - Tenant Safety Act .pdf

Uploaded by: Rebecca Shillenn

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, in partnership with Renter's United Maryland and CASA de Maryland. I am a resident of **District 45. I am testifying in support of the Tenant Safety Act of 2024, SB946.**



Showing Up for Racial Justice

This bill enables tenants to take legal action and pursue remedy in court when landlords do not fix life-threatening conditions, including mold. Furthermore, the 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. The bill also lists mold as a dangerous condition

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 SB946, the Tenant Safety Act of 2024.**

Thank you for your time, service, and consideration.

Sincerely,

Rebecca Shillenn, 5401 Elsrode Avenue Baltimore MD 21214

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

Testimony in support of SB0946.pdf

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0946_RichardKaplowitz_FAV
3/7/2022

Richard Keith Kaplowitz
Frederick, MD 21703-7134

TESTIMONY ON SB#0946 - POSITION: FAVORABLE
Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act of 2024)

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

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of SB#/0946, Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act of 2024)

This bill is a recognition that Maryland needs more affordable housing, but that housing must be safe and free from defects that threaten the health and safety of its residents. Lack of attention to ensuring those conditions for tenants, followed by some landlords, are working in direct opposition to that goal. Rental properties require maintenance and must be warranted as a dwelling fit for human habitation.

Mold, when present, can constitute a life-threatening hazard and this bill clarifies when a mold creates a dangerous condition and defect while providing remedies for that condition to the tenant. It authorizes judicial relief may be sought in a civil action brought over the breach of warranty of habitability. That judicial relief may provide for monies for actual damages, abatement of rent, and termination of a lease under terms favorable to the damaged tenant.

My Jewish faith tells me, in Proverbs 3:33 “The curse of the Lord is in the wicked man's house, but He shall bless the dwelling of the righteous.” Support for the stranger, the poor, the widow, and the orphan are a commandment repeated throughout the Torah. This bill supports that righteous objective with a just treatment of those members of our society most in need of that blessing from institutions and persons capable of delivering those results.

I respectfully urge this committee to return a favorable report on SB0946.

03.06 - SB 946 - Landlord and Tenant - Failure to

Uploaded by: Robin McKinney

Position: FAV



SB 946 - Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act of 2024)

Judicial Proceedings Committee

March 7, 2024

SUPPORT

Chair Smith, Vice-Chair Waldstreicher and members of the committee, thank you for the opportunity to submit testimony in support of Senate Bill 946. This bill will help tenants hold landlords accountable for refusing to fix severe conditions of disrepair that threaten their life, health, or safety.

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.**

In Maryland today there are many more renting families suffering with uninhabitable living conditions than the number who file a court complaint seeking "rent escrow" – where the rent is placed into escrow with the court until repairs are made. Some tenants do not file a rent escrow complaint by themselves out of fear of landlord retaliation or because they have no legal counsel to guide them through the process. Some do not have all of the rent that the landlord claims is past-due. Others have no confidence that the court will provide them any relief or require the landlords to make repairs.

Tenants are not wrong in these assessments. [A 2016 investigative report by the Baltimore Sun found that the rent escrow system is broken](#): Even when renting families do overcome the initial obstacles to filing for rent escrow, **the Court reduces the rent and provides immediate relief to renters in only 6% of cases.**

As a result, Maryland is on pace to see only 1,959 "rent escrow" complaints filed by tenants against landlords in 2023, yet there are over 66,500 severely or moderately inadequate rental housing units in Maryland. Many landlords are not being held accountable for repairing major conditions of disrepair that impact not only renting families but entire communities that suffer from the resulting blight.

The Tenant Safety Act will do 5 things to make rent escrow work and hold landlords accountable:

1. **Join Similar Rent Escrow Cases Together.** Make it easier for tenants with the same repair issues and same landlord to join in a single rent escrow case under the Court's existing rules on "joinder." There is strength in numbers when neighbors can work together to hold their landlord accountable.
2. **Reset Expectations.** If a landlord refuses to make repairs, then normally a tenant should pay into escrow a reduced rent (by 50% in most cases) going forward until repairs are made. This will help tenants who do not have the full amount that the landlord claims is past-due to still hold the landlord accountable. This will also incentivize landlords to quickly make repairs to avoid losing rent. At the end of the case, the Court will decide how much is due to each party.
3. **Warranty of Habitability.** For claims of past-due rent, clarify that tenants should not have to pay the full amount of rent if the landlord refused to make repairs by codifying the "warranty of habitability" that already exists in Maryland law.

Creating Assets, Savings and Hope



4. **Mold.** Clarify that when a tenant can show that mold is a severe threat to life, health, or safety, the tenant should be able to file for rent escrow.
5. **Level the Playing Field with Attorney's Fees.** Allow a tenant to recover attorney's fees and costs if they win the case. Most landlords already have a lease provision for attorney's fees if they win. With this addition to rent escrow law, more attorneys will take rent escrow cases for tenants and help level the playing field.

The CASH Campaign of Maryland is a member of the Renters United Maryland coalition and asks that the Committee issue a report of FAVORABLE on SB 946.

Creating Assets, Savings and Hope

Senator Kelly SB946 FAV Testimony.pdf

Uploaded by: Senator Ariana Kelly

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

March 7th, 2024

Testimony in Support of SB0946: Tenant Safety Act of 2024

Dear Chair Smith, Vice-Chair Waldstreicher, Members of the Committee

I am here to introduce Senate Bill 946, the Tenant Safety Act of 2024. This legislation is a critical step towards ensuring the safety, health, and well-being of tenants across Maryland by addressing serious and dangerous defects in residential properties. You may remember this legislation as Senator Washington sponsored the cross-file of Delegate Stewart's 2023 Tenant Safety Act. A more expansive version of this bill passed the House last year, but did not receive a vote in JPR. The necessary changes were made to this bill over the intermin to address stakeholder concerns.

