



TO: Judiciary Committee

FROM: Maryland Multi-Housing Association

SUBJECT: HB 1070 - Baltimore City – Landlord and Tenant – Repossession for Failure to Pay Rent

DATE: March 3, 2021

POSITION: Favorable with Amendments

This testimony is offered on behalf of Maryland Multi-Housing Association (MMHA). We are a professional trade association established in 1996, whose members consists of owners and managers of more than 210,000 rental housing homes in over 870 apartment communities. Our members house over 556,000 residents of the State of Maryland and we have 250 associate member companies who supply goods and services to the multi-housing industry. Lastly, MMHA members manage 271 apartment communities with over 48,400 units in Baltimore City.

MMHA has had several very productive working meetings with the Sponsor to craft meaningful amendments to the Baltimore City Public Local Law regarding repossession of rental property when a tenant has failed to pay rent. This is a process that for over 40 years in this City has struck a balance between the interests of both tenants and the landlords. Recently in Article 13 of the Baltimore City Code, the City Council enacted a law requiring landlords to provide a list of legal services providers to tenants with their leases and mandating that the City Sheriff provide the same list when mailing Failure to Pay Rent actions. MMHA supported that enactment.

MMHA supports the Sponsor’s goals, although MMHA has suggested amendments. We look forward to continuing to work on this Bill with the Sponsor and the Committee.

AMENDMENT ONE:

Page 2 line 33 after the word SHALL STRIKE THE WORD “SERVE” and add the following word “PROVIDE”

Lines 37-38 through page 3 lines 1-5 strike the current language and replace with the following:

- (I) ELECTRONIC MAIL REQUESTING A DELIVERY RECEIPT TO AN EMAIL ADDRESS PROVIDED BY THE TENANT OR TO A TENANT PORTAL PROVIDED BY THE LANDLORD
- (II) TEXT MESSAGE TO A CELL PHONE NUMBER PROVIDED BY THE TENANT
- (III) FIRST CLASS MAIL WITH CERTIFICATE OF MAILING, OR
- (IV) POSTED ON A CONSPICUOUS PART OF THE PREMISES WITH PROOF OF SUCH POSTING BEING RETAINED BY THE LANDLORD



AMENDMENT TWO:

On Lines 16-17 strike the words “WHICH” through “REFUSE” and replace the number “14” with the number “5” and strike the words “SERVICE OF” and add after the word “NOTICE” the words OF DEFAULT HAS BEEN PROVIDED BY ONE OF THE METHODS ENNUMERATED IN SECTION (1)

AMENDMENT THREE:

Strike Page 3, Lines 25-28 and On Page 4, Strike lines 1 – 10 *NOTE number 4 -lines 8-10 is already covered by Baltimore City Code Article 13, Section 7-3 attached.*

AMENDMENT FOUR:

On Page 4, Line 12 replace the number “15” with the number “6” and strike the words “SERVICE OF” and add after the words “OF DEFAULT” ADD the words HAS BEEN PROVIDED BY ONE OF THE METHODS ENNUMERATED IN SECTION (1)

On Page 4, line16 after the word “City” add the words “ON MARYLAND DISTRICT COURT FORM DC-DV-082 FAILURE TO PAY RENT/LANDLORD’S COMPLAINT FOR REPOSSESEION OF RENTED PROPERTY”

And strike after (B) on Line 17-31 through Page 5, Lines 1- 30

note that all of these items are provided for on the Form DC CV 082 and that paragraph (6) of the Bill is covered by HB 49 pending in this Session and that paragraph (7) is covered by HB 523 pending in this Session.

On Page 4, line 17 after (B) Add the following words:

IF THE LANDLORD PROVIDES A COPY OF THE NOTICE REQUIRED BY SECTION 9-2, HEREIN, THERE IS A REBUTTABLE PRESUMPTION THAT THE TENANT WAS NOTIFIED.

(C) IF THE DISTRICT COURT FINDS THAT THE LANDLORD DID NOT PROVIDE THE NOTICE REQUIRED BY SECTION 9-2, HEREIN THE DISTRICT COURT SHALL DISMISS THE LANDLORD’S COMPLAINT.

On Page 6 Line 9 change “personal Delivery “to FIRST CLASS MAIL since constitutional due process requires both mailing and posting; (it does not require certified mail)

On lines 10-11 Delete this per above, change (III) to (II)

Delete lines 14-18 as these are already covered by constitutional due process standards

On line 21 Delete the words “and certified mail”

For the reasons above, MMHA requests a favorable report with amendments on House Bill 1070.

For more information, please contact Katherine Kelly Howard, Legislative Committee Co-Chair 410 539 2370