

# **HB 932 Testimony.pdf**

Uploaded by: Andrew Rabinowitz

Position: FAV



**MARYLAND  
LEGAL AID**

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

**STATEWIDE  
ADVOCACY SUPPORT UNIT**

**Cornella 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

February 18, 2022

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

**Re: Landlord and Tenant – Right to Redemption of Leased Premises – Form of Payment**

Dear Chairperson Barve and members of the committee:

Thank you for the opportunity to testify in support of House Bill 932, legislation that will expand the form of payment landlords and mobile home park operators have to accept when offered by the tenant. 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. This letter serves as notice that Andrew Rabinowitz, Esq. will testify on behalf of MLA at the request of Delegate Vaughn Stewart.

The harm this bill seeks to address is familiar to many MLA clients. These clients are facing eviction because of a judgment against them in a Failure to Pay rent action, and are in a financial crisis because they don't have the income to pay the rent in full. The clients in need reached out to a government or government-related entity to help them and their families stay in their homes, thus escaping the terror of homelessness. The Landlord, for reasons never explained, rejects the payment from that government entity, thus, exposing the client to homelessness unless MLA advocate for the court to intervene. Among all the harms that MLA clients are exposed to, this harm is inexplicable. This bill will ameliorate this harm and protect Marylanders from homelessness.

Thank you for considering this written testimony. MLA asks the committee for a favorable report on HB 932.

Sincerely,

/s/ Andrew Rabinowitz

Andrew Rabinowitz  
Supervising Attorney  
Maryland Legal Aid  
410-951-7645  
arabinowitz@mdlalab.org

**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



**HB0932-ET\_MACo\_SUP.pdf**

Uploaded by: Dominic Butchko

Position: FAV



## House Bill 932

### *Landlord and Tenant – Right to Redemption of Leased Premises – Form of Payment*

MACo Position: **SUPPORT**

To: Environment and Transportation Committee

Date: February 22, 2022

From: D’Paul Nibber and Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS** HB 932. This bill would require landlords to accept electronic or written checks issued by counties assisting tenants as they exercise their right to redeem during an eviction proceeding.

Throughout the COVID-19 pandemic, and its associated economic effects, the potential for tenant evictions has threatened to compound our communities’ difficulties. To stabilize the housing market, counties have been relied upon to distribute federal emergency rental assistance to qualified tenants experiencing financial distress. County agencies have worked diligently to ensure this assistance is provided in a timely manner. A total of over 70,000 applications for rental assistance have been processed with over 40,000 households having received assistance.

Unfortunately, state and federal guidelines regarding payment distribution record-keeping, evidence of rental arrangements, and collection of qualifying income documentation contributed to recent delays in assistance payments. In recent months, counties have increased the efficiency and timeliness of their emergency rental assistance programs, yet eviction filings concerning tenants eligible for assistance persist.

County officials share the concern that landlords are not accepting emergency rental assistance payments made on behalf of tenants, with form of payment and the potential conditions attached being significant obstacles. HB 932 is needed to ensure housing stability for these vulnerable tenants. Upon eviction, these former tenants are faced with cascading negative health and economic issues including homelessness, food insecurity, and job loss—placing a substantial burden on state and county resources.

HB 932 would protect vulnerable Marylanders from needless evictions and by doing so, avoid the preventable drain on state and local resources. For these reasons, MACo **SUPPORTS** HB 932 and urges a **FAVORABLE** report.

**HB 932\_Consumer Protection Division\_fav\_2022.pdf**

Uploaded by: Kira Wilpone-Welborn

Position: FAV

**BRIAN E. FROSH**  
*Attorney General*

**ELIZABETH F. HARRIS**  
*Chief Deputy Attorney General*

**CAROLYN QUATTROCKI**  
*Deputy Attorney General*



**WILLIAM D. GRUHN**  
*Chief*  
Consumer Protection Division

Writer's Fax No.