Senate Bill 946 codifies the status quo in three ways. First, mold is explicitly listed as a reason renters can file for rent escrow when it's a serious hazard. Second, the implied warranty of habitability is enshrined in law for the first time, turning the implied into explicit. Third, SB946 clarifies that tenants starting a case for rent escrow can join together under existing joinder of party rules if a judge decides that they meet the criteria of that rule.

The bill also resets the baseline expectations in a rent escrow case by creating rebuttal presumptions. The bill establishes that the presumption in rent escrow cases is that tenants pay 50% of their prospective rent into escrow until the case is decided. The 50% is a compromise between the tenant who is arguing that their dwelling is so unlivable that they should not be required to pay rent, and the landlord who is arguing that the tenant should pay full rent as they agreed to in their lease agreement.

Finally, the bill allows tenants to recover attorney's fees if they win. Landlords are currently able to recover their litigation costs under their leases, and pursuant to judicial rules if a rent escrow complaint is frivolous or filed in bad faith, SB946 would **not** change this.

You may hear an argument today from opposition that this bill is unnecessary as there is already an existing rent escrow process in Maryland. There is an existing rent escrow process, however, the current process is flawed. There are less than 2000 rent escrow cases filed every year, and

only 6% of them result in reduced rent¹. Maryland is on pace to see only 1,959 “rent escrow” complaints filed by tenants against landlords in 2023, yet there are over 66,500 severely or moderately inadequate rental housing units in Maryland². That means that hundreds of thousands of our constituents and neighbors are living with rodents, roaches, sewage, and mold, and without heat and air conditioning. But very few Marylanders ever enforce their right to a safe home. You will hear first hand examples of how Maryland’s rent escrow process has failed our residents from my sponsor panel today.

Delegate Stewart’s working with stakeholders to address the Judiciary’s additional concerns and reach a consensus in the House.

By enacting the Tenant Safety Act of 2024, Maryland will take significant strides towards promoting safe and healthy living environments for all residents. This legislation provides tenants with more tools and resources to advocate for their right to safe housing from their landlords and makes the process and the burden of proof more fair and just. This legislation demonstrates a commitment to tenant rights, public health, and equitable access to housing.

Thank you for your time today. I urge you a favorable report on Senate Bill 946.

¹ Donovan, D. (2017, April 28). *Dismissed: Tenants lose, landlords win in Baltimore’s rent court*. Baltimore Sun. <https://www.baltimoresun.com/2017/04/28/dismissed-tenants-lose-landlords-win-in-baltimores-rent-court>

² U.S. Census Bureau, American Housing Survey for the United States: 2021, Table Creator (Select area: Maryland, Select a table: Housing Quality); Judiciary statistics, <https://mdcourts.gov/district/about#stats>

Health Care for the Homeless - 2024 SB 946 FAV - T

Uploaded by: Vicky Stewart

Position: FAV

HEALTH CARE FOR THE HOMELESS TESTIMONY
IN SUPPORT OF
**SB 946 – Landlord and Tenant - Failure to Repair Serious and
Dangerous Defects - Tenant Remedies (Tenant Safety Act)**

Senate Judicial Proceedings Committee
March 7, 2024



Health Care for the Homeless supports SB 946, 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 946.

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 11,000 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.

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 2024 legislative session here: <https://rentersunitedmaryland.org/>.

SB0946 - Maryland Legal Aid - FAV.pdf

Uploaded by: Zafar Shah

Position: FAV



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

**SB0946 - Landlord and Tenant – Failure to Repair Serious and Dangerous Defects -
Tenant Remedies (Tenant Safety Act)**

Hearing before the House Environment and Transportation Committee on Feb. 27, 2024

Position: FAVORABLE

Maryland Legal Aid (MLA) submits its written and oral testimony on SB0946 at the request of bill sponsor Senator Ariana Kelly.

MLA is a non-profit law firm that provides free legal services to the State’s low-income and vulnerable residents. We serve residents in each of Maryland’s 24 jurisdictions and handle a range of civil legal matters, including housing cases involving substandard conditions. MLA urges the Committee’s favorable report on SB0946, which would strengthen private remedies against hazardous housing conditions and allows groups of tenants to file legal actions together.

SB0946 creates 5 long-needed reforms that enable renters to hold accountable negligent landlords who refuse to make necessary repairs to dangerous housing conditions:

