



The Public Justice Center 2014 Legislative Highlights

The annual session of the Maryland General Assembly can seem like a sprint, cramming the year's legislative action into a mere 90 days. For those three months, it's go-go-go to get bills through every stage of the legislative process by Sine Die, the last day of the session. It's urgent e-appeals to call your legislators NOW.

But despite the frenzied pace, creating change through legislative advocacy is much more like a marathon. It can take years to educate legislators on the importance of an issue, build a coalition of partner organizations, and rally public support. Passing a bill that will improve the lives of people in poverty takes endurance and an appreciation for incremental change. Some years we'll hit key mile markers, and down the road, cross the finish line.

2014 was such a year for Public Justice Center advocacy in the Maryland General Assembly. Two bills that will help unaccompanied homeless youth attend college and access services passed because we laid the groundwork last year and worked with a state task force to develop recommendations that spawned these bills. We passed legislation to better protect tenants from landlord retaliation, closing a loophole in a 2011 law for which we began advocating in the 1990s.

And we moved forward on bills that have not yet passed. We made progress in building support for paid sick days. We had productive discussions with opponents of the HOME Act, which would prohibit discrimination in housing based on a tenant's source of income. This year's advocacy will bolster our position when we return to Annapolis in 2015.

Your support is essential in this marathon for justice. Our progress is your progress. Our victories are your victories. Because of you, unaccompanied homeless youth will be able to afford a college education and develop the skills needed to get a good job. Tenants will be better protected from retaliation when they raise health and safety concerns with their landlord. Thank you for calling your legislators, cheering the good news, and sharing gifts of time and money. Thank you for standing with us.

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EDUCATION STABILITY

This year Public Justice Center advocacy helped pass two bills that will help unaccompanied homeless youth access education and other supportive services. These are young people who do not have stable housing or the support of a parent or legal guardian, whether because of family conflict, a parent's inability to provide support, rejection due to sexual orientation, gender identity, or pregnancy, or other reasons.

Tuition-Free College for Unaccompanied Homeless Youth

SB 455 / HB 482

PJC position: Favorable

Result: Win

James* was the valedictorian of his high school class. He started college but became homeless partway through and had to drop out. A new law will help ensure that homeless students like James can attend state colleges and universities, earn their degrees, and learn the skills needed to find a good job.

The Public Justice Center and Homeless Persons Representation Project helped pass this law, which allows unaccompanied homeless youth to attend Maryland's public universities, community colleges, and state-approved vocational programs tuition-free and use other grants and scholarships for living expenses. How many students will this help? While the exact number for Maryland is unclear, we

know that, last year, an average of 550 applicants for federal financial aid per state identified as unaccompanied homeless youth.

The next step is to ensure that these youth know about the tuition waiver and can take advantage of it. The PJC plans to work with Delegate Mary Washington, leadership at Maryland's colleges and universities, and other advocates and national experts to conduct outreach and develop other strategies for supporting homeless college and vocational students.

*Name changed to protect privacy.

Counting Unaccompanied Homeless Youth to Develop Better Services

SB 794 / HB 794

PJC position: Favorable

Result: Win

Unaccompanied homeless youth often live under the radar, making it more challenging to reach them and meet their needs. We know, for instance, that Maryland schools identified 983 unaccompanied homeless youth last year, but since many of these youth avoid detection or are not in school at all, we don't know how many more might be out there.

But a new law will help. The Public Justice Center and Homeless Persons Representation Project led the campaign to pass HB 794 / SB 794, which creates a demonstration

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project to count unaccompanied homeless youth and young adults in six diverse Maryland jurisdictions. Funded at \$200,000 in the Governor's Supplemental Budget, the demonstration project will gather quantitative and qualitative data about the numbers, experiences, and needs of unaccompanied homeless youth throughout the state to facilitate the development of strategies to serve these youth. The data will help allocate resources and expand opportunities to seek federal and private funding to support this vulnerable population. The next step will be for advocates to work with the Department of Planning and other state and local agencies that serve youth and homeless persons to develop an RFP for an organization with expertise to do the count.

We thank Delegate Mary Washington and Senator Ed Reilly for sponsoring these bills. We're also grateful for the support of the

youth leaders at the Youth Empowered Society (YES) Drop In Center and partners from several other organizations and agencies.

