

SB 401--AOBA Statement--FAV.pdf

Uploaded by: Bradley, Erin

Position: FAV



Bill No: SB 401 —Landlord-Tenant-Nonrenewal of Lease—Notice Requirements

Committee: Judicial Proceedings

Date: 2/9/2021

Position: Support

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George's Counties. As housing providers, AOBA members support giving residents advance notice of plans to terminate a tenancy upon expiration of a lease.

Senate Bill 401 would alter the period of time prior to the expiration of a lease that a housing provider must notify a tenant, in writing, of their intent to terminate the tenancy. For residents with a written lease that have resided continuously in the same premises for 2 years or less a housing provider must provide 2 months' notice. A housing provider must notify a tenant 3 months prior to the expiration of the lease for tenants that have resided continuously in the same premises for more than 2 years. For year-to-year tenancies, a housing provider must provide 3 months' notice. This legislation only applies to the tenant hold-over period and does not impact emergency lease terminations.

The industry has long said that non-renewals of a lease—for tenants that pay rent on time and abide by community rules-- are infrequent. While non-renewal occurs for roughly one percent of residents each year, searching for new and appropriate housing is a process that takes times. As housing providers currently operating in Montgomery County and Baltimore City are already subject to local law requiring 60-day notice of their intent to terminate tenancy at the expiration of a lease, AOBA members find it reasonable to extend this requirement to residents across the State.

AOBA members may initially have some administrative challenges with the tiered approach established in the bill in terms of tracking the exact length of a tenancy. Further, members question how to handle a situation where a lease violation (non-emergency disorderly conduct e.g.: intentionally breaking public amenity or on-going noise violations)

begins only 45 days prior to the termination of the lease. Would the housing provider be in violation of the law and thus required to extend the lease where they otherwise would not?

Lingering questions aside, AOBA understands the intent of this legislation and wishes to support the Legislature in providing timely notice to residents—particularly after seeing the impact of the unprecedented COVID-19 pandemic.

For these reasons AOBA supports a favorable report on SB 401.

For further information contact Erin Bradley, AOBA Vice President of Government Affairs, at 301-904-0814 or ebradley@aoba-metro.org .

Testimony_JPC_SB0401.pdf

Uploaded by: Carter, Jill

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter
In Favor of SB0401 - Landlord-Tenant - Nonrenewal of Lease - Notice
Requirements
Before the Judicial Proceedings Committee
on February 9, 2021**

Mr. Chairman, Mr. Vice Chair, and Members of the Committee:

Senate Bill 401 extends the amount of notice a landlord is required to give a tenant before not renewing their lease, giving the tenant more time to find new housing.

The reason for this bill is simple. It would fix a loophole that has been brought to light because of the COVID-19 pandemic. While evictions may be halted by executive order or legislative act, landlords can circumvent these acts by simply allowing an individual's lease to expire without reason. Because this is a tool for landlords to avoid any eviction stays, the tenants should at least be awarded reasonable notice of their lease's nonrenewal.

This bill mandates varying notification lengths depending on the length of previous tenancy, type of lease, and type of residence. For example, under the bill a landlord would be required to provide notice to tenants who hold a annual lease at least three (3) months in advance; for tenants with month-to-month leases who have been in their home for more than two (2) years, the landlord must provide notice at least two (2) months; and for weekly leases, the landlord must give notice one (1) week in advance.

In addition to closing this loophole, the bill can be a benefit to both landlords and tenants. For landlords, the time period between the notice and the lease termination can give them the opportunity to fill

the vacancy. Therefore, the landlords will not have any lag time between tenants where they are missing out on extra income or even losing money. More importantly, this bill will benefit the tenants by giving them ample time to find new housing and help them avoid homelessness. Lastly, the state would not be fiscally burdened given that the notice requirements will not materially affect the state finances or operations.