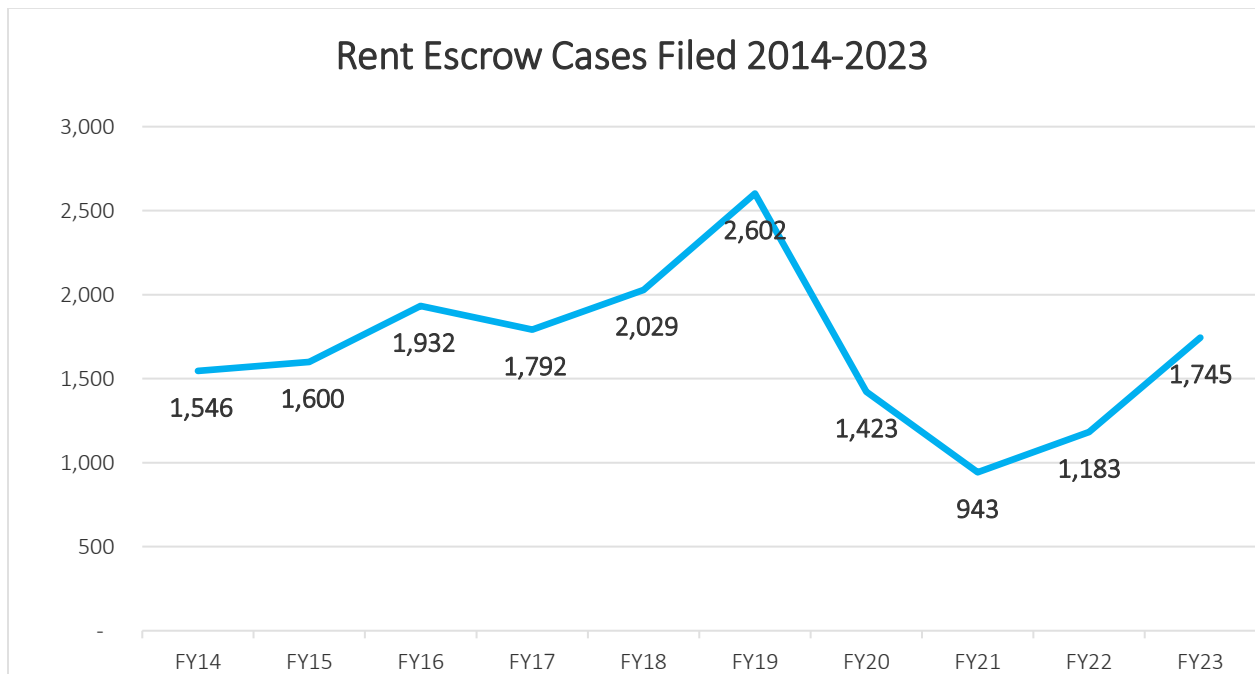
1. Enabling multiple tenants to join as plaintiffs in a single Rent Escrow action for repair of hazardous conditions that affect multiple units or commons areas of a building or complex.
2. Lowering the financial hurdle to initiating a Rent Escrow claim by setting a rebuttable presumption that prospective rent should be abated by 50 percent.
3. Codifying the Implied Warranty of Habitability (“IWH”), which is typically ignored in Maryland courts, and extending the multi-plaintiff approach to this remedy for actual damages.
4. Setting forth a “fee shifting” provision in the Rent Escrow and IWH causes of action, whereby prevailing tenants could win awards of attorney’s fees and costs, thereby attracting private counsel to these cases.
5. Including mold hazards as a specific basis for establishing a rent escrow and allowing courts to award the costs of mold testing to a prevailing tenant.

These reforms bring balance to Maryland’s nearly 50-year-old rent escrow law. SB0946 would significantly improve tenants’ ability to act collectively, quickly, and efficiently to compel potentially life-saving repairs.

“Rent Escrow” today is not accomplishing its legislated purpose.

In 1975 the General Assembly enacted the Rent Escrow law, proclaiming that “[I]t is the public policy of Maryland 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.” Md. Code Ann., Real Prop. § 8-211(b) (emphasis added).

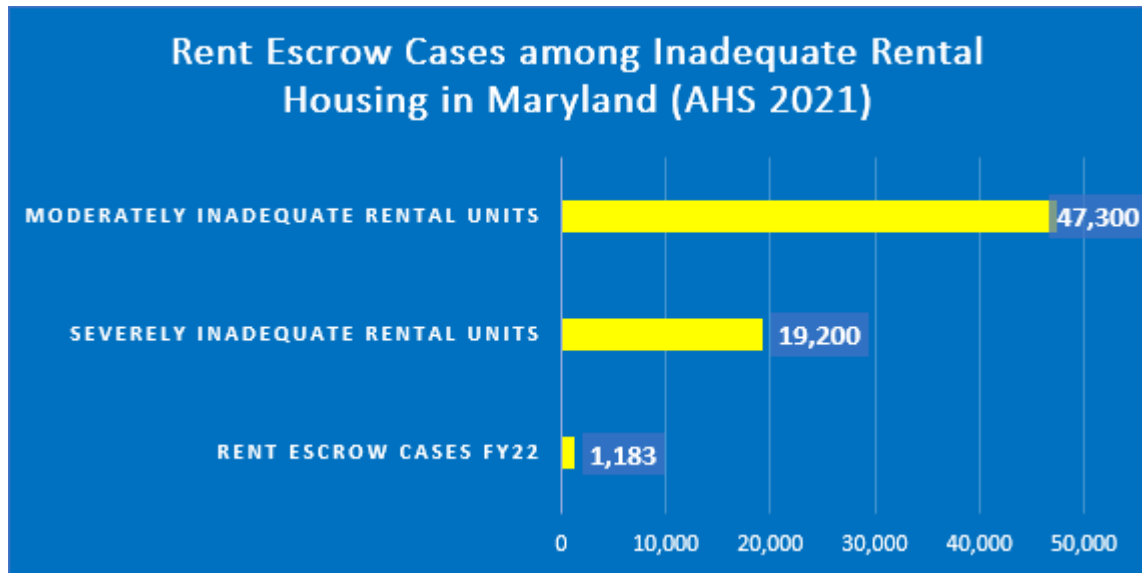
The Maryland Judiciary’s statistics on rent escrow filings also demonstrate the low utilization of rent escrow.



Source: District Court of Maryland, <https://www.mdcourts.gov/district/about#stats>

A ten-year average of 1,654 rent escrow cases per year means that renters, individually, file these cases only rarely. This underutilization is not due to a lack of substandard conditions. Over 66,000 renter households in Maryland reported [“severely” and “moderately” inadequate defects](#) in

the 2021 American Housing Survey.¹ There were 56 times more substandard rental units than rent escrow cases filed that year:



Sources: U.S. Census Bureau, American Housing Survey for the United States: 2021, Table Creator (Select area: Maryland, Select a table: Housing Quality); Maryland Judiciary, About the District Court: Statistics, <https://mdcourts.gov/district/about#stats>.

