



CITY OF TAKOMA PARK, MARYLAND

HB 881 Support

**House Environment and Transportation Committee
February 22, 2022**

HB 881: Landlord and Tenant - Residential Leases and Holdover Tenancies - Local Just Cause Termination Provisions

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The City of Takoma Park supports, and urges favorable consideration of HB 881.

This bill promotes stable housing by expressly granting authority to local legislatures to decide when it is appropriate for rental agreements to be non-renewed. That means local policymakers would be able to determine the kind of “just cause” policy their locality needs, whether by type of building, for certain populations, or under certain circumstances such as a state of emergency. Without HB 881, local efforts are stymied by legal concerns around preemption.

The bill articulates many reasonable circumstances that would qualify as reasonable cause. The City agrees with these circumstances. At the same time, it provides protections for renters against potential unfair treatment, discrimination, or surprises that could have far-reaching adverse impacts not only on individuals and families, but entire communities.

Matthew Desmond in his book *Evicted: Poverty and Profit in the American City* wrote:

“It is hard to argue that housing is not a fundamental human need. Decent, affordable housing should be a basic right for everybody in this country. The reason is simple: without stable shelter, everything else falls apart....”

In the midst of a global pandemic, this proposal is even more important as unemployment climbs and the federal government fails in its attempts to provide additional assistance to those who are struggling during this unique and difficult time. While there have been various state and federal orders providing limited protections against evictions, most have expired and those that remain are not a blanket prohibition of evictions.

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But even during the moratorium, tenants were only protected in “failure to pay rent” cases. Landlords and property owners were never prohibited from filing “tenant holding over” cases, which is what a local “just cause” law could address. These cases can be brought when a landlord does not want to renew a lease. This can happen when there are legitimate reasons – like the causes listed in the proposed legislation such as substantial breach of lease, illegal activity on the part of the tenant, or if the property is being taken out of the rental market.

Under current law, however, a landlord does not need a just cause, or any cause at all. This means that through no fault of their own, families can be evicted when a lease expires. What legal assistance organizations have witnessed in the last year is a growing number of tenant holding over cases and evictions are taking place.

It is too easy for families to be forced out of their homes with little or no ability to defend themselves. Tenants can be taken to court and displaced with virtually no reason provided. They are often without legal representation and have little chance of success against skilled attorneys.

City staff – and I personally -- have witnessed the devastation of involuntary displacement on our residents. A lifetime of belongings quickly packed up or left on the street ruined by rain and snow. Older residents and young families quickly scrambling to find a place to stay. Children moved from one school to another. All of this negatively impacts not just these individuals and families but our whole community. The City has a number of assistance programs and staff ready to help and work with landlords to help people stay in their homes. But there is still a giant loophole we need to close to prevent involuntary displacement.

We want to be perfectly clear that this bill clearly outlines the process and justifiable reasons for evictions, and still permits landlords to continue to be able to evict a tenant who breaches their lease, engages in criminal activity, endangers other tenants, or does not pay their rent. As public servants, we all want to ensure that if anyone is being removed from their home, it is for good reason. We have an opportunity to make that happen.

For these reasons, Takoma Park urges a favorable report on HB 881 so that local governments can act with clear authority on this issue. We sincerely thank Delegate Wilkins for her leadership on this issue.