



HB 174: Landlord and Tenant - Repossession for Failure to Pay Rent – Registration and License Information
HEARING BEFORE THE JUDICIAL PROCEEDINGS COMMITTEE ON MARCH 31 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 coordinator, thought leader and 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 and operating 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. In September 2021, the TVLD program received additional funding to expand its services to 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.

Rental licensing is a fixture of local efforts to ensure safe, healthy housing throughout Maryland. By making licenses for rental operations contingent on routine housing inspections, Maryland jurisdictions have a proactive means of protecting renters from unsafe housing conditions. In Baltimore City in the two years prior to the pandemic, PBRC identified a licensing or registration issue in over 700 cases and almost half of PBRC’s Failure to Pay Rent cases were dismissed for lack of valid licensure or registration. **PBRC supports HB 174 because it will disincentive landlords’ non-compliance with local rental license laws by blocking unlicensed landlords from evicting tenants through a Failure to Pay Rent action.** Without a law that expressly places the burden on landlord plaintiffs, illegally operating landlords easily go undetected in the courts’ streamlined eviction procedures, sometimes evicting tenants who complain about unsafe conditions and replacing them with those who are unaware of the licensing requirements.

HB 174 will increase court efficiency and protect tenants by requiring landlords who are taking advantage of the court’s “summary” eviction procedure to demonstrate affirmative compliance with licensure and registration requirements at the time of filing and at trial. It clarifies that neither the court nor the tenant should carry the burden of identifying unlicensed properties or initiating the inquiry as to licensing status. 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.

Eviction laws and protections are only as good as their enforcement. Requiring landlords to demonstrate compliance with licensure and registration before obtaining an eviction through a Failure to Pay Rent action 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.**

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.
kdavis@probonomd.org • 443-703-3049