Why, then, are so few rent escrow actions filed? In MLA’s experience with our clients, the financial barriers to using the court process are high, and even where our clients can get through the initial hurdles, the impact of their cases is low. In practice, rent escrow cases minimize financial compensation to renters.

A ubiquitous court practice is to order a tenant to pay all rent allegedly owing at the time they raise their rent escrow claim, even though that allegation is in dispute. Effectively, the tenant must pay a deposit to be heard about the dispute, unlike any other civil consumer litigation. By taking this approach, courts ignore the tenant’s contractual right, i.e., the implied warranty of habitability (IWH), to set off the lowered value of the rental property in its substandard condition against the full rent. Additionally, this approach ignores the tenant’s right under the Rent Escrow statute to an abatement, or reduction, of the rent that must be paid into escrow.

Rent abatement is rarely granted, even though the Rent Escrow statute provides this relief unless the landlord shows cause to deny it. In our experience, judges rarely determine whether cause is shown to deny abatement. Instead, they ignore the issue or set it aside until a final proceeding –

¹ U.S. Census Bureau, American Housing Survey for the United States: 2021, Appendix A-13, <https://www2.census.gov/programs-surveys/ahs/2021/2021%20AHS%20Definitions.pdf>.

which our clients may not end up having. Failure to pay the ordered amount of rent into the court’s escrow account typically leads to automatic dismissal of the case without a hearing.

In a 2017 study of over 5,000 rent escrow cases, the Baltimore Sun found that although housing inspectors reported threats to life, health and safety in 1,427 cases, judges established an escrow account in just 702 [49%] of them.”² “Judges reduced or waived rent in just 344 cases, or 6 percent of all complaints” and “awarded damages to tenants in fewer than 20 cases – less than one half of 1 percent of all cases.”³

Empirically, the Rent Escrow law has fallen short of a “meaningful sanction” that provides an “effective mechanism” to combat substandard housing. SB0946 proposes 5 reforms that can steer this court process back to its intended purpose.

Add a multi-plaintiff mechanism to the Rent Escrow process

This year’s version of the Tenant Safety Act strikes the “lead petition” mechanism that marked prior bills. Rather than use a single petitioner to initiate a group action, SB0946 adds express language into the Rent Escrow law that would allow multiple tenants, under existing civil rules of joinder, to initiate one action for rent escrow. The multi-plaintiff filing creates efficiency and ensures consistent legal outcomes for tenants facing similar problems in their building. More importantly, by filing together, renters may reduce the likelihood of retaliation against any one litigant.

By expressly incorporating the joinder rule,⁴ SB0946 would ensure that district courts allow multiple households to assert together that similar dangerous defects affect multiple units or common areas in a multi-family property. In a multi-plaintiff version of Rent Escrow, the state’s policy would continue to condition relief on each plaintiff’s payment of rent into a court account. The bill leaves to judges’ sound discretion how the court should proceed with taking testimony for multiple tenants about multiple units throughout the proceedings.

² Doug Donovan and Jean Marbella, “Dismissed: Tenants lose, landlords win in Baltimore’s rent court,” The Baltimore Sun (2017) (attached).

³ *Id.*

⁴ Under Maryland Rule 3-212, joinder allows that “[a]ll persons may join in one action as plaintiffs if they assert a right to relief jointly, severally, or in the alternative in respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences, and if any question of law or fact common to all these persons will arise in the action.... A plaintiff or defendant need not be interested in obtaining or defending against all relief demanded. Judgment may be given for one or more of the plaintiffs according to their respective rights to relief and against one or more defendants according to their respective liabilities.”

Reservoir Hill tenants take 3 buildings' owner to court

By Katie Gunther

The tenants of three Reservoir Hill high-rise apartment buildings say they have tried for months to get faulty plumbing fixed, peeling walls repainted, water-damaged ceilings repaired — all without success.

So now, they are going to court to seek relief. Thirty-nine tenants of the Temple Gardens apartments, located in the 2600 block Madison avenue, and the Emersonian and the Esplanade, both in the 2500 block Eutaw place, have asked a Rent Court judge to set up rent escrow accounts. In court-ordered escrow accounts, a tenant pays rent to the court until needed repairs have been made.

Tenants of the three buildings say that the owners — the Renaissance Plaza Limited Partnership — have been unsympathetic to tenants' complaints and slow to respond to requests for repairs.

"There is rodent infestation and . . . improper fire extinguishers," said S. Thornton Daniels, Jr., a member of the Renaissance Plaza Tenants' Association and a resident of the Emersonian. "And there is a big problem with asbestos in the building."

Asbestos appears to be the tenants' chief complaint; last Friday, James Fite, of the White Lung Association, testified on the asbestos levels in the three buildings.

"He said they closed schools in Baltimore city and Carroll county because of asbestos, and that there was twice as much asbestos in these buildings as in those schools," said Clyde Phillips, a resident of the Esplanade.

Judge Paul A. Smith began hearing testimony on the cases Friday. On that day, he dismissed 18 of the cases, saying that Renaissance Plaza had not received adequate notice from the tenants seeking escrow relief. In those cases, the landlord did not receive complaint notices until

after letters of eviction for non-payment of rent had been mailed.

Another case was withdrawn for similar reasons. On Monday and yesterday, Judge Smith began hearing individual testimony for the remaining 20 cases. Four cases have been heard so far, and Judge Smith said yesterday he intended to hear all the cases before making any decision.

