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January 26, 2021

The Honorable William C. Smith, Jr.
Chairman of the Judicial Proceedings Committee
Miller Senate Office Building
Annapolis, Maryland 21401

**RE: Maryland Legal Aid Written Testimony in Support of SB 130 –
Landlord and Tenant – Failure to Pay Rent – Fee Limit During
Emergencies**

Dear Mr. Chairman and Members of Committee:

Thank you for the opportunity to testify in support of this important bill. Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State'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 child custody barriers, housing, a driver's license, and employment. Maryland Legal Aid supports SB 130 and asks that this committee give it a favorable report.

This letter serves as notice that Harrison Mont, Esq. will testify in support of Senate Bill 130 on behalf of Maryland Legal Aid at Senator Shelly Hettleman's request. This bill seeks to protect and promote housing stability for Maryland families during the COVID-19 global pandemic and any future events that cause a state of emergency. This bill prohibits charging late fees for rent for tenants impacted by a state of emergency. This law would provide relief for families facing economic hardship and provide them a path for recovery after the emergency period has ended. It would also protect the human right to safe and secure housing as outlined in the International Covenant on Economic, Social, and Cultural Rights.

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Times of emergency are unpredictable, and tenants should not be further punished for the unforeseeable impacts caused by catastrophic events. The COVID-19 emergency has severely impacted Maryland renters like renters in all states around this country. Many are having great difficulty paying their rent on time because of the economic disruption caused by the pandemic for workers throughout the economy. SB 130 ensures that those most impacted by an emergency are not responsible for late fees. The bill only applies to “impacted tenants,” which is defined as a tenant who has suffered a job loss or a loss of income of at least 50% during the state of emergency. A landlord is also allowed to request documentation regarding a tenant’s impacted status, further assuring that this bill will genuinely help those whose circumstances require it. Maryland Legal Aid recommends that this language change from “a reduction of household income of at least 50%” to “a substantial loss of income”. This change protects low-income families who are more impacted by income reductions than higher-income families.

Late fees are a tremendous burden on renters in even normal circumstances. At Maryland Legal Aid, we often have clients with outstanding late fees associated with their rent. These tenants cannot afford to pay a late fee in addition to rent. We have had clients who continue to pay their rent for years but have had difficulty paying it on time, who have amassed thousands of dollars in late fees. This reality for many tenants is a manifestation of the affordable housing crisis in Maryland. MLA clients have told us that affordable housing is the leading problem for low-income tenants in Maryland. With the pandemic, many are unsure when they might find sustaining employment soon. These people need time to recover without the burden of months of accumulating late fees. Further damaging these Marylanders by burdening them with late fees will only make society’s recovery more difficult and delay returning to normalcy. For those suffering the most during this pandemic, being late on rent is something they could not avoid, and their suffering should not be increased by the additional debt incurred as a result of late fees.

Maryland Legal Aid’s responsibility is to serve indigent Marylanders’ legal needs, but our mission is the advancement of Human Rights and Justice for All. This mission encompasses the right to safe and habitable housing. However, it also includes the right to equality before courts and tribunals and the equal protection of the law as enshrined in Articles 14 and 26 of the International Covenant on Civil and Political Rights. Punishing tenants impacted by emergencies like the COVID-19 pandemic is not justice—it is cruel and unfair. SB130 prevents this injustice and provides housing stability for impacted tenants.

Thank you for your consideration of this written testimony. For the reasons stated above, MLA urges a favorable report on SB130.

15/ Harrison Mont

Harrison Mont, Esq.

Staff Attorney

Maryland Legal Aid