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February 15, 2021

The Honorable Luke Clippinger  
Chair, Judiciary Committee  
House Office Building  
Annapolis, Maryland 21401

**RE: Maryland Legal Aid Written Testimony in Support of HB 52 –  
Alterations in Actions for Repossession and Establishment of  
Eviction Diversion Program**

Dear Chairman Clippinger and Committee Members:

Thank you for the opportunity to provide testimony in support of this important bill. Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to Maryland's low-income and vulnerable residents. MLA handles civil legal cases involving a wide range of issues, including family law, housing, public benefits, consumer law (e.g., bankruptcy and debt collection), and criminal record expungements to remove barriers to obtaining child custody, housing, a driver's license, and employment. Maryland Legal Aid supports House Bill 52 and asks that this committee give it a favorable report.

This letter serves as notice that Gregory Countess, Esq. will testify on behalf of MLA in support of HB 52 at Delegate Wanika Fisher's request. HB 52 reforms the eviction process by requiring landlords to provide notice of past rent due, providing time for negotiation, and providing tenants with notice of legal and rental assistance available to them. Further, the bill encourages parties to resolve disputes, requires courts to allow defenses and counterclaims relating to rent claimed owed, and extends the appeal period so that it corresponds to the appeal period granted in other landlord-tenant actions. Finally, HB52 extends the time the court can consider blocking an eviction, if the action would harm the health of the tenant and others who reside in the residence.

HB 52 would acknowledge current realities in terms of the time between filing a Failure to Pay Rent complaint and the scheduling of a hearing. MLA's housing attorneys and paralegals had not observed, pre-pandemic, any hearings taking place within five days of filing the complaint as current law requires. Nor have MLA advocates observed the Sheriff serving tenants within three days. In 2012, there were 614,735 Failure to Pay Rent cases filed in Maryland. Maryland Legal Aid conducted a study in 2012 that examined at rent court to see whether it

met basic due process standards. This study of 2012 rent court practices looked at default judgments, and found that in 14.3% of the courts' default judgments in Maryland, there was no service to the tenant. This study included a sampling of cases from across the state. Lack of service is a problem in jurisdictions throughout the state- one cause of this problem is that there is not enough time for the heavily burdened Sheriff Departments to serve all the Failure to Pay Rent Complaints within the time specified by law. Therefore, tenants are in jeopardy of not receiving sufficient notice, and are deprived of their due process.

Housing is health; this is true even in pre-pandemic times. Health and safety issues such as mold, rodent and insect infestation, and licensing issues caused by some landlords' unwillingness to comply with the promulgated laws are endemic throughout Maryland. From an Annapolis landlord's failure to adhere to licensing requirements, where tenants faced the devastating consequences of mold and rodent infestation in their housing, to an unlicensed Baltimore City landlord attempting to unlawfully collect rent, the many jurisdictions throughout the state require a process that allows tenants to litigate their claims fully.

In the two examples above, MLA advocates had to exert extraordinary legal advocacy efforts to resolve these problems. Yet these cases are not outliers. They are, in many cases, the norm. The method envisioned by HB52 provides for a more equitable process that encourages negotiated resolutions, while allowing landlords to repossess their premises if rent remains unpaid.

Housing is a human right. Article 25 of the Universal Declaration of Human Rights declares that “[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including...housing...” For this right to be fully realized, the housing must be safe and adequate for human habitation, and must provide for the inhabitants to live “in security, peace, and dignity.”<sup>1</sup> In other words, four walls and a floor are not enough, and it is the state's responsibility to ensure that its residents' right to live in secure and adequate housing is protected.

HB 52 would be a critical affirmative step in improving and strengthening the current protections in Maryland law for tenants when the properties they are renting have unrepaired conditions that threaten their health and safety. It also helps to ensure that tenants have the full opportunity to redeem their premises for the amount of rent truly owed.

For these reasons, Maryland Legal Aid urges a favorable report on HB 52.

/s/ Gregory Countess  
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<sup>1</sup> Committee on Economic, Social, and Cultural Rights, General Comment 4 , U.N. Doc. E/1992/23 (1991)