

BEYOND THE BOUNDARIES
An Archdiocesan Program

**HB 86 - Landlord and Tenant - Residential Leases - Tenant Rights and Protections
(Tenant Protection Act of 2022)**

**Hearing before the House Environment and Transportation Committee,
Jan. 18, 2022**

Position: SUPPORT

Beyond the Boundaries is an Archdiocese of Baltimore program with members from churches throughout Maryland. We recognize the need for Catholic organizations to advocate for social justice, especially as it relates to stable and permanent housing—be it rental housing or owner-occupied housing.

The United States Conference of Catholic Bishops has repeatedly stated that to effectively love our neighbor, we must care for the conditions in which they live, and we must acknowledge decent housing as a human right.¹ “Since decent housing is a human right, its provision involves a public responsibility.”² Such public responsibility includes providing Maryland tenants with tools to help them in their dealings with landlords, provides them with additional proper grounds to seek early lease termination, and provides them with effective tenant organizations that can suitably and freely meet.

House Bill 86 achieves these goals. Therefore, we urge the committee to vote favorably.

House Bill 86, the Tenant Protection Act of 2022, provides Maryland renters four concise, long-needed, meaningful reforms that help balance landlord-tenant relations.

This bill passed the House in 2021 and reflects amendments and compromises achieved in the 2020 session. Our organization supports the Tenant Protection Act as reintroduced.

HB 86 adds documentation of security deposit deductions

In Maryland, release of a tenant’s security deposit can be delayed up to 45 days after the tenant moves out of the property. Particularly for lower-income renters in Maryland, this delay imposes economic hardship that can destabilize the renter’s new tenancy.

This hardship is worsened when renters finally receive their security deposit back and find that the landlord deducted fees or charges unreasonably.

¹ <https://www.usccb.org/resources/right-decent-home-pastoral-response-crisis-housing>

² See above footnote 1.

Current law requires landlords only to itemize the amounts withheld from the released security deposit. HB 86 creates an additional obligation by which landlords would provide documentation for those withheld amounts.

For instance, if a landlord were to withhold hundreds of dollars for carpet cleaning after the renter moved out, HB 86 would require that the landlord, as practicable, provide their former tenant an invoice or other documentation that substantiates the itemized carpet-cleaning cost.

Renters rely on the return of their security deposit and deserve to know, with the added certainty of documentation, why their former landlord deducted from the full deposit amount.

HB 86 expands grounds for early lease termination to include victims of stalking

Currently, Maryland law limits the costs faced by a tenant who seeks early lease termination on grounds that they are a victim of domestic violence or sexual assault. HB 86 adds stalking, as defined in the Criminal Law Article, as a third basis.

This bill also addresses the difficult documentation standard in the current law, which requires the tenant to provide notice of intent to vacate to the landlord *plus* evidence of a peace order/protective order to substantiate their status as a victim. Because for many renters in these circumstances the peace order or protective order may be unattainable, HB 86 *expands* the documentation standard to include a report by a “qualified third party” (physician, psychologist, social worker) that supports the renter’s assertion of domestic violence, sexual assault, or stalking.

Additionally, HB 86 specifies that a tenant in one of these emergency circumstances is responsible for payment of rent *only* for the period between their delivery of notice to the landlord and the date on which they vacate, up to a maximum of 30 days.

HB 86 allows renters access to utility information at master-meter buildings

HB 86 also sets forth new transparency provisions to help renters in Ratio Utility Billing System (“RUBS”) properties understand their energy and water charges. These properties are typically multi-family buildings on a master meter serviced by the local utility company. The owner then contracts with a third party to allocate utility charges to each unit in the building.

Under current law (outside Montgomery County and Baltimore City), tenants have no statutory rights to access the allocation calculations or to see the underlying billing and consumption data for the building. HB 86 addresses this information gap.

This bill requires that tenants have written notice explaining exactly which utilities they will be expected to pay and the exact method or formula for how these costs will be allocated. In addition, the bill requires landlords to provide tenants with the average

monthly cost for each utility in the prior calendar year.

Importantly, too, HB 86 provides incumbent tenants the right to request information that would verify the accuracy of allocated utility bills – including past bills. All of these components of HB 86 offer tenants the opportunity to understand fluctuating utility charges over time and to dispute excessive or confusing utility costs.

HB 86 gives tenant organizations the right of assembly in their buildings

Except in Montgomery County, tenant organizations can be intimidated or effectively shut down when their landlords *prohibit* their use of common areas. HB 86 defines “tenant organization” and sets forth a right of tenant organizations to assemble freely in a meeting room in the leased premises--in certain multi-family properties.

Beyond the Boundaries is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on HB 86**. If you have any questions, please contact:

Charles Michaels, Esq.

Program Manager

Beyond the Boundaries

beyond.the.boundaries.md@gmail.com

Or

cwmichaels@igc.org