

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 112
Residential Property – Eviction Proceedings – Sealing of Court
Records
DATE: January 20, 2021
(2/17)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 112. This legislation adds a provision requiring the District Court to seal all court records relating to an eviction proceeding at certain time periods after the final resolution of the proceeding. The section only applies to residential property.

The Judiciary's primary objection is that there is no discernible way to identify whether a particular tenant was a party to a previous eviction proceeding. These records are voluminous and not currently digitized, making the provisions of this bill unworkable. This legislation requires the court to link and track previous landlord/tenant cases, which the court does not have the ability to effectively complete. Each case would have to be investigated to determine if there were previous related cases. The court does not currently have the manpower needed to accomplish the required tracking, especially in the three large counties that are not yet incorporated into the MDEC system, where each case would have to be manually investigated. An estimated **15 additional judicial clerks** would be required to help meet the requirements of this legislation. This will result in approximately \$996,087.00 in additional personnel costs and operating expenses in the first full fiscal year.

It is also not clear whether a hearing is required, or even permitted, when a District Court seals a case on the court's own initiative. The Judiciary is also concerned with the retroactivity provision in the uncodified § 2 on page three. Finally, if a case also involved a money judgment, which is good for 12 years, and a landlord brought that money judgment to a Circuit Court where it went on the judgment index, having the District Court seal a valid Circuit Court record would be problematic.

cc. Hon. Shaneka Henson
Judicial Council
Legislative Committee
Kelley O'Connor