Expanding Conversation and Action on Homelessness

The Public Justice Center also provided testimony in support of two bills that will expand public conversation and action to address homelessness in Maryland. HB 813 / SB 795 establishes a **Joint Committee on Ending Homelessness in the General Assembly** to study homelessness and consider bills and resolutions relating to the issue. HB 1036 / SB 796 convenes an **Interagency Council on Homelessness**, comprised of government officials as well as homeless individuals and their advocates, to assess the problem of homelessness in Maryland and create and implement public and private solutions.



Gov. Martin O'Malley signs HB 813 and HB 794 into law on May 5, 2014. Behind him are homeless youth advocates, including Del. Maggie Washington, Sen. Richard Madaleno, Jr., and PJC attorney Monisha Cheryil. Photo courtesy of the Executive Office of the Governor. Photo has been formatted for space.

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HUMAN RIGHT TO HOUSING

Strengthen Tenant Retaliation Protections

SB 800

PJC position: Favorable

Result: Win

Far too often, the Public Justice Center meets tenants who need to complain to their landlords about serious threats to health and safety in their homes but are concerned that the landlord will retaliate by evicting them, increasing the rent or decreasing essential services. While a multi-year campaign to strengthen Maryland's tenant retaliation protections succeeded in passing legislation in 2011, loopholes in the law meant that some tenants were still vulnerable. For example, the law said that no tenant could assert retaliation as a claim or defense if the tenant had more than three rent judgments in the past twelve months – even if the tenant is current on the rent or paying into a rent escrow account when the retaliation allegedly occurs.

This year, the PJC led a strong and broad coalition of housing organizations throughout Maryland to eliminate this “3 strikes” exception with the passage of SB 800. Now tenants who are current on the rent or paying into a rent escrow account will be able to at least assert a retaliation defense to eviction regardless of whether the tenant had paid late in the

past. SB 800 marks a small but important increase in housing security, as part of realizing a human right to housing for all.

Our gratitude goes out to our coalition partners and to the sponsors of the legislation, Del. Barbara Frush and Sen. Victor Ramirez, our co-sponsors, and the chairs of the committees and subcommittees that championed this bill: Sen. Brian Frosh, Del. Maggie McIntosh, and Del. Doyle Niemann. We also want to recognize that after much negotiation and compromise, the Maryland Multi-Housing Association supported amended SB 800.



PJC attorney Matt Hill talks to Delegate Doyle Niemann about retaliation legislation on Renters Day in Annapolis. Photo by Mont. Co. Renters Alliance.

HOME (Housing Opportunities Made Equal) Act

HB 366

PJC position: Favorable

Result: Loss

Searching for an apartment for months. Turned away time after time because landlords won't accept housing vouchers. Afraid that the voucher will expire before you find a landlord who will take it. Afraid of ending up on the streets. This is a common refrain of people who

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have been refused housing because a landlord does not accept their “source of income.”

The Public Justice Center, in coalition with the Homeless Persons Representation Project and over 60 other organizations, has long fought to end this discrimination by advocating for the HOME Act. Introduced again this year, the HOME Act would prohibit landlords from discriminating against a prospective tenant based on that tenant’s source of income. The bill would benefit tens of thousands of Marylanders who currently face such discrimination, including veterans who use specific housing vouchers, other housing voucher holders, people who rely on social security income, and even families who have employment income

(yes, some landlords refuse to accept income from lawful employment). Housing is a human right and should not be denied based on outdated stereotypes about a person’s source of income or a local housing authority.

The HOME Act coalition had a number of productive discussions this year with landlord interest groups opposing the bill. We were unable to reach an agreement, however, and the bill was withdrawn. We thank Del. Steve Lafferty, who sponsored the HOME Act this year, and Sen. Jamie Raskin, who sponsored it in the past. We lost the Senate vote on the HOME Act by one vote in 2013, and we will re-double our efforts to pass this important legislation in 2015.



Members of the Right to Housing Alliance, Public Justice Center staff, and other coalition partners in front of the Senate building in Annapolis on Renters Day. Photo by Jiyeon Kim.

WORKERS' RIGHTS

Earned Sick and Safe Leave Act

SB 753 / HB 968

PJC Position: Favorable

Result: Loss, but progress

When Raquel Rojas asked for time off to recover from a severe case of bronchitis, her manager insisted that she work or risk losing her job at the Cheesecake Factory. Faced with that threat to her family's economic security, Raquel continued to work until her bronchitis developed into pneumonia, which put her in bed for two weeks. Once she recovered and returned to work, her hours were cut until she was not given any work at all.

