



**Written Testimony of David Wheaton
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**Submitted to the Judicial Proceedings Committee of
the Maryland State Senate
In Connection with the April 2, 2024 Hearing**

I. Introduction

My name is David Wheaton, and I am an attorney with the NAACP Legal Defense and Educational Fund, Inc. (LDF). LDF offers the following testimony in favor of Maryland House Bill 477, which would prohibit a landlord from failing to renew a lease or from terminating a holdover tenant without just cause. Holdover evictions, which just cause legislation would help eliminate, disproportionately affects Black Maryland residents. Just cause eviction protections are designed so that landlords can only evict renters for specific reasons. These protections are aimed at preventing retaliatory or discriminatory evictions. Moreover, a recent Princeton University study found jurisdictions that implemented just cause eviction laws experienced a lower eviction rate and lower eviction filing rates than those that did not.¹ This bill would help renters, particularly Black renters, avoid evictions without just cause and decrease housing insecurity. We urge the Maryland State Senate to pass it swiftly.

Founded in 1940 by Thurgood Marshall, LDF is the nation's oldest civil rights law organization. LDF was launched at a time when America's aspirations for equality and due process of law were stifled by widespread state-sponsored racial inequality. For more than 80 years, LDF has relied on the Constitution and federal and state civil rights laws to pursue equality and justice for Black people and other people of color, including fair housing opportunities for Black people.

¹ Julieta Cuellar, *Effect of "Just Cause" Eviction Ordinances on Eviction in Four California Cities*, Princeton University Journal of Public & International Affairs, May 21, 2019, <https://jpia.princeton.edu/news/effect-just-cause-eviction-ordinances-eviction-four-california-cities>

Some of LDF’s early victories in the Supreme Court came in *Shelley v. Kramer*, 334 U.S. 1 (1948), and *McGhee v. Sipes*, 334 U.S. 1 (1948), which held that the state enforcement of racially-restrictive covenants violated the Equal Protection Clause. In the decades since those victories, LDF has continued to challenge public and private policies and practices that deny Black people safe and quality housing and free from discrimination. LDF’s mission has always been transformative: to achieve racial justice, equality, and an inclusive society.

II. Due to Prior Discrimination, Black Marylanders are Disproportionately Renters—and Disproportionately Face Housing Instability and Hold Over Evictions

As a result of decades of discrimination in housing, lending, employment, and other areas, Black people are disproportionately likely to be renters, and are more likely to face evictions and other forms of housing instability.² Black households have the highest eviction removal count in Maryland—almost three times higher than the white resident eviction rate.³ HB 477 would protect renters from potential retaliation action from landlords, and will help avoid disproportionate harm to tenants of color, particularly Black tenants.

Black people are in need for tenant protections due to state sanctioned, racially discriminatory housing policies, which prevented Black homeownership and pushed Black residents to live in segregated areas of poverty. For decades, the federal government encouraged housing discrimination against communities of color through explicitly racist policies and practices.⁴ One federal housing policy that targeted Black Maryland residents was “redlining.” In the 1930s, the federal government endorsed existing patterns of housing discrimination against people and communities of color through a practice that became known as redlining.⁵ The former Federal Home Owners’ Loan Corporation (HOLC), established in 1933, used color-coded maps to represent the perceived risk of lending in particular neighborhoods, with “hazardous” (the highest risk) areas coded in red.⁶ HOLC routinely gave Black communities a “hazardous” rating, discouraging lending in those “redlined” areas.⁷ In Baltimore, while white neighborhoods tended to fall within the green which was the “best” grade and blue which meant “still desirable,” most of Baltimore’s Black neighborhoods, in east and south Baltimore, were almost exclusively

² Urban Institute, *The Ghosts of Housing Discrimination Reach Beyond Redlining: Subtitle Why Historical Redlining Maps Are Not Strong Predictors of Present-Day Housing Instability*, (March 15, 2023), <https://www.urban.org/features/ghosts-housing-discrimination-reach-beyond-redlining#:~:text=Because%20of%20a%20range%20of,housing%20cost%20burden%20and%20eviction.>

³ Tim Thomas, et al, *Baltimore Eviction Map*, The Eviction Study, (May 8, 2020), [https://evictionresearch.net/maryland/report/baltimore.html#:~:text=Black%20headed%20households%20had%20the,eviction%20rate%20of%205.2%25\).](https://evictionresearch.net/maryland/report/baltimore.html#:~:text=Black%20headed%20households%20had%20the,eviction%20rate%20of%205.2%25).)