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**  
**CONSUMER PROTECTION DIVISION**

Writer's Direct Dial No.  
410-576-6986  
kwilponewelborn@oag.state.md.us

February 18, 2022

**To:** The Honorable Kumar P. Barve  
Chair, Environment and Transportation Committee

**From:** Kira Wilpone-Welborn, Assistant Attorney General  
Consumer Protection Division

**Re:** House Bill 932 – Landlord and Tenant – Right to Redemption of Leased Premises –  
Form of Payment (SUPPORT)

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The Consumer Protection Division of the Office of the Attorney General (the “Division”) supports House Bill 932 sponsored by Delegate Vaughn Stewart. House Bill 932 would assist the collective efforts of state and federal leaders to stymy the disruptive impacts of the COVID-19 pandemic on renter households by acknowledging rental assistance funds from a government entity as valid funds to redeem a rental property after a warrant of restitution was issued but not executed.

The COVID-19 pandemic continues to financially impact renters resulting in housing instability for renter households across Maryland. Through the CARES Act and the American Rescue Plan, the federal government has awarded Maryland over \$250 million dollars in rental assistance and eviction prevention funds.<sup>1</sup> Notwithstanding, the Division has received repeated complaints from consumers, advocates, and rental assistance program administrators that many Maryland landlords are refusing to accept rental assistance funds awarded to eligible renters. Instead, many Maryland landlords are evicting vulnerable renters who have been negatively impacted by the COVID-19 pandemic. House Bill 932 will assist rental relief assistance providers in successfully distributing Maryland’s share of the federal rental assistance funds and bolster housing stability for Maryland renter households as the COVID-19 pandemic’s deleterious effects persist.

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<sup>1</sup>See <https://governor.maryland.gov/2021/03/17/governor-hogan-submits-1-08-billion-supplemental-budget-focused-on-rental-assistance-higher-education-and-transportation/>.

The Honorable Kumar P. Barve  
House Bill 932  
February 18, 2022  
Page Two

Accordingly, the Division requests that the Environment and Transportation Committee give House Bill 932 a favorable report.

cc: The Honorable Vaughn Stewart  
Members, Environment and Transportation Committee

**HB 932 - MoCo\_Elrich\_FAV (GA 22).pdf**

Uploaded by: Marc Elrich

Position: FAV





OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
County Executive

February 22, 2022

TO: The Honorable Kumar P. Barve  
Chair, Environment and Transportation Committee

FROM: Marc Elrich  
County Executive

RE: House Bill 932, *Landlord and Tenant – Right to Redemption of Leased Premises*  
– *Form of Payment, Support*

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House Bill 932 adds an electronic or written check issued by a political subdivision or on behalf of a government entity as a form of payment that can be tendered to a landlord in an action of summary ejection for failure to pay rent by a tenant or resident exercising the right of redemption of a leased premises.

Current law specifies that all past due amounts and court-awarded costs and fees can be tendered to a landlord via cash, certified check, or money order. By adding electronic or written check issued by a political subdivision or on behalf of a government entity to the forms of payment, landlords cannot refuse a check issued by a political subdivision or on behalf of a government entity solely because it is not one of the forms of payment listed in statute. House Bill 932 closes this loophole by expressly indicating that payments made by government entities, such as rental assistance payments, can satisfy a tenant's obligation when exercising the right to redemption.

Montgomery County Government has encountered instances of landlords refusing to accept payment issued by the County's rental assistance program by citing that the county-issued payment on behalf of a tenant is not an accepted form of payment under the law. I respectfully urge the committee to issue a favorable report on House Bill 932 to make this commonsense addition to the forms of payment that can satisfy a tenant's obligations when exercising the right of redemption.

cc: Members of the Environment and Transportation Committee

**HB 932.pdf**

Uploaded by: Robin Lewis

Position: FAV



Maryland's First  
Nationally Accredited  
Sheriff's Office



50 Maryland Avenue  
Rockville, Md. 20850  
240-777-7000  
240-777-7148 Fax

## SHERIFF DARREN M. POPKIN

February 18, 2022

The Honorable Kumar P. Barve  
Chair, Environment and Transportation Committee  
Room 251  
House Office Building  
Annapolis, MD 21404

Re: Support for House Bill 932

Dear Delegate Barve:

I am writing in support of House Bill 932, Landlord and Tenant – Right to Redemption of Leased Premises – Form of Payment. I am the Commander of the Criminal/Civil Division for the Montgomery County Sheriff's Office which includes the Eviction Section.

