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THE MARYLAND HOUSE OF DELEGATES
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HB 174 – REPOSSESSION FOR FAILURE TO PAY RENT

SUPPORT

GOOD AFTERNOON CHAIR BARVE, MR. VICE CHAIR AND COLLEAGUES. I AM ASKING YOUR FAVORABLE REPORT FOR HB 174, A BILL THAT REQUIRES LANDLORDS TO SUBMIT ORIGINAL OR ELECTRONIC COPIES TO PROVE THAT A PROPERTY IS IN COMPLIANCE WITH LOCAL LAWS AND ENVIRONMENTAL REQUIREMENTS WHEN FILING A COMPLAINT FOR REPOSSESSION.

UNLIKE PREVIOUS VERSIONS OF THIS BILL THAT APPLIED TO SPECIFIC COUNTIES, THIS BILL REPEALS AND REENACTS, WITH AMENDMENTS, SECTIONS OF THE ANNOTATED CODE OF MARYLAND AND PUBLIC LOCAL LAWS OF BALTIMORE CITY AND IS APPLICABLE STATEWIDE.

THE BILL DOES FOUR THINGS:

FIRST, IT SIMPLY SAYS A LANDLORD WHO FILES AN EVICTION CASE BASED ON A TENANT'S FAILURE TO PAY RENT CANNOT DO SO WITHOUT DEMONSTRATING THAT THE PROPERTY IS IN FULL COMPLIANCE WITH ALL APPLICABLE COUNTY LICENSING REQUIREMENTS AND REGISTRATION

REQUIREMENTS UNDER TITLE 6, SUBTITLE 8, PART III OF THE ENVIRONMENTAL ARTICLE.

SECOND, THE BILL CLARIFIES THAT A PROVISIONAL OR TEMPORARY LICENSE DOES NOT CONSTITUTE ADEQUATE PROOF OF COMPLIANCE WITH LOCAL LAWS AND THEREFORE CANNOT BE USED TO SUPPORT THE EVICTION COMPLAINT.

THIRD, IT ALLOWS THE LANDLORD TO PRESENT ELECTRONIC COPIES OF THE LICENSE TO SATISFY THE BURDEN OF PROOF.

FINALLY, IT PREVENTS THE COURT FROM ENTERING A JUDGMENT IN FAVOR OF A LANDLORD WHO FAILS TO DEMONSTRATE THAT THE REQUIREMENTS HAVE BEEN MET.

WHY THIS BILL IS NEEDED: RESIDENTIAL RENTAL PROPERTY LICENSES PROVIDE A LEVEL OF ASSURANCE THAT A PROPERTY IS BOTH SAFE AND HABITABLE. TEMPORARY OR PROVISIONAL LICENSES ARE TYPICALLY ISSUED BEFORE THERE IS AN INSPECTION AND MAY NEVER TRIGGER AN INSPECTION OR THE ISSUANCE OF THE ACTUAL LICENSE. WITHOUT AN INSPECTION, THERE IS NO ASSURANCE THAT A PROPERTY MEETS LOCAL HEALTH AND SAFETY STANDARDS – THAT APPLIANCES WORK, DOORS AND WINDOWS FUNCTION PROPERLY, THERE IS ADEQUATE VENTILATION, NO PEELING PAINT, NO VISIBLE MOLD OR OTHER HAZARDS; IN SUMMARY, THAT THE PROPERTY IS SAFE FOR HUMAN HABITATION.

AS YOU WILL HEAR FROM LEGAL AND HOUSING EXPERTS, FAILURE TO PAY RENT DOCKETS ARE BUSY AND CHAOTIC. THIS BILL WILL BRING MORE ORDER AND ACCOUNTABILITY TO THOSE CASES, NOT ALLOW FOR CONTINUANCES BASED ON A HASTILY APPLIED FOR TEMPORARY OR PROVISIONAL LICENSE, AND THEREFORE WILL HELP AVOID PUTTING TENANTS AT RISK OF HARMFUL LIVING CONDITIONS.

THE OVERALL PREMISE OF THE BILL IS SIMPLE BUT POWERFUL: LANDLORDS WHO FAIL TO COMPLY WITH LOCAL RENTAL LICENSING REQUIREMENTS ON THE FRONT END CANNOT EVICT TENANTS WHO THEY HAVE NO LEGAL RIGHT TO BE RENTING TO IN THE FIRST PLACE.

I ASK FOR A FAVORABLE REPORT.

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