⁴ Danyelle Solomon, et al., *Systematic Inequality: Displacement, Exclusion, and Segregation How America’s Housing System Undermines Wealth Building in Communities of Color*, Center for American Progress, (August 2019), <https://www.americanprogress.org/wp-content/uploads/sites/2/2019/08/StructuralRacismHousing.pdf>

⁵ BRUCE MITCHEL & JUAN FRANCO, National Community Reinvestment Coalition, *HOLC “REDLINING” MAPS: THE PERSISTENT STRUCTURE OF SEGREGATION AND ECONOMIC INEQUALITY* (2018), <https://ncrc.org/holc/>.

⁶ *Id.*

⁷ Richard Rothstein, *THE COLOR OF LAW: A FORGOTTEN HISTORY OF HOW OUR GOVERNMENT SEGREGATED AMERICA* (2017).

“redlined.”⁸ Black neighborhoods in Baltimore suffered from high rents and poor-quality housing, and limited social and city services, leading to Grade D markings.⁹ Redlining led to long-term residential segregation and disinvestment in affected neighborhoods and drove the concentration of poverty in communities of color.¹⁰

While the Fair Housing Act of 1968 was passed to both prevent discrimination and reverse housing segregation, Black people continue to struggle to find safe, stable, and affordable housing. Due to historical and ongoing discrimination, there is a large and growing racial homeownership gap. In 2021, Black families had a homeownership rate of 46.4% compared to 75.8% of white families.¹¹ In Maryland, the white homeownership rate is 77% while the Black homeownership rate is 51%.¹² In majority Black Baltimore, the Black homeownership gap is 30.1%.¹³ Because they are locked out of homeownership, most Black people rent. In 2021, more than 50% of households headed by Black adults in the U.S. rent their homes according to national Census data.¹⁴ Not only do more Black residents rent, they are also disproportionately likely to spend more than 30% of their income on rent.¹⁵ In Baltimore: approximately 60% of Black renters are housing cost burdened compared to 47% of white renters.¹⁶ This makes residents more prone to evictions.

Evictions have in the past and will continue to have a disproportionate impact on Black Maryland residents. In Maryland, 1 in 4 Black children in rental households face the threat of eviction in a typical year.¹⁷ Furthermore, ZIP codes in Maryland with a higher percentage of Black renters face a higher rate of total evictions. According to a national analysis by the ACLU, Black

⁸ David Armenti and Alex Lothstein, *Baltimore’s Pursuit of Fair Housing: A Brief History*, Maryland Center for History and Culture, (2020), <https://www.mdhistory.org/baltimores-pursuit-of-fair-housing-a-brief-history/#:~:text=During%20the%20early%201900s%2C%20white.against%20and%20segregate%20Black%20Baltimoreans.>

⁹ Id.

¹⁰ Jason Richardson, et al, *Redlining and Neighborhood Health*, National Community Reinvestment Coalition, (2020), <https://ncrc.org/holc-health/>

¹¹ Rashawn Ray, Andre Perry, & David Harshbarger, *Homeownership, Racial Segregation, and Policy Solutions to Racial Wealth Equity*, Brookings Institute, September 1, 2021, <https://www.brookings.edu/articles/homeownership-racial-segregation-and-policies-for-racial-wealth-equity/>

¹² Stateline, *Black Families Fall Further Behind on Homeownership*, Maryland Matters, (October 15, 2022), <https://www.marylandmatters.org/2022/10/15/black-families-fall-further-behind-on-homeownership/#:~:text=The%20overall%20homeownership%20rate%20is,Black%20homeownership%20rate%20is%2051%25.>

¹³ Id.

