



**MARYLAND  
LEGAL AID**

*Advancing*  
**Human Rights and  
Justice for All**

**STATEWIDE  
ADVOCACY SUPPORT UNIT**

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

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

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

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

February 18, 2022

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

**Re: Support for House Bill 881—Just Cause Eviction**

Dear Chairman Barve and Members of the Committee:

Thank you for the opportunity to testify in support of HB 881, legislation that will allow jurisdictions to prohibit landlords from evicting tenants at the end of a lease term without just cause. Maryland Legal Aid (MLA) is a private, non-profit law firm that provides free legal services to indigent Maryland residents. From 12 offices around the state, MLA helps individuals and families in every Maryland county with many civil legal issues, including housing, consumer, public benefits, and family law matters. MLA also represents abused and neglected children and provides legal assistance to senior citizens and nursing home residents. This letter serves as notice that Natalie Branch, Esq., will testify on behalf of MLA at Delegate Jheanelle Wilkins' request.

The right to housing is enshrined in the Universal Declaration of Human Rights; and one of the principal tenets of the right to housing is the security of tenure. With the affordability crisis noted in Maryland by its Department of Housing and Community Development and the corresponding threat of increased homelessness, HB 881 is a vital piece of the puzzle in protecting both tenants and communities from the instability caused by homelessness.

Enacting this bill is good public policy as this bill will help jurisdictions that wish to support, advance, and solidify a human right to housing for all residents and reduce homelessness.

Security of tenure is the cornerstone of the right to housing. Secure tenure is described as protecting people against arbitrary forced eviction, harassment, and other threats. Maryland's Tenant Holding Over statute<sup>1</sup> allows landlords to evict tenants who have remained in their homes beyond the expiration of their lease

<sup>1</sup> Md. Real Prop. Code Ann. §8-402

**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.mdlaborg  
04.2021



agreements. The statute requires that the Landlord give sixty days notice before the end of the term. Among the only protections tenants have to eviction is whether this notice is proper and protection against retaliatory acts by the Landlord to end the tenancy. With proper notice being served on tenants, MLA's clients are left with almost no legislative protections and usually have to move. As a group of MLA's clients discovered, even the failure of a Landlord to have a license as required by law in certain Maryland jurisdictions, which also prohibits the Landlord from collecting rent without a license in those jurisdictions, was no bar to a landlord threatening eviction unless rent was paid. The Landlord sent an email to a group of tenants telling them they had no protection under any laws enacted at that time because the Landlord used the Tenant Holding Over statute to evict tenants if they did not pay their rent. The Landlord did not have a license because of numerous health and safety issues caused by unsafe conditions in the property. This scheme would have been foiled by a just cause statute authorized under this bill.

This bill would add Maryland to jurisdictions that allow a jurisdiction to prohibit without cause evictions. In New Hampshire, a landlord's attorney said, "the state has decided it is good public policy to have 'safe, affordable and stable housing,' and that's why housing is a regulated industry." If lawmakers made expiration of a lease sufficient cause for eviction, he warned, "many of the poorer tenants will be evicted just because the landlord is not pleased that they've been complaining about some deficiencies in the apartment."<sup>2</sup>

New Jersey's just cause eviction statute protects tenant families and communities by keeping tenants in their homes absent just cause to evict.<sup>3</sup> The state of New Jersey recognized it was in the public's interest to prevent the eviction of the blameless tenant. With both rents and the foreclosure rate rising again, HB 881 will stand to allow jurisdictions to prevent landlords from arbitrarily evicting tenants and will potentially bring needed stability to communities in this state.

Thank you for considering this written testimony. MLA respectfully requests that the Committee give HB 881 a favorable report.

Sincerely,

/s/ Natalie Branch  
Natalie Branch  
Staff Attorney  
Maryland Legal Aid

---

<sup>2</sup> <http://www.unionleader.com/article/20120610/NEWS/706109922>

<sup>3</sup> [http://www.floridalawreview.com/wp-content/uploads/2010/01/Johnson\\_BOOK.pdf](http://www.floridalawreview.com/wp-content/uploads/2010/01/Johnson_BOOK.pdf)