

Landlords Should Comply With Local Guidelines Before They Are Allowed to Evict

Position Statement Supporting House Bill 101

Given before the Environment and Transportation Committee

Maryland families need policies that will support safe and stable housing. House Bill 101 will require a landlord to show a valid rental license and lead inspection certificate at trial in failure to pay rent eviction cases. This bill ensures that District Court holds accountable landlords who fail to comply with municipal rental licensing laws and the Maryland Reduction of Lead Risk in Housing Law. **The Maryland Center on Economic Policy supports House Bill 101 because it would clean up our court system and win due process for Maryland renters.**

Maryland law already requires landlords to disclose compliance with lead laws to file an eviction case in rent court. Additionally, the Court of Appeals found that a landlord's claim in Rent Court is contingent on the property's compliance with any applicable rental license.ⁱ However, a recent report indicated that renters are not getting a full and fair hearing when they are sued for eviction in rent court.ⁱⁱ Currently, landlords can file claims even when they are violating local and state laws by leasing units without a city or county rental license, or their units do not meet Maryland Department of Environment's lead risk reduction requirements.

- In 68% of reviewed eviction cases, the landlord used an invalid rental registration/license on the court complaint.ⁱⁱⁱ
- In 79% of cases, the landlord used invalid MDE registration or lead certificate information on the court complaint.
- And still, courts entered eviction orders in more than 60% of those cases.

HB 101 would require all landlords to demonstrate that there is a valid lead inspection certificate and rental license for the property. To demonstrate compliance, a landlord would need only to provide a physical or electronic copy of the license and certificate. Where the landlord fails to meet this burden of proof, HB 101 leaves it to judges to decide what happens. Importantly, HB 101 clarifies that it is neither the court nor the tenant who should carry the burden of identifying landlords or rental properties that are not in compliance.

Several state and local laws, as well as the Maryland Court of Appeals, have sought to address the importance of health and safety in rental housing by enacting licensure and lead paint laws. By requiring landlords to prove their compliance with city/county license and lead certification requirements, HB 101 gives the court authority to carry out the important policies already in place.

HB 101 is necessary to make clear that landlords have the responsibility to show documented compliance to proceed in eviction actions. It's imperative to deter bad actors who seek special recourse through the courts and to create a meaningful incentive for landlords to comply with laws that protect the public from unsafe properties.

For these reasons, the Maryland Center on Economic Policy respectfully requests the Environmental and Transportation Committee to make a favorable report on House Bill 101.

Equity Impact Analysis: House Bill 101

Bill Summary

HB 101 will require a landlord to show a valid rental license and lead inspection certificate at trial in failure to pay rent eviction cases.

Background

Landlords can file claims in rent court even when they are violating local and state laws by leasing units without a city/county rental license or units that do not meet Maryland Department of Environment's lead risk reduction requirements.

Equity Implications

House Bill 101 would bring significant equity benefits:

- The bill expressly places the burden on landlords who file Failure to Pay Rent actions to “provide direct evidence” of compliance at trial.
- The bill will have a direct impact with improving housing security with Black and Hispanic households. From 2018, 2019, eviction removals were three times higher for black households in Baltimore City.

Impact

- The bill strengthens the public safety objectives that legislature had intended when they created the Lead Risk in Housing law and city/county rental license laws.
- The bill changes the district court's role from passive bystander to active participant in Failure to Pay Rent cases.

ⁱ McDaniel v. Baranowski, 419 Md. 560, 585 (2011) Maryland Reduction of Lead in Housing Act, Baltimore City Public Local Law.

ⁱⁱ Public Justice 2015 Study Justice Diverted

ⁱⁱⁱ Data from Baltimore City Cases reported from Public Justice Center “Justice Diverted) 2015.