

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Sara Elalamy
410-260-1561
RE: House Bill 697
Residential Property – Eviction Proceedings – Shielding of Court
Records
DATE: February 1, 2021
(2/17)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 697. This legislation requires the court to shield, on the commencement of the action, any court record associated with an action brought under Subtitle 4 of the Real Property Article, as well as §§ 8-807 and 8A-1703 of the Real Property Article involving residential property.

The Judiciary's primary objection is that there is no discernible way to identify these records. They are voluminous and not currently digitized, making the provisions of this bill unworkable. This legislation requires the court to link and track previous landlord/tenant cases, which the court does not have the ability to effectively complete. Each case would have to be investigated to determine if there were previous related cases. The court does not currently have the manpower needed to accomplish the required tracking, especially in the three large counties that are not yet incorporated into the MDEC system, where each case would have to be manually investigated. This bill seeks to impose a nearly impossible and expensive burden on the clerk's office.

Additionally, it is not clear whether this legislation applies to all actions for repossession of residential property under Subtitle 4 of the Real Property Article, as well as to actions brought under §§ 8-807 and 8A-1703 of the Real Property Article involving residential property, or only to actions brought under §§ 8-807 and 8A-1703 of the Real Property Article.

cc. Hon. Nicole Williams
Judicial Council
Legislative Committee
Kelley O'Connor