In addition to problems with roaches and asbestos, tenants have complained about poor security and plumbing problems. One tenant, Virginia Nichols, a resident of the Esplanade, testified yesterday that much of her property was damaged when pipes burst in the building Christmas Day.

Though a utility closet in her apartment received severe water damage in the accident, Mrs. Nichols testified, "no [repair] work was done. . . . No one has even entered my apartment."

The buildings were sold about two years ago to the partnership, whose two general partners are Robert S. Understein and John J. Kirlin, both Washington-area businessmen. Since the partnership purchased the buildings, there have been three rent increases, which tenants charge have not been applied equally to all apartments.

For instance, Mr. Phillips said, tenants in the Emersonian's "penthouse" apartments have had their rent doubled, while Derek Neal, who lives in the Esplanade, has had only increases of about \$20.

Though the partnership has made repairs to the building, and is renovating some apartments, the tenants charge that most of the work has been cosmetic.

James D. Wright, an attorney representing the partnership, declined to comment on any of the cases yesterday. Deborah A. Photiadis, the executive administrator for the partnership, and Gary A. Ruley, project director of Renaissance Plaza, also refused comment.

The Baltimore Sun (1984)

The Maryland Judicial Conference nonetheless opposes the Tenant Safety Act because "individualized determinations within the broader scope of a multi-party action would be challenging given the high-volume nature of a District Court docket. Circuit courts, by contrast, already handle similar types of matters and would seem to be the more appropriate forum given their docket structure and exclusive jurisdiction over class action suits."⁵ Yet, as demonstrated above, the District Court does not handle a high volume of Rent Escrow cases. Because the Circuit Court does not have jurisdiction over Rent Escrow actions — only the District Court does⁶ — there is no avenue for low-income renters to bring an

action for Rent Escrow jointly in the Circuit Court. The Judicial Conference also overlooks that the District Court has handled individualized determinations among a group of plaintiffs in the past — one example is shown here (above) from a *Baltimore Sun* article in 1984. Additionally, the Chief Judge of the District Court testified to this Committee last session, in his opposition to the Tenant Safety Act,⁷ that under current procedures "If you file 10 cases or more, and they're related, you can request the court to consolidate these so they can all be tried at one time. In fact, we kind of like that... for efficiency's purposes." That scenario differs from the joinder provision

⁵ Maryland Judicial Conference, Memorandum to House Env. and Trans. Comm. (Feb. 21, 2024).

⁶ See *Williams v. Housing Auth. of Baltimore City*, 361 Md. 143 (2000) ("A rent escrow action ... is property-specific and must be brought in the District Court.").

⁷ Chief Judge John Morrissey, Testimony in Opposition to HB0691 before the Judicial Proceedings Committee, April 4, 2023.

in the Tenant Safety Act only in that this bill would provide tenants a reliable procedure under the Rent Escrow law, rather than having their requests for consolidation discretionarily denied.

Recalibrate the rent abatement and order of payment into escrow

The Tenant Safety Act brings focus to the rent abatement, setting a rebuttable presumption that rent should be reduced by 50% at the time an escrow account is established. In other words, where a court has already established that substandard conditions exist that warrant establishing an escrow account and order of repairs, the court would reduce by half the amount of rent due under the lease. A landlord may overcome this presumption just as, in existing law, the landlord may show good cause to deny an abatement altogether. MLA believes based on practice in courts throughout the state that the presumptive 50% abatement is necessary as an instruction to judges to consider abatement timely and deliberatively. This is a correction on the broken, ineffective state of the law. Additionally, this provision of the Tenant Safety Act lowers the financial barrier to invoking the Rent Escrow process, with the likely effect of increasing the number of Rent Escrow cases that move forward to an order of repairs and the court's monitoring the completing of repairs.

The bill also clarifies that payments of rent into escrow are limited to prospective rent. Under the Tenant Safety Act, "back rent" owed at the time that a tenant raises their Rent Escrow claim should be adjudicated within the framework of the Warranty of Habitability. Payment of "back rent" would no longer be a

A Failed Rent Escrow in District 43A

Our client Ms. Elliot had a severe flood in her finished basement, which damaged the walls and caused around \$1,300 in damage to her personal property. The unit also had plumbing issues that caused raw sewage to enter the property. After the landlord did not fix the plumbing or clean the sewage, Ms. Elliot paid \$1,700 out of pocket for a plumber. During that month, Ms. Elliot's children were sick, presumably from the lack of sanitation, and her family had to spend several nights in a hotel, at their own expense. Instead of compensating Ms. Elliot and remediating the property, the landlord sued her in a "Failure to Pay Rent" eviction case in December. MLA raised a defense under the Rent Escrow law.

At the initial Rent Escrow hearing, the court refused to reduce back rent, to abate prospective rent, or to consider Ms. Elliot's out-of-pocket costs. Instead, the judge ordered her to pay \$5,800 to establish the escrow (three months of back rent, plus rent for the current month). The court said Ms. Elliot could argue for abatement at a future hearing at the case's end. However, when she was unable to pay that high amount into her escrow, the court dismissed her case and entered a judgment to evict her based on the back rent and fees.

Consequently, the court did not order repairs or ensure that Ms. Elliot's home was safe to live in. The court's eviction order forces Ms. Elliot to pay the full market rate of a home in substandard condition, else be evicted. Her out-of-pocket payments during this ordeal are just sunk costs that she could not afford and will never recoup.

precondition to the tenant’s Rent Escrow case, which would move forward based on the tenant’s paying current and future rent into court.