The last thing Maryland needs right now is more of its citizens living on the streets, especially during the current pandemic. Senate Bill 401 would offer tenants slightly more time to figure out their living situation before facing homelessness. The changes proposed are straightforward, and will bring Maryland in line with the laws of other states; several states already require longer notification for a landlord's lease nonrenewal, including a 60 day requirement in Delaware, Georgia, and Vermont. If landlords are not going to renew the leases of vulnerable tenants, the very least they can do is give them fair warning because no Marylander should be thrown into homelessness with little to no notice.

For these reasons, I respectfully urge a favorable report on Senate Bill 401.

Respectfully,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive, flowing style.

Jill P. Carter

Homeless Persons Rep Project_FAV_SB 401.pdf

Uploaded by: Hatfield, Carisa

Position: FAV



HOMELESS PERSONS REPRESENTATION PROJECT, INC.

201 North Charles Street, Suite 1104 Baltimore, MD 21201 (Headquarters)

P.O. Box 1787, Rockville, Maryland 20849 (Satellite Office)

Support – SB 401 – Landlord and Tenant – Nonrenewal of Lease – Notice Requirements Hearing of the Judicial Proceedings Committee, February 9, 2021

The Homeless Persons Representation Project, Inc. (HPRP) is a non-profit civil legal aid organization that provides free legal representation to people who are homeless or at risk of homelessness on legal issues that will lead to an end to homelessness. HPRP regularly represents tenants in failure to pay rent cases and other landlord-tenant matters in Baltimore City.

SB 401 will provide for important additional protections for renters in month-to-month leases, giving them a more reasonable period of time in which to relocate from the property upon notice that their landlord wishes to terminate the lease. Under current state landlord-tenant law, tenants in month-to-month tenancies are only afforded one month's notice, regardless of how long they have resided in the property.¹ SB 401 would extend notice requirements for month-to-month lessees, requiring landlords to provide two months' notice for tenants who have lived in the property for two years or less and three months' notice for tenants who have lived in the property for more than two years. HB 104 would maintain the status quo as to the notice required for tenants in a year-to-year lease. In our work representing tenants in Baltimore City, we have found that many leases begin with an initial lease term of one year but then convert automatically at the end of the first year to month-to-month. We have seen tenants forced to move from their home of several decades with very little notice or opportunity to find a new home. This has been particularly difficult for tenants during the COVID-19 pandemic.

A recent client of HPRP, Rebecca, faced these challenges. Rebecca is a 58 year old disabled woman from Baltimore City who has a Section 8 voucher. She had lived in her rented single family rowhome since 1995 and raised her two children there. In January of 2020, Rebecca's home was purchased by a new owner who wanted to make extensive repairs and updates to the home that would require Rebecca to move out. Rebecca's landlord gave her notice in September 2020 that they were not renewing her lease and that she needed to move. It was extremely difficult for Rebecca to find a new place to live, in the short amount of time she had to do so. Her neighborhood was the only one she had known during her adult life and many of her family, friends, and service providers were located in the same neighborhood, but housing inventory was low. Rebecca also needed an accessible home to accommodate her disabilities, which further complicated and delayed her housing search. Rebecca also had to comply with Section 8 requirements for her move, including getting her new home approved and inspected by the Housing Authority of Baltimore City.

Under SB 401, tenants like Rebecca would be afforded three months' notice, giving them critically needed additional time to find an alternative home without the threat of eviction for holding over in the property. This extension of notice requirements is reasonable and balanced. Providing tenants with this additional notice will help them to maintain continuous housing without interruptions or periods of homelessness as they work to relocate to their new home. Now, more than ever, helping tenants maintain stable housing is essential to saving lives and preventing the spread of a global pandemic.

HPRP urges a FAVORABLE REPORT on SB 401.

Please contact Carisa A. Hatfield, Homeless Persons Representation Project, at 410-685-6589 ext. 32 or chatfield@hprplaw.org with any questions.

