

February 8, 2022

The Honorable Kumar P. Barve  
Environment & Transportation Committee  
House Office Building, Room 251,  
6 Bladen St., Annapolis, MD, 21401

**RE: HB 392- Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Justice Act)**

Dear Chairman Barve:

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **HB 392- Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Justice Act)**. MBIA **Opposes** the Act in its current version.

This bill would allow for a single resident to seek remedies against a landlord for failure to repair serious or dangerous defects on a leased premise. MBIA respectfully opposes this measure.

For these reasons, MBIA respectfully requests the Committee adopt the proposed amendment and give this measure a favorable report. Thank you for your consideration. HOA's and Condo Associations already reserve the right to initiate legal proceedings against a landlord as can residents in the cases where there is no association. Instead of expanding these rights, this bill would create internal bylaw and structural conflicts in these associations.

This bill also has the potential to take legal action against entities that may not necessarily be at fault. Property management companies may be liable for repairs that they cannot make due to owner restrictions. Tenants are also able to recoup reasonable attorneys fees but the same right is not extended to Owners and property management companies that will be on the hook for legal fees in the case of frivolous lawsuits.

Finally, this bill has the potential to be abused in order to extend eviction proceedings. Currently, landlords must receive 3 judgments against the tenant in order to take possession of a property. This bill would allow tenants to issue separate legal proceedings alleging a defect that would have to be ruled on first and cause additional delays in an already difficult and long drawn process.

For these reasons, MBIA respectfully requests the Committee give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or [lgraf@marylandbuilders.org](mailto:lgraf@marylandbuilders.org).

cc: Members of the House Environment & Transportation Committee