

Dismissed Eviction Cases Should Not Be Allowed to Continue to Harm Maryland Renters

Position Statement Supporting House Bill 134

Given before the Environment and Transportation and Judiciary Committees

For the past two years, a little over 200,000 failure to pay rent proceedings were dismissed in Maryland courts. That's over 200,000 Marylanders impacted adversely as the presence of these court proceedings remain on their tenant record even if the proceeding is dismissed. As a result, a tenant can experience long-term adverse effects from an eviction proceeding even when the filing did not result in a judgment against the tenant as it's available to review on Maryland Case search and shows up on tenant screening reports for 7 to 10 years depending on the company. **The Maryland Center on Economic Policy supports House Bill 134 because it would expand access to safe, stable housing.**

There is a growing movement of states nationwide realizing that sealing eviction records is critical for tenants' rights, preserving housing stability, and advancing economic and racial justice. Since 2019, Massachusetts, Colorado, Nevada, and the District of Columbia have all proposed legislation to seal eviction records. These states now offer stronger protections for all tenants, which particularly benefits Black women, who face disproportionate levels of eviction both locally and nationwide.ⁱ In a 2015 survey conducted by the Public Justice Center, 94% of participant tenants who appeared for rent court in Baltimore City identified as African American or Black, and 80% identified as women.ⁱⁱ These numbers play out similarly with evictions in Baltimore City – a Black female-headed household is 296% more likely to be evicted there than a white male-headed household.

Sealing records is a powerful solution that can mitigate the harm of evictions and ensure that tenants can secure alternate housing and avoid homelessness. Under current law, all eviction records are public records, regardless of the outcome of the case and no matter how long it has been since disposition or resolution of the case. This can create significant barriers for tenants searching for new housing, especially for tenants who may need to move quickly due to unsafe conditions in their home. HB 134 would change that structure and instead if an eviction action is dismissed or judgment is entered in favor of a tenant, court records associated with that action will automatically be sealed after 60 days. The bill also allows for tenants to file a motion to have the records sealed if the judge rules in the landlord's favor if evidence shows that the tenant exercised their right of redemption and at least 12 months have passed since the final resolution. The bill also prevents the landlord from increasing the rent because a judgement was entered against a tenant in failure to pay rent case.

We believe that HB 134 protect renters' privacy, allow easier access to safe and stable housing, and promote racial justice. **For these reasons, the Maryland Center on Economic Policy respectfully requests the House**

Environment and Transportation and Judiciary Committees to make a favorable report on House Bill 134

Equity Impact Analysis: House Bill 134

Bill Summary

HB 134 allows for sealing of eviction records and prohibition of rent increases in the event a judgement is rendered against the tenant.

Background

HB 134 allow for the sealing of eviction records in failure to pay rent cases. For many tenants, having an eviction on their record – even if the case was ultimately dismissed or the court ruled in the tenant’s favor - will adversely affect their ability to rent another property or access affordable housing opportunities in the future. The prevalence of nonpayment of rent filings in Maryland, which are often used as a debt collection tool in Maryland, makes the threat of losing out on housing opportunities based on failure to pay rent filings very real for many tenants. The bill also proposes to seal records on a specific timetable based on the disposition of the case. For cases that are dismissed or where judgment is entered in favor of the tenant, the bill proposes to seal the eviction record 60 days after that final disposition. The bill also prevents the landlord from increasing the rent because a judgement was entered against a tenant in failure to pay rent case.

Equity Implications

Sealing records is not only a matter of protecting tenants’ rights, but also an issue of racial justice – particularly for Black women, who face disproportionate levels of eviction both locally and nationwide. In a 2015 survey conducted by the Public Justice Center, ninety four percent (94%) of participant tenants who appeared for rent court in Baltimore City identified as African American or Black, and eighty percent (80%) identified as women. These numbers play out similarly with evictions in Baltimore City – a Black female-headed household is 296% more likely to be evicted there than a white male-headed household. HB 134 will protect renters’ privacy, allow easier access to safe and stable housing, and promote racial justice

Impact

House Bill 114 would likely **improve racial, gender and economic equity in Maryland.**

ⁱ 1 STOUT RISIUS ROSS, LLC, THE ECONOMIC IMPACT OF AN EVICTION RIGHT TO COUNSEL IN BALTIMORE CITY (2020), https://bmorerentersunited.org/wp-content/uploads/2020/05/Baltimore-RTC-Report_FINAL_5.8.2020.pdf;

Matthew Desmond, “Poor Black Women Are Evicted at Alarming Rates, Setting Off a Chain of Hardship” (2014), https://www.macfound.org/media/files/hhm_-_poor_black_women_are_evicted_at_alarming_rates.pdf;

ACLU, “Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color,” <https://www.aclu.org/news/racial-justice/clearing-the-record-how-eviction-sealing-laws-can-advance-housingaccess-for-women-of-color/>

ii ² PUBLIC JUSTICE CENTER, JUSTICE DIVERTED: HOW RENTERS ARE PROCESSED IN THE BALTIMORE CITY RENT COURT (2015); <https://abell.org/sites/default/files/files/cd-justicediverted216.pdf>