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**HB 174: Landlord and Tenant - Repossession for Failure to Pay Rent – Registration and License Information  
HEARING BEFORE THE ENVIRONMENT AND TRANSPORTATION COMMITTEE, JANUARY 18, 2022 AT 1:00 PM  
POSITION: SUPPORT**

The Pro Bono Resource Center of Maryland (“PBRC”), an independent 501(c)(3) non-profit organization, is the statewide clearinghouse for volunteer civil legal services in Maryland. As the designated pro bono arm of the Maryland State Bar Association, PBRC provides training, mentorship, and pro bono service opportunities to members of the private bar. We respond to acute legal needs identified in areas across the state by piloting innovative pro bono service projects targeting specific legal problems or populations.

In May 2017, with a grant from the Maryland Judiciary’s Access to Justice Department, PBRC launched the **Tenant Volunteer Lawyer of the Day Program (TVLD Program)** in Baltimore City Rent Court to provide day-of-court legal representation to tenants who appear unrepresented for their proceedings. In September 2021, the TVLD program received additional funding to expand its services to Baltimore County. Typically among the poorest residents of Baltimore City and Baltimore County, tenants appearing in Rent Court often contend with difficult and unsafe living conditions, are nearly always unrepresented, and are often unaware of the judicial process, their rights as renters, or valid defenses they could raise in the face of eviction proceedings. Landlords, however, are nearly always represented.

Under current Maryland law, all landlords rent properties constructed before 1978 are required to register with the Maryland Department of the Environment regarding their compliance with lead paint risk reduction standards. The expressed purpose of the statute is to “reduce the incidence of childhood lead poisoning, while maintaining the stock of available affordable rental housing.” Environment Article § 6-802. Additionally, individual jurisdictions within Maryland can elect to require landlords to be licensed to lawfully rent property to tenants. Licensure in these jurisdictions requires inspection for unsafe conditions. In those jurisdictions, a landlord may not avail him- or herself of the summary ejectment procedure if he or she is out of compliance with licensure. See *McDaniel v. Baranowski*, 419 Md. 560 (2011).

However, we have observed that landlords who do not comply with licensure and registration requirements are still permitted to avail themselves of Maryland’s summary ejectment procedure in violation of Maryland law. While a Failure to Pay Rent complaint requires a landlord to provide a license number and a registration number with the Maryland Department of the Environment, it is the experience of our attorneys that the validity of these numbers is not verified by the Court at any stage of the process. Certainly, a landlord or landlord’s representative will not raise this issue. PBRC attorneys raise this issue whenever possible and are frequently successful in having the action dismissed based upon improper licensure. However, we are able to staff only a relatively small percentage of the total rent court dockets across the State.

**HB 174 will increase court efficiency and protect tenants by requiring landlords to demonstrate affirmative compliance with licensure and registration requirements.** By requiring proof of compliance at the time of filing, only those landlords who are in compliance with Maryland law will be permitted to use the summary ejectment procedure. Not only does this protect tenants’ right to a safe and habitable home, but it will also reduce the burden of these cases on the judiciary. If the landlord’s filings lack proof of compliance, they can be rejected at the time of filing, thus preventing these cases from ever appearing before a judge. Furthermore, the requirement that a judge affirmatively find that the landlord is in compliance with licensure and registration would provide an additional safeguard for vulnerable tenants.

Eviction laws and protections are only as good as the resulting enforcement of them and requiring landlords to demonstrate compliance with licensure and registration before commencing Failure to Pay Rent proceedings is the right step to take to help protect Maryland tenants. **PBRC supports HB 174 because it will ensure that Maryland tenants are protected from unsafe conditions consistent with the intent of existing legislation.** Thank you for the opportunity to testify.

For the above reasons,

**PBRC urges a FAVORABLE report on HB 174.**

Please contact Katie Davis, Director of PBRC's Courtroom Advocacy Project, with any questions.

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