Codify a cause of action for violation of the Warranty of Habitability

SB0946 expressly states that a warranty of habitability is implied in all rental agreements and additionally provides both affirmative and defensive claims for violation of the warranty. Although “[t]he concept of an implied warranty of habitability is no stranger to the common law,”⁸ Maryland district courts invariably deny tenants’ claims based on violation of the warranty in part because judges interpret the rent escrow statute as overriding the warranty. For instance, when a tenant raises dangerous defects as a set-off defense to non-payment of rent, the bench may respond, “If you are asserting that there are poor conditions, you must file an escrow case.” This ubiquitous confusion of two distinct legal claims – one for compensation based on past defects, the other for injunctive relief (repairs, rent abatement) based on continuing defects – requires the clarification offered by this bill.

Permit awards of attorney’s fees and costs to prevailing tenants

The fee-shifting provision in SB0946 would increase the accessibility and effectiveness of the Rent Escrow process. Opponents of the bill have objected to this language that allows a court to award attorneys’ fees to the prevailing tenants. This Committee is well-aware that fee-shifting provisions depart from the “American Rule” on attorney’s fees, i.e., that each party is responsible for paying their own attorneys’ fees, regardless of the outcome of the case. Fee-shifting breaks with the rule to promote utilization and enforcement of remedial laws. Civil rights, consumer protection, and environmental laws are examples. Another example is Maryland’s retaliatory eviction statute (Real Prop. § 8-208.1) whereby a court may award attorneys’ fees to the tenant who prevails in showing that their landlord retaliated by attempting an eviction. SB0946 proposes the same measure for Rent Escrow and the Warranty of Habitability.

Absent a fee-shifting mechanism, few attorneys in the private bar represent tenants in rent escrow cases. Their potential clients, who typically earn low incomes, are unlikely to be able to afford to pay attorney fees. Nor can these renters obtain free legal representation for affirmative rent escrow cases under the Access to Counsel in Evictions law. Under the recent enactment, the Access to Counsel law did not include affirmative rent escrow actions except where the renter has

⁸ *Jack Spring, Inc. v. Little*, 50 Ill. 2d 351, 360 (1972).

been constructively evicted (meaning, they have already temporarily or permanently vacated the rental unit).

Maryland Legal Aid frequently raises Rent Escrow claims on behalf of our income-eligible clients, but we do not have the resources to meet all requests for assistance. The availability of an attorneys' fee award would increase the likelihood that low-income renters are able to obtain legal representation, which in turn boosts the likelihood that they utilize the laws that the General Assembly intended for their protection.

Notably, the rent escrow statute already includes a provision by which landlords may win an award of attorneys' fees if the court finds the rent escrow action was frivolous or brought in bad faith.

Address mold hazards in the Rent Escrow process

The Tenant Safety Act adds “mold... that presents serious and substantial threat to the health of the occupants” as one of six specific grounds for establishing a rent escrow. Although opponents of this measure suggest that “mold” is already a basis for establishing rent escrow, practitioners know that the courts are inconsistent in how they view the appearance of mold under the rent escrow law. The language in SB0946 will clarify for judges, landlords, and tenants alike that mold hazards are cognizable under the statute and, furthermore, that the health of the tenant would be a factor in how a court assesses mold in establishing an escrow case.

Opponents have argued that this provision should be stripped from HB0946 because the state's Workgroup on Mold Standards and Remediation will provide recommendations on the issue to the Governor and the General Assembly in October 2024. However, the legislation that created the Workgroup does not indicate that the report will cover private enforcement mechanisms like Rent Escrow. The Workgroup does not have one single legal services or consumer law organization among its members.

In addition, the bill specifies that the cost of mold testing, among other costs of litigation, may be awarded to a prevailing tenant. The average cost of a professional mold inspection in mid-sized home is around \$640 and air testing may run between \$240 and \$360.⁹ Although professional

⁹ Lawrence Bonk, "How Much Does Mold Inspection Cost In 2024?" Forbes Home (28 Nov. 2023), available at www.forbes.com/home-improvement/home-emergencies/mold-inspection-cost/#cost_of_mold_testing_by_type_section.

services for inspecting and testing mold hazards are necessary to a viable Rent Escrow case, low-income renters are typically unable to absorb such high costs.

For all the foregoing reasons, **Maryland Legal Aid urges the Committee's favorable report on SB0946**. If you have any questions, please contact:

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Assistant Advocacy Director – Tenants' Right to Counsel Project
zshah@mdl原因.org | (443) 202-4478

Gregory Countess
Director of Advocacy for Housing and Community Economic Development
gcountess@mdl原因.org | (410) 951-7687

SB946 Written FAV.pdf

Uploaded by: Zoe Gallagher

Position: FAV



Testimony to the Senate Judicial Proceedings Committee
SB946 - Landlord and Tenant – Failure to Repair Serious and Dangerous Defects - Tenant Remedies
(Tenant Safety Act)
Position: Favorable

3/6/2024

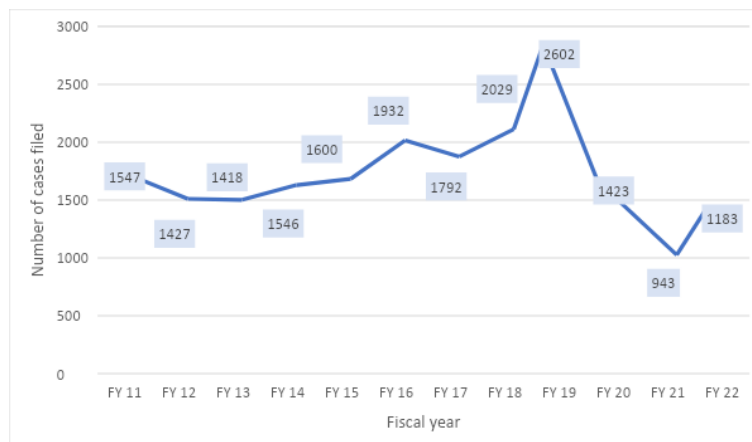
The Honorable Senator Smith, Chair
Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, Maryland 21401

CC: Members of the Senate Judicial Proceedings Committee

Economic Action Maryland (formerly the Maryland Consumer Rights Coalition) is a people-centered movement to expand economic rights, housing justice, and community reinvestment for working families, low-income communities, and communities of color. Economic Action Maryland provides direct assistance today while passing legislation and regulations to create systemic change in the future.

