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February 17, 2021

The Honorable Luke Clippinger
Judiciary Committee
Room 101, House Office Building
Annapolis, Maryland 21401

**RE: Maryland Legal Aid's Testimony in Support of House Bill 112 - Eviction Proceedings
- Sealing of Court Records**

Dear Chair Clippinger and Members of the Committee:

Thank you for the opportunity to testify in support of HB 112. Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. MLA's 12 offices serve residents in each of Maryland's 24 jurisdictions. MLA handles various civil legal matters, 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 strongly supports HB 112 and ask that the committee gives it a favorable report with the amendments outlined below.

This letter serves as notice that Gregory Countess, Esq. will testify in support of House Bill 112 on behalf of MLA at Delegate Henson's request. This bill allows for the sealing of court records related to eviction proceedings. It requires the District Court to seal court records 30 days after the final disposition of the eviction proceeding if the result is in favor of the tenant and three years after disposition if a judgment is entered in favor of the landlord. There is an exception, which will be addressed below.

Currently, there is no mechanism in Maryland law for the sealing of eviction proceedings under any circumstances. As such, these records remain open to the public for inspection indefinitely. The unlimited access to court records related to eviction proceedings can serve as an obstacle to many low-income clients looking to secure housing, employment, and other basic human needs. The record of a breach of lease action against a tenant remains available for any future landlords or employers to review, even if the Judge ruled in favor of the tenant. Even when ruled in favor of the tenant or a landlord's filing that the court finds to be retaliatory, a failure to pay rent action remains open to the public for inspection. As a result, all eviction proceedings mark a renter's record permanently, regardless of the outcome or length of time that has passed.

This bill expands the opportunities for low-income citizens to become employed and secure housing. Employers and landlords often utilize the public website maintained by the Maryland Judiciary to screen individuals. MLA clients recount that employers do not give much deference to the eviction proceeding's disposition but instead focus on the allegations in the landlord's filing or the mere fact that a case was filed. The limited information available in the publicly searchable databases cannot provide adequate detail to evaluate a tenant's history. Clients consistently convey a sense of hopelessness and discouragement in their ability to obtain gainful employment or stable housing due to the mere filing of an eviction proceeding being publicly

available and accessible. This bill will directly impact many MLA clients and help remove obstacles for people seeking to better themselves, their families, and the community.

MLA supports this bill but seeks an amendment to remove the exception under section (B)(2) and strike the language in (B)(1)(II) that states, “[e]xcept as provided in paragraph (2) of this subsection.” This exception takes away from the statute’s purpose and will delay low-income Marylanders’ ability to access opportunities.

Under the exception in section (B)(2), a judgment against a tenant in an eviction proceeding would not be sealed if a landlord files an action against that tenant during the three years following the initial judgment. An example of how this exception would operate is as follows: the landlord obtains a judgment against Tenant A for non-payment of rent on June 15, 2017. Tenant A pays the judgment and costs on June 20, 2017, thereby redeeming the property. Tenant A has zero issues for the next two years and 11 months until May 15, 2020, when the landlord files a non-payment of rent action against Tenant A. At the hearing in May 2020, Tenant A provides a receipt showing that rent was indeed paid, and the landlord agrees and says it was a mistake to file. The case is dismissed. Under this hypothetical, the judgment against Tenant A for non-payment of rent cannot be sealed for “3 years after the most recent final order or judgment in an eviction proceeding...” until May 23, 2023. This example demonstrates how the exception undermines the purpose of the statute.

Eviction proceedings do not tell the full story of an individual. They tell the landlord’s perception of a narrow window of time in a renter’s life. A person’s life and circumstances change over time. This bill would encourage and empower individuals and show them that their past will not become a permanent bar to their future endeavors.

Thank you for your consideration of this written testimony. **Maryland Legal Aid urges a favorable report on House Bill 112 with amendments outlined above.**

/S/ Gregory Countess

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