

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Environment and Transportation Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 367
Landlord and Tenant – Repossession for Failure to Pay Rent –
Rental Assistance Programs
DATE: February 2, 2022
(2/8)
POSITION: Oppose, as drafted

The Maryland Judiciary opposes House Bill 367, as drafted. The bill would require a landlord of residential property to follow certain procedures in an action to repossess the property for failure to pay rent against a tenant that either directly or indirectly due to or during the COVID-19 health emergency qualified for unemployment benefits, experienced a reduction in household income, incurred significant costs, or experienced other financial hardship.

While we take no position on the policy aim of the legislation, some of the language contained within the bill is unclear and would be difficult for the courts to implement. For example, it is unclear what “directly or indirectly due to the COVID-19 pandemic” would encompass. Additionally, in § 8-401.1(e)(3), the bill says that a landlord may file a complaint for repossession if a tenant refuses either to apply for rent relief or to provide information necessary for the landlord to apply on the tenant’s behalf, but the bill does state the amount of time that a tenant has to take either of those actions before a landlord may file. In addition, at Real Property § 8-401.1(d)(1) the bill requires landlords to apply on behalf of tenants for a rent relief program but it is unclear whether that requirement exists in cases where landlords may not have all required information to do so with the third-party entities that provide rent relief (i.e., social security numbers, bank account information, sources of income) or when a tenant may not want the landlord to apply on the tenant’s behalf. The bill is silent as to whether the landlord may file in those instances or is foreclosed. Further, at § 8-401.1(e)(1), the bill puts the burden on tenants to obtain information about a rent relief application within a specified period of time but the ability to obtain information from the third-party entities that provide rent relief may not be within the control of tenants and it is unclear what is intended in such instances. The vagueness of these requirements would make it difficult for the courts to determine whether such requirements were met prior to the landlord filing a complaint.

cc. Hon. Nicole Williams
Judicial Council
Legislative Committee
Kelley O'Connor