

# **SB223\_Filing Fee\_FAV.pdf**

Uploaded by: Alice Wilkerson

Position: FAV



**SB 223 Landlord and Tenant – Eviction Actions –  
Filing Surcharge and Prohibited Lease Provisions  
February 3, 2022  
FAVORABLE**

On behalf of Strong Future Maryland, we write in strong support of Senate Bill 223. Strong Future Maryland works to advance bold, progressive policy changes to address systemic inequality and promote a sustainable, just and prosperous economic future for all Marylanders. We urge you to support this legislation as part of our efforts to address discriminatory housing practices in the state of Maryland and to ensure that everyone is treated fairly and equitably, regardless of background or income level.

**We support SB 223, but we would oppose SB 223 if the bill is amended to allow the increased surcharge to be passed through to tenants under any circumstances.** SB 223 would increase the filing fee surcharge on eviction actions from \$8 to \$73 and prohibit the court and the landlord from passing on this increase to the tenant.

Prior to the pandemic, landlords filed 660,000 eviction complaints each year in a State with only 730,000 renter households, the highest eviction filing rate in the nation. The General Assembly took an important step to address this issue in 2021 by passing HB 18, which will provide tenants with access to counsel in eviction cases when funded and which requires landlords to send tenants a 10-day notice prior to filing an eviction action. Additional important steps to further housing justice would be funding the Access to Counsel in Evictions Fund, pausing eviction cases when a rental assistance application is pending or the tenant is seeking legal/social services, and increasing the fee on filing an eviction action without passing that fee increase onto tenants. These actions would further incentivize landlords to work with tenants and social services -- rather than filing a virtually automatic eviction case each month.

**While we support SB 223 as drafted, if the bill is amended to allow landlords or the court to pass on this \$65 increase to the tenant under any circumstances, the purpose of the bill is eviscerated.** There would no longer be any disincentive for the landlord to file an eviction action if the landlord or the court can pass that surcharge onto the tenant. **Our organization and Renters United Maryland would vocally oppose any surcharge increase in which that surcharge may be passed onto the tenant under any circumstances.**

Even a minor increase that could be passed onto tenants would have significant effects on renters and housing stability in Maryland:

1. **Allowing a pass-through of any amount to tenants means a fee increase squarely on the backs of low-income renters trying to avoid an eviction.** Even if eviction filings are reduced by 25% and 32,000 tenants receive counsel in eviction cases, that leaves appx. 460,000 eviction filings, many of which will include an increased fee that very vulnerable households will have to pay to avoid eviction.
2. **Allowing a fee pass-through means that tenants who are struggling most will now have to pay that increased fee in order to avoid eviction. This will mean more evictions, not fewer.** In order to “pay and stay” from a rent court judgment, the tenant must pay all court costs. We have seen numerous tenants who have paid the rent but been evicted because they couldn’t pay the fees.
3. **Allowing a fee pass-through defeats the purpose of the bill, which is to disincentivize serial eviction filing** (month after month when rent is a few days late). If the landlord can recover the increased surcharge, it will have little effect on landlord eviction filing.
4. **Tenants still have an incentive to pay the rent in a timely fashion because landlords can still assess a 5% late fee and court filing fee – just not this increased surcharge.**
5. **If a landlord truly wants to evict a tenant who is chronically late, then after three judgments the landlord can foreclose on the right to redeem (e.g., no “pay and stay”).** There is no need for the landlord to continue seeking judgments and passing on the increased surcharge.
6. **When fully funded, Access to Counsel will assist annually approximately 32,000 tenants who have a defense. It does not solve Maryland’s significant affordability gap:** [There are 193,819 extremely low-income \(\\$31,600/year for family of four\) renter households in Maryland. 74% of those households are severely cost-burdened, i.e.,](#) paying more than 50% of their income in rent. These households are one paycheck or unexpected expense away from facing an eviction.
7. **“Judicial discretion” for passing on the fee increase is what happens now and tenants almost always lose.** In all default judgments, the court has “discretion” to award court costs against tenants. They do it every time. Anytime the landlord gets a judgment, the court automatically assesses the court costs. Even if the case doesn’t go to trial, the landlord assesses the costs against the tenant via their lease provisions – even if the case is dismissed. The tenant virtually always loses. This pass-through would defeat the entire purpose of the bill.

Even an amendment that would allow landlords to pass through the fee to tenants only after the 3rd failure-to-pay-rent filing in a year would still fall disproportionately on the renters who are least able to pay the increased fee because they are often on the brink of eviction. In the experience of our organization, landlords file against the same tenant repeatedly within the year because the purpose of the eviction filing is not eviction *per se* but rather debt collection.<sup>1</sup> For example, if there is a dispute between the landlord and tenant over \$500 in rent or other fees, the tenant may pay the \$1,000 monthly rent timely, but the landlord may still file an eviction complaint for multiple successive months because there remains a \$500 back balance to which the landlord allocates first the tenant's payment each month, charging a late fee in each of those months as well. Even with a prohibition on pass-through of this surcharge, tenants still have ample incentive to pay the rent timely to avoid late fees and the current court costs that landlord pass through pursuant to statute. This additional proposed surcharge should instead serve as an incentive to the landlord to attempt to work with the tenant, accept a payment plan, and connect the tenant to social services if needed, instead of skipping straight to an eviction filing each month.