¹ Baltimore City requires 60 days' notice to tenants, not 30 days. Baltimore City Code of Public Local Laws, Article 4, § 9-14

SB 401 - Nonrenewal of Lease Notice Requirement.pdf

Uploaded by: Legal Aid, Maryland

Position: FAV



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February 9, 2021

The Honorable William C. Smith, Jr.
2 East, Miller Senate Office Building
Room 2E
Annapolis, Maryland 21401

RE: Testimony of Maryland Legal Aid in Support of Senate Bill 401 - Nonrenewal of Lease - Notice Requirements

Dear Chair Smith and Members of Committee:

Thank you for the opportunity to provide testimony on this important bill. Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to Maryland's low-income and vulnerable residents. MLA handles civil legal cases involving a wide range of issues, including family law, housing, public benefits, consumer law (e.g., bankruptcy and debt collection), and criminal record expungements to remove barriers to obtaining child custody, housing, a driver's license, and employment. Maryland Legal Aid supports SB 401 with favorable amendments and asks that this committee give it a favorable report.

This letter serves as notice that Gregory Countess, Esq. will be testifying in support of Senate Bill 401 on behalf of Maryland Legal Aid at Senator Shelly L. Hettleman request. This bill seeks to protect and promote housing stability for Maryland families during and after this global pandemic. By requiring landlords to give either a sixty-day or ninety-day notice to tenants that their lease will not be renewed, depending on how long the tenant has resided in the property and the lease's term, rather than the current thirty-day notice requirement. The proposed change would promote housing security and stability for renters. It would also protect the human right to safe and secure housing as outlined in the International Covenant on Economic, Social, and Cultural Rights.

There is a significant shortage of affordable housing across Maryland. Given that shortage, it is impractical and perhaps even impossible for tenants, particularly those with limited income, to relocate with only thirty-days' notice. The need for affordable housing has always been apparent but has become even more apparent in light of the coronavirus pandemic. For the thousands of Maryland residents facing housing insecurity due to the pandemic, thirty-days' is not enough time to secure alternative housing. Instead, those people and their families face eviction and homelessness. This can lead to the loss of a housing subsidy, which creates an even more significant obstacle to securing new housing.

MLA advocates have observed widespread evictions throughout the state. MLA assists thousands of clients statewide each year in housing matters, many of which involve

preventing eviction. A scenario MLA has seen frequently is as follows: A client and their children will have resided in their home for years, sometimes over a decade, without any issues. That client's tenancy started as a year-long lease but converted to a month-to-month lease after the first term expired. After years of this arrangement, the landlord notifies the tenant that the lease would not be renewed and the family must find new living arrangements within 30 days. This short notice proves to be an impossible task given the scarcity of affordable housing for low-income citizens. Upon failing to find housing in the 30-day timeline, the family is evicted and left on the street and without anywhere to live.

While MLA sees many clients, those numbers pale compared to the total number of people who face housing instability throughout the state. There are far too many people in Maryland who have experienced the trauma that comes with losing their homes. The price of eviction is high on the individual and society as a whole. Without a home, it is hard for an individual to stay employed, it is hard for a student to succeed in school, and it may be impossible for a family to find a safe and warm place to live.

Requiring a sixty-day notice for tenants who have resided in the property for two years or less and a ninety-day notice for tenants who have resided in the property for more than two years would give tenants more time to secure a new residence. Senate Bill 401 advances the goal of protecting renters from becoming homeless because they cannot secure new housing within thirty days. This bill is necessary to decrease the homeless population. This bill is necessary for the health, safety, and life of renters. This bill is necessary to secure the fundamental human right to safe and secure housing for all people.

Thank you for your consideration of this written testimony. For the reasons stated above, **Maryland Legal Aid urges a favorable report on Senate Bill 401.**

/s/ Gregory Countess
Gregory Countess, Esq.
Director of Advocacy
for Housing and Community Development
(410) 951-7687
gcountess@mdlalab.org

SB 401 -ACDS Testimony in Support of SB 401- Nonre

Uploaded by: Sarro, Lisa

Position: FAV



February 9, 2021

Senate Bill 401

Landlord-Tenant - Nonrenewal of Lease - Notice Requirements

Position: Favorable

Thank you for the opportunity to provide testimony in support of Senate Bill 401, **legislation that would extend the required amount of time for advance notification of a landlord's intention not to renew a lease in Maryland.** Arundel Community Development Services, Inc., (ACDS) serves as Anne Arundel County's nonprofit housing and community development agency, helping Anne Arundel County residents and communities thrive through the provision of safe and affordable housing opportunities, programs to prevent and end homelessness, and community development initiatives. In fulfilling this role, ACDS administers grants to nonprofit partners, directly develops and implements programming, and advises the County on housing and community development policy initiatives.