Currently, Maryland Code, Real Property Article §8-401(g) (1), permits a tenant to prevent a court ordered eviction from occurring, by tendering payment in cash, certified check, or money order. If the Sheriff is present to execute an eviction and the tenant presents full payment of the judgement listed on the Writ of Reinstitution, the landlord must accept payment and the Sheriff cancels the eviction. Currently MD Law does not specifically allow for an electronic or written check issued by a political subdivision or on behalf of a governmental entity to be an acceptable form of payment. During the COVID crisis, there were instances where a tenant would have in their possession a government check, issued to the landlord for full payment of the judgement, and the landlord would refuse to accept the payment. In 2021, the Montgomery County Sheriff's Office received 3,448 Writ of Reinstitions from the District Court of Maryland. Evictions were executed in 436 of those Writs. House Bill 932 would give the tenant a right to redemption of leased premises and mobile park leased premises by tendering in cash, certified check, money order, or *electronic check or written check issued by a political subdivision or on behalf of a governmental entity*.

The Montgomery County Sheriff's Office urges the Environment and Transportation Committee to report favorably on House Bill 932. House Bill 932 would expand on the form or acceptable payments a landlord must accept and minimize the number of evictions taking place.

Captain Robin Lewis  
Commander, Criminal and Civil Division  
Montgomery County Sheriff's Office

**HB 932 FAV Delegate Stewart (1).pdf**

Uploaded by: Vaughn Stewart

Position: FAV



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of HB932**  
**Landlord and Tenant – Right to Redemption of Leased Premises – Form of Payment**  
Testimony by Delegate Vaughn Stewart  
February 22nd, 2022 • Environment and Transportation Committee

What the Bill Does

**HB932 will close an important loophole in our housing law to ensure the success of Maryland's Emergency Rental Assistance Program.** The bill would explicitly allow renters to pay landlords with an electronic or written check from a governmental entity — inclusive of payment from an agency providing rental assistance.

Why the Bill Is Important

During the COVID-19 pandemic, housing stability has given many Marylanders a sense of security amid all the panic and health fears. Luckily, the federal government — and in turn the state of Maryland — have implemented the Emergency Rental Assistance Program to ensure that tenants are able to pay their rent and stay in their properties. In Maryland, this program has seen massive success; so far, over 40,000 households have been assisted, totalling about \$250 million in aid. While this program got off to a slow start, **ERAP is now running smoothly throughout the state, processing more than 6,000 applications for more than \$30 million each month.**

However, a small number of landlords are claiming that, due to the current phrasing of Maryland law, they are not required to accept ERAP payments. The potential consequences of this refusal are not difficult to see; **tenants could be forced out of their homes even if they are able to pay rent.** This issue must be eliminated immediately. The security of low-income renters and success of rental assistance programs rely on the legitimacy of this aid as a form of payment.

Why the Committee Should Vote Favorably

If tenants have the ability to pay rent, whether that be through their own income or government assistance, landlords must be required to accept the payment. Failing to close this loophole would put the government's support behind landlords who wish to evict their tenants without cause and potentially render millions of dollars of ERAP aid unusable.

**No Marylander should be forced out of their home due to a ridiculous legal loophole. I urge a favorable report.**

# **HB0932 - FAV - Public Justice Center.pdf**

Uploaded by: Zafar Shah

Position: FAV



Zafar Shah  
Attorney  
Public Justice Center  
201 North Charles Street, Suite 1200  
Baltimore, Maryland 21201  
410-625-9409, ext. 237  
shahz@publicjustice.org

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**HB0932 - Landlord and Tenant – Right to Redemption of Leased Premises –  
Form of Payment**

**Hearing before the House Environment and Transportation Committee,  
Feb. 22, 2022**

**Position: SUPPORT (FAV)**

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Public Justice Center (PJC) is a nonprofit public interest law firm that serves over 600 renters each year. We stand with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing. We also have continuously advocated during the COVID-19 pandemic for equitable distribution of Emergency Rental Assistance (ERA). HB0932 is one facet of equitable distribution of rental assistance. The bill would ensure that when tenants must exercise their legal right to redeem possession of rental property, they may do so by tendering an electronic or paper check from an ERA program. PJC seeks the Committee's Favorable report on HB0932.

