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TO: The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: HB 521 – Landlord and Tenant – Repossession for Failure to Pay Rent – Shielding of Court Records – **Support**

Chairman Smith, Vice Chair Waldstreicher, and distinguished Members of the Judicial Proceedings Committee, thank you for the opportunity to testify in support of HB 521. If enacted, Delegate Peña-Melnyk's bill would permit tenants to petition courts to shield from public access court actions against them for failure to pay rent. The bill is limited in scope to eviction actions filed on or after March 5, 2020 (the date Governor Hogan declared the COVID-19 state of emergency), and before January 1, 2022. It further limits the pool of potential petitioners to individuals who suffered a loss of income arising out of the pandemic. House Bill 521 has an effective date of October 1, 2022.

The importance of shielding legislation like HB 521 was noted in a recent law journal article:

Tenants thrown into sudden unemployment by COVID-19 are already facing nonpayment eviction in some states. When eviction moratoria are lifted, many more will join them. If records of these cases remain unsealed, a present COVID-19 eviction will haunt a tenant until 2025, 2030—even beyond. Eviction is a civil offense. It can result from a single, isolated instance of nonpayment. There is no reason that courts and legislatures should allow a single eviction, legitimate or not, to dictate a tenant's housing prospects for a decade.¹

For the foregoing reasons, the Office of Attorney General urges the Committee to favorably report House Bill 521 with sponsor amendments.

cc: The Honorable Joseline Peña-Melnyk & Members of the Judicial Proceedings Committee

¹ Shannon Price, Stay at Home: Rethinking Rental Housing Law in an Era of Pandemic, 28 Geo. J. on Poverty L. & Pol'y 1, 31 (2020).