

SB0504 - Landlord and Tenant - Residential Leases and Holdover Tenancies -

Local Just Cause Termination Provisions

Hearing before the Senate Judicial Proceedings Committee,

March, 7 2023

Position: SUPPORT (FAV)

Hello, My name is Michael English, and I am writing to strongly support SB 504, which would allow localities to enact their own just cause eviction legislation.

SB 504 is enabling legislation that would give clear legislating power to Maryland counties to establish “just cause” or “good cause” limitations on lease non-renewals. This bill expressly grants authority to counties to decide when it is appropriate for rental agreements to be non-renewed. That means local policymakers would be able to determine the kind of “just cause” policy their locality needs, whether by type of building, for certain populations, or under certain circumstances such as a state of emergency. Without SB 504 , local efforts are stymied by legal concerns around preemption. I urge the Committee to move SB 504 favorably so that local government can act with clear authority on this issue.

What is “just cause” policy?

When it comes to lease non-renewals, Maryland landlords can decide to non-renew without any stated cause. This means that working people and their children face the constant threat of displacement, even when they follow all the rules. Just cause legislation would not eliminate a landlord’s ability to non renew, just mandate “good” cause for such a non renewal, such as a breach of lease, or removing the home from the rental market altogether.

On that note, SB 504 defines what “just cause” is, but does not impose specific contours for just cause to permit counties to decide. Instead, the HB0684 provides a list of options for what “just cause,” as adopted by a county, may include, such as substantial lease violations, illegal activities, removal of the property from the market, or personal use of the property by the owner. SB504 list reflects the policies other U.S. jurisdictions that have enacted just cause policy. To be clear, this is a list that localities are free to adopt or change, as localities see fit.

Since 2008, just cause eviction legislation has been introduced in 8 times – including multiple statewide bills, as well as bills specific to Prince George’s County and Montgomery County.

During the COVID-19 state of emergency, Howard County unsuccessfully attempted to prohibit lease non-renewals while Baltimore City passed a short-term provision to require just cause for lease non-renewals until 6 months after the state of emergency’s end.

These efforts demonstrate a sustained desire in Maryland localities for just cause policies. Washington, D.C. (since 1985) and Philadelphia (since 2018) have adopted just cause eviction policies, and the state of New Jersey, too (since 1974). New Jersey's policy endeavor over many decades demonstrates that the benefit of just cause far outweighs the hypothetical that it hurts development. "Something in the Garden State is clearly working. According to data from the Eviction Lab, New Jersey cities such as Trenton, Paterson, Jersey City, and West New York have among the lowest eviction rates in the country. Meanwhile, construction is absolutely Exploding."

I don't mean to dismiss that concern. I push for more development in my own community, and have pushed for more moderation and caution in zoning, impact taxes, and extremely strict renter protections that could impose enough cost that the impact would be net negative in my opinion, but just cause eviction is not one such policy. Will it increase costs for landlords/developers? Sure, a little, maybe. So do sprinklers and fire escapes. So does...any requirement, but we've decided those are a net benefit, that the massive benefits they enable are worth their relatively modest cost.

That's how I view just cause eviction.

SB 504 recognizes that local legislatures want to aid their renters in achieving stable housing so that they are able to contribute long-term to the workforce and the local economy. Requiring just cause as a precondition for an eviction can be a tailored policy that boosts the stability of the housing market by stabilizing families, neighborhoods, and communities. SB 504 ensures local legislatures can pass enforceable laws whereby no one is arbitrarily deprived of their housing.

I urge the Committee's report of Favorable on SB 504.

Thank you

Mike English
Downtown Silver Spring