Strong Future Maryland is a member of the Renters United Maryland coalition and asks that the Committee **issue a FAVORABLE REPORT WITHOUT AMENDMENTS on SB 223.**

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<sup>1</sup> "The execution of an eviction is a double-edged sword for landlords, who must balance the costs of unit turnover with those of allowing a tenant to remain in rent arrears. But this is not the case for filing. *Filing* costs a modest fee, and initiates a legal process that leverages the power of the state both symbolically and physically to encourage the tenant to pay her late rent. Moreover, the process of repeated ("serial") filing for eviction and charging late fees, even on tenants who are expected to eventually pay their rent, is used by some landlords as an additional revenue source." Drs. Philip ME Garboden and Eva Rosen, *Serial Filing: How Landlords Use the Threat of Eviction*, City and Community: A Journal of the Community and Urban Sociology Section of the American Sociological Association, Vol. 18, No. 2, June 2019, at 11-12 (emphasis original) (internal citations omitted).

## **OAG\_Support**

Uploaded by: Brian Frosh

Position: FAV



**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.  
410-576-6962

February 3, 2022

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

FROM: Brian E. Frosh  
Attorney General

RE: SB 223 – Landlord and Tenant – Eviction Actions – Filing Surcharge and Prohibited  
Lease Provisions – **Support**

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Chairman Smith, Vice Chair Waldstreicher, and distinguished Members of the Judicial Proceedings Committee, thank you for the opportunity to testify in support of SB 223. This bill, which was a recommendation of the COVID-19 Access to Justice Task Force,<sup>1</sup> represents a renewed attempt to bring Maryland's eviction filing fee in line with other states and to provide needed additional funding for the Maryland Legal Services Corporation.

Senate Bill 223 would increase the surcharge assessed in failure to pay rent, breach of lease, and tenant holding over actions from \$8 to \$73, bringing the effective filing fee for eviction actions to \$80 (\$90 in Baltimore City). The bill would also prevent landlords or the courts from requiring tenants to cover the cost of the surcharge, which would protect tenants who are already struggling to make ends meet from having to shoulder additional financial burdens.

Housing instability was a problem in Maryland long before the pandemic began, with the negative effects falling most heavily on communities of color. Research shows that Black and Latino renters, especially women, "are disproportionately threatened with eviction and disproportionately evicted from their homes."<sup>2</sup> Between January 2018 and June 2019, the number of Black female-headed households evicted in Baltimore City was 3.9 times higher than

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<sup>1</sup> See Md. Att'y Gen. Brian E. Frosh's COVID-19 Access to Justice Task Force, *Confronting the COVID-19 Access to Justice Crisis*, at 30 (Jan. 2021),

[https://www.marylandattorneygeneral.gov/A2JC%20Documents1/AG\\_Covid\\_A2J\\_TF\\_Report.pdf](https://www.marylandattorneygeneral.gov/A2JC%20Documents1/AG_Covid_A2J_TF_Report.pdf).

<sup>2</sup> Peter Hepburn et al., *Racial and Gender Disparities among Evicted Americans*, 7 Sociological Sci. 649, 659 (2020), [https://sociologicalscience.com/download/vol7/december/SocSci\\_v7\\_649to662.pdf](https://sociologicalscience.com/download/vol7/december/SocSci_v7_649to662.pdf).

evictions of households headed by white men and 2.3 times higher for Black male-headed households.<sup>3</sup>

The landlord's cost of filing in Maryland is \$15, one of the lowest nationwide.<sup>4</sup> Some states impose fees over \$300. Maryland's low filing fees cause some landlords to file against the same household month after month, referred to as "serial filing."<sup>5</sup> In 2019, more than 660,000 evictions were filed in Maryland district courts.<sup>6</sup> The filing rate in some counties was over 100%, meaning that more eviction actions were filed than there were homes for rent.<sup>7</sup> Yet very few of these filings result in court-ordered evictions. This practice has made courts "more like an extension of the residential rental business than an impartial arbitrator between landlords and tenants."<sup>8</sup>

As in many other jurisdictions, Maryland's filing rate has dropped since the pandemic began. This decrease in filings can be traced to a number of proactive measures taken by federal and state governments, including the influx of hundreds of millions of dollars in rental assistance funds and eviction moratoria. Moreover, as of October 1, 2021, Maryland landlords must now provide tenants with a notice of intent to file a failure to pay rent action 10 days before filing. That new requirement should also help decrease the number of eviction filings.

Maryland's filing rate makes the state an outlier. Prior to the pandemic, the filing rate in neighboring states ranged from 4.4% in West Virginia to 16.9% in Delaware, with Maryland's rate—ranging from 83% in 2016 to 92.5% in 2019—dwarfing them all.<sup>9</sup> And notwithstanding the decrease in eviction filings in 2020 and 2021, the filing rate in Maryland remains significantly higher than its neighbors.<sup>10</sup> Increasing the barrier to entry by raising the filing fee in evictions is critical to reducing the serial eviction filing problem that persists in Maryland.

