



Bill No: HB 491 – Repossession for Failure to Pay Rent – Lead Risk Reduction Compliance

Committee: Environment & Transportation

Date: 2/18/2020

Position: Oppose

The Apartment and Office Building Association of Metropolitan Washington (AOBA) opposes HB 491. AOBA's members own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George's counties.

This bill would require that in a Failure to Pay Rent eviction case, the landlord bring to trial, and provide direct evidence of: (1) a current certificate of lead-free or limited lead-free housing for the property; or (2) a current risk reduction inspection certificate for the property; and (3) a copy of the rental registration or license for an affected property. The court must find that the required documentation has been provided in order for a failure to pay rent case to proceed. Such cases could be adjourned for up to 10 days to obtain documents or other evidence of defense.

AOBA opposes this bill because it creates new opportunities for tenants to remain in a unit without paying rent, while lengthening an eviction process that already takes three to four months. The Failure to Pay Rent complaint form already requires that the filer state whether a property is an affected property, and if so, the MDE inspection certificate number. The form also requires that the local rental license number be listed. These forms are filed under penalty of perjury. We believe that a judge could reject such a filing under current law if the complaint form was not completed in full. We see no reason why the General Assembly should tie a judge's hands and mandate dismissal of such a case.

Current law also provides tenants an opportunity to pay rent into escrow if a landlord fails to abate lead paint hazards in a rental unit. The law also protects tenants against a retaliatory action by a landlord stemming from a tenant reporting lead hazards in the rental unit.

We believe that judicial discretion can address Failure to Pay Rent filings, and existing remedies protect tenants from lead paint hazards. This bill is unnecessary and will turn a summary ejectment proceeding intended to provide repossession to a landlord when rent is unpaid into a debate about lead paint issues.

For these reasons AOBA urges an unfavorable report on HB 491.

For further information contact Erin Bradley, AOBA Vice President of Government Affairs, at 301-261-1460 or er Bradley@ao ba-metro.org.