



**STATEWIDE
ADVOCACY SUPPORT UNIT**

Cornelia Bright Gordon, Esq.
Director of Advocacy
for Administrative Law
(410) 951-7728
cbgordon@mdlalab.org

Gregory Countess, Esq.
Director of Advocacy
for Housing & Community
Economic Development
(410) 951-7687
gcountess@mdlalab.org

Anthony H. Davis, II, Esq.
Director of Advocacy
for Consumer Law
(410) 951-7703
adavis@mdlalab.org

Erica I. LeMon, Esq.
Director of Advocacy
for Children's Rights
(410) 951-7648
elemon@mdlalab.org

Bobbie Steyer, Esq.
Director of Advocacy
for Family Law
(410) 951-7737
bsteyer@mdlalab.org

1/12/2022

The Honorable Kumar P. Barve
Chair of the Environment and Transportation Committee
House Office Building
Annapolis, Maryland 21401

**RE: Maryland Legal Aid Written Testimony in Support of HB 101 – Repossession
for Failure to Pay Rent – Lead Risk Reduction Compliance**

Dear Mr. Chairman and Members of Committee:

Thank you for the opportunity to testify in support of this important bill. 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 handles civil legal cases involving a wide range of issues, including family law, housing, public benefits, consumer law (e.g., bankruptcy and debt collection), and criminal record expungements to remove child custody barriers, housing, a driver's license, and employment. Maryland Legal Aid supports HB 101 and asks that this committee give it a favorable report.

This letter serves as notice that Harrison Mont, Esq. will testify in support of HB101 on behalf of Maryland Legal Aid at Delegate Vaughn Stewart's request. This bill ensures that landlords filing for eviction for failure to pay rent have the required rental license and comply with lead abatement laws. Before bringing an eviction action, landlords must plead in the complaint that the property is licensed and complies with lead abatement laws. In court, the landlord must prove compliance via direct evidence. As these documents are already required for a landlord to collect rent in many jurisdictions, including Baltimore City, HB101 only prevents illegal evictions for failure to pay rent.

HB101 codifies the tenant protections in the Court of Appeals opinion in *McDaniel v. Baroknowski*.¹ In *McDaniel*, the court ruled that a landlord, who has not complied with a jurisdiction's licensing laws, cannot prosecute a failure to pay rent action in a jurisdiction that requires landlords to comply with licensing procedures. The court requires those cases to be dismissed, if the landlord cannot show compliance with the licensing laws of the jurisdiction.

MLA conducted a study in 2016 that looked at rent court to see whether it met basic due process standards. This study of rent court practices examined default

EXECUTIVE STAFF

Wilhelm H. Joseph, Jr., Esq.
Executive Director

Stuart O. Simms, Esq.
Chief Counsel

Gustava E. Taler, Esq.
Chief Operating Officer

Administrative Offices
500 East Lexington Street
Baltimore, MD 21202
(410) 951-7777
(800) 999-8904
(410) 951-7778 (Fax)

www.mdlalab.org
04.2021



¹ *McDaniel v. Baranowski*, 419 Md. 560 (2011)

judgments and found that in approximately 30% of the courts' default judgments in Maryland, there was a legal error that resulted in incorrect outcomes, or that court records were too unclear or incomplete to ascertain whether those outcomes were correct. This study included a sampling of cases from across the State. This lack of due process for tenants places them in jeopardy of having legally unsupported judgments against them, which increases the chances that they may be evicted and made homeless.²

The purpose of the license and lead abatement requirements is to assure that tenants are living in safe and habitable properties. The property must be inspected to obtain a license and ensure compliance with lead paint regulations and building codes. In many cases where a landlord rents to tenants without a license, the property is entirely unsafe for human habitation. MLA advocates represent tenants living in unlicensed properties covered in mold, unstable stairways, areas at risk of collapse, no means of a fire escape, and other life-threatening dangers. The impact of a failure to comply with a lead abatement is even more dire, often creating permanent debilitating health issues for entire generations and their children.

MLA's mission is the advancement of Human Rights and Justice for All. This mission encompasses the right to safe and habitable housing and the equal protection of the law as enshrined in Articles 14 and 26 of the International Covenant on Civil and Political Rights. Maryland's license and lead abatement requirements are essential in ensuring that the State protects its citizens' human right to safe and habitable housing. HB101 would strengthen Maryland's rental licensing and lead abatement measures and provide additional assurances that courts are aware of landlords' compliance before granting a failure to pay rent eviction.

I appreciate your consideration of this written testimony. For the reasons stated above, MLA urges a favorable report on HB101.

/S/ _____

Harrison Mont, Esq.
Staff Attorney
Maryland Legal Aid
HMont@mdlalab.org
Tel: 410-951-7748

² https://www.mdlalab.org/wp-content/uploads/MDLegalAid_RentCourtStudy_Release-Date-9-8-16.pdf