I am writing to urge your favorable report on SB946 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. 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>



SB946 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. SB946 would enable a single tenant to file a rent escrow case about building and unit conditions that other tenants with the same landlord facing similar conditions 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.

SB946 mirrors an existing procedure in New York City called the "group HP process," which routinely supports tenants in addressing harmful building conditions quickly and collectively in a summary process. Our organization supports the Tenant Safety Act because we believe Maryland renters deserve the same opportunity to build power for better housing.

SB946 supports tenant organizing for repairs to conditions that threaten life, health and safety

SB946 facilitates tenants in demanding necessary housing improvements that would benefit all Marylanders, renters and homeowners alike. The bill allows a group of tenants living on the same premises with the same landlord to ask the Court to order the landlord to make repairs to serious threats to life, health or safety.

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 group option for seeking repairs through the courts, SB946 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.

SB946 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.

SB946 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, the bill also codifies the already-existing implied warranty of habitability and clarifies an individual tenant's 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. SB946 provides an important tool to hold these negligent landlords accountable. 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. Landlords are usually represented by attorneys in these matters, so this provision helps level the playing field.

SB946 promotes judicial economy by allowing tenants to address building or complex-wide conditions issues in a single case

SB946 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 class actions are not permitted in District Court while rent escrow cases are within the exclusive jurisdiction of District Court. While joinder of tenants may be possible in some cases, it is not common in the current practice of the District 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 and drafting a separate complaint. SB946 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.

Economic Action Maryland is a member of the Renters United Maryland coalition and asks that the Committee issue a report of FAVORABLE on SB946.

Sincerely,
Zoe Gallagher, Policy Associate

SB 946- RMI.pdf

Uploaded by: Katherine Howard

Position: UNF

REGIONAL MANAGEMENT INC.

Senate Bill 946
Landlord and Tenant - Failure to Repair Serious and Dangerous Defects
Tenant Remedies (Tenant Safety Act of 2024)
March 7, 2024

Position: Unfavorable

Regional Management, Inc, (RMI) is a property management company which has, for over 60 years, managed over 5,000 units of affordable, market rate, residential properties in Baltimore City and County. RMI is a founding member of the Maryland MultiHousing Association.

Senate Bill 946 would establish that a landlord who offers a residential dwelling unit for rent is now deemed to warrant the dwelling fit for human habitation. The bill adds to the list of what constitutes dangerous conditions and defects for which a tenant may obtain relief under the rent escrow statute by prematurely including “ the existence of mold hazards”, despite the fact that a report of this Legislature’s Mold Task Force is due in a few months. Senate Bill 946 purports to allow multiple tenants to “join” as Plaintiffs in a rent escrow or breach of warranty of habitability claim, despite the fact that the Maryland Rules on Joinder are available to them now, as long as they meet the standards set in the rule regarding joinder.

RMI 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. It cuts by half the amount of rent that currently must be escrowed in the courts while the case is ongoing, upending the finely tuned balance established in rent escrow cases by two Gubernatorial Task Forces regarding Landlord Tenant Laws, leaving no mechanism for a Landlord to recoup the un-escrowed rent amount if the Landlord prevails. The bill’s “joinder” section seeks to create a different type of Joinder rule for rent escrow through a specialized type of multi-plaintiff litigation which circumvents Maryland’s current stringent judicial process regarding permissive joinder rules, usurping judicial discretion and upending the protections for both tenants and landlords through the escrow process.

For these reasons RMI asks for an unfavorable report

Respectfully Submitted,
Katherine Kelly Howard, General Counsel for RMI

sb946.pdf

Uploaded by: Linda Miller

Position: UNF

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 946
Landlord and Tenant – Failure to Repair Serious and Dangerous
Defects – Tenant Remedies (Tenant Safety Act)
DATE: February 21, 2024
(3/7)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 946. Senate Bill 946 amends Real Property § 8–211 to state that a landlord that offers a residential dwelling unit for rent, whether by written or oral lease or agreement, shall be deemed to warrant that the dwelling is fit for human habitation and the landlord is obligated to repair and eliminate conditions and effects that constitute a fire hazard or serious and substantial threat to life, health or safety of occupants. It adds the existence of mold in a dwelling unit that presents a serious or substantial health threat to the occupants as one of the conditions or defects for which a tenant can seek legal remedies.

The Judiciary recognizes that the legislature is the policy-making branch and defers to its authority on the public policy matters within the bill. The Judiciary's opposition is limited to two operational concerns with the bill. First, the District Court is not structurally equipped to handle the new complex, multi-party type of action the bill would create. The bill allows for joinder of potentially hundreds of plaintiffs in one case. Evidence would need to be presented as to the claims of each individual plaintiff and their claims would need to be individually determined. Any decisions regarding rent

abatement, the determination of attorneys' fees due or the award of costs associated with a mold assessment would need to be made for each individual plaintiff. Those individualized determinations within the broader scope of a multi-party action would be challenging given the high-volume nature of a District Court docket. Circuit courts, by contrast, already handle similar types of matters and would seem to be the more appropriate forum given their docket structure and exclusive jurisdiction over class action suits.