¹⁴ U.S. Census Bureau, *Demographic Characteristics for Occupied Housing Units*, American Community Survey, 2019, [https://data.census.gov/table?q=Owner/Renter+\(Householder\)+Characteristics&tid=ACSST1Y2019.S2502](https://data.census.gov/table?q=Owner/Renter+(Householder)+Characteristics&tid=ACSST1Y2019.S2502)

¹⁵ National Low Income Housing Coalition, *Gap Report*, (March 16, 2023), <https://nlihc.org/gap>

¹⁶ Public Justice Center, *The Economic Impact of an Eviction Right to Counsel in Baltimore City*, (May 8, 2020), <https://cdn2.hubspot.net/hubfs/4408380/PDF/Eviction-Reports-Articles-Cities-States/baltimore-rtc-report-final-5-8-2020.pdf>

¹⁷ Maryland Eviction Prevention Funds Alliance, *Assessment of Maryland’s Need for Eviction Prevention Funds (EPF) and the Estimated Fiscal Impact of EPF*, (December 19, 2023), https://www.mdeconomy.org/wp-content/uploads/2023/12/Assessment-of-Marylands-Need-for-EPF-and-Directional-Fiscal-Impacts-of-EPF_FINAL_2023.12.19-1.pdf

renters had evictions filed against them at nearly twice the rate of their white peers.¹⁸ Research by the RVA Eviction Lab indicated that race bore a stronger relationship to eviction than poverty, property value, or a range of other factors.¹⁹ These burdens fall even harder on Black women, for whom 1 in 5 will face an eviction in their lifetime.²⁰

Black Maryland renters are also disproportionately affected by holdover evictions. Maryland is a "no cause" state – which means a landlord can decide to non-renew a lease without any stated cause. Most eviction filings are due to tenants being unable to afford rent, but because Maryland is a “no cause” state eviction filings can be initiated for a reason other than non-payment of rent, such as retaliation for raising concerns about the conditions of their residence or simply because the lease agreement has expired. These evictions are often referred to as “holdover” evictions. According to new research from LDF’s Thurgood Marshall Institute (TMI) Black Maryland renters are disproportionately affected by holdover evictions. The research using census data found that ZIP codes with a higher percentage of Black renters face a higher rate of holdover evictions. A 10-percentage-point increase in the percent of Black renters in a ZIP code is associated with a 22% increase in the rate of holdover evictions.

III. HB 477 will help give tenants much more robust tenant protections and reduce the rate of holdover evictions in the state.

Thousands of evictions occur without the landlord ever giving a reason why the tenant is being evicted.²¹ Particularly for vulnerable low-income tenants, just cause eviction protections benefit tenants by protecting renters from being evicted for no fault of their own and delivering a sense of stability to tenants.²² HB 477 also would help empower tenants experiencing poor living conditions to advocate for improvements with landlords or file complaints without fear of retaliation. Furthermore, a recent study found jurisdictions that implemented just cause eviction laws experienced a lower eviction rate and lower eviction filing rates than those that did not.²³

¹⁸ Sophie Beiers, Sandra Park & Linda Morris, *Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color*, AM. C.L. UNION (Jan. 10, 2020), <https://www.aclu.org/news/racial-justice/clearing-the-record-how-eviction-sealing-laws-can-advance-housing-access-for-women-of-color>.

¹⁹ Benjamin F. Teresa, *The Geography of Eviction in Richmond: Beyond Poverty*, RVA EVICTION LAB (2018), <https://cura.vcu.edu/media/cura/pdfs/cura-documents/GeographiesofEviction.pdf>

²⁰ Robert Collinson & Davin Reed, *The Effects of Evictions on Low-Income Household*, NYU L. (2018), https://www.law.nyu.edu/sites/default/files/upload_documents/evictions_collinson_reed.pdf

²¹ Rachel M. Cohen, *The Fight to Make it Harder for Landlords to Evict their Tenants*, Vox, (May 1, 2023), <https://www.vox.com/policy/2023/5/1/23697209/landlords-tenants-good-cause-just-cause-eviction-housing>

