



Bill No: HB 697-- Residential Property - Eviction Proceedings - Shielding of Court Records

Committee: Judiciary

Date: 2/17/2021

Position: Oppose

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.

House Bill requires court to shield court records at the commencement of an action. If a court issues a warrant of restitution or warrant of possession to a party to an action, the court must cease shielding the court records associated with the action unless, not more than 5 days after the issuance of the warrant, the parties submit to the court a written statement expressing mutual agreement to the continued shielding of the court records. The bill also mandates that a record shielded under this section may be made available for inspection only by written request mutually agreed to by the parties or order of the court based on compelling need.

AOBA opposes this bill because reviewing previous court records, particularly failure to pay rent actions, is a valuable tool for housing providers. A negative rental history does not, in and of itself, preclude leasing of an apartment and several AOBA members take on riskier residents and those with lower credit scores. However, housing providers find it important to review an accurate depiction of prospective resident's rental history and court history—particularly as related to failure to pay rent actions. By shielding court records at the commencement of an action, should an applicant come to an apartment seeking rental housing as soon as they are served eviction notice, the housing provider will have no way of knowing they are in the middle of an eviction proceeding. This prohibits a housing provider from making an informed decision about an applicant. If the eviction is for a non-financial reason, such as disorderly conduct or an emergency eviction, this could put an apartment community in jeopardy.

For these reasons AOBA requests and unfavorable report on HB 697.

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