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410-576-6986

February 18, 2020

To: The Honorable Kumar P. Barve
Chair, Environment and Transportation Committee

From: Kira Wilpone-Welborn
Staff Attorney

Re: House Bill 491 – Landlord and Tenant – Repossession for Failure to Pay Rent – Lead Risk Reduction Compliance (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General supports House Bill 491 sponsored by Delegate Rosenberg, which ensures that a landlord is in compliance with legal requirements for renting a residential property before the landlord is able to evict a tenant through a summary ejection action. Landlord-tenant complaints are consistently among the top complaints received each year by the Division and the Division participated in a 2016 summer study that included landlords, tenant advocates, the courts, government officials and others to address problems with rent court. The subject matter of this bill is one of the issues that was addressed during that study.

A landlord is required to obtain a certification from the Maryland Department of the Environment before renting a property to a tenant and list the number of that lead certification on the complaint to repossess the property. However, under current law, if the landlord fails to list the lead certification or lists an incorrect or invalid number on the complaint, the Court is barred from taking that into consideration in deciding the summary ejection action. Additionally, in some Maryland jurisdictions, a landlord is required to be licensed before renting a property. However, there is no requirement that the landlord show it is in compliance with this requirement before using the courts to evict a tenant.

House Bill 491 would ensure that a landlord who has not met these prerequisites for renting an apartment cannot use the courts as a tool for collection and eviction related to that rental property by requiring that the landlord provide evidence to the court of compliance. There is a long history of law in Maryland that a business that is required to be licensed may not use the courts to enforce a contract if they are not so licensed. See, e.g., *Golt v. Phillips*, 308 Md. 1 (1986). House Bill 491 is consistent with these principles. Additionally, landlord arguments that they cannot get copies

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of the lead certification because of problems with the Department of the Environment's database are nothing but a red herring – *the landlord is required to have the certificate before they rent the property, let alone file a summary ejectment action.*

The Division believes that House Bill 491 is a reasonable measure that will help ensure that a landlord who wishes to use the courts to evict a tenant was authorized to rent that unit to the tenant in the first place. Accordingly, the Division requests that the Environment and Transportation Committee give House Bill 491 a favorable report.

cc: The Honorable Samuel I. Rosenberg
Members, Environment and Transportation Committee