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March 1, 2021
The Honorable Luke Clippinger
Chairman, Judiciary Committee
House Office Building,
Annapolis, Maryland 21401

**Re: Maryland Legal Aid's Testimony in Support of House Bill 1070— Baltimore City –
Landlord and Tenant – Repossession for Failure to Pay Rent**

Dear Mr. Chairman and Members of the Committee:

Thank you for the opportunity to provide testimony on this important bill. Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to Maryland's low-income and vulnerable residents. MLA handles civil legal cases involving a wide range of issues, including family law, housing, public benefits, consumer law (e.g., bankruptcy and debt collection), and criminal record expungements to remove barriers to obtaining child custody, housing, a driver's license, and employment. Maryland Legal Aid supports House Bill 1070 and asks that this committee give it a favorable report.

This letter serves as notice that Gregory Countess, Esq. will testify on behalf of MLA in support of HB 1070 at Delegate Regina Boyce's request. HB 1070 reforms the Failure to Pay Rent process and addresses gaping inadequacies in Baltimore City's "rent court process." Baltimore City's rent court process is similar to Real Property Article 8-401. As Attorney General Frosh has said about Maryland's law on rent evictions, "our eviction process is out of balance and unfair to tenants."¹ The same is true of those portions of Baltimore City's law that provide the process for repossession of rental premises.

HB 1070 reforms the process by requiring Landlords to provide notice of past rent due before filing a Failure to Pay Rent Notice. This bill will also require Landlords in Baltimore City to show compliance with lead paint registration laws and Baltimore City's licensing laws. Both lead and licensing provisions help safeguard the health of residents of rental housing and public health. Because a Landlord is required to give notice before pursuing a claim for rent due, the process embedded in the proposed bill provides time for negotiation and provides tenants with notice of legal and rental assistance available to them.

Housing is health; this is true even when a deadly pandemic is not ravaging our entire state. Health and safety issues like mold, rodent, and insect infestation and licensing issues caused by some landlords' unwillingness to comply with the promulgated laws to ensure that rental property is safe and habitable are endemic throughout the state. This is especially true in Baltimore City, which has an aging housing stock. In Baltimore City, MLA has represented several tenants who are ill-served by the current process. MLA clients who have been embroiled in rent court disputes when the actions should never have been filed.

¹ See <https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-1213-frosh-serial-evictions-20201211-nnl6zmiqjgc>

In one case, a large well-known property manager apparently allowed the owner's license to lapse. The property was without a license for over six months. Despite not having a license, the Landlord continued to collect rent and file Failure to Pay Rent actions against the tenant. The Failure to Pay Rent actions should have been dismissed. They were not. The client has had to endure months of prolonged litigation to resolve an issue that this bill seeks to resolve- ensuring that the Landlord is complying with existing law and is not allowed to use "Rent Court" to collect rent that is not due.

The example above is not an outlier. It is, sadly, all too common. The process envisioned by this bill provides for a more equitable process that encourages negotiated resolutions while allowing Landlords to repossess their premises if rent is unpaid.

Housing is a human right. Article 25 of the Universal Declaration of Human Rights declares that "[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including...housing..." For this right to be fully realized, the housing must be safe and adequate for human habitation and must provide for the inhabitants to live "in security, peace, and dignity."² In other words, four walls and a floor aren't enough, and it is the State's responsibility to ensure that its residents' rights to live in secure and adequate housing are protected.

HB 1070 would be a critical affirmative step in improving and strengthening the current protections in Baltimore City law for tenants when the properties they are renting have unrepaired conditions that threaten their health and safety. It also helps to ensure that tenants have the full opportunity to redeem their premises for the amount of rent truly owed.

For these reasons, Maryland Legal Aid urges a favorable report on HB 1070.

/S/ Gregory Countess

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² Committee on Economic, Social, and Cultural Rights, General Comment 4, U.N. Doc. E/1992/23 (1991)