Many landlords have fully cooperated with the federal imperative to utilize the nearly \$800 million of rent relief that came from the Treasury to the State of Maryland and localities. Others, however, choose to file eviction actions while an ERA application is pending. From data reported by the Department of Housing and Community Development and the Maryland Judiciary respectively, we know that, in July 2021, the ratio of Failure to Pay Rent eviction filings to households served by ERA programs was nearly **9:1**. Even with the local agencies' incredible ramp-up effort over summer and fall, plus the implementation of new notice requirements under HB0018 (Oct. 2021), that ratio was still approximately **4:1** at the close of 2021. Consequently, when ERA programs are cutting checks to pay off rental debts, neither the programs nor the tenants who applied have any certainty that landlords will accept these payments. The language of the current provision on right of redemption, in Real Prop. art. § 8-401, gives landlords the opening to deny those payments because they are not tendered by the tenant in the form of cash, money order, or certified check.

Even before the COVID-19 pandemic, PJC encountered cases in which landlords carried out evictions even after their renters had obtained payment from Department of Social Services or a non-profit charity.

HB0932 closes the loophole in the right of redemption provision of Section 8-401 by specifically including government agency payments.

Public Justice Center is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on HB0932**. If you have any questions, please contact Zafar Shah, [shahz@publicjustice.org](mailto:shahz@publicjustice.org), (410) 625-9409 Ext. 237.



# **MMHA - 2022 - HB 932 - Favorable with Amendments (**

Uploaded by: Aaron Greenfield

Position: FWA



## House Bill 932

Committee: Environment and Transportation  
Date: February 22, 2022  
**Position: Favorable with Amendment**

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This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities. Our members house over 538,000 residents of the State of Maryland. MMHA also represents over 250 associate member companies who supply goods and services to the multi-housing industry.

House Bill 932 (“HB 932”) requires housing providers to accept an electronic or written check issued by a political subdivision or on behalf of a governmental entity as a form of payment for the purposes of a tenant’s redemption right to the property. Based on the language in the bill, MMHA’s interpretation of the bill is that the electronic check or written check from the political subdivision or on behalf of a governmental entity as a form of payment would **not** require the signing of a contract. To ensure our interpretation is accurate, MMHA respectfully requests the following amendment:

On page 2, in line 5, insert, (3) IN SUBSECTION (G)(1), ACCEPTANCE OF THE ELECTRONIC OR WRITTEN CHECK ISSUED BY A POLITICAL SUBDIVISION OR ON BEHALF OF A GOVERNMENTAL ENTITY SHALL NOT REQUIRE THE LANDLORD OR THE LANDLORD’S AGENT TO ENTER INTO A CONTRACT OR AGREEMENT.

Housing providers are entering into current rental assistance contracts because they were able to negotiate the contractual prohibitions and requirements as good-faith partners at the table with county officials and other stakeholders. Any requirement that housing providers enter into contracts would dispose of those good faith discussions, remove housing providers from the table, and subject housing providers to any number of future prohibitions or requirements that could be included in contracts. **For these reasons, MMHA respectfully requests adoption of the amendment to make it very clear that HB 932 does not impose a requirement to sign contracts on housing providers.**

For additional information, please contact Aaron J. Greenfield at 410.446.1992

**HB 932--AOBA Statement--FWA.pdf**

Uploaded by: Erin Bradley

Position: FWA



**Bill No:** HB 932-- Landlord and Tenant – Right to Redemption of Leased Premises – Form of Payment

**Committee:** Environment and Transportation

**Date:** 2/22/22

**Position:** Favorable with Amendment

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George's Counties.

House Bill 932 requires housing providers to accept an electronic or written check issued by a political subdivision or on behalf of a governmental entity as a form of payment for the purposes of a tenant's redemption right to the property.

AOBA members are happy to accept payments from a governmental entity when a resident exercises their right of redemption. AOBA interprets this legislation to mean a housing provider is not required to sign a contract. To ensure this interpretation, AOBA respectfully requests the following amendment:

On page 2, in line 5, insert, (3) IN SUBSECTION (G)(1), ACCEPTANCE OF THE ELECTRONIC OR WRITTEN CHECK ISSUED BY A POLITICAL SUBDIVISION OR ON BEHALF OF A GOVERNMENTAL ENTITY SHALL NOT REQUIRE THE LANDLORD OR THE LANDLORD'S AGENT TO ENTER INTO A CONTRACT OR AGREEMENT.

**For these reasons AOBA requests a favorable with amendment report on HB 932.**

For further information contact Erin Bradley, AOBA Vice President of Government Affairs, at 301-904-0814 or [er Bradley@ao ba-metro.org](mailto:er Bradley@ao ba-metro.org).