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March 11, 2021

To: The Honorable Luke Clippinger
Chair, Judiciary Committee

From: Kira Wilpone-Welborn
Consumer Protection Division

Re: House Bill 1346 – Landlord and Tenant - Eviction Proceedings - Catastrophic Health
Emergencies (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General (the “Division”) supports House Bill 1346 that allows tenants to plead, as an affirmative defense in failure to pay rent and breach of lease eviction actions during Catastrophic Health Emergencies, that they have had a substantial loss of income.

Landlord-tenant complaints are consistently among the top complaints received each year by the Division. As the COVID-19 Pandemic has further exacerbated housing insecurity, the Attorney General established the Access to Justice Task Force (“Task Force”) to study and recommend revisions to Maryland laws and procedures that will combat the economic and housing instability exacerbated by the COVID-19 Pandemic.¹ As the Task Force reported, “[a]cross Maryland, people cannot afford their rent. An estimated 160,000 to 240,000 renter households in Maryland could be unable to pay rent and are at risk of eviction by January 2021. That number could reach 320,000 by the end of 2021.” (Report at 18). As a result, among the Task Force’s central recommendations to ensure Marylanders remain housed during the Pandemic was eviction process reforms that would improve tenant defenses to eviction. House Bill 1346’s affirmative defense for substantial loss of income would allow tenants to assert a valuable defense to eviction and remain housed during Catastrophic Health Emergencies.

¹ See “Access to Justice Commission Final Report”
https://www.marylandattorneygeneral.gov/A2JC%20Documents1/AG_Covid_A2J_TF_Report.pdf

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For the stated reasons, the Consumer Protection Division supports House Bill 1346, and requests the Judiciary Committee provide a favorable report.

cc: The Honorable Luke Clippinger
Members, Judiciary Committee