



Bill No: HB 1346-- Landlord and Tenant - Eviction Proceedings - Catastrophic Health Emergencies

Committee: Judiciary

Date: 3/15/2021

Position: Favorable w/ Amendments

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 1346 establishes that a substantial loss of income due to a declared catastrophic health emergency is an affirmative defense to an eviction proceeding against certain residents for the failure to pay rent. The bill prohibits the District Court from entering a judgment for possession or repossession under § 8-401 or § 8-402.1 of the Real Property Article, if the resident can demonstrate a substantial loss of income.

AOBA supports the goal of HB 1346 and believes an affirmative defense for failure to pay rent eviction cases is appropriate during unprecedented times, such as this COVID-19 pandemic. However, as drafted we believe this bill may unintentionally capture all eviction proceedings, including emergency breaches of lease where a resident could threaten community safety. The District Courts recognize how serious these matters can be, and despite being in Phase II operations, have continued to hear and enter judgements on emergency breaches of leases and wrongful detainers matters. Housing providers must protect the ability to address these dangerous circumstances.

We also request the Committee consider that one household member's "substantial loss of income" does not necessarily impede a household's ability to pay the rent. Language to clarify that that a household must demonstrate an inability to pay the rent would be helpful.

Please see AOBA's amendments below:

Amendment No. 1

On page 3, in line 18, after "INCOME" insert "AND AN INABILITY TO PAY."

Amendment No. 2

On page 3, after line 18, add “(b) NOTHING IN THIS SECTION SHALL PREVENT A COURT FROM ENTERING A JUDGMENT FOR POSSESSION UNDER SECTION 8-402.1 (a) (1)(i)(2) B OR SECTION 14-132 OF THE REAL PROPERTY ARTICLE.”

For these reasons AOBA requests a favorable with amendment report on HB 1346.

For further information contact Erin Bradley, AOBA Vice President of Government Affairs, at 301-904-0814 or ebradley@aoba-metro.org .