



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

SB0770 - Landlord and Tenant - Holding Over - Landlord Restrictions and Tenant Remedies

Hearing before the Senate Judicial Proceedings Committee,

Feb. 28, 2023

Position: FAVORABLE

Maryland Legal Aid (MLA) submits its written and oral testimony on SB0770 at the request of Senator Anthony Muse.

MLA is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. Our 12 offices serve residents in each of Maryland's 24 jurisdictions and handle a range of civil legal matters, including housing, family law, public benefits, bankruptcy and other debt collection matters, and criminal record expungements. MLA urges the Committee's favorable report on SB0770, which would grant the District Court exclusive original jurisdiction over petitions for injunctive relief or damages under Real Property § 8-216 or a local law governing evictions.¹

Under current law prohibiting non-judicial evictions, Real Property § 8-216, tenants may pursue actual damages in the event a landlord unlawfully attempts to retake possession of property by locking out the tenant or willfully turning off the tenant's utility services without a court order. However, current law does not provide a tenant the means to seek an injunction to prevent a landlord from taking such actions or to restore the tenant's possession timely.

District Court currently lacks injunctive power for illegal lock-outs

SB0770 provides a much-needed injunctive remedy in the District Court, which has original exclusive jurisdiction over most landlord-tenant actions. The only relevant injunctive relief available to tenants currently exists under the rent escrow law. The rent escrow law provides tenants a process to obtain court-ordered repairs of serious risks to health and safety, such as lack of power, heat, or running water. However, because that process is conditioned on the tenant paying rent into a court account, it is not an appropriate remedy. No one would pay rent for a property from which they have been forced to evacuate. This bill would right that illogical wrong by allowing tenants to seek an injunction not only if a landlord fails to repair defects causing the

¹ Senate Bill 770 would also amend Article 4 of the Public Local Laws of Baltimore City to mirror the changes to Real Property § 8-216.

lack of power, heat, or running water, but also if a landlord purposely deprives a tenant of power, heat, or running water.

Furthermore, SB0770 adds to § 8-216 the specific remedy for restoring the tenant's possession after they have been locked out or constructively evicted. This additional remedy serves the spirit of the present statutory framework and will bolster proper enforcement of Real Property § 8-216, thereby effectuating the legislative purpose behind prohibiting non-judicial evictions.

Application of SB0770 to our clients' cases

Abruptly denying a person of housing by changing the locks or cutting off electricity can be extremely dangerous, especially to vulnerable individuals and children, so Maryland law provides landlords with a clear, formal judicial process for evicting tenants and expressly prohibits self-help evictions. Although Real Property § 8-216 allows the recovery of damages against landlords who circumvent the law, without injunctive relief, it cannot effectively prevent the harm that it seeks to curtail.

For example, MLA represented a client in Kent County who received a legally defective thirty-day notice to vacate from her landlord, purportedly effective July 31. Our client did not vacate, and on August 1, her electricity was disconnected without warning. Her landlord did not file a lawsuit against her or a seek judicial remedy before taking this action.

We advised our client to contact the Kent County Sheriff's Office to see if they would intervene because the law reserves the power to forcefully evict someone to the sheriff's department. However, they stated that they would not get involved. Our office then sent our client's landlord a demand letter, explaining that his actions were in violation of Real Property § 8-216, and that if he did not restore her electricity, she would file for damages against him. He did not restore our client's power or respond to our letter. Next, we filed a small claims damages suit against him, with trial set almost three months later.

In the meantime, due to the lack of power and running water, our client's food went bad. She could not look after her five-year-old grandson. Her cats perished from the heat and lack of food. She had to move into a motel without compensation. At that juncture, the landlord changed the locks, and our client could not access her personal belongings, thereby impeding her search for new housing and interfering with her employment.

Ultimately, we were successful at trial, but our client was awarded only a fraction of her total damages. This bill would have provided our client the ability to file for injunctive relief as soon as her power was disconnected. A judge would have had statutory power to order the landlord to restore her utilities – before the lack of power forced her out of the home and caused increasingly severe harm.

MLA represents numerous clients who face similar circumstances and would greatly benefit from this bill. This bill gives Real Property § 8-216 the teeth it needs, not only to address damages after the fact but also to prevent those damages from ever occurring. Injunctive relief is the most effective remedy to hold landlords accountable for illegal evictions and avoid the societal harms that occur from forced homelessness and housing instability. This bill will directly impact many MLA clients and their communities through improving enforcement against non-judicial “self-help” evictions and forced homelessness.

For these reasons, **Maryland Legal Aid urges the Committee’s favorable report on SB0770.**
If you have any questions, please contact:

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