²² Lindsey Duvall and David Foster, *Advancing Tenant Protections: Just Cause Eviction Laws*, National Low income Housing Coalition (NLIHC), (February 7, 2023), <https://nlihc.org/resource/14-1-advancing-tenant-protections-just-cause-eviction>
[laws#:~:text=The%20end%20of%20a%20lease,laws%20benefit%20these%20tenants%20by%3A&text=Protecting%20renters%20from%20evictions%20for%20no%20fault%20of%20their%20own.&text=Delivering%20a%20sense%20of%20stability%20to%20tenants.](https://www.nlihc.org/resource/14-1-advancing-tenant-protections-just-cause-eviction)

²³ Julieta Cuellar, *Effect of “Just Cause” Eviction Ordinances on Eviction in Four California Cities*, Princeton University Journal of Public & International Affairs, May 21, 2019, <https://jppia.princeton.edu/news/effect-just-cause-eviction-ordinances-eviction-four-california-cities>

Maryland is in the middle of a housing affordability crisis.²⁴ There are 207,554 extremely low-income households in Maryland, but only 61,469 affordable and available rental units.²⁵ A minimum wage worker in Maryland would have to work 94 hours a week at minimum to afford a 2-bedroom apartment.²⁶ Adding more stress to Maryland renters is the fact that rent prices in Maryland are higher than the national average.²⁷ With the shortage of affordable housing and increased cost for rental housing, it is important to ensure that low-income renters and renters of color are protected from unwarranted evictions. Just cause eviction protections allow for more tenants to be able to stay in their homes when landlords evict a tenant for an unspecified reason. Holdover evictions are increasing in Maryland, in January 2019, landlords filed 233 “tenant holding over” cases — compared to 607 in May of 2022.²⁸ Since August 2020 (when the courts reopened to evictions during the pandemic) through September 2023, holdover eviction filings have exceeded the pre-pandemic monthly average for 37 straight months, reflecting a 117% increase over that period.²⁹ HB 477 offers the possibility of significantly decreasing the number of holdover evictions by allowing local jurisdictions the ability to craft just cause policies to stop landlords from evicting tenants without just cause.

Holdover evictions can often be motivated by illegal discrimination based on race or retaliation. Black people live more frequently in unsafe subsidized housing,³⁰ which could lead to retaliatory actions by landlords. Landlords in low-income communities or developments are more likely to avoid routine maintenance on their units in order to increase their profit—a practice that can disproportionately harm renters of color. Low-income Black renters increasingly live in neighborhoods of concentrated poverty.³¹ In areas of concentrated poverty where property values are declining, landlords who fear that their property is depreciating in value will use various tactics

²⁴ Dwight A. Weingarten, *Maryland Housing Secretary Day Estimates 96,000-unit Housing Shortage. Bills Aim to Help*, *The Herald Mail*, (December 21, 2023),

<https://www.heraldmillmedia.com/story/news/state/2023/12/21/administrations-bills-aims-to-address-marylands-housing-crisis/71896971007/>

²⁵ National Low Income Housing Coalition, *Gap Report: Maryland*, (March 16, 2023), <https://nlihc.org/gap/state/md>

²⁶ National Low Income Housing Coalition, *Out of Reach: Maryland*, (2023), <https://nlihc.org/oor/state/md>

²⁷ Jack Fiechtner, *Rent Prices in Maryland are Higher than the National Average*, *ABC News*, (April 14, 2023), <https://www.wmdt.com/2023/04/rent-prices-in-maryland-are-higher-than-the-national-average/>

²⁸ Sophie Kasakove, Ryan Little and Nick Thieme, *For Some Maryland Landlords, Filing for Eviction is a Monthly Routine. Tenants Pay the Price*, *Baltimore Banner*, (August 31, 2022),

<https://www.thebaltimorebanner.com/community/housing/for-some-maryland-landlords-filing-for-eviction-is-a-monthly-routine-tenants-pay-the-price-HSUABD736VAUZOKX7VZDTR2L3A/>

²⁹ Jheanelle Wilkins, *‘Just cause’ Eviction Standard Protects Families, Encourages Fairness*, *Baltimore Banner*, (January 23, 2024), <https://www.thebaltimorebanner.com/opinion/community-voices/rental-housing-evictions-maryland-legislation-WMWG67BGQVHFLMDLX2WU353F2E/>

