

BRIAN E. FROSH
Attorney General

ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General



WILLIAM D. GRUHN
Chief
Consumer Protection Division

Writer's Fax No.

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

Writer's Direct Dial No.
410-576-6986
kwilponewelborn@oag.state.md.us

February 26, 2021

To: The Honorable Luke Clippinger
Chair, Judiciary Committee

From: Kira Wilpone-Welborn
Consumer Protection Division

Re: House Bill 1070 – Baltimore City – Landlord and Tenant – Repossession for Failure to Pay Rent (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General (the “Division”) supports House Bill 1070 sponsored by Delegate Regina T. Boyce. Landlord-tenant complaints are consistently among the top complaints received each year by the Division. As the COVID-19 Pandemic has further exacerbated housing insecurity, the Attorney General established the Access to Justice Task Force (“Task Force”) to study and recommend revisions to Maryland laws and procedures that will improve and reform access to Maryland’s civil justice system. House Bill 1070 seeks to achieve many of the Task Force’s stated recommendations and will combat the economic and housing instability exacerbated by the COVID-19 Pandemic in Baltimore City.¹

As the Task Force reported, “[a]cross Maryland, people cannot afford their rent. An estimated 160,000 to 240,000 renter households in Maryland could be unable to pay rent and are at risk of eviction by January 2021. That number could reach 320,000 by the end of 2021.” (Report at 18). As a result, among the Task Force’s central recommendations to ensure Marylanders remain housed during the Pandemic and as the world recovers is the institution of several reforms in the eviction process to allow tenants to (i) receive advanced notice of debt, (ii) connect to state and local resources, and (iii) ultimately cure the debt before the filing of an eviction action. To address these needed process reforms, House Bill 1070 first requires a landlord in Baltimore City to provide a delinquent tenant with a fourteen-day notice stating the amount due including any late fees, the time period of the delinquency, the methods the tenant can use to cure the delinquency, and consequences for failing to cure the delinquency. If a tenant has not cured a

¹ See “Access to Justice Commission Final Report”
https://www.marylandattorneygeneral.gov/A2JC%20Documents1/AG_Covid_A2J_TF_Report.pdf

The Honorable Luke Clippinger
House Bill 1070
February 26, 2021
Page Two

delinquency after the fourteen-day notice lapses, then the landlord may file a failure to pay rent action with proof of rental license.

Additionally, in Baltimore City, a landlord is required to be licensed before renting a property. Moreover, it is well-settled that a business, which is required to be licensed, may not use the courts to enforce a contract if they are not so licensed. *See, e.g., Golt v. Phillips*, 308 Md. 1, 12 (1986). Although the District Court complaint forms require landlords to certify they maintain applicable rental licenses, there is no requirement under current law that the landlord provide evidence to the court that it is in compliance with this requirement before using the courts to evict a tenant. The Division has encountered landlords who have allowed their rental licenses to lapse but continue to file eviction actions against their tenants. House Bill 1070 logically shifts the burden of proving compliance with licensure to landlords from tenants and would ensure that a landlord in Baltimore City who has not met these prerequisites for renting an apartment cannot use the courts as a tool for collection and eviction. The Division believes that House Bill 1070 is a reasonable measure that will help ensure that a landlord in Baltimore City who wishes to use the courts to evict a tenant was authorized to rent that unit to the tenant in the first place.

For the stated reasons, the Consumer Protection Division supports House Bill 1070, and requests the Judiciary Committee provide a favorable report.

cc: The Honorable Regina T. Boyce
Members, Judiciary Committee