



**HB0174 – Landlord and Tenant – Repossession for Failure to Pay Rent –  
Registration and License Information**

**Hearing before the Senate Judicial Proceedings Committee,  
March 31, 2022**

**Position: SUPPORT (FAV)**

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*Chesapeake Physicians for Social Responsibility (CPSR) is a statewide evidence-based organization of over 940 physicians and other health professionals and supporters that addresses existential public health threats: nuclear weapons, the climate crisis, and the issues of pollution and toxic effects on health, as seen through the intersectional lens of environmental, racial and social justice.*

HB0174 would effectively bar unlicensed, law-breaking landlords from taking advantage of the court's "summary" procedure of eviction for non-payment of rent ("Failure to Pay Rent"). Similar legislation, Senate Bill 563, passed unanimously in the Judicial Proceedings Committee and also passed in the Senate. SB0563 bill is inclusive of the measures of HB0174 – with one critical distinction: HB 174 additionally permits a tenant or the court itself to examine the validity of the property's lead inspection certification at trial. This accountability measure gives teeth to existing law (passed in 2004) that requires landlords to assert lead risk reduction compliance on the face of the Failure to Pay Rent complaint.

Lead exposure can be responsible for decreasing IQ, increased distractibility, impulsivity, short attention span, and inability to follow directions. CDC and HUD have reduced action levels to 5 micrograms per deciliter. Prenatal exposure to maternal blood levels below 5 mg/dl are associated with low birth weight in infants. Levels below 5 micrograms per deciliter in children, have been associated with reduction in IQ, attention deficit, and , and academic ability, and anti-social behaviors.

<https://publications.aap.org/pediatrics/article/138/1/e20161493/52600/Prevention-of-Childhood-Lead-Toxicity>. Each IQ point raises worker's productivity and the lifetime economic losses in the United States attributable to lead exposure have been estimated

to be between \$165-233 billion in the cohort of children < or equal to 6 years of age in 2006 who had blood levels 2 micrograms per deciliter or higher.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2717145/> This cohort has an estimated total loss of 13 million IQ points from lead poisoning. Since there is no blood lead level that is considered safe, when estimates include any measurable blood levels, the total IQ loss for that group of children <6 with any measurable lead, goes up to 23 million collective IQ points. <https://ehp.niehs.nih.gov/doi/10.1289/ehp.1104170#t1>

Primary prevention, which is removing the sources of lead before exposure occurs, is the most reliable and cost-effective way to protect our children according to a policy statement by the American Academy of Pediatrics. The authors reminded pediatricians that education on hand washing and dust control has no effect on reducing lead levels. The Academy goes on to urge pediatricians and parents to promulgate regulations to test children and housing both before and after abatement, and call for “local or state governments, in consultation with pediatricians, develop policies and regulations requiring the remediation of lead-contaminated housing and child care facilities, including the elimination of lead hazards during transfer of rental units or renovation or demolition of older housing.”

<https://publications.aap.org/pediatrics/article/138/1/e20161493/52600/Prevention-of-Childhood-Lead-Toxicity>

We urge the Committee to issue a Favorable report on this bill.

### ***HB0174 strengthens the barrier against rogue landlords’ use of ‘Rent Court’***

Although the District Court requires self-reporting of lead risk reduction and rental license compliance on the Failure to Pay Rent form complaint, more is needed to stop unlicensed landlords’ routine use of the courts while they violate the law by leasing units without a valid rental license or lead inspection certificate.

- ***Rental licensing compliance***

HB0174 would require all landlords to demonstrate 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 the case and may win a judgment for possession. Where the landlord fails to meet this burden of proof, HB0174 instructs that a judge may not enter a judgment in favor of the landlord.

- ***Lead risk reduction compliance***

Importantly, HB0174 does *not* create an across-the-board requirement for landlords to show their valid lead inspection certificates or other lead risk reduction compliance records at trial. Instead, on page 6 at lines 1-2, by

changing “may not” to “may” in Real Property § 8-401(c)(2)(i), HB0174 would allow a tenant to present evidence that the landlord’s assertions of MDE registration and lead risk reduction compliance are incorrect. Those assertions are already required to be made in the Failure to Pay Rent complaint. Because of advancements made by the Maryland Department of the Environment’s new [Lead Rental Certification and Accreditation database](#), evidence of lead inspection certificates is now easily, freely available online.

For rental licensing, HB0174 (like SB0563) clarifies that it is neither the court nor the tenant who should carry the burden of identifying unlicensed properties or initiating the inquiry as to licensing status.

For lead risk reduction compliance, HB0174 merely allows the court or the tenant to raise or to try an issue related to the landlord’s assertion of compliance.

This bill does not require clerks to examine or rule on licensing and lead risk reduction compliance – that remains the judge’s duty.

Chesapeake Physicians for Social Responsibility (CPSR) is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on HB0174**. If you have any questions, please contact:

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