As the COVID-19 crisis forced the closing of businesses and so many households saw a huge drop in incomes due to the loss of jobs and childcare and other factors, **ACDS stood up the State's first Emergency Rental Assistance (ERA) Program, getting payments to landlords as quickly as possible and keeping low-income families affected by the COVID-19 crisis in their homes.** (Financial eligibility for ERA Programs is typically set at or below 80% Adjusted Median Income.) With the influx of more than \$400,000,000 in new federal rental assistance funds coming to the State of Maryland this year through the Consolidated Appropriations Act, **Emergency Rental Assistance Programs in jurisdictions throughout the State will play a larger role than ever in providing ERA payments to the State's landlords and preventing evictions of the State's lower income households.**

As Maryland Rental Assistance Programs attempt to stretch ERA funds as far as possible and to expend those funds in such a way that they will have as much benefit for stability of housing for low income tenants as possible, **Programs must attempt to ensure that when funds are expended to cover past due rental arrears, the tenants on whose behalf those funds have been expended will have some level of security in their tenancy for at least some period of time going forward.** This bill, which provides a modest increase in the amount of advance notice a landlord must give before that landlord may refuse to renew a lease, will provide some certainty that an ERA Program use of limited funds are will keep a tenant in place, for at least the next two to three months.

Many renters on whose behalf ACDS makes payments to cover rental arrears are either near the end of their lease or have leases that have already expired. In that instance, the landlord may generally simply give the tenant 30-days' notice that the lease is to be terminated,

and after that 30 days, the landlord can sue to evict the tenant as a Tenant Holding Over – without any cause required other than the expiration of the lease term. This bill would extend that notice requirement to 60 or 90 days, depending on the duration of the tenant’s prior stay in the property.

This affects rental assistance programs because, unless a landlord is willing to voluntarily enter into an agreement promising not to begin proceedings to evict a tenant as a Tenant Holding Over for a specified period after the ERA Program has paid a tenant’s arrears, the landlord may accept payment for arrears – sometimes for several past due months’ rent – and then immediately thereafter notify the tenant that their lease will be terminated in 30 days. This defeats the goal of the ERA Program, which is to provide housing stability for those at risk of eviction. **As a result, many ERA Programs, ACDS included, request a voluntary agreement that a landlord will not sue to evict a tenant as a Tenant Holding Over for a specified period in exchange for payment of arrears on the tenant’s behalf. It is a struggle and a negotiation that is not always successful. This bill would eliminate that struggle.**

If the tenant is assured at least 60 to 90 days’ notice prior to the termination of their tenancy, which this bill would require, **ERA Programs could much more confidently provide ERA payments for past due rent knowing that the payment will make a significant, even if not long term, step toward housing security for the tenant being assisted.**

For the reasons noted above, we urge a FAVORABLE report on HB 52.

Lisa Marie Sarro

General Counsel

Public Justice Center - SB 401 - FAV.pdf

Uploaded by: Shah, Zafar

Position: FAV



Zafar Shah Attorney
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SB 401 - Landlord-Tenant-Nonrenewal of Lease-Notice Requirements
Hearing before the Senate Judicial Proceedings Committee, Feb. 9, 2021

Position: SUPPORT

The Public Justice Center is a not-for-profit, civil legal aid organization that serves over 700 renters each year throughout Maryland. Our clients know firsthand the upheaval of facing lease termination on short notice. SB 401 does not eliminate the threat of arbitrary “no fault” lease terminations, but it *does* strengthen housing stability by ensuring, across all of Maryland, that renters have a minimum 60 days’ notice to leave the property. If a renter’s tenure in their unit exceeds 2 years, then SB 401 increases that requisite notice to 90 days. Currently, outside Montgomery County and Baltimore City, where local laws require 60 days’ notice, renters are subject to 30-day notices to vacate.

