

Commentary: 'Just cause' eviction standard protects families, encourages fairness

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1/23/2024 5:30 a.m. EST



Jheanelle Wilkins represents District 20 in the House of Delegates and is chairwoman of the Legislative Black Caucus. (Courtesy of Jheanelle Wilkins)

Maryland lawmakers should give counties and Baltimore authority to implement legislation

Sam rents an apartment in Salisbury with his young son. In September 2023, he received a notice that his property manager was not renewing his lease. He was given just 60 days to remove all personal belongings and turn in his keys with no explanation for this decision or any way to appeal it. Sam tried to reason with the landlord about how this abrupt move would impact his job and the challenges it posed for his son, who has a disability and would have to switch schools midyear.

Cristina has lived in the same apartment building in Baltimore since 2013. In 2021, she survived an incident of domestic violence that required police intervention. Her landlord became aware of the disruption and sent a notice to nonrenew her lease. The landlord also sent a notice of nonrenewal to her sister who lives in the same building. Because she had nowhere to relocate, she was unable to vacate the apartment, leading the landlord to initiate eviction proceedings.

Despite these eviction attempts, both Sam and Cristina were able to remain in their homes because they reside in federally subsidized rental properties that require "good cause" when they nonrenew a lease.

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Unfortunately, most Maryland residents who rent their homes lack this protection against unfair lease nonrenewals and end-of-lease evictions. Since August 2020 (when the courts reopened to evictions during the pandemic) through September 2023, these end-of-lease filings have exceeded the pre-pandemic monthly average for 37 straight months, reflecting a 117% increase that has held steady throughout the COVID-19 emergency and post-emergency periods.

As we grapple with the challenges of housing affordability and security, it is imperative to consider legislative measures that strike a balance between the landlords' autonomy and the state's deep interest in family stability.

Ensuring a stringent standard for evictions in Maryland is essential, particularly for the 32% of residents who rely on renting as their housing choice. An eviction has dire, long-term consequences for any Maryland family that experiences one. A family that loses the roof over its head for any reason is pushed into a

debilitating spiral — from potential homelessness to difficulties accessing employment, transportation, health care, food, education and so much more.

With the rising cost of housing and the stigma of an eviction, the ability to rent another home after an eviction is sometimes insurmountable. With as little as 60 days' notice and for no reason at all, a landlord can decide not to renew a lease — even if a tenant is paying rent on time and following all the rules.

Under just cause eviction legislation, landlords would be required to provide a reason in their notice of lease nonrenewal. While it wouldn't prohibit landlords from opting not to renew a lease, it would mandate that such displacement occurs for valid reasons. The current legislation serves as an enabling measure, granting the authority — rather than imposing a mandate — for counties and Baltimore to implement just cause eviction legislation if they so desire.

By establishing clear and reasonable criteria for eviction, this legislation would ensure that landlords have legitimate reasons for ending a tenancy. This not only protects tenants from unfair treatment but also encourages responsible and ethical practices within the rental market. A level playing field benefits both parties, fosters healthier landlord-tenant relationships and empowers tenants to speak up without fear of eviction.

At its core, just cause eviction legislation would safeguard tenants from arbitrary and unjustifiable evictions, offering a layer of protection that is essential in today's dynamic housing landscape. The current absence of such policies leaves tenants vulnerable to sudden and disruptive displacements, perpetuating a cycle of housing instability that affects the fabric of our communities.

Critics argue that just cause eviction legislation impedes the rights of landlords, but it is crucial to recognize that it does not undermine legitimate business interests. Instead, it sets a standard for responsible property management, encouraging landlords to maintain properties and address tenant concerns promptly. Ultimately, it keeps families, workers, students and seniors rooted in their communities. Historically, federal and state laws have intervened to ensure safe and equitable access to housing and necessary requirements of leases.

Maryland is out of step with states that either require just cause or allow localities to pass their own just cause bills if they so desire. Just cause eviction has become the legal standard in more than 15 states and jurisdictions, including the District of Columbia, New Hampshire, New Jersey, Washington, Oregon, Philadelphia and New York City. As our laboratories of democracy, Maryland's local jurisdictions should be given all the tools they need to address the challenge of providing safe, fair and affordable housing for residents.

Just cause eviction legislation is a necessary step toward a fairer, more stable housing environment in Maryland as well as a housing market that truly serves the needs of all. It will give Maryland counties the authority to implement the protections that helped Sam and Cristina to stay in their homes.

As we begin the 2024 legislative session, it is time for the Maryland General Assembly to make just cause eviction a vital component of a more equitable and sustainable housing future.

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