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SB 770 - Landlord and Tenant – Holding Over – Landlord Restrictions and Tenant

Hearing before the Judicial Proceedings Committee on March 1, 2023

Position: Favorable with Amendments

Public Justice Center (PJC) is a nonprofit public interest law firm that assists over 800 renters each year. We stand with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing. PJC supports SB 770, which would give tenants the right to seek injunctive relief in the District Court when they have been illegally evicted. At PJC, we have seen far too many families illegally evicted. Landlords often illegally evict tenants as an act of retaliation, i.e., because the tenant has complained about serious conditions of disrepair at the property or started a tenants' association. At other times, our clients are trying to catch up on the rent, but the landlord does not want to wait for the legal eviction process to run its course.

When the Court and the Sheriff are not involved in an eviction, the potential for a violent confrontation between the landlord and the tenant increases significantly. This means that a landlord can wait until a tenant has temporarily left the house to go to work or the grocery store and then change the locks without court process. Tenants return home to find themselves locked out, homeless, and deprived of their personal belongings. The ensuing confrontation between landlord and tenant often becomes violent. Laws prohibiting illegal eviction aim to prevent such violence by giving tenants a legal means to seek redress.

Current law prohibits illegal eviction but does not provide tenants with an adequate means of seeking immediate repossession of their home. The only statewide avenue currently available to a family seeking immediate repossession of their home is to file a complaint seeking a temporary restraining order and preliminary injunction with the Circuit Court. This is a resource-intensive process that is difficult to navigate for a *pro se* tenant. Further, the Circuit Court is often reluctant to become involved in what it may see as a landlord-tenant matter more suited to the District Court. Yet, the District Court does not have the power or authority to grant a tenant injunctive relief, i.e., to restore the tenant to their home.

SB 770 remedies that issue by providing the District Court the authority to order that the tenant be restored to their home.

Public Justice Center requests one amendment: That the District Court hold a hearing in the case within 7 days of the filing of a complaint seeking injunctive relief. Without this amendment, it is likely that a complaint may not be heard for months after filing.

Each day that passes after a tenant has been illegally evicted and deprived of their personal belongings is an extreme hardship. Laws prohibiting illegal evictions do not serve the function of preventing violent confrontation if tenants are not able to seek swift relief. For this reason, the [American Bar Association](#) has recommended that all states adopt fast, reliable procedures tenants can use to regain possession when an illegal lockout occurs:

All states should have strong substantive remedies such as these to deter lockouts and enable tenants who experience lockouts to recover just compensation. But equally important are fast and reliable procedures tenants can use to regain possession when an illegal lockout occurs. A tenant who is unlawfully excluded from her home cannot afford to endure a long wait for a court hearing. Some states have quick and practical remedies for tenants who experience such unlawful lockouts, such as statutory emergency hearings which pro se tenants may initiate by filing a court form.¹⁶ Making illegal lockouts a crime minimizes this problem by enabling tenants to call law enforcement and regain access with police assistance. But in other states, the only way to secure an emergency hearing is through invoking a court's ordinary procedures for preliminary injunctions or temporary restraining orders. This is seldom a practical solution for tenants without legal representation.

Accordingly, we suggest the following amendment:

Page 3 after line 23 insert: "(e) WHEN A TENANT FILES A COMPLAINT SEEKING INJUNCTIVE RELIEF TO ENFORCE THIS SECTION, THE DISTRICT COURT SHALL HOLD A HEARING WITHIN SEVEN (7) DAYS OF THE FILING OF THE COMPLAINT" and similar amendment language for the Baltimore City public local law.

Public Justice Center is a member of the Renters United Maryland, a statewide coalition of renters, organizers, and advocates, and **we urge the Committee's report of Favorable with Amendments on SB 770.**