



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
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Annapolis, Maryland 21401*

SB 770

February 28, 2023

TO: Members of the Senate Judicial Proceedings Committee
FROM: Mayor Brandon M. Scott, City of Baltimore
RE: Senate Bill 0770 – Landlord and Tenant - Holding Over - Landlord Restrictions and Tenant Remedies
POSITION: **Support**

Chair Smith, Vice-Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 770.

SB 770 would amend the Courts and Judicial Proceedings article to allow for emergency civil injunctive relief in District Court of Baltimore City Public Local Law § 9-15, which prohibits illegal eviction (and constructive eviction) of tenants. The proposal would also harmonize the public local law with the state law prohibiting unlawful evictions (Section 8-216 of the Real Property article.) This would provide for a more effective remedy for tenants.

Illegal eviction in Baltimore City is currently a criminal misdemeanor punishable by a \$500 fine and up to 10 days in jail. When a tenant is locked out of their apartment, or their utilities are turned off, the tenant usually wants emergency relief (to obtain new keys to get back into their apartment, to get the electricity or water turned back on, to get their personal property returned, etc.) None of these are a potential remedy in a criminal case. Additionally, criminal cases are set out at a minimum of six weeks from the date of filing, and by the time the case comes in trial, the tenant is often without recourse. Almost all criminal cases filed under the current law end up being dismissed or with not guilty verdicts. The cases are extremely difficult to prove because there is no police investigation, and there are usually no witnesses. In the few cases where a guilty verdict is obtained, the result is a small fine and probation.

Currently, injunctive relief is not authorized by the illegal eviction statute, and tenants are often left with only a breach of contract remedy, which doesn't adequately address the harms caused by suddenly losing your home. Adding an injunctive relief provision in District Court would create a remedy that could more effectively address the harms that the public local law is designed to prevent. Many situations that end in illegal actual or constructive evictions already have cases pending in Rent Court, cases which are exclusively heard in District Court. Permitting the injunctions to be heard in District Court therefore makes practical sense, as the District Court judges are familiar with the issues in the Rent Court docket, and related case files are easily obtained from the clerk's office.

By creating an injunctive remedy for tenants, and by harmonizing the City's public local law with the State lockout statute, we would create additional, more effective protections and remedies for tenants, and clearer provisions on the obligations and duties of landlords.

For these reasons, the BCA respectfully request a **favorable** report on SB 0770 which would protect the health and safety of renters in Baltimore City.