³⁰ Jill Rosen, *Study: Racial disparities in outcomes for those who grow up in subsidized housing have largely vanished*, *Johns Hopkins University*, (May 8, 2017), <https://hub.jhu.edu/2017/05/08/black-white-kids-in-public-housing-fare-similarly/#:~:text=Black%20families%20getting%20subsidized%20housing,impooverished%20neighborhoods%2C%20the%20study%20found.>

³¹ INSTITUTE OF METROPOLITAN OPPORTUNITY, EXECUTIVE SUMMARY: AMERICAN NEIGHBORHOOD CHANGE IN THE 21ST CENTURY (Apr. 2019), https://www.law.umn.edu/sites/law.umn.edu/files/metro-files/american_neighborhood_change_in_the_21st_century_-_executive_summary_-_4-2-2019.pdf (explaining that low-income residents are much more likely to live in areas that are economically declining rather than areas that are economically expanding).

to secure a higher annual rate of return to offset a potential loss when they sell their property later.³² One of those tactics is to cut back on maintenance, which can lead to tenants living in unbearable conditions.³³ Recently, a landlord in Maryland retaliated against multiple tenants by trying to evict them after they complained about the dangerous conditions.³⁴ It is often difficult for renters to prove a holdover eviction is discriminatory so many tenants leave their homes before a holdover eviction is filed to avoid permanently damaging their record, even if the potential eviction may be discriminatory or retaliatory.³⁵ Just cause eviction protections help give renters a better sense of housing security and empower them to hold landlords accountable for uninhabitable conditions without fear of retaliation. HB 477 would allow local jurisdictions to help protect tenants from a constant threat of displacement and help strengthen tenants' ability to complain about unsafe conditions without the threat of possible eviction.

As local, state, and national eviction moratoriums have ended and pandemic aid helping renters has faded, eviction filings have risen over 50% above pre-pandemic levels in some jurisdictions, nationally.³⁶ In Maryland, there was a total of 23,567 evictions combined in 2020, 2021, and 2022, which is an average of about 8,000 per year.³⁷ The last year before the moratorium, 2019, Maryland registered 21,676 evictions.³⁸ In 2023, with just nine months of reportable data, there were already 16,325 evictions in the state—double the number over the course of the entire prior year.³⁹ As discussed above, evictions in Maryland disproportionately affect Black Maryland renters.⁴⁰ Black households have the highest eviction removal count in Maryland.⁴¹ Just cause eviction protection can help reduce the number of evictions in Maryland. One study found local just cause eviction protection ordinances in four California cities lowered eviction rates in those

³² *Id.*

³³ *Id.*

³⁴ Rob Flaks, *Maryland Legal Aid files Lawsuit Against Somerset County Landlord Found to be Operating Without a License*, WMDT News, (June 14, 2023), <https://www.wmdt.com/2023/06/maryland-legal-aid-files-lawsuit-against-somerset-county-landlord-found-to-be-operating-without-a-license/>

³⁵ Connecticut Fair Housing Center, *Lets Talk About Expanding Just Cause Protections*, (December 7, 2023), <https://ctfairhousing.org/the-case-for-expanding-just-cause-eviction-protections/#>

³⁶ Michael Casey & R.J. Rico, *Eviction filings soar over 50% above pre-pandemic levels in some cities as rents increase*, PBS, June 17, 2023, <https://www.pbs.org/newshour/nation/eviction-filings-soar-over-50-above-pre-pandemic-levels-in-some-cities-as-rents-increase>

³⁷ Dwight A. Weingarten, *Evictions, Rising after Rent Assistance Ran Out, Back Near pre-pandemic Levels in Maryland*, Salisbury Daily Times, (December 6, 2023),

<https://www.delmarvanow.com/story/news/local/maryland/2023/12/06/marylands-rising-eviction-rate-renews-call-for-tenants-rights/71814753007/>

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Tim Thomas, et al, *Baltimore Eviction Map*, The Eviction Study, (May 8, 2020), <https://evictionresearch.net/maryland/report/baltimore.html#:~:text=Black%20headed%20households%20had%20the,eviction%20rate%20of%205.2%25>

