



HOMELESS PERSONS REPRESENTATION PROJECT, INC.

HB0086 - 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

The Homeless Persons Representation Project, Inc. (HPRP) is a non-profit civil legal aid organization that provides free legal representation to people who are homeless or at risk of homelessness on legal issues that will lead to an end to homelessness. HPRP regularly represents tenants in failure to pay rent cases and other landlord-tenant matters in Baltimore City.

House Bill 0086, 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.

HB0086 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. Current law requires landlords only to itemize the amounts withheld from the released security deposit. HB0086 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, HB0086 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. This will bring needed accountability to Maryland's security deposit law.

HB0086 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. HB0086 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. This requirement is an impediment to survivors who either cannot or do not want to pursue a court order. According to the National Coalition Against Domestic Violence, 22,891 domestic violence crimes were reported to law enforcement in Maryland¹; however, only 10,310 final protective orders were issued in the state during the same year². This statistic illustrates in very stark terms the need to create other mechanisms for survivors to confirm their status and establish their need to break their lease and move from the property for reasons of personal safety. HB0086 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, HB0086 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.

HB0086 allows renters access to utility information at master-meter buildings

HB0086 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. HB0086 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, HB0086 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 HB0086 offer tenants the opportunity to understand fluctuating utility charges over time and to dispute excessive or confusing utility costs.

HB0086 gives tenant organizations the right of assembly in their buildings

¹ National Coalition Against Domestic Violence, “Domestic Violence in Maryland”, available at https://assets.speakcdn.com/assets/2497/ncadv_maryland_fact_sheet_2020.pdf

² Maryland Courts, “Domestic Violence Monthly Reports”, available at <https://www.courts.state.md.us/eservices/dvmonthlypublicreports>

Except in Montgomery County, tenant organizations can be intimidated or effectively shut down when their landlords prohibit their use of common areas. HB0086 defines “tenant organization” and sets forth a right of tenant organizations to assemble freely in a meeting room in certain multi-family properties.

HPRP is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on HB0086**. If you have any questions, please contact Carisa A. Hatfield, Esq. at 443-402-5395 or chatfield@hprplaw.org.