



February 17, 2021

House Bill 112

Residential Property – Eviction Proceedings – Sealing of Court Records

Judiciary Committee

Position: Favorable

Thank you for the opportunity to provide testimony in support of House Bill 112, **legislation that would help ensure that Maryland renters are not negatively affected by court records of eviction that may not accurately reflect the renters' rental history.** Arundel Community Development Services, Inc., (ACDS) serves as Anne Arundel County's nonprofit housing and community development agency, helping Anne Arundel County residents and communities thrive through the provision of safe and affordable housing opportunities, programs to prevent and end homelessness, and community development initiatives. ACDS administers grants to nonprofit partners, directly develops and implements programming, and advises the County on housing and community development policy initiatives.

Our agency's direct programming includes implementation of Anne Arundel County's Emergency Rental Assistance Program as well as a robust first time homebuyer counseling program. **We have seen the negative impact that public access to court filings on eviction cases can have on Maryland renters and potential homebuyers.** A list of eviction filings very often forecloses a renter's options for finding a rental property, and also can result in delayed mortgage loan approvals and/or high interest rates on mortgage loans. **This is so regardless of the outcome of the cases, assuming the outcome can even be ascertained.**

Preliminarily, it should be noted that **eviction cases are not treated equally throughout the State when it comes to which cases are made easily accessible for public view.** While access to the eviction filings in any given county are accessible by physically going to the courthouse and asking the clerk for specific files, as a practical matter, a search for a renter's court record will be by a search on Maryland Judiciary Case Search (MJCS). MJCS is Maryland's online portal for viewing court filings; it has an easy to use search-by-name option. Here's where the inequality comes in: whether (and when) an eviction case gets posted to MJCS is totally dependent upon the jurisdiction *where* the case was filed and heard, and *how busy the clerks are* in any given jurisdiction at any given time. In Anne Arundel County, for example, Failure to Pay Rent cases rarely make it to MJCS before they are heard but most often show up at some point after the hearing. In Baltimore City, by contrast, Failure to Pay Rent cases are not entered on MJCS at all. As a result, **a MJCS search for eviction filings against an Anne Arundel County renter with five eviction cases filed against them may show all five filings, whereas a search for eviction filings against a Baltimore City renter with five eviction cases filed against them would show none.**

Setting aside the fact that records may or may not have been uploaded to MJCS, particularly with Failure to Pay Rent cases, **it is more often than not impossible to ascertain the outcome of the case from the information entered on MJCS.** In many, if not most, instances, the conclusion of the case is just listed as “Landlord-Tenant Disposition.” With that as the last entry on a case, there is no way of knowing if the case was dismissed because it lacked merit or the tenant actually paid, or whether the landlord actually received a judgment for possession. This is a huge problem for tenants where the landlords consistently file failure to pay rent cases early in the month, regardless of the tenant’s consistent payment (even if a few days late). **What potential landlords see is a long list of filings, but there is nothing to indicate that those filings may have all resulted in dismissals.** This leads to refusals to rent to that tenant, even if the tenant has never been evicted, and even if the tenant has always ultimately paid their rent.

House Bill 112 would **prevent the possibility for the negative inference drawn by the mere presence of eviction cases on a renter’s record** by ensuring that if a landlord has not obtained a judgment for possession within 30 days of filing, the eviction case will be shielded from public view. This will ensure that those eviction cases showing up when a potential landlord, mortgage company, employer, etc., do a name search for a prospective tenant, borrower, employee, an accurate picture of the person’s rental history will be found. A list of filings that did not result in eviction or judgment for the landlord will prevent the “where there’s smoke there’s fire” inference that so often has negative consequences for Maryland renters.

This bill also **provides for the possibility for shielding older cases where a landlord has obtained a judgment.** Absent this possibility, tenants face an uphill climb to find housing, even after they have turned their financial situation around. Current law does not specifically allow for shielding of prior eviction cases. Although motions to shield prior eviction cases are filed, they are granted or denied somewhat inconsistently, depending on judge and jurisdiction.

For the reasons noted above, we urge a FAVORABLE report on HB 112.

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