



February 23, 2021

The Honorable Kumar Barve, Chair
Dana Stein, Vice Chair
Committee Members
Environment and Transportation Committee
Maryland General Assembly
Annapolis, Maryland 21401

Dear Chairmen Barve and Stein:

The February 16 hearing on just-cause bill 574 (Stable Homes Act/Just-Cause Protection) again heard specious arguments presented by the multi housing industry lobbyists against a bill that would require landlords to provide justification to evict a tenant through the Tenant Holding Over (THO) process. Their arguments are repeated each year with the expectation that they are settled and accepted, but they must not stand and we urge you not to accept them. Every year, they repeat the same worn-out arguments, expecting your committee will accept them as settled. For the good of thousands of Maryland renters, we urge you to challenge the substance and validity of these arguments, especially now that the pandemic has severely the rental housing crisis.

Rental apartments are increasingly becoming the way Marylanders choose their housing, now approaching 40% of state residents. Rental housing spans the economic spectrum, but significantly includes the homes of working families, seniors, low income and people of color. The stability, quality and affordability of these homes is increasingly critical to our state's overall health, welfare and prosperity.

Allow us to address the arguments:

The Term Lease Argument

Multi-unit housing lobbyists assert that rental housing is no different than any other commodity put on the market. They argue that apartments are “sold” for a term like a hotel room. We disagree. Unlike common commodities like beer, or designer sneakers, housing is an essential human need, indeed a right. We support a balanced policy approach to the housing industry that includes a landlord’s right to reasonable profit with a tenant’s right to stable, quality housing. Unfortunately, quite the opposite is achieved when, though the law currently allows it, landlords can arbitrarily upend families month-to-month, or year-to-year, at will.

Although multi-unit housing lobbyists assert that rental housing is leased on multi-year terms, but many apartment communities, especially low-income rental housing instead use month-to-month leases. These short-term leases seriously disrupt the lives of tenants, who may have just 30 days’ notice to leave their homes (60 in Montgomery County).

Regardless of the term, we believe that its purpose is to establish an agreed upon timeframe for the landlord and tenant to provide notice requirements when to increase rent, or to justly non-renew for either party. Absent a just cause not to renew, it is our view that those who enter into the rental housing industry must understand that they are selling stable homes for as long as a tenant is able to pay rent and live within reasonable rules of the apartment community.

Delegate Jheanelle Wilkins’ bill maintains that, as long as landlord intends to lease an apartment home, there should be no reason to evict through THO except for a stated, justifiable reason.

The multi-unit lobbyists notion that the rental housing industry should retain absolute rights to cancel a lease arbitrarily neglects the reciprocal relationship implied in a contract. Any landlord who enters into that industry in effect, offers a home for a tenant to put down roots, enter children into schools, engage in their neighborhoods and generally participate in the social, economic and political life of their communities.

Rental housing is not the same as temporary housing -- hotels, rooming houses, vacation dwellings or homeless shelters -- and renters should not be treated simply as guests with no greater protection than medieval sharecroppers.

The “No Need” Argument

The multi-unit lobbyists assert that a “150 page” report on eviction produced by the Montgomery County Office of Legislative Oversight (OLO) points to a small number of evictions carried out and an even smaller number due to Tenant Holding Over cases. Delegate Vaughn Stewart of the committee correctly observes that a substantial, yet uncounted number of renters “self evict” when they receive notices to vacate, thereby relinquishing the due process of a court hearing. For those who do choose to go to court, they should have the protection that a judge be satisfied with a landlord’s reason to evict families from their homes.

Also not addressed in the “No Need” argument, is how the lack of just-cause protection impacts whole renter communities. In our experience, renters across the economic spectrum are afraid to raise issues of maintenance, overcharging and poor community management because they fear a landlord’s retaliation with no ability to defend against it. As long as landlords are able to process a tenant through THO without stated justification, entire renter communities will live in constant fear that they could lose their homes.

Arbitrary use of THO uniquely threatens senior citizens. Having downsized and moved into rental apartments on fixed incomes, elderly renters may suddenly be threatened with moving familiar belongings and a lifetime of memories at the same time they face physical handicaps and medical expense. Instead, these seniors often choose to suffer mold and vermin infestations, rude and abusive property staff, broken appliances, excessive rent increases and other indignities. These senior renters are forced either to risk their homes and health by speaking up, or to remain silent in sub-standard housing.

What is true for seniors is likewise true for working poor and immigrants, who also depend on stable homes to avoid being pushed further into poverty and homelessness.

The testimony today by housing lobbyists ignores the chilling effect of unjust eviction, claiming it rarely occurs. If that is so, then why oppose protection that will be rarely applied?

The “problem tenant” argument

Multi-unit housing lobbyists repeatedly emphasized that THO is a tool to remove “problem tenants”, whom they routinely characterize as child molesters, gang members, drug dealers and the like. How these truly problem tenants are somehow

beyond the eviction process spelled out in their leases is as mysterious as how these undesirables were offered a lease in the first place. The lobbyists further insist that waiting for THO is “safer” for the property staff than simply evicting a dangerous tenant for breach of lease. The real reason for using THO is that the landlord is relieved of the burden of proof that an eviction court requires. THO substitutes a landlord’s whim for the messiness of due process for the tenant.

The “increased court costs and filings” argument

We have demonstrated repeatedly that in the jurisdictions that protect renters with just-cause legislation, there is no evidence of increased court filings. Further, the industry that raises the specter of eviction costs to defend just-cause cases, itself files more than 600,000 eviction cases each year for the common occurrences of late rent payment. It would seem that frivolous eviction cases constitute a greater burden on housing courts than do cases of ordinary citizens defending their rights.

In conclusion

We ask you to update your thinking about rental housing. How Maryland residents live is changing in significant ways, and the legislative framework must catch up to it. Whatever offence the rental housing industry expresses at losing unrestrained prerogatives to house or un-house residents trifles compared to the costs taxpayers bear to mitigate the effects of unstable housing.

There is nothing in our viewpoints that opposes reasonable apartment community management or profits. We support, in the interest of renters, the eviction of tenants who are dangerous or substantially disruptive to rental community health and welfare. We also understand that landlords are entitled to reasonable profit from their endeavors and we understand that when a tenant cannot pay rent, and no relief is available, that the landlord should not alone bear the resulting burden of unpaid rent.

For all the rest, it is in the public interest that landlords provide their tenants stable, quality homes. Thinking otherwise is to create costs, human and financial, that far exceed the costs of evictions.

On behalf of the Renters Alliance Board of Directors,

Yours sincerely,

William Roberts, Esq.
Chair