

MARYLAND JUDICIAL CONFERENCE
OFFICE OF GOVERNMENT RELATIONS

Hon. Joseph M. Getty
Chief Judge

580 Taylor Avenue
Annapolis, MD 21401

MEMORANDUM

TO: House Environment and Transportation Committee
FROM: Legislative Committee
Sara Elalamy
410-260-1561
RE: House Bill 134
Failure to Pay Rent Proceedings - Prohibition on Rent Increases
and Sealing of Court Records
DATE: January 13, 2022
(1/18)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 134. This prohibits a landlord from increasing a tenant's rent because a judgment was entered against the tenant in a failure to pay rent action; requiring, authorizing, or prohibiting, depending on the circumstances, the sealing by the District Court of court records relating to a failure to pay rent proceeding; requiring the Maryland Judiciary to develop and publish on its website a certain form; and generally relating to failure to pay rent proceedings.

This legislation presents a number of serious operational issues and would require extensive manpower to implement and comply. Specifically, the process would be excessively burdensome for nonelectronic cases. While the Judiciary is scheduled to launch an MDEC Landlord Tenant Pilot for failure to pay rent cases in Baltimore County District Court, the current process in all jurisdictions is a paper filing system. As such, in order to seal these records, a clerk would have to manually comb through stacks of carbon-copy, paper filings in order to locate the respective filing. There are tens of thousands of rent filings so this process would require extensive additional manpower.

Moreover, if a case also involved a money judgment, which is active 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 may be problematic. It is also unclear under what circumstances a court should grant a Motion to Seal for a "compelling need" or in the "interests of justice" when the tenant has not redeemed the outstanding rent. Is the landlord then foreclosed from collecting on a money judgment awarded? Further complicating this are those cases that are appealed to the circuit court. In those cases, the District Court loses jurisdiction and is unable to seal any records other than its own.

cc. Hon. Terri L. Hill
Judicial Council
Legislative Committee
Kelley O'Connor