

HB 36 - Real Property – Actions to Repossess – Proof of Rental Licensure  
Hearing before the House Judiciary Committee on January 19, 2023

Position: SUPPORT (FAV)

Chesapeake Physicians for Social Responsibility (CPSR) is statewide evidenced-based, organization of over 900 physicians, other health professionals and supporters, that addresses existential public health threats as seen through the intersectional lens of environmental, social and racial justice. As an organization founded by physicians, we understand that prevention is far superior to treatment in reducing costs; death, illness, injury, and suffering. This is why CPSR and is why CPSR supports HB36.

On August 4, 2022, two Potomac Maryland young women died in a family rental home on Southampton, Long Island. Police confirmed that the rental home did not have a valid rental permit, which meant that there was no inspection of the home to ensure its safety.

<https://dailyvoice.com/maryland/montgomery/police-fire/maryland-sisters-die-in-hamptons-vacation-house-fire-reports/839657/>

The Southampton tragedy is an example of how deadly the consequences can be when a rental unit does not have a health and safety inspection.

HB 36 is identical to SB 563, which passed the House (90-45) and Senate (47-0) in 2022 but was vetoed by Gov. Hogan. HB 36 would stop landlords who do not have an operating license from using streamlined court processes (Failure To Pay Rent, Tenant Holding Over, and Breach of Lease) from evicting tenants in localities that have a licensing law. Licensing laws protect public health and safety through periodic inspections. **When unlicensed landlords successfully use eviction court, it encourages all landlords to ignore licensing laws and increases the risk of tenants being subjected to health and safety hazards**

Rental unit inspections in Baltimore City, for example, play an important health and safety function in protecting children, especially in low income housing where substandard housing is a greater risk without the protection of inspections.

<https://dhcd.baltimorecity.gov/sites/default/files/1%20&%20%20FAMILY%20DWELLING%20INSPECTION%20FORM%20rev%202-4-21.pdf>

Having a living unit inspected for lead is crucial to prevent irreversible brain injury leading to behavior problems, learning problems, and loss of IQ in the case of small children. Primary prevention, which is removing the sources of lead before exposure occurs, is the most reliable and cost-effective way to protect our children. The American Academy of Pediatrics urges **“local or state governments, in consultation with pediatricians, develop policies and regulations requiring the remediation of lead- contaminated housing and child care facilities, including the elimination of lead hazards during transfer of rental units or renovation or demolition of older housing.”**

<https://publications.aap.org/pediatrics/article/138/1/e20161493/52600/Prevention-of-Childhood-Lead-Toxicity> **Certificate of inspection for lead for rental units is an important tool in preventing lead exposure and a court requirement is a crucial way to enforce that policy.**

Inspections in Baltimore check for other health and safety provisions. The tragedy in Southampton underscores the importance of inspection for hazards that increase the risk of fires or being trapped in fires. If there is a bedroom in the basement, is there proper egress in case of fire? Inspectors check for Smoke Detectors that are properly installed and operational. In multi-family dwellings, inspectors check for fire separation between dwellings, hallways, for fire doors and and Fire alarm systems in working order. Inspectors look for exposed live wire

Units are checked for any other readily observable problems that in an inspector's opinion represent an immediate threat to the health and safety of occupant including evidence of infestation of rodents, insects or other pests, toilets that don't work, plumbing leaks and exterior walls that allow rain water to seek in, contributing to mold formation and related health problems.

Inspectors check for an operable heat supply system. In a 2008 Hopkins study 12 % of the population studied were using their stoves for heat, leading to nitrogen oxide exposure and asthma. **A Longitudinal Study of Indoor Nitrogen Dioxide Levels and Respiratory Symptoms in Inner-City Children with Asthma** <https://doi.org/10.1289/ehp.11349>. A family should never have to use their oven for heat, exposing the family to nitrogen oxides, formaldehyde, benzene, and carbon monoxide, some of the sickening and deadly gases that fill apartments when gas stove doors are kept open all night to heat homes in addition to the fire risk when gas appliances are used improperly.

The list that inspectors must certify are not extravagant but portray an array of horrors and no family should have to live where basic health and safety requirements are not met. If landlords are entitled to use rent court without requiring certification, this might encourage less scrupulous landlords to forego inspections as well, allowing unsafe living conditions to prevail.

Chesapeake Physicians for Social Responsibility is a member of the Renters United Maryland, a statewide coalition of renters, organizers, and advocates, and we urge the Committee's report of Favorable on HB 36. CPSR strongly encourage passage of HB 36 to protect the health and safety of Marylanders who have a right to safe and healthy living conditions when they become renters.