



House Bills 112, 1008, and 697
Before the House Judiciary Committee
Feb. 17, 2021

Position: FAVORABLE

Renters United Maryland (RUM) is a statewide coalition of independent non-profit, legal services, and community-based organizations. We stand on the principle that housing is a human right that is critical to an individual's quality of life, the health of families, and the prosperity of communities.

The effort to legislate the shielding and sealing of eviction records is a growing movement nationwide. Since 2019, Massachusetts, Colorado, Nevada, and the District of Columbia have all proposed legislation to seal eviction records. These jurisdictions have recognized that sealing and shielding records is not only a matter of protecting tenants' rights, but also an issue of racial justice – particularly for Black women, who face disproportionate levels of eviction both locally and nationwide.¹

In a 2015 survey conducted by the Public Justice Center, ninety four percent (94%) of participant tenants who appeared for rent court in Baltimore City identified as African-American or Black, and eighty percent (80%) identified as women.² These numbers play out similarly with evictions in Baltimore City – a Black female-headed household is 296% more likely to be evicted there than a white male-headed household.³ As stated by Matthew Desmond in a 2014 report on the state of evictions in Milwaukee, “[p]oor black men are locked up while poor black women are locked out.”⁴ Shielding and sealing records are a powerful solution that work together to mitigate the harm of evictions and ensure that tenants are able to secure alternate housing and avoid homelessness.

¹ STOUT RISIUS ROSS, LLC, THE ECONOMIC IMPACT OF AN EVICTION RIGHT TO COUNSEL IN BALTIMORE CITY (2020), https://bmorerentersunited.org/wp-content/uploads/2020/05/Baltimore-RTC-Report_FINAL_5.8.2020.pdf; Matthew Desmond, “Poor Black Women Are Evicted at Alarming Rates, Setting Off a Chain of Hardship” (2014), https://www.macfound.org/media/files/hhm_-_poor_black_women_are_evicted_at_alarming_rates.pdf; ACLU, “Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color,” <https://www.aclu.org/news/racial-justice/clearing-the-record-how-eviction-sealing-laws-can-advance-housing-access-for-women-of-color/>.

² PUBLIC JUSTICE CENTER, JUSTICE DIVERTED: HOW RENTERS ARE PROCESSED IN THE BALTIMORE CITY RENT COURT (2015); <https://abell.org/sites/default/files/files/cd-justicediverted216.pdf>

³ STOUT RISIUS ROSS, LLC, THE ECONOMIC IMPACT OF AN EVICTION RIGHT TO COUNSEL IN BALTIMORE CITY (2020), https://bmorerentersunited.org/wp-content/uploads/2020/05/Baltimore-RTC-Report_FINAL_5.8.2020.pdf

⁴ Matthew Desmond, “Poor Black Women Are Evicted at Alarming Rates, Setting Off a Chain of Hardship” (2014), https://www.macfound.org/media/files/hhm_-_poor_black_women_are_evicted_at_alarming_rates.pdf

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RUM strongly supports HB 112, HB 1008, and HB 697 as critical measures to protect renters' privacy, allow easier access to safe and stable housing, and promote racial justice. We believe the combination of shielding and sealing bills achieves that goal.

Support – HB 112 – Evictions Proceedings – Sealing of Court Records

HB 112 would allow for the sealing of eviction records after entry of judgment. Under current law, all eviction records are public record, regardless of the outcome of the case and no matter how long it has been since disposition or resolution of the case. This can create significant barriers for tenants searching for new housing, especially for tenants who may need to move quickly due to unsafe conditions in their home.

HB 112 seeks to change that structure and instead provides for sealing of all court records in eviction actions on a specific timetable based on the disposition of the case. If an eviction action is dismissed or judgment is entered in favor of a tenant, court records associated with that action will automatically be sealed after 30 days. This means that a case filed against a tenant where the tenant prevailed or a dismissal was entered is not held against a tenant in their efforts to find housing in the future.

