

The Public Justice Center’s mission is to “build a just society.” In this country that prides itself on being governed by the “rule of law,” we know we must have just laws to be able to claim we have a just society.

That’s why the Public Justice Center does legislative advocacy every year before the Maryland General Assembly in Annapolis. We advocate for bills that protect or enhance workers’ rights to be paid properly for their work; renters’ rights to safe and healthy housing without fear of discrimination and retaliation; homeless and unaccompanied youths’ rights to education; families’ rights to language accessible and culturally competent health care, and all peoples’ rights to have fair and equal access to the legal system, regardless of their ability to pay for it.

In this report, we profile several bills the PJC fought hard for in the 2016 Session of Maryland General Assembly. Thank you to the many organizations and individuals who stood and lobbied with us and to the Senators and Delegates who sponsored and voted for just laws.



*Photo: Sulma Guzman, staff attorney on the PJC’s Workplace Justice Project, stands outside the Senate Finance Committee after testifying in support of the Healthy Working Families Act.*

# The Public Justice Center 2016 Legislative Highlights

## Healthy Working Families Act

### SB 472/HB 560: Healthy Working Families Act – Earned sick days bill passes out of House but dies in the Senate

The Working Matters coalition, of which the Public Justice Center, Jobs Opportunities Task Force, and United Workers are founding members, made major progress this year in moving Maryland closer to requiring earned sick days. The Healthy Working Families Act (HWFA) would have allowed employees to earn up to 56 hours (seven days for full time workers) of earned sick time a year 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. More than 700,000 Mary-

landers do not have the opportunity to earn such leave. For the first time, the bill made it out of the House with a big majority, albeit with amendments to exempt businesses with fifteen or fewer employees, agricultural workers and those less than eighteen years of age, among other things. Delegate Luke Clippinger and Chairman Derek Davis of the House Economic Matters Commit-

tee were champions, fighting back more than 100 harmful amendments that were proposed throughout session, and passing the bill out of the House. On the last day of session, there was a move to pass the HWFA with additional amendments proposed in the Senate, but it was not successful. Still, we gained momentum and our Working Matters coalition showed itself as a force to be reckoned with:

- **For the first time in four years, we passed earned sick days legislation out of the Maryland House of Delegates with a rock-solid majority.**
- We mobilized supporters to send more than 30,000 emails to delegates and senators asking them to support the legislation.
- We helped to generate coverage in more than a dozen media outlets, telling our stories and highlighting how lack of access to earned sick days impacts working families across our state.
- We rallied in front of the State House and greeted lawmakers every day for the last two weeks of session.

The Working Matters coalition is already starting to plan for next year's session. To keep up to date with our campaign, check out [www.paidicksdaysmd.org](http://www.paidicksdaysmd.org) or [www.facebook.com/workingmatters](http://www.facebook.com/workingmatters).



Photo: Michelle Douglas of Public Policy Partners (left), stands with PJC staff attorneys Sally Dworak-Fisher and Sulma Guzman (right) in Annapolis.

tee were champions, fighting back more than 100 harmful amendments that were proposed throughout session, and passing the bill out of the House. On the last day of session, there was a move to pass the HWFA with additional amendments proposed in the Senate, but it was not successful. Still, we gained momentum and our Working Matters coalition showed itself as a force to be reckoned with:

## Baltimore City Rent Court Reform

### SB801/HB796: First roll out of measures to reform Baltimore City's Rent Court and eviction procedures

This bill, led by Delegate Sandy Rosenberg and Senator Catherine Pugh, proposed a package of reforms

# The Public Justice Center 2016 Legislative Highlights

to the “Failure to Pay Rent” judicial eviction process in Baltimore City. Based on the recommendations of the report written by the Public Justice Center, *Justice Diverted: How Renters Are Processed by the Baltimore City Rent Court*, the bill sought to increase notice of litigation to tenants, require documentation of landlords’ claims, provide judges an explicit

basis to review landlords’ licensing compliance at trial, and create a new revenue source to directly fund at-court legal services to tenant-



*From right to left: Del. Rosenberg, PJC staff attorney Zafar Shah, Syeeta Hampton-El, Jessica Lewis, and Stephen Thomas testify in support of Baltimore City Rent Court Reform.*

defendants. Presented in two meetings of the Baltimore City Delegation of the Maryland General Assembly, the bill was marked for summer study before it even came before House and Senate committees. The Public Justice Center and a coalition of partners, including the Right to Housing Alliance, Jews United for Justice, and the 7,000 Families Campaign, will now participate in a summer study that will focus on the bill’s proposed reforms.

## Paystub Transparency Act

### **SB 623/HB 197: A good bill to promote paystub transparency fails**

Unscrupulous employers in Maryland, representing a minority of the state's businesses, often provide

their employees with incomplete or misleading information on their paystubs as a means to get away with wage theft. Current law facilitates this abuse by permitting employers to issue paystubs containing only the most skeletal information, and preventing employees from taking any action if their paystubs fail to meet even that minimal standard. The Paystub Transparency Act of 2016 (SB 623/HB 197) aimed to combat wage theft by requiring employers to ensure that paystubs include basic information about employees’ wages and hours. The cost of providing that information is negligible, because employers are already required by existing law to maintain it in their records. Although the bill garnered the support of the Maryland Attorney General, the AFL-CIO, the Job Opportunities Task Force, CASA, and the Mid-Atlantic Laborers Union, opponents’ unfounded argument that it would impose undue administrative burdens on business ultimately sank the bill in the House Economic Matters Committee. The PJC looks forward to supporting the bill with lead sponsor Delegate Brooke Lierman in future sessions.



