

HOUSING JUSTICE 2024



Stability. Safety. Eviction Prevention. Fairness.

In 2024, the Governor and General Assembly should strengthen laws that guarantee health and safety standards for renting families to prevent hazardous living conditions, prohibit arbitrary and discriminatory evictions, allow tenants to reclaim their belongings after eviction, and invest in proven programs that keep families and communities together.



STABILITY *Local Enabling Legislation for Just Cause Eviction (HB 477/SB 644).*

Landlords often refuse to renew leases when tenants organize for their rights, demand that repairs be made, or complain about violations of the law. “Just Cause” laws protect tenants from this kind of retaliation and promote housing stability for tenants and neighborhoods. This bill would allow counties to adopt “Just Cause” laws that meet local needs.



SAFETY *The Tenant Safety Act (SB 946/HB 1117)* will make the “rent escrow” process more accessible to renters and groups of renters who want to hold their landlord accountable for severe conditions of disrepair that threaten life, health, or safety. 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.



EVICTION PREVENTION FUNDS (EPF) ensure that a missed month’s rent doesn’t become a catalyst for homelessness. A recent study shows that a \$15 million investment in EPF can prevent the eviction of 5,620 families and more than pay for itself because housing affects education, foster care, shelter, health care, and other costs: <https://www.mdeconomy.org/eviction-prevention-funds/>.

- 1) Allocate \$15 million in FY 25 for eviction prevention funds
- 2) Pass SB 370/HB 428: Rental Assistance for Community School Families Act (Sen. Hettleman & Del. Stewart)



FAIRNESS *The Tenant Possessions Recovery Act (SB 992/HB 1114)* would align Maryland with 46 states and allow renting families a limited opportunity to collect their belongings after eviction. Right now, when a tenant is evicted they not only lose their home, but also their birth certificates, medications, and family photos. Families need notice of an eviction date and a 10-day reclaim period.

Local Enabling Legislation for Just Cause Eviction

Sponsors: Del. Jheanelle Wilkins & Sen. Anthony Muse

HB 477 / SB 644

When it comes to lease non-renewals, Maryland is a "no cause" state - that is, a landlord can decide to non-renew without any stated cause. This means that working people and their children face the constant threat of displacement, even when they follow all the rules, and must accept declining conditions and increasing rents just to stay in their communities.

This legislation would enable Maryland counties to pass local "just cause" policies for lease non-renewals. "Just cause" means that a landlord may choose not to renew an expiring lease only if there is an acceptable basis for that decision. This bill gives local legislatures the power to decide what's acceptable and when.

Without this bill, jurisdictions like Montgomery County and Baltimore City face preemption challenges to their local efforts to protect tenants through just cause policies.



During the COVID-19 pandemic, as court delays and emergency rental assistance slowed the pace of non-payment eviction filings, evictions based on lease non-renewal roughly doubled.

With more tenants organizing and demanding repairs for safe, healthy living conditions, landlords have retaliated with unjust and discriminatory lease non-renewals.

Requiring just cause as a precondition for an eviction is a limited requirement that boosts the stability of the market by stabilizing families, neighborhoods, and communities to ensure that no one is arbitrarily deprived of their home.

Cities such as Oakland, Washington, DC, and Philadelphia have adopted just cause eviction policies. This legislation recognizes that local legislatures know how best to help their renters stay stably housed and able to contribute to the workforce and the economy.

Renters United Maryland is a coalition of advocates, organizers, policymakers and renters. To learn more about our work on these priorities and other legislation, visit www.rentersunitedmaryland.org

Tenant Safety Act: Holding Landlords Accountable for Repairs

Sponsors: Sen. Ariana Kelly & Del. Vaughn Stewart

SB 946 / HB 1117

The Tenant Safety Act will do 5 things:

Current “rent escrow” law – paying your rent to the court until the landlord makes repairs – is broken and does not hold landlords accountable for failing to repair threats to life, health, or safety.

