

Maryland Legal Aid

Human Rights and Justice for All

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January 14, 2022

The Honorable Kumar P. Barve Environment & Transportation Committee Room 251, House Office Building Annapolis, Maryland 21401

RE: Maryland Legal Aid's Testimony in Support of (with Amendments)
House Bill 134 - Failure to Pay Rent Proceedings - Prohibition on Rent
Increases and Sealing of Court Records

Dear Chair Barve and Members of the Committee:

Thank you for the opportunity to testify in support of HB 134. 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's 12 offices serve residents in each of Maryland's 24 jurisdictions. MLA handles various civil legal matters, including family law, housing, public benefits, consumer law (e.g., bankruptcy and debt collection), and criminal record expungements to remove barriers to obtaining child custody, housing, a driver's license, and employment. Maryland Legal Aid supports HB 134 and asks that the committee give it a favorable report with the amendments outlined below.

This letter serves as notice that Gregory Countess, Esq. will testify in support of HB134 on behalf of MLA at Delegate Vaughn Stewart's request. This bill precludes a landlord from raising a tenant's rent because the landlord obtained a judgment for possession against the tenant. HB134 also allows for sealing court records related to failure to pay rent cases. This bill requires the District Court to seal court records related to a failure to pay rent case within 60 days after the final disposition of the failure to pay rent case, if the result is not a judgment for possession in favor of the landlord. Additionally, if the landlord obtains a judgment for possession for a failure to pay rent case, this bill permits tenants to request that the District Court seal court records, provided the tenant meets specific requirements. There is an exception, however, which is addressed below.

Currently, there is no mechanism in Maryland law for the sealing of any eviction proceedings. As such, these records remain open to the public for inspection indefinitely. The unlimited access to court records related to eviction proceedings serves as an obstacle to low-income clients looking to secure housing,

employment, and other basic human needs. Even when the tenant prevails in court, a failure to pay rent hearing remains open to the public for inspection. It is visible on the Maryland Judiciary Case Search Database. As a result, all eviction proceedings, including failure to pay rent cases, mark a renter's record permanently, regardless of the outcome or length of time that has passed.

These public, online court records often result in the denial of housing and employment. This bill expands the opportunities for low-income citizens to become employed and secure housing. Employers and landlords often utilize the public website maintained by the Maryland Judiciary to screen individuals. MLA clients recount that employers and landlords do not give much deference to the proceeding's disposition, but instead focus on the allegations in the landlord's filing or the mere fact that the landlord filed a case. The limited information available in the publicly searchable databases cannot provide adequate detail to evaluate a tenant's history. Clients consistently convey a sense of hopelessness and discouragement in their ability to obtain gainful employment or stable housing due to the mere filing of a failure to pay rent case being publicly available and accessible. This bill will directly impact many MLA clients and help remove obstacles for Marylanders seeking to better themselves, their families, and the community.

MLA supports this bill with an amendment to remove the exception under section (I)(2)(II), which precludes the District Court from sealing any failure to pay rent case that results in a judgment for possession for tenants living in federally subsidized housing. This exception detracts from the statute's purpose and will delay low-income Marylanders' ability to access opportunities. In other words, a tenant in federally subsidized housing has no chance of being forgiven for a late payment. This section strips the District Court's discretion and considers the tenant's circumstances for having not paid the rent, whether the tenant redeemed the judgment for possession, whether the tenant has made timely payments ever since, and other factors. An example of how this exception would operate is: Tenant A resides in federally subsidized and has paid rent on time for ten years. Tenant A became very ill and hospitalized and was therefore unable to pay rent for one month. The landlord obtains a judgment for possession against that tenant for not paying rent that month. Tenant A redeems the property and pays rent timely for five years. Under this hypothetical, Tenant A can never have that court record sealed simply because Tenant A resides in federally subsidized housing. This example demonstrates how the exception undermines the purpose of the statute.

Failure to pay rent proceedings do not tell the whole story of an individual. They tell the landlord's perception of a narrow window of time in a renter's life. A person's life and circumstances change over time. HB134 would encourage and empower individuals and show them that their past will not become a permanent bar to their future endeavors.

Thank you for considering this written testimony. Maryland Legal Aid urges a favorable report on House Bill 134 with the outlined amendment.

/S/

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