*Photo: Monisha Cherayil (center left), PJC staff attorney, stands with bill sponsor Del. Brooke Lierman (center right), and other allies at Paystub Transparency hearing.*

# The Public Justice Center 2016 Legislative Highlights

## Deferred FASFA Deadline and Tuition Waiver for Homeless Youth

### **HB 400 and HB 1288: Two good bills to strengthen tuition waiver for unaccompanied and foster youth pass**

HB 400 strengthens the tuition waiver program, which allows unaccompanied homeless youth to attend any Maryland public college or university tuition-free, and use additional grants, loans, or scholarship they receive toward room and board. Specifically, it eliminates the requirement in existing law that youth must complete their Free Application for Federal Student Aid (FAFSA) by March 1 of the year preceding enrollment in order to qualify for the waiver. This change removes a procedural barrier that the PJC and its allies had discovered was keeping many otherwise qualified youth from accessing the waiver and pursuing higher education. HB 400 also requires colleges and universities to report data on how many of their students receive the waiver and are able to graduate as a result. With this information, college administrators, policymakers, and youth advocates will be better equipped to evaluate the success of the waiver program and develop strategies for improvement. The Public Justice Center led the effort to craft and support this bill, along with Advocates for Children and Youth, the National Association of Social Workers, the Youth Empowered Society Drop-In Center, Homeless Persons Representation Project, Healthcare for the Homeless, the Maryland Alliance for the Poor, and other partners.

HB 1288 strengthens the unaccompanied homeless and foster youth tuition waiver (see description of HB 400 above) in two ways. First, it clarifies that

youth may use the waiver to pay for non-credit courses. This clarification is critical because many unaccompanied homeless youth and foster youth entering college need to take non-credit remedial courses in order to catch up with their peers and be in a position to pursue a degree, but at some colleges they had been prevented from doing so. Second, pursuant to amendments that the Public Justice Center and Advocates for Children and Youth developed with the House Appropriations Committee, HB 1288 expands the tuition waiver to cover former foster youth who reunify with parents following a period in care. This expansion ensures that the waiver's eligibility rules do not disincentivize family reunification, or deprive youth who spend significant time in foster care of the opportunity to pursue a college degree.

## Utility Shutoff Notices, Water and Wastewater Changes

### **HB 128 and HB 545: The PJC defeats landlord lobby's attempts to classify utility bills as "collectable rent"**

Originally, HB 128 only provided that landlords of multi-unit buildings would receive notice when a utility shutoff was pending for a particular unit. However, on the House floor the bill was amended to allow landlords to assume any debt to keep the utility on and sue the tenant for eviction to collect upon the utility bill. The PJC identified two major problems with this approach. First, utility bills are not rent. The Court of Appeals recently affirmed this principle in *Lockett v. Blue Ocean Bristol, LLC*. We

## The Public Justice Center 2016 Legislative Highlights

believe the landlord lobby attempted to slip this floor amendment into the bill to overturn the *Lockett* decision without notice and a fair hearing. Second, this amendment would have prevented tenants from seeking utility payment assistance from energy assistance programs like the Fuel Fund, among others, which require the utility bill be in the name of the tenant to apply for assistance. The PJC led the charge to defeat this bill by rallying allies to lobby the Senate Finance Committee and meet with the bill sponsor, Delegate Michael Jackson. Once Delegate Jackson understood the problems with the floor amendment and the significant opposition, he withdrew the bill.

HB 545 presented similar issues. The PJC initially testified in favor of this bill because it would have prohibited landlords from using “ratio utility billing,” a system of utility billing that has been abused by certain landlords. But revisions completely altered the bill to provide that a landlord could recover arrearages in a tenant’s utility bill account as rent. The PJC saw this as another attempt to overrule the *Lockett* decision. When the PJC learned that the changes had been made after the bill crossed over to the Senate, we rallied a coalition of advocates to oppose the bill and the sponsor, Delegate Stephen Lafferty, withdrew the bill. We thank our allies: Homeless Persons Representation Project, the Montgomery County Renters’ Alliance, the Maryland Disability Law Center, the Office of People’s Counsel, and the Consumer Protection Division of the Office of the Maryland Attorney General for their concurrent efforts to educate legislators and defeat these bills.

### Attorneys Fees for Maryland Constitutional Claims

#### **SB 362/HB 393: Bill to allow court to award attorney fees to winning plaintiffs in Maryland constitutional claims passes in House and fails in Senate for second year**

People whose rights under the Maryland Constitution have been violated by state or local government have a hard time finding a lawyer to represent them. These cases are frequently long and difficult, and there are often not major monetary damages because the victim is seeking an injunction to stop the violation against others in the future. Low-income victims cannot afford the attorney fees it would take to fight this type of case. This bill would provide greater access to justice for low-income Marylanders by allowing the court to order the defendant to pay the plaintiff’s attorney fees when the plaintiff wins in court. “Shifting” fees are used in more than 80 Maryland statutes, such as in consumer protection and wage claim cases, as a well-recognized mechanism to level the playing field and encourage attorneys to take meritorious cases. But attorney fee awards are not available for perhaps the most important violation: that of the Maryland Constitution. The Public Justice Center led a coalition including Brown, Goldstein & Levy, the ACLU of Maryland, the Maryland Disability Law Center, and Maryland Legal Aid to support the lead sponsors of this bill: Senator Anthony Muse and Delegate Jill Carter. This is the fourth year such a bill has been introduced and the second time it has passed the House Judiciary Committee and then the full House. Unfortunately, the bill did not get a vote again this year in the Senate Judicial Proceedings Committee.