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March 26, 2021

Senate President Bill Ferguson
Maryland Senate Judicial Proceedings Committee
Miller Senate Office Building
11 Bladen St.
Annapolis, MD 21401

Re: Protect Maryland Renters, Strengthen Housing Bills

Dear Senate President Ferguson and Judicial Proceedings Committee,

The Baltimore Regional Housing Partnership writes to express support for four bills that are crucial to protecting Maryland renters and preventing the otherwise inevitable, fast-approaching eviction crisis. Although significantly weakened by amendments in House committees, they can still make the difference between homelessness and stability for hundreds—if not thousands. It is important that the Judicial Proceedings Committee close loopholes and correct vague language in these bills, then submit favorable reports. We encourage you to make the following corrections:

House Bill 52: This bill was supposed to establish a statewide eviction diversion program. Although the most promising elements of the bill have been removed, the extended period required for advance notice of summary ejectment filings and the referrals to legal service providers will help to level the playing field in MD rent courts.

House Bill 18: Most tenants who are taken to rent court could raise a defense but fail to do so because they are forced to represent themselves in unfamiliar legal proceedings. Tenants with counsel are far more likely to raise a successful defense. Without the tenant right to an attorney, rent court proceedings will remain seriously imbalanced.

- The language added in the House to limit the types of defenses where this right is applicable must be removed. If it is included, a tenant being sued for eviction would need legal counsel just to know whether they have a right to legal counsel. These exclusions are impracticable, since they would require legal service providers to perform a function belonging to judges.

House Bill 31: The allowance in Real Property of pass-throughs of the surcharge after the third assessment within a year should be removed.





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House Bill 1312: After amendments, this bill simply codifies the affirmative defense introduced by Governor Hogan's executive order from April 2020. That means that tenants who affirm before the court that they lost income due to the pandemic cannot be evicted for Failure to Pay Rent. It also requires monthly collection and publication of data on evictions and prohibits rent increases and lease non-renewals during states of emergency. The bill should at least establish an affirmative defense against Tenant Holding Over cases.

If all four bills are passed as they currently read, landlords will still be allowed to eject tenants during the State of Emergency through lease nonrenewal, even if they have received rental assistance for those tenants. This means that rental assistance programs will in many cases amount to nothing more than landlord bailouts, leaving tenants vulnerable to displacement when their leases end.

Maryland renters are faced with increased economic hardship, continued evictions, foreclosures, and the extreme threat to health resulting from housing instability during the ongoing pandemic. The Senate must take urgent action to strengthen these bills and keep people stably housed.

Please feel free to contact me if I can be of further assistance.

Sincerely,

Adria Crutchfield
Executive Director

