



**House Bill 1070**  
**Baltimore City – Landlord and Tenant – Repossession for Failure to Pay Rent**  
Before the House Judiciary Committee, March 03, 2021

Position: FAVORABLE

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**Renters United Maryland (RUM), a statewide coalition of renters, organizers, and advocates for safe, stable housing, urges the Committee’s favorable report on HB 1070, as revised by the Sponsor’s amendments.** When a renter is late paying their rent, HB 1070 establishes a notice-and-cure period of 14 days that must precede the filing of any “Failure to Pay Rent” (FTPR) eviction action in the local district court. Specific to Baltimore City, this bill provides tenants a reasonable amount of time to catch up on rent before facing a lawsuit. In instances where a renter cannot “cure” their arrearage within 14 days, they will nonetheless benefit from important information included in the 14-day notice.

HB 1070 provides an important reform that is also presented in HB 52 and HB 785 (and on an emergency basis in HB 1312). However, while those bills have statewide reach, they do not include provisions applicable to Baltimore City, which has its own FTPR procedures under public local law. HB 1070 sets forth changes to the City’s public local law § 9-1 *et seq.*

RUM supports this measure because:

- Maryland is one of just 5 states in the nation that allows a landlord to file eviction cases without a prior notice period.
- Most U.S. jurisdictions use a pre-filing notice period of anywhere from 3 to 14 days.
  - District of Columbia has a 30-day “notice and cure” period for non-payment cases.
- In Maryland, many professionally managed landlords routinely file “Failure to Pay Rent” eviction cases between the 6<sup>th</sup> and the 10<sup>th</sup> day of the month.
  - With trials set around 7-14 days later, around 25% of these eviction cases are dismissed (per [Maryland Judiciary statistics](#)), presumably because they received the rent payment.
  - Less than half of these eviction cases result in a court-issued warrant to execute the judgment for repossession.
- Even after catching up on rent, renters suffer the consequences of court records that hurt their rental and consumer history.

A 14-day notice period would increase the likelihood that late payment or non-payment resolves before a housing provider resorts to litigation, significantly reduce the frequency and volume of eviction case filings, and lower renting households’ exposure to harmful litigation records. In absence of a pre-filing notice requirement, Maryland processed just under 670,000 eviction cases in FY 2019. Baltimore City accounted for 20% of those cases.

### **14-day notice means more than time: it provides valuable information.**

The notice period is not merely to bide time. HB 1070 includes content and documentation provisions – ensuring that, in the 14-day notice, tenants receive important information that clarifies the rent delinquency and alerts the tenant to contact providers of legal assistance. Early engagement between landlord and tenant, and early recourse to legal assistance – each of which are accomplished through the notice and cure period, were key recommendations of the Attorney General Taskforce on COVID-19 and Access to Justice.

**RUM offers 2 points of friendly amendment** to HB 1070 that related to the information provided in the 14-day notice:

- On page 3, lines 14 and 16, the bill references “a full payment,” creating an implication that a tenant may not make partial payments within the 14-day period to cure the alleged arrears. This ought to be corrected by striking “a full payment” and substituting “payment.”
- Additionally, the notice omits information would alert the tenant that the arrears alleged in the notice may be disputed, whether through communication to the landlord during the 14-day period or at trial thereafter. This is a vital point that should be included and related directly to the legal assistance information already specified in the notice.

### **A lawsuit is not notice**

Multi-housing lobbyists often argue, “But the summons *is* the notice to pay.” In FTPR eviction cases, tenants receive a court complaint and summons via regular mailing and posting at their door. This is service of process, pursuant to the summary ejection procedure under Real Property Art. § 8-401. This “notice” provides the renter-defendant a trial date and the bare allegations made against them. It is not a warning that a lawsuit could be filed if the rent does not come current – it *is* the lawsuit. Consequently, in countless cases, before any engagement occurs between tenant and landlord about late rent, the harm of the eviction filing has already begun. Information brokers such as CoreLogic collect and sell data about FTPR filings, before the trial dates and regardless of the outcome of the cases. This information is then incorporated into tenant screenings, consumer reports, and background checks.

Housing providers commonly insist that that they need an immediately filed FTPR action, i.e., the legal threat of eviction, to incentivize tenants to pay rent. But this approach simply pushes renters into a position of paying rent, plus court costs, under the strain of potential loss of housing. Under HB 1070, the 14-day notice accomplishes incentives for payment through information and early engagement, without using the court system’s resources.

### **Despite tenant’s right to “pay to stay,” pre-filing notice is a much-needed reform**

In the Maryland FTPR eviction process, tenants can exercise their right to redeem possession of the rental property after entry of judgment, up to 3 times in a 12-month period (4 times in Baltimore City). Multi-housing lobbyists argue that their industry’s quick resort to legal filings is necessitated by this important tenant protection. Yet, in Washington, D.C., where tenants have an unlimited right to redeem possession, the rate of eviction filings per cost-burdened household is 4 times lower than Maryland’s. There is one readily identifiable reason for this difference: District of Columbia requires a 30-day notice

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and cure period when rent is unpaid. Notice clearly makes a difference in allowing tenants time to catch up, without the added harm of court records and the fear of court-ordered loss of housing.

**The undersigned members of Renters United Maryland urge a FAVORABLE report on HB 1070.**

*Baltimore Regional Housing Partnership*

*Maryland Consumer Rights Coalition*

*Maryland Center on Economic Policy*

*Health Care for the Homeless*

*CASA*

*Our Maryland*

*Bolton House Residents Association*

*Right to Housing Alliance*

*Montgomery County Renters Alliance*

*Pro Bono Resource Center of Maryland*

*Public Justice Center*

*Santoni Vocci & Ortega, LLC*

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