



Maryland Consumer Rights Coalition

**Testimony to the Senate Judicial Proceedings Committee**  
**HB 521: Landlord and Tenant - Repossession for Failure to Pay Rent - Shielding of Court Records**  
**Position: Favorable**

March 31, 2022

The Honorable Will Smith, Chair  
Senate Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, Maryland 21401  
cc: Members, Senate Judicial Proceedings Committee

Honorable Chair Smith and Members of the Committee:

The Maryland Consumer Rights Coalition (MCRC) is a statewide coalition of individuals and organizations that advances economic rights and financial inclusion for Maryland consumers through research, education, direct service, and advocacy. Our 8,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

We are writing today in support of HB 521.

As amended, the bill creates a process that would allow for the shielding of eviction records in failure to pay rent cases that stem from a loss of income related to the Covid-19 pandemic. For many tenants, having an eviction on their record – even if the case was ultimately dismissed or the court ruled in the tenant’s favor - will adversely affect their ability to rent another property or access affordable housing opportunities in the future. The prevalence of nonpayment of rent filings in Maryland, which are often used as a debt collection tool in Maryland, makes the threat of losing out on housing opportunities based on failure to pay rent filings very real for many tenants.

Moreover, House Bill 521 provides an important protection for Marylanders impacted by the COVID-19 pandemic. The bill is narrowly tailored so that this protection is only available to tenants who had a failure to pay rent case between March 5, 2020 and January 1, 2022. Moreover, it will not apply to records in which a landlord received a money judgment unless the tenant can show the judgment has been satisfied. As amended, the bill establishes a process by which the court may grant the right for a tenants record to be shielded. If the court denies the request to shield a record, the court must provide reasons for the denial.

Our tenant advocacy program demonstrates the need for this kind of potential protection. Kim Fuller, a client of our Tenant Advocacy program needed to find a new apartment for herself and her mother. Fuller had never been evicted and had a good credit score and adequate income for the rentals that she applied to move into-yet a tenant screening company, RentGrow rejected her application on several places in Baltimore City that use them to screen tenants. Fuller never learned the reason for her



rejection because tenant screening companies are not required to share that information. You can read more of Fuller's story in the attached ProPublica article.

For tenants who've suffered a loss of income due to the COVID-19 pandemic, this bill is a critical piece of COVID-19 pandemic response. The requests we have received for assistance with eviction have increased by 36% over 2020. In 2021, our Tenant Advocacy program received 1271 complaints from Maryland residents statewide. Of those 1271, 800 were related to eviction.

Tenant screening companies are less regulated with fewer consumer protections than credit reporting agencies. There is lax supervisory oversight of tenant screening and consumer protection rules have not been updated to reflect new technologies.

This change to the eviction process is long overdue, and carries racial justice implications as most families affected by eviction and the lack of affordable housing are non-white households. Only 17% of our 512 tenants who needed assistance with eviction in 2020 were white. In a 2020 Baltimore City eviction study it was found that the number of Black eviction removals is 3 times higher (195% more) than white evictions and 46% more female headed households were removed from their homes as compared to male headed households.<sup>1</sup> Shielding records is a powerful solution that mitigates the harm of evictions and ensures that tenants are able to secure alternate housing and avoid homelessness.

Maryland should join the nationwide movement pushing for the shielding and sealing of eviction records. Since 2021 Nevada, Oregon, and Minnesota allow courts to expunge eviction records on a case-by-case basis. California automatically seals records and The District of Columbia passed a sealing law as a pandemic-era measure and is now considering making it permanent.<sup>2</sup> Maryland should join these jurisdictions in recognizing that shielding records is not only a matter of protecting tenants' rights, but also an issue of racial justice.

For all these reasons, we support HB 521 and ask for a favorable report.

Best,

Marceline White  
Executive Director

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<sup>1</sup> <https://evictions.study/maryland/report/baltimore.html>

<sup>2</sup> <https://theappeal.org/the-lab/report/erasing-the-scarlet-e-of-eviction-records/>