



HOMELESS PERSONS REPRESENTATION PROJECT, INC.

201 North Charles Street, Suite 1104 Baltimore, MD 21201 (Headquarters)

P.O. Box 1787, Rockville, Maryland 20849 (Satellite Office)

Support – HB 523 – Baltimore City – Repossession for Failure to Pay Rent – Registration and License Information Hearing of the Judiciary, February 17, 2021

The Homeless Persons Representation Project, Inc. (HPRP) is a non-profit civil legal aid organization that provides free legal representation to people who are homeless or at risk of homelessness on legal issues that will lead to an end to homelessness. HPRP regularly represents tenants in failure to pay rent cases and other landlord-tenant matters in Baltimore City.

HB 523 would require landlords in Baltimore City to demonstrate, by a preponderance of the evidence at the trial in a nonpayment of rent case, that the rental unit in question is licensed as required by local law. It would also require the court to dismiss a complaint when the landlord cannot produce proof of a rental license for the property in question.

Currently, tenants may raise lack of a rental license as an affirmative defense in a failure to pay rent case in Baltimore City. However, this approach assumes that tenants know of the licensure requirement and have information about the status of the rental property. HB 523 would strengthen and give further effect to Baltimore City's rental license law (Article 13 § 5-4) by putting the onus on the landlord to prove that the property is licensed. Landlords are in the best position to have this information, so HB 523 is a common-sense approach to protect renters from unsafe and substandard conditions in unlicensed properties and unscrupulous landlords.

We know anecdotally from our representation of tenants facing eviction in Baltimore City that lack of a rental license is one of the most common defenses available to tenants facing eviction for nonpayment of rent. The most recent updates to Baltimore City's rental license law, which expanded the licensure requirement to properties with just one or two units, took effect on January 1, 2019. Yet we still routinely see landlords filing complaints for nonpayment of rent on unlicensed properties. And although the landlord is required to indicate on the Failure to Pay Rent complaint whether the property is licensed and registered and include the license and registration number, the information provided to the court is frequently incorrect. Landlords make up numbers, they use the license and registration number from another property, or they simply check that the property is not required to be licensed and registered. Unless the tenant knows to investigate whether the property has a rental license and is able to obtain proof that a property is not licensed, an unlicensed landlord can *easily* obtain a judgment for nonpayment of rent on an unlicensed property in contravention of local law. HB 523 will right this wrong, by requiring landlords simply to present proof to the court that the property in question is licensed.

HB 523 will protect tenants, empower judges, and curb the number of landlords using Rent Court and summary ejectment to evict tenants when they are not themselves in compliance with Baltimore City's rental license requirement.

HPRP urges a FAVORABLE REPORT on HB 523.

Please contact Karen E. Wabeke, Homeless Persons Representation Project, at 410-685-6589 ext. 20 or kwabeke@hprplaw.org with any questions.