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February 12, 2021

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

From: Kira Wilpone-Welborn
Consumer Protection Division

Re: House Bill 785 – Landlord and Tenant – Commencement of Action to Repossess for
Failure to Pay Rent – Required Notice and Grace Period (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General submits the following testimony in support of House Bill 785 submitted by Delegate Jen Terrasa. This bill provides that before pursuing a Failure to Pay Rent Action a landlord must first provide the tenant a ten-day notice providing the alleged arrearages.

The Consumer Protection Division regularly receives complaints from tenants disputing the amounts of alleged unpaid rent or that their rent payments were misallocated to non-rent charges. Landlords do not always engage with Division's mediators and any delay in resolution of the dispute can lead to a landlord securing a warrant of restitution against the tenant and the tenant losing their housing.

Section 8-401 of the Real Property Article currently allows landlords to file summary ejectment actions as soon as the landlord has not received a tenant's full rental payment, and landlords may file cases for any alleged arrearage amount. As such, the tenant's first notice of alleged delinquency can arrive as a summons from the District Court with compounded demands for late fees and other costs connected to the filing. However, if a tenant received prior notice of the alleged delinquency as this bill provides, the tenant could cure the arrearage prior to a summary ejectment action being filed.

Accordingly, requiring landlords to provide written notice of the amounts allegedly owed will allow landlords and tenants to more easily resolve alleged debts, reduce eviction filings, which should help tenants maintain continuity of housing and reduce the caseload on the already overburdened rent court dockets in Maryland's District Courts.

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For these reasons the Division requests that the Environment and Transportation Committee give House Bill 785 a favorable report.

cc: The Honorable Jen Terrasa
Members, Environment and Transportation Committee