Second, SB 946 seeks to create a separate cause of action in § 8-212 for breach of the warranty of habitability. The Judiciary recognizes that the overall fitness for habitability is important and does not oppose creation of a separate cause of action for breach of that warranty. However, by incorporating the very same action into the rent escrow section of Real Property § 8-211 (D) (at page 3 lines 1-7), the bill conflates the two causes of action (rent escrow and breach of warranty of habitability) and could raise questions as to the application of either of them independently. Furthermore, the bill appears to simultaneously allow an individual to bring an action for rent escrow while also refusing to pay rent and asserting an affirmative defense of rent escrow. It is unclear what purpose the rent escrow action would serve in that instance, and it would leave the court in the position of adjudicating a rent escrow action while no rent is actually being paid into escrow.

By way of example, Baltimore City PLL § 9-14.1 governs this type of implied warranty of fitness. The warranty of habitability is a continuing warranty and allows the tenant to pursue legal action, *separate from an escrow action*, for breach of this warranty at any time during the tenancy if the dwelling becomes unfit for human habitation.

cc. Hon. Ariana Kelly
Judicial Council
Legislative Committee
Kelley O'Connor

MBIA Letter of Opposition SB 946.pdf

Uploaded by: Lori Graf

Position: UNF

March 7, 2024

The Honorable William C. Smith Jr.
Chairman, Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

RE: SB946 - Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act of 2024)

Dear Chair Smith:

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act of 2024)**. MBIA **Opposes** the Act in its current version.

Senate Bill 946 would establish that a landlord that offers a residential dwelling unit for rent is deemed to warrant the dwelling fit for human habitation; clarifying that certain mold hazards constitute dangerous conditions and defects for which a tenant may obtain relief.

This is at odds with current Maryland law that already exists to protect tenants when conditions exist in a unit that are threatening to the life, safety or health of occupants. The bill adds the existence of mold to the conditions list, the committee last year passed legislation (Ch. 347) establishing a workgroup to study mold assessment and remediation with a report due this year. A group of residents can join a rent escrow already but it would further complicate the process and make it more expensive.

We appreciate the opportunity to offer comments and appreciate the intent of the bill but for the reasons listed above we would ask the committee to give this piece of legislation a unfavorable report.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the Senate Judicial Proceedings Committee

SB 946-- AOBA--UNF.pdf

Uploaded by: Ryan Washington

Position: UNF



Bill No: SB 946-- Landlord and Tenant—Failure to Repair Serious and Dangerous Defects—Tenant Remedies (Tenant Safety Act of 2024)

Committee: Judicial Proceedings

Date: March 7, 2024

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 946, a significant piece of legislation, mandates that rental housing providers are responsible for ensuring the habitability of their units. They must also address and rectify any conditions or defects that pose health and safety risks. The bill also recognizes the presence of mold as a serious health threat in a dwelling unit, which can be used as a defense for rent escrow and refusal to pay rent. Additionally, SB 946 incorporates the joinder statute into state law, enabling multiple parties to collectively seek remedies if a housing provider neglects to address serious and dangerous defects on the property.

AOBA has expressed significant concerns while acknowledging the bill sponsor's efforts to include provisions that allow residents to notify housing providers and provide a reasonable time for abatement of severe defects. As currently drafted, the bill codifies the joinder statute into state law, allowing residents to act on a suit collectively. This approach, however, raises serious concerns for AOBA members, as it may not adequately address the unique nature of defects that can vary from one unit to another.

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 impact experienced

in each rental unit conflicts with the fact that all residents are similarly situated claimants who can rely on one person to represent their interests.

AOBA members firmly believe the existing rent escrow statute provides robust remedies to safeguard tenants. Unlike complex class action litigation, a typical rent escrow case addresses specific problems in a resident's rental unit. Even in multifamily buildings, residents' repair issues are unique to their living situation and can be easily identified through resident complaints and inspections by the housing provider or Code Officials. Housing providers are legally bound to rectify conditions that seriously threaten occupants' life, health, or safety. If a housing provider fails to address severe or dangerous problems in a rental unit, 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 946. 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 946 – Landlord and Tenant – Failure to Repair Serious and Dangerous Defects – Tenant Remedies (Tenant Safety Act of 2024)

Position: Unfavorable

Maryland REALTORS® oppose SB 946 which adds mold to the actionable conditions under the rent escrow law and adds a new statutory provision on the warrant of habitability.

The purpose of the current rent escrow law is to provide tenants with a tool to force housing providers 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. If the landlord fails to make a repair within the statutory time limit, the landlord may not collect the escrowed rent or the tenant has a defense to a suit brought against them for nonpayment of rent.

The REALTORS® are concerned with new section 8-212 which defines a warrant of habitability that parallels the rights of a tenant under 8-211 (the rent escrow law). While section 8-211 provides statutory remedies like nonpayment of rent and abatement of rent for serious defects, 8-212 would provide the same remedies for a breach of the warrant of habitability. 8-211 makes clear the remedies under that section do not apply to a housing provider's "failure to repair and eliminate minor defects or, in those locations governed by such codes, housing code violations of a nondangerous nature." 8-212 raises confusion about the listed, actionable conditions under 8-211 by seeming to provide the same remedy to any condition deemed a breach of habitability.

8-212 is a significant expansion of the rent escrow law and the Maryland REALTORS® recommend an unfavorable report.

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

SB 946 - Landlord and Tenant - Failure to Repair S

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Position: INFO

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.

Housing Authority of Baltimore City | 417 East Fayette Street, Baltimore, MD 21202

410.396.3232 www.HABC.org @BmoreHabc

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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