Public Justice Center supports SB 401 because, for renting families, an extra 30 days of notice means everything.

Notice to vacate is critically important for renter households whose tenancy is periodically renewed. SB 401 is an essential protection for the many households throughout Maryland that are renting month to month.

Particularly for the families among these month-to-month tenancies, 30 days is a dauntingly short amount of time not simply to “pick up and leave,” but additionally, to find new housing. This inordinate challenge extends to low-wage workers, elders, and people with disabilities. When forced to move because the landlord opts not to renew the lease, they face dire straits in securing funds to pay moving costs and to pay the security deposit and first month’s rent on their next lease – all within 30 days.

The COVID-19 pandemic has demonstrated both the individual harm and the public inequity of permitting the threat of eviction on 30 days' notice.

In April 2020, amid school closures, a 67-year-old client lost her job as a Pre-K teacher. She was already living paycheck to paycheck and month to month at her rented home, where she had resided for 17 years. At that precarious time, she told Public Justice Center: "I don't have internet in my house, and I'm not good with computers. I've gotten some advice about applying for food stamps and unemployment insurance, but it is going to take a while. In the meantime, I haven't had any income coming in for over a month, and don't know when I will.... The landlord also just sent me a notice to vacate."

As the state stumbled in standing up emergency unemployment compensation, rental assistance, and energy assistance, time was not on the side of countless Marylanders. The fact that Maryland allows landlords to end periodic tenancies on 30 days' notice only compounded the threat of dispossession felt by struggling renters.

SB 401 is perhaps inspired as a protection for those households, but it is also a reform that recognizes the long-standing and continuing challenges that renters face when any calamity strikes, be it a sudden illness or injury, a death in the family, or an unforeseen loss of a public benefit. A 60- or 90-day notice under SB 401 does not cure every problem for these renters, but it significantly relieves some of the economic pressure that Maryland's current 30-day policy inflicts.

Please issue a report of FAVORABLE on SB 401. If you have any questions, please contact Zafar Shah, shahz@publicjustice.org, (410) 625-9409 Ext. 237.

SB 401 Support Letter 2021_FINAL.pdf

Uploaded by: Wilpone-Welborn, Kira

Position: FAV

BRIAN E. FROSH
Attorney General

ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General



WILLIAM D. GRUHN
Chief
Consumer Protection Division

Writer's Fax No.

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

Writer's Direct Dial No.
410-576-6986
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February 5, 2021

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

From: Kira Wilpone-Welborn
Consumer Protection Division

Re: Senate Bill 401 – Landlord-Tenant – Nonrenewal of Lease – Notice Requirements
(SUPPORT)

The Consumer Protection Division of the Office of the Attorney General submits the following written testimony in support of Senate Bill 401 submitted by Senator Jill P. Carter. This bill provides that a landlord must give a certain period of notice for failing to renew a tenancy dependent upon whether a written lease exists as well as the length of the tenancy. During the pandemic, landlords have frequently used non-renewal of a tenant's lease as a means of bypassing the efforts of the Governor and the Centers for Disease Control to prevent tenants from being evicted due to COVID-19-related loss of income.

This bill provides for a statewide standardized period of time for providing notice to end a lease. The length of time for notice is dependent upon the length of the continuous tenancy in the same premises and whether a written lease exists. The longer a tenant resides in one place, the more established the tenant becomes, the longer the period of notice that will be needed to be able to pack up their items and move to another residence.

Having a statewide requirement for notice also ensures that people are treated fairly. Since Maryland does not have a just cause termination requirement, a landlord may elect not to renew a tenant's lease even if tenants have paid their rent every month and were model tenants in every other respect. The Consumer Protection Division receives complaints from individuals who are only given 30 days to move after residing in the same place for many years. Many are simply unable to find another place to live, pack all of their belongings, and make all the changes that are necessary to find a new school for their children and change over all of their utilities in a short 30-day window. In addition, they are simply unprepared for the need to have an up-front security deposit. This bill gives the resident the ability to plan so that a reasonable move can take place without harming the tenant.