People like Raquel shouldn't have to choose between their health and their family's economic security. As a leader of the Working Matters Coalition, the Public Justice Center

again advocated for the Earned Sick and Safe Leave Act this year. This bill would have required all employers with 10 or more employees to allow their employees to earn paid sick time that they could use to care for themselves or a family member when they are ill, or to seek out services related to domestic violence, sexual assault, or stalking. Employers with less than 10 employees would be required to allow their employees to earn unpaid days off for the same reasons.

Although the bill didn't pass, the stories people shared of being forced to work while sick or risk their jobs resonated with legislators. Their openness to Maryland workers' testimony is progress as we build legislative support for earned sick leave. Thank you to Delegate Johnny Olszewski and Senator Catherine Pugh for being great sponsors of the Earned Sick and Safe Leave Act.

The Working Matters Coalition will continue to build on this year's advocacy. We will be at candidate forums and host a legislative



Members of the Working Matters Coalition with Senator Catherine Pugh (center) in Annapolis. Photo courtesy of the Working Matters Coalition.

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session wrap-up meeting. We'll keep on growing the base of support for earned sick days in Maryland, thanks to the 100+ organizations in the Coalition. We're looking to 2015 as a great year for earned sick days.

Protect Workers from Retaliation

HB 1314

PJC Position: Favorable

Result: Loss, but progress

Imagine that your employer hasn't paid you for some of the hours you've worked. Those lost wages are making it hard to pay your bills so you sue your employer under Maryland's Wage Payment and Collection Law. In response, your employer cuts your hours and then fires you.

Seems wrong, doesn't it? Yet the Wage Payment and Collection Law does not protect employees from retaliatory discipline, demotion or discharge if they complain about their unpaid wages. This year, the Public Justice Center testified in support of a bill that would have better protected employees from retaliation and would have allowed their attorneys to recover fees where the employer violates the Wage Payment Law. The bill passed in the House of Delegates but did not make it out of the Senate. However, the need to protect employees from retaliation is clear, and the PJC will renew its efforts to better protect employees from retaliation in 2015.

Thank you to Delegate Tom Hucker for championing this bill. Our gratitude also goes out to Tom Gagliardo of the Metropolitan Washington Employment Lawyers Association (MWELA), who was instrumental in getting the bill introduced and passed in the House of Delegates. Thanks also to Jonathan Puth, president of MWELA, Mary Keating, president of the Maryland Employment Lawyers Association (MELA), and private attorneys Daniel Katz and Brooke Lierman for their testimony in support of the bill.

Minimum Wage Rises

SB 331 / HB 295

PJC Position: Favorable

Result: Win

The PJC supported advocacy efforts by Raise Maryland to increase the minimum wage in Maryland. These successful efforts led to the passage of the Maryland Minimum Wage Act of 2014, which will increase the minimum wage to \$10.10 by 2018. The bill also added an important liquidated damages and attorneys' fees provision, which will allow workers to recover not only the wages they should have been paid in the first place, but also an additional amount in damages, as well as attorneys' fees and costs. This will help deter bad actors, and compensate employees for the loss of their wages. The attorneys' fees and costs provision will also enable more private attorneys to take cases on behalf of workers who have suffered wage theft, since attorneys now will be able to recover their fees and costs if they are successful in recovering workers' wages.

Improving Workplace Health & Safety

SB 774 / HB 951

PJC Position: Favorable

Result: Loss, but progress

The PJC supported this bill, spearheaded by Public Citizen, to require construction firms to demonstrate that they provide safety training to workers and site supervisors, and that they do not have serious safety violations before being awarded taxpayer dollars to do work. The bill also required contractors to have written safety and health plans for each work site and to keep records of occupational illnesses and injuries. The bill did not pass in its original form. Instead of including the provisions mentioned above, it was amended to require the Department of Labor, Licensing and Regulation to convene a workgroup to study and make recommendations on the health and safety qualifications of public works contractors.



Del. Johnny Olszewski, Vicki Shabo of the National Partnership for Women and Families, and PJC attorney Andrea Vaughn testify before the House Finance Committee in support of the Earned Sick and Safe Leave Act. Photo courtesy of United Workers. Photo has been formatted for space.