For tenants whose landlord prevails in a landlord-tenant action, HB 112 currently states that the record would be sealed in three years if there are no further evictions actions filed against the tenant in that three year time frame. We understand after conversation with the bill sponsor that this will be amended to state that the record will be sealed in three years, regardless of further action against the tenant, and we support such an amendment.

If a tenant wishes to have an adverse judgment against them sealed prior to the three-year mark, HB 112 also provides a limited avenue to sealing these records at any time. These exceptions include cases where a tenant could have had a valid defense as a survivor of domestic violence, sexual assault, or stalking; where the action against them was retaliatory; or a settlement agreement was entered and the landlord did not recover possession of the premises. These exceptions make sense for tenants who may have been unable to appear in court to defend their case and still need the protection that sealing would provide.

Support – HB 1008 – Failure to Pay Rent Proceedings – Sealing of Court Records

HB 1008 would also allow for the sealing of eviction records in failure to pay rent cases. For many tenants, having an eviction on their record – even if the case was ultimately dismissed or the court ruled in the tenant's favor - will adversely affect their ability to rent another property or access affordable housing opportunities in the future. The prevalence of nonpayment of rent filings in Maryland, which are often used as a debt collection tool in Maryland, makes the threat of losing out on housing opportunities based on failure to pay rent filings very real for many tenants. Indeed, a study by the firm Stout Risius Ross, LLC found that 115 eviction actions were

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filed for every 100 renter households in Baltimore City⁵. Like HB 112, HB 1008 proposes to seal records on a specific timetable based on the disposition of the case. For cases that are dismissed or where judgment is entered in favor of the tenant, the bill proposes to seal the eviction record 30 days after that final disposition.

For tenants whose landlord prevails in a failure to pay rent action, HB 1008 provides for the sealing of the record if the tenant demonstrates that either: 1) the tenant exercised the right of redemption (“pay to stay”) and one year has passed since the judgment was entered; or 2) the interest of justice is served by sealing the record of the adverse judgment. Having the opportunity to seal these records after one year will open the door to opportunities that were once closed to many tenants.

Support – HB 697 – Eviction Proceedings – Shielding of Court Records

HB 697 would allow for the shielding of actions for possession due to nonpayment of rent and ground rent, including for mobile home parks. Shielding of eviction records, though similar, is different from sealing. Eviction records that are shielded by the courts are removed, either physically or electronically, and literally shielded from public view. HB 697 proposes to keep eviction records shielded from the time the action is filed until a warrant is issued, unless the parties agree to a longer time frame. Shielding records is essential to give tenants the opportunity to secure new housing and avoid eviction and homelessness. The Homeless Persons Representation Project, Inc. (HPRP) recently represented a tenant, Tamara, who was attempting to reach a settlement with her landlord in a pending breach of lease case by agreeing to move to a new location. However, every time Tamara applied to a new rental property, the landlord of that property would see that she had an open eviction case and would reject her application, making it impossible for Tamara to reach a resolution with her current landlord that would be favorable to both parties. If Tamara’s record had been shielded from public view during the pendency of the eviction case, prospective landlords would have evaluated her rental application based on references from her current landlord and the merits of her application, rather than based on a case that was pending dismissal.

HB 697 would protect clients like Tamara who are trying to move forward and secure safe, stable housing.

The undersigned members of Renters United Maryland urge a favorable report on HB 112, HB 1008, and HB 697.

⁵ STOUT RISIUS ROSS, LLC, THE ECONOMIC IMPACT OF AN EVICTION RIGHT TO COUNSEL IN BALTIMORE CITY (2020), https://bmorerentersunited.org/wp-content/uploads/2020/05/Baltimore-RTC-Report_FINAL_5.8.2020.pdf.

Homeless Persons Representation Project, Inc.
Public Justice Center
Maryland Center on Economic Policy
Maryland Legal Aid
CASA
Maryland Consumer Rights Coalition
Jews United for Justice
Arundel Community Development Services, Inc.
University of Baltimore Civil Advocacy Clinic
Santoni, Vocci, and Ortega, LLC
Maryland Access to Justice Coalition
Strong Future Maryland
Montgomery County Renters Alliance, Inc.
Communities United
Right to Housing Alliance

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