The Honorable William C. Smith, Jr.
SB 401
February 5, 2021
Page Two

For these reasons, we ask that the Judicial Proceedings Committee return a favorable report on this bill.

cc: The Honorable Jill P. Carter
Members, Judicial Proceedings Committee

SB 401.pdf

Uploaded by: Castelli, William

Position: UNF



Senate Bill 401– Landlord-Tenant – Nonrenewal of Lease - Notice

Position: Oppose

Maryland REALTORS® opposes SB 401 which seeks to increase the length of time for owners of rental property to notify their tenants that the lease will not be renewed.

REALTORS® often manage property for owners who lease their single-family property for many reasons. Sometimes it is because the owner is seeking to create additional income for their family by holding onto property they once lived in. Sometimes, they choose rental real estate as a separate investment vehicle where the rent helps pay the mortgage so that they will eventually have equity in the property at the end of the mortgage term. Sometimes, it is because the owner of the property was under water and instead of selling the property at a loss, they keep it until the market prices recover so they don't lose equity. Other times an owner may have a temporary but longer-term job relocation and they would like to hold onto the property and move back in when their temporary assignment is over.

In many of these cases, the single-family rental is not intended to be a permanent rental property. The current law sets out a standard that directs landlords to give tenants at least one month before the expiration of the lease when notifying the tenant that the property owner plans to end the tenancy and repossess the property. SB 401 would double that time for tenancies which have lasted for 2 years or less and increase to three months the notice time when a tenant has lived in the property more than 2 years.

While many landlords attempt to give tenants as much notice as possible, that is not always feasible. If a landlord is experiencing economic challenges themselves, selling the property may be the only option they have to avoid foreclosure. Owner's plans change for reasons outside of their control too.

The Maryland REALTORS® believes the current notice provisions provide a floor that helps property owners give tenants notice but also preserve flexibility for unplanned circumstances. Taking away flexibility ultimately disincentivizes owners from entering property into the rental market.

For these reasons, the Maryland REALTORS® recommends an unfavorable report.

For more information contact bill.castelli@mdrealtor.org, susan.mitchell@mdrealtor.org, or lisa.may@mdrealtor.org

MBIA Testimony SB 401.pdf

Uploaded by: Graf, Lori

Position: UNF

February 9, 2021

The Honorable William C. Smith Jr.
Senate Judicial Proceedings Committee
Miller Senate Office Building,
2 East Wing 11 Bladen St.,
Annapolis, MD, 21401

RE: Opposition to SB 401 (Landlord-Tenant - Nonrenewal of Lease - Notice Requirements)

Dear Chairman Smith:

The Maryland Building Industry Association, representing 1,100 member firms statewide, appreciates the opportunity to participate in the discussion surrounding SB 401 Landlord-Tenant - Nonrenewal of Lease - Notice Requirements. MBIA **Opposes** the Act in its current version.

Increasing the amount of lead time that a landlord must give a tenant before terminating their tenancy ahead at the end of a lease would place an undue financial burden on landlords that would be required to carry bad tenants passed their expiration. MBIA understands the need to address the housing crisis created by the COVID-19 pandemic but there are numerous reasons that a landlord would wish to get rid of a tenant that have nothing to do with the virus, including property damage, neighborhood complaints, and other nuisances that might exist because a tenant is a poor fit for the location.

Increasing the notification period would limit the ability of landlords to address these issues. We suggest that rather than create a broad piece of legislation that would have large scale consequences outside of the scope of the pandemic the legislature draft more narrowed legislation addressing the specific problems with rent payments and housing create by COVID – 19 that target specific tenants that were affected by the virus.

For these reasons, MBIA respectfully requests the Committee give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the Senate Judicial Proceedings Committee