

February 17, 2021

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**TESTIMONY IN SUPPORT OF HB52/SB454**

**Real Property - Alterations in Actions for Repossession and Establishment of Eviction  
Diversion Program**

**TO:** Chair Clippinger, Vice Chair Atterbeary, and members of the Judiciary Committee  
**FROM:** Mark Martin

My name is Mark Martin and I live in Baltimore City in District 40. This testimony is in support of HB52.

Courts are supposed to be evenhanded forums for resolving disputes. But, **as a lawyer with experience with Landlord-Tenant court in the District of Columbia, my view is that rent courts in Maryland are so tilted in favor of landlords as to make a mockery of fair and just process.** This judicial failure fuels unconscionably high eviction rates (Baltimore City's rate, for example, is 2.5 times the national average), with devastating consequences for individuals, disproportionately people of color, and the larger community.

**Notice and a meaningful opportunity to be heard are the cornerstone of due process.** I was appalled to learn that in Maryland a tenant, with no prior notice, can be required to appear in rent court just a few days after a case is filed – and to have the case fully adjudicated right then. This is indefensible. It ensures that many tenants are unable to appear at all (as they cannot get time off work or arrange for child care on such short notice) and are otherwise denied any viable opportunity to present defenses to the landlord's claim.

HB52 begins to redress this inequity. It requires landlords in failure-to-pay rent cases to provide tenants with 10 days' notice before filing suit, specifying the amount of rent due, and to undertake good faith efforts to resolve the matter. It gives tenants a minimum of 10 days after a landlord sues to appear for a status conference, at which a tenant may present defenses (e.g., substandard housing conditions) or a counterclaim. Only some 10 days later (too short a period in my view) would a full trial on the merits, including the tenant's defenses and counterclaim, occur.

This is similar to the process in DC which, while hardly ideal, is much fairer than what now exists in Maryland. In DC, a tenant has 21 days after a landlord sues to appear for an initial hearing, at which the tenant need only allege a credible defense to ensure that a merits trial will not occur for several weeks, at the earliest. This gives the tenant time to amass evidence in preparation for trial and to try to obtain a lawyer. Moreover, the DC Council just recently adopted legislation that requires a landlord to provide notice before filing suit in all failure-to-pay rent cases

(effectively eliminating the unfair prior practice by which landlords were able to get tenants, often unknowingly, to waive the right to notice in long boilerplate lease forms).

HB52 also provides that courts are to establish an eviction diversion program, designed to increase the potential for alternative resolution of disputes and to assist tenants with access to financial, social and legal services to avoid eviction. The DC courts make mediators available, who are often able to aid landlords and tenants in settling disputes; the proposed system for Maryland is more formal and seems likely to generate better results.

In addition, HB52 would give rent court judges broad discretion to delay evictions in emergency situations, giving tenants more time to relocate, an improvement on the DC system.

All of this should serve to reduce the number of evictions and thereby increase access to safe and stable housing. Evictions not only displace people from their homes, but generate other detrimental social, economic, and health effects for those displaced. Moreover, evictions cost the state and local jurisdiction substantial amounts of money: when tenants are evicted, they are forced to draw more heavily on public services (e.g., homeless shelters and transitional housing, foster care, and emergency room and in-patient medical care).

Rent court, to be sure, is supposed to be more expeditious than a full scale civil trial. But expedition should not mean a publicly financed collection agency and eviction assembly line, which is what exists now. The reforms in HB52 are a commonsense, workable step to leveling the rent court playing field without in any way jeopardizing the legitimate interests of landlords. I **respectfully urge a favorable report on HB52.**