



Bill Title: House Bill 1346, Landlord and Tenant - Eviction Proceedings - Catastrophic Health Emergencies

Committee: Judiciary

Date: March 15, 2021

Position: Favorable with Amendments

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities. Our members house over 538,000 residents of the State of Maryland. MMHA also represents over 250 associate member companies who supply goods and services to the multi-housing industry.

Under House Bill 1346, a court may not give a judgment for possession or repossession, or issue a warrant for restitution of possession or repossession of residential, commercial, or industrial real property under § 8–401 or § 8–402.1 of the Real Property Article if the tenant can demonstrate to the court, through documentation or other objectively verifiable means, that the tenant suffered a substantial loss of income. This title shall otherwise remain in full force and effect during a declared catastrophic health emergency.

MMHA supports the intent of House Bill 1346, which closely aligns with the Governor’s Executive Order allowing for an affirmative defense at a failure to pay rent proceeding. While House Bill 1312 as amended incorporates much of House Bill 1346, this legislation is overly broad. The bill captures all eviction proceedings, including those emergency breaches of lease where a dangerous resident could threaten or be a threat to the community. Consistent with this, the District Courts, despite being in Phase II, have continued to hear and enter judgements on emergency breaches of leases and wrongful detainers matters. Residential housing providers need to protect our ability to address these circumstances.

MMHA suggests the following amendments:

Amendment No. 1

On page 3, in line 13, after “(2)” add “(a)”

Amendment No. 2

On page 3, in line 18, after “INCOME” insert “AND AN INABILITY TO PAY.”

Amendment No. 3

On page 3, after line 18, add “(b) NOTHING IN THIS SECTION SHALL PREVENT A COURT FROM ENTERING A JUDGMENT FOR POSSESSION UNDER SECTION 8-402.1 (a) (1)(i) OR SECTION 14-132 OF THE REAL PROPERTY ARTICLE.”



For these reasons, we respectfully request a favorable report with amendments on House Bill 1346.

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