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HB 729 - Landlord and Tenant - Eviction Actions - Filing Surcharge and Prohibited Lease Provisions

In House Judiciary Committee on Feb. 17, 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 attorneys work at the frontline of eviction defense in the district court's "Failure to Pay Rent" eviction dockets, known colloquially as "Rent Court," in which well over 600,000 eviction cases are processed annually. In FY 2019, with just under 670,000 eviction actions, there were 5 eviction cases filed for every one of Maryland's cost-burdened households - meaning, those that pay 35 percent or more of income toward housing costs. These Marylanders face not only the challenge of unaffordable housing, but also a legal system that, by design, offers landlords a cheap, easy tool for debt collection under threat of loss of housing. HB 729 takes the "cheap" out of the equation.

Our client **Shavon Stewart** represents just one Maryland family caught in the churn of serially filed, cheap "Failure to Pay Rent" cases. She supports this legislation. This is her story:

I have rented at my current residence in Baltimore City since June 2015. Over the past few years, I have become backed up on rent due to loss in income and wage garnishments. I have been continually charged excessive fees, including late fees and "Rent Court" fees, ever since I began to fall behind on rental payments. Throughout the years, whenever I sought rental assistance or eviction prevention assistance, my landlord and management always refused to cooperate, which prevented me from getting the help I needed.

From 2017 to 2019, my family and I experienced real, significant financial hardship and faced both the threat of eviction along with wage garnishments on my paycheck. Even with all of this going on, I always paid my landlord rent and any fees, as timely as possible. I had to file for bankruptcy in May 2019, and I let the property management know that I did not include them in my bankruptcy to make sure that they received all payments. Yet, **the whole time I went through the bankruptcy process, my landlord continued to file Failure to Pay Rent complaints month after month. During this time, I received multiple default judgments due to not being able to attend court hearings every month while balancing obligations to my family and employment.**

It was difficult to continue working to pay back my rent balance under the burden of multiple court hearings again and again. I have continued to make payments on every eviction notice sent to me during my tenancy, year after year.

*Over **12 months**, from September 11, 2018, to September 12, 2019, Ms. Stewart's landlord filed **9 evictions actions** against her for late payment of rent.*

In early April 2020, I informed my property manager that my income was affected by the ongoing pandemic and that I was not able to work overtime. At the time, she stated she understood. I later told them in October 2020 that I was starting to work overtime to catch up on rental payments and pay off my outstanding balance. At the end of the year, my family faced multiple hardships. My cousin became sick during the month of November and later died in beginning of December. My mother, who is the co-signer on my lease and was my cousin's guardian, worked to support my cousin through her illness and later passing. **My landlord knows all the hardships I have faced during the COVID-19 pandemic and still increased the pressure on me by filing Failure to Pay Rent cases against me.**

Finally, I received a notice of lease termination in the last week of 2020. At that point, I attempted to reach out to the property management repeatedly, for weeks. Finally, I was told that even though my income was affected by COVID-19, the landlord could take back the property at any time. As a result of my lease termination, I began looking for new places for my family to live, but **I have faced significant difficulties finding a new home both due to my limited income and to the long history of over twenty Failure to Pay Rent cases against me.** My landlord has also refused to provide me with a reference to future management companies.

HB 729 would support tenants like myself, who have fallen behind on rent due to extenuating circumstances and are making honest attempts to catch up on rent. In my experience, the numerous Failure to Pay Rent complaints filed against me, and the corresponding fees, made it nearly impossible to pay off my outstanding balance. If my landlord had any incentive to work out a payment plan or cooperate with a rental assistance program, I might have been able to catch up years ago. I am instead caught in a cycle where constant court hearings and filings fees make it more and more difficult for me to catch up. Now, this court history is affecting my ability to find a safe and stable home for family. **I respectfully ask that you to vote yes on HB 729.**

Please issue a report of FAVORABLE on HB 729. If you have any questions, please contact Zafar Shah, shahz@publicjustice.org, (410) 625-9409 Ext. 237.

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