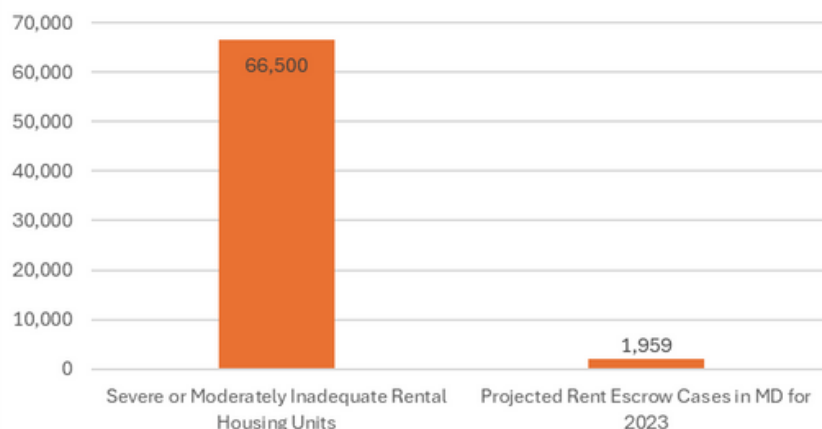
Poor Outcomes for Tenants:
Even when tenants are able to file for rent escrow, [only 6 percent of cases result in reduced rent, according to a Baltimore Sun review.](#)



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 the State. **Landlords are not being held accountable for major problems that affect not only renting families but entire communities that have to deal with neglected and blighted properties.**

- 1. Join Similar Cases Together.** Make it easier for tenants with the same issues and landlord to join in a single rent escrow case
- 2. Reset Expectations.** If a landlord refuses to make repairs, then normally a tenant should pay a reduced rent (by 50% in most cases) going forward into escrow until repairs are made. This will help tenants who do not have the full amount the landlord claims is due still hold the landlord accountable. At the end of the case, the Court still decides 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 fix major defects (a.k.a. warrant of habitability)
- 4. Mold.** Hold landlords accountable for serious mold hazards.
- 5. Level the Playing Field with Attorney’s Fees.** Allow a tenant to recover attorney’s fees and costs if they win. Landlords already get this through their leases. More attorneys will take these cases and help level the playing field.

Inadequate MD Rentals vs. # of Rent Escrow Cases



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Tenant Safety Act: Holding Landlords Accountable for Repairs

SB 946 / HB 1117

FREQUENTLY ASKED QUESTIONS

1. Is this the same tenant “class action” bill from last year?

No. This is a major change from last year. The 2024 bill only clarifies that tenants may join together when they meet the normal requirements for joinder, Rule 3-212.

2. Why should the Court reduce the rent by 50%? How is that fair?

The bill only sets a “rebuttable presumption” that rent should initially be reduced by 50% and paid going forward to get the tenant into escrow. The Court still has discretion to change the amount of rent (higher or lower than 50%) and to change the amount paid to each party at the end of the case. This part is to help tenants who can’t pay everything claimed due by the landlord get their foot in the door and hold the landlord accountable for severe threats to the life, health, or safety of their families.

3. Does all mold qualify as a threat to life, health or safety?

No. The bill only clarifies what is already the case: If a tenant can prove that the mold is a threat to their life, health or safety, they should be able to put their rent in escrow until repairs are made.

4. Why do tenants need attorneys’ fees? Why not fees for landlords?

Tenants file very few escrow cases in Maryland and even fewer have attorneys. Landlords frequently have attorneys so this levels the playing field. Fee shifting is essential to enforcement of a remedial law, similar to the Consumer Protection Act (CPA). Tenants only recover if they prevail, i.e., the landlord refused to repair serious defects. If any tenant files a frivolous or bad faith complaint, the landlord can already seek an award of fees under Rule 1-341.

5. Why does this bill include the warranty of habitability?

This bill only codifies the existing implied warranty of habitability. It is not a change in the law. The implied warranty of habitability means that in any county that has a building code, the lease already has an implied promise that the property is habitable. Thus, a tenant should not have to pay full rent when the landlord refuses to fix severe problems. See *Brooks v. Lewin Realty III*, 378 Md. 70, 81 (2003), *abrogated on other grounds*. This bill codifies the caselaw to put judges and all parties on notice that tenants can seek a refund of rent paid or reduction of rent past due when conditions are uninhabitable.

Eviction Prevention Funds

SB 370/HB 428: Rental Assistance for Community School Families Act (Sen. Hettleman & Del. Stewart) & \$15 million to Homelessness Solutions in FY 25



Eviction prevention funds pay 1-3 months of past due rent for families facing a short-term crisis – **ensuring a missed month's rent doesn't become a catalyst for homelessness.**

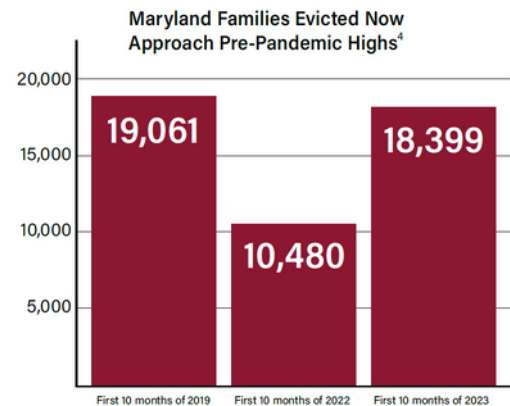
Maryland should not invest billions in the Blueprint for Maryland's Future without an investment in Eviction Prevention Funds (EPF) to ensure children can avoid eviction & losing community school supports. SB 370/HB 428 makes EPF available for families in community schools.

