

HB 0181 – Failure to Pay Rent Proceedings –Shielding of Court Records**Hearing before the House Environment and Transportation Committee,
February 20th at 1:00 pm****Position: SUPPORT (FAV)**

Disability Rights Maryland (DRM, formerly known as the Maryland Disability Law Center) is the federally-appointed Protection & Advocacy agency in Maryland mandated to advance the civil rights of people with disabilities. One of DRM's goals is to end the unnecessary segregation and institutionalization of Marylanders with disabilities. To achieve this goal, DRM's Housing Unit works to expand opportunities for Marylanders with disabilities to be part of their communities and to live in affordable and accessible housing. This includes representing persons with disabilities in eviction proceedings to prevent unnecessary homelessness and institutionalization.

We support House Bill 181 because it decreases the potential for housing discrimination against renters with disabilities in the housing search, application process, and throughout their tenancies.

HB 181's provision for automatic and discretionary shielding would bring Maryland in line with the fourteen other states that have already implemented similar measures.¹ By providing an avenue for automatic shielding in Failure to Pay Rent (FTPR) cases that do not result in a judgement for possession, HB 181 would increase housing opportunities and decrease the potential for discrimination for all renters, but especially renters with disabilities who already face numerous barriers to accessing safe, affordable, accessible housing.²

As we know firsthand from working with renters with disabilities, landlords – subsidized and non-subsidized – routinely erroneously file FTPR cases against tenants who are current on rent. While many such cases are dismissed the day of court, under the current law the resulting filing remains a lingering public record that paints an inaccurate impression as to an individual renter's propensity to pay rent in a timely fashion and can be the basis for future landlords

¹ See NATIONAL LOW INCOME HOUSING COALITION, E.R.A.S.E. Project, available at <https://nlihc.org/tenant-protections> (last accessed January 29, 2024) (including Arizona, California, Colorado, Connecticut, the District of Columbia, Indiana, Maine, Minnesota, Nevada, New Jersey, Oregon, Rhode Island, Texas, and Utah).

² EQUAL RIGHTS CENTER, DISCONNECTED: HOUSING DISCRIMINATION AGAINST THE DEAF AND HARD OF HEARING (2012), available at <https://delhub.gacec.delaware.gov/pdf/Disconnected.pdf>; UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OFFICE OF POLICY DEVELOPMENT AND RESEARCH, RENTAL HOUSING DISCRIMINATION ON THE BASIS OF MENTAL DISABILITIES: RESULTS OF A PILOT TEST, <https://www.huduser.gov/portal/sites/default/files/pdf/MentalDisabilities-FinalPaper.pdf>

unjustly denying housing applications. For example, this past summer the Housing Authority of Baltimore City (HABC) issued hundreds of eviction filings seeking to eject families en masse from Public Housing properties. While HABC ultimately dismissed these dockets in their entirety, hundreds of families living in Baltimore City's Public Housing inventory now have inappropriate FTPR filings as a part of their public record, inevitably rendering accessing safe, affordable housing more difficult for them in the future.

Despite tenants' best efforts, Public Housing Authorities (PHAs) and other agencies issuing rental subsidies are at times themselves delinquent in dispersing rental payments to the private landlords providing subsidized housing, which can result in inappropriate FTPR filings seeking to eject the tenant for the amount owed by the PHA, regardless of whether the tenants are themselves current on their portion of rent. At DRM we see this often with our clients who receive rental subsidies through the "Section 8" Housing Choice Voucher Program, particularly when PHAs have paused issuing payments to private landlords due to unaddressed health and safety issues at the rental property in question. HB 181 would provide necessary protection to low-income renters, including tenants with disabilities, who are disproportionately forced into living in substandard conditions due to their lower-incomes and exclusion from the labor market.³

Disability Rights Maryland is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on HB 181**. If you have any questions, please contact: e.v. yost, evy@DisabilityRightsMD.org.

³ There is no jurisdiction in Maryland in which a person with a disability receiving SSI benefits can rent a one bedroom unit. TECHNICAL ASSISTANCE COLLABORATIVE, PRICED OUT: THE HOUSING CRISIS FOR PEOPLE WITH DISABILITIES (2021), <http://www.tacinc.org/knowledge-resources/priced-out-v2/>. Maximum SSI payments increased to \$943/month in 2024.