⁴¹ *Id.*

cities.⁴² The research showed that just cause eviction protection policies had a significant and noticeable effect on eviction and eviction filing rates in those areas.⁴³

Nationally, other states have enacted just cause eviction protections. New Jersey, California, New Hampshire, Oregon, and Washington have all passed their own versions of statewide just cause eviction laws.⁴⁴ These protections have helped renters in these states stay in their homes and prevent landlords from evicting a tenant for an unwarranted reason. There also federal protections, the U.S. Department of Housing and Urban Development (HUD) requires all federally subsidized rental properties to provide just cause when they nonrenewing a lease.⁴⁵ Also, the U.S. Department of Treasury which administers the Low-Income Housing Tax Credit (LIHTC) Program, requires just cause to evict a person from a LIHTC unit.⁴⁶ There have also been two local jurisdictions in Maryland who have passed just cause eviction protections, but these protections cannot be fully enforced by the local jurisdictions until the state of Maryland passes HB 477. Baltimore and Montgomery County have both enacted just cause eviction protections after seeing an increase in landlords filing holdover evictions during the pandemic. In majority Black Baltimore, in 2020: In August and September alone, there were 233 tenant holding over cases, an 82% increase in activity from the same two-month period a year before.⁴⁷ HB 477 would allow these jurisdictions to fully enforce their local ordinances and keep more residents from experiencing housing instability.

IV. Conclusion

Black Maryland renters are disproportionately harmed by holdover evictions. Landlords are increasingly evicting Black renters for no fault of their own, which furthers housing inequality. HB 477 would allow local jurisdictions the ability to protect their residents from unwarranted holdover evictions. Landlords would have to give a codified reason for not extending or renewing the lease. This added layer of protection helps decrease housing instability for Black renters and is an important step toward ensuring a more equitable relationship between landlords and tenants.⁴⁸

⁴² Julieta Cuellar, *Effect of “Just Cause” Eviction Ordinances on Eviction in Four California Cities*, Princeton University Journal of Public & International Affairs, May 21, 2019, <https://jpia.princeton.edu/news/effect-just-cause-eviction-ordinances-eviction-four-california-cities>

⁴³ Id.

⁴⁴ Lindsey Duvall and David Foster, *Advancing Tenant Protections: Just Cause Eviction Laws*, National Low income Housing Coalition (NLIHC), (February 7, 2023), <https://nlihc.org/resource/14-1-advancing-tenant-protections-just-cause-eviction>
[laws#:~:text=The%20end%20of%20a%20lease,laws%20benefit%20these%20tenants%20by%3A&text=Protecting%20renters%20from%20evictions%20for%20no%20fault%20of%20their%20own.&text=Delivering%20a%20sense%20of%20stability%20to%20tenants](https://www.hud.gov/sites/documents/RFS8_RENEWAL_OF_LEASE.PDF)

⁴⁵ The U.S. Department of Housing and Urban Development (HUD), Fact Sheet: Renewing Your Lease, (2022), https://www.hud.gov/sites/documents/RFS8_RENEWAL_OF_LEASE.PDF

⁴⁶ 26 U.S.C. §42(h)(6)(E)(ii)(I)

⁴⁷ Hallie Miller, *During Maryland Rent Moratorium, More Landlords Using Legal ‘Loophole’ as Means to Evict*, Baltimore Sun, (December 30, 2020), <https://www.baltimoresun.com/2020/12/30/during-maryland-rent-moratorium-more-landlords-using-legal-loophole-as-means-to-evict/>

⁴⁸ Lindsey Duvall and David Foster, *Advancing Tenant Protections: Just Cause Eviction Laws*, National Low income Housing Coalition (NLIHC), (February 7, 2023)

For the reasons stated above, LDF strongly encourages the passage of HB 477 and urges that Maryland do more to stop unwarranted holdover evictions against Maryland renters.

Thank you for the opportunity to testify. If you have any questions, please contact David Wheaton, Economic Justice Policy Fellow, at dwheaton@naacpldf.org, or Amalea Smirniotopoulos, Senior Policy Counsel and Co-Manager of the Equal Protection Initiative, at asmirniotopoulos@naacpldf.org.