

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore. We are also working in collaboration with CASA de Maryland and Renter's United. I am a resident of MD District 46, and **I am testifying in support of Senate Bill 563.**



SB 563 would do two things. First, it requires landlords to show their valid rental license at the trial of any residential eviction action, except those facilitated by actions of a tenant that “*demonstrates a clear and imminent danger*” to themselves or others. Secondly, in those cases, the bill enables courts to judge in favor of the tenant and award costs and expenses for any bad faith filings by the landlord to evict them on these grounds. This is to ensure unlicensed landlords don’t use this exception as a low-stakes back channel for evicting tenants on false pretenses and bypassing the intent of the law.

While rental licenses are necessary to lawfully operate rental properties in most Maryland counties and cities, unlicensed landlords operating unlawfully are still entitled to specialized eviction proceedings without proof of a valid license (“tenant holding over” proceedings under Real Property 8-402). This system incentivizes non-compliance with local laws and hampers efforts to ensure rental housing is safe. The well-established law in Maryland is that when someone is doing business that requires a license to protect the public, they cannot ask the state to help them enforce contracts that require them to have that license. The Court of Appeals has said that this principle bars unlicensed landlords from evicting their tenants. However, they have also said (in the recent decision *Velicky v. Copy Cat Building*¹) that because a “tenant holding over” action is not enforcement of a contract, the landlord does not have to be licensed to kick the tenant out and reclaim their property.

The result is that unlicensed landlords can still use an expedited, statutory procedure to eject tenants; a result that creates the same evils as the law seeks to prevent by barring unlicensed landlords from filing to terminate a lease. This result is especially nonsensical and unfair in situations like that of *Velicky*: a landlord is unable to get a rental license because the apartments they are renting violate the building codes and are unfit for habitation, yet because of the availability of the tenant holding over action, the landlord is able to swiftly eject tenants from its unsafe apartments and rent them to others with the willing assistance of the state courts.

If there is a social contract established by the courts, that those filing actions before them are good faith actors, then allowing folks who are violating one statute that inconveniences them, while demanding the other be enforced on their behalf is an immense level of hypocrisy.

It is for these reasons that I am encouraging you to vote **in support of SB 563.**

Thank you for your time, service, and consideration.

Sincerely,
Lindsay Keipper
2425 Fleet St.
Showing Up for Racial Justice Baltimore

¹ This opinion was released 11/29/21 and has not yet been numbered for inclusion in the *Maryland Reports*. Available at <https://www.courts.state.md.us/data/opinions/coa/2021/1a21.pdf>