A new study by Stout Risius Ross shows that every dollar invested in EPF saves the state \$2.39. This is because housing affects everything from state-funded shelter, educating students experiencing homelessness, health care costs, foster care, decreased incarceration, and employment. More study information: <https://www.mdeconomy.org/eviction-prevention-funds/>

The Governor and General Assembly should **pass SB 370/HB 428: Rental Assistance for Community School Families Act**, which will direct EPF through community schools **AND allocate \$15 million in FY 25** to eviction prevention funds.



Preventing evictions stabilizes the family, the school, and the community. Families cannot thrive without safe, stable housing. Schools cannot thrive with a student body forced to live in unstable and deplorable conditions.



Evictions are nearing pre-pandemic highs and exceeding them in some months. Women-led (70%) and Black-led (74%) households have benefited significantly from Maryland's current emergency rental assistance program and likely will be evicted at much higher rates unless the Governor and General Assembly take action. Eviction prevention supports gender and racial equity.

Other States (IL, MN, PA, NJ, MA, NY, CT, OR, WA, CA, VT, and DC) are leading on Eviction Prevention. **Maryland cannot be a national leader in ending childhood poverty, righting the racial wrongs of the past, and ensuring shelter for all without investing in eviction prevention funds.**

Leave No One Behind Must Include Eviction Prevention Funds

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Tenant Possessions Recovery Act For Tenants to Keep their Possessions after Eviction

Sponsors: Sen. Benson & Del. Terrasa
SB 992 / HB 1114

Currently, when tenants are evicted from their homes, not only do they lose a roof over their heads, many also lose their personal possessions and dignity through a very public and traumatic eviction process. Financial records, family heirlooms, children's keepsakes, and even pets are lost in the current eviction process. The Tenant Possessions Recovery Act (TPRA) will do two things to ensure these travesties never happen again in Maryland:

PROVIDE NOTICE

ALL tenants in the state of Maryland will be given 14 days notice of their scheduled eviction. The notice will provide the eviction date, if there is a right to redeem, and that the tenant has a 10-day reclamation period. By giving tenants notice of their eviction date they are better able to plan accordingly.

CREATE 10-DAY RECLAMATION PERIOD

After an eviction is executed, a tenant will have ten days to reclaim whatever personal possessions are left before the landlord can dispose of them.



Maryland Is Woefully Behind on Tenant Possession Protections: 46 states in the US have legislation that provides notice to the tenant of their eviction date and/or a reclamation period post eviction for tenants to gather their belongings. Neighboring jurisdictions of Washington, DC; New Jersey; West Virginia; Pennsylvania; Delaware; Virginia; and North Carolina all have notice requirements AND reclamation periods. MARYLAND IS DRAGGING BEHIND!



Current Law Needlessly Complicates the Eviction Process: Due to the lack of required notice of the scheduling of an eviction, for many evicted tenants their eviction is a surprise. Others end up being evicted when their plans to redeem their property fail. Many landlords must schedule movers and workers ahead of time to be present for an eviction that may not happen if the tenant redeems or the Sheriff reschedules. This bill would give tenants AND landlords concrete dates for when they need to reclaim their property and when landlords are able to actually begin discarding left possessions.



This is an Environmental Bill:

The TPRA keeps streets and neighborhoods clean. Evictions will no longer result in papers, broken furniture, electronics, and private information lying out in public streets and fairways. This bill requires property to be discarded properly.

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Two Years of Research have found that the state of Maryland is VERY behind on notice and post-eviction tenant possession protections:

- All neighboring jurisdictions around Maryland – Washington, DC; New Jersey; West Virginia; Pennsylvania; Delaware; Virginia; and North Carolina – require **notice and reclamation periods**.
- Nineteen states and DC require **notice of the scheduled eviction, the tenant's right to reclaim their personal possessions, and require the landlord to keep the tenant's property reasonably safe**.
- An additional nine states require **notice and a right to reclaim**.
- Of the states where a reclamation period is law, thirty-three states have **reclamation periods that are longer than 24 hours**.
- In total, 46 (!!!!) states and Washington, DC, provide tenants either **notice of their eviction date, a period for tenants to reclaim their property, or both!**
- Maryland is **NOT** one of those 46.

