



Testimony HB 174
January 18, 2022
House Environment and Transportation Committee
Position: FAVORABLE

The Community Development Network of Maryland (CDN) is the voice for Maryland’s community development sector and serves nearly 200 member organizations. CDN—focuses on small affordable housing developers, housing counseling agencies and community-based non-profits across the state of Maryland. The mission of CDN is to promote, strengthen and advocate for the community development sector throughout Maryland’s urban, suburban and rural communities. CDN envisions a state in which all communities are thriving and where people of all incomes have abundant opportunities for themselves and their families.

HB 174 would ensure that District Court rent dockets throughout Maryland provide no safe harbor for landlords who operate in violation of local rental licensing ordinances. HB0174 would effectively bar unlicensed landlords from taking advantage of the court’s specialized, “summary” procedures for eviction. By blocking their use of a go-to debt collection process, this bill eliminates the financial incentive to ignore city or county public-safety mandates. HB0174 is a much-needed measure to support localities in the enforcement of their rental licensing ordinances.

HB 174 would require all landlords to demonstrate, by preponderance of evidence at the trial of a Failure to Pay Rent action, that the rental unit is licensed if required by local law. To meet that burden, a landlord would need only a physical or electronic copy of the license to show to the judge at trial. By meeting that evidentiary burden, the landlord may proceed with case and may win a judgment for possession. Where the landlord fails to meet this burden of proof, HB 174 leaves it to judges to decide the final disposition of the action.

Tenants nor courts should carry the burden of identifying unlicensed properties or initiating the inquiry as to licensing status. This bill does not require clerks to ministerially rule on licensing compliance – that is the judge’s duty. Additionally, this bill clarifies that temporary or provisional rental licenses would not satisfy the landlord’s burden.

The Community Development Network of Maryland is a member of the Renters United Maryland coalition and asks that the Committee **issue a FAVORABLE report on HB 174.**

Submitted by Claudia Wilson Randall, Executive Director, Community Development Network