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<sup>3</sup> Tim Thomas et al., *The Evictions Study: Baltimore Eviction Map* (May 8, 2020), <https://evictions.study/maryland/report/baltimore.html>.

<sup>4</sup> Brian Frosh, Attorney General: Maryland Eviction Process 'Unfair to Tenants' | Commentary, BALT. SUN (Dec. 11, 2020), <https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-1213-frosh-serial-evictions-20201211-nnlu6zmiqjgc7dyohhvqxq5k3cu-story.html>.

<sup>5</sup> See Lillian Leung et al., *Serial Eviction Filing: Civil Courts, Property Management, and the Threat of Displacement*, 100 *Social Forces* 316, 316 (2020) available at <https://academic.oup.com/sf/article/100/1/316/5903878> ("Serial eviction filings occur when a property manager files to evict the same household repeatedly from the same address.").

<sup>6</sup> See District Court of Maryland, *Monthly Statistical Reports, Calendar Year 2019*, <https://mdcourts.gov/sites/default/files/import/district/statistics/2019/Calendar19.pdf>

<sup>7</sup> Eviction Lab, *Eviction Filing Rate Interactive Map*, <https://evictionlab.org/map/#/2016?geography=states&type=efr> (last visited Jan. 30, 2022).

<sup>8</sup> Leung et al., *supra* note 6, at 338.

<sup>9</sup> Researchers at the Eviction Lab provided our office with Maryland filing rates. Filing rates for other states from 2000 through 2016 are available on the Eviction Lab's interactive map. See *Eviction Filing Rate Interactive Map*, *supra* note 7 (2016 rates: West Virginia (4.4%), Pennsylvania (5.31%), Virginia (14.48%), Delaware (16.19%)).

<sup>10</sup> An analysis of data from the U.S. Census reporting on the number of renter-occupied units by state, Maryland District Court monthly statistical reports, and data on eviction filings in neighboring states contained on the Legal Services Corporation's Eviction Tracker reflect that Maryland's filing rate in 2021 was more than 10 times higher than the rate in Pennsylvania and Virginia and more than 6 times higher than Delaware's filing rate.

Forced displacement—and the constant threat of such displacement—disrupts lives in profound and irrevocable ways. Its harms fall disproportionately on those least able to weather them. As one writer captures the impact of eviction, “without stable shelter, everything else falls apart.” We must do more to help Maryland families keep things together and increase housing stability.

For all the foregoing reasons, I urge the Committee to favorably report Senate Bill 223.

cc: Members of the Judicial Proceedings Committee



# **HPRP\_FAV\_SB223.pdf**

Uploaded by: Carisa Hatfield

Position: FAV



## **HOMELESS PERSONS REPRESENTATION PROJECT, INC.**

### **SB 223 Landlord and Tenant – Eviction Actions – Filing Surcharge and Prohibited Lease Provisions**

**Hearing before the Senate Judicial Proceedings Committee,  
February 3, 2022**

**Position: FAVORABLE**

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The Homeless Persons Representation Project, Inc. (HPRP) is a non-profit civil legal aid organization that provides free legal representation to people who are homeless or at risk of homelessness on legal issues that will lead to an end to homelessness. HPRP regularly represents tenants in failure to pay rent cases and other landlord-tenant matters in Baltimore City.

**We support SB 223, but we would oppose SB 223 if the bill is amended to allow the increased surcharge to be passed through to tenants under any circumstances.** SB 223 would increase the filing fee surcharge on eviction actions from \$8 to \$73 and prohibit the court and the landlord from passing on this increase to the tenant.

Prior to the pandemic, landlords filed 660,000 eviction complaints each year in a State with only 730,000 renter households, the highest eviction filing rate in the nation. The General Assembly took an important step to address this issue in 2021 by passing HB 18, which will provide tenants with access to counsel in eviction cases when funded and which requires landlords to send tenants a 10-day notice prior to filing an eviction action. Additional important steps to further housing justice would be funding the Access to Counsel in Evictions Fund, pausing eviction cases when a rental assistance application is pending or the tenant is seeking legal/social services, and increasing the fee on filing an eviction action without passing that fee increase onto tenants. These actions would further incentivize landlords to work with tenants and social services -- rather than filing a virtually automatic eviction case each month.

**While we support SB 223 as drafted, if the bill is amended to allow landlords or the court to pass on this \$65 increase to the tenant under any circumstances, the purpose of the bill is eviscerated.** There would no longer be any disincentive for the landlord to file an eviction action if the landlord or the court can pass that surcharge onto the tenant. **Our organization and Renters United Maryland would vocally oppose any surcharge increase in which that surcharge may be passed onto the tenant under any circumstances.**

Even a minor increase that could be passed onto tenants would have significant effects on renters and housing stability in Maryland:

1. **Allowing a pass-through of any amount to tenants means a fee increase squarely on the backs of low-income renters trying to avoid an eviction.** Even if eviction filings are

reduced by 25% and 32,000 tenants receive counsel in eviction cases, that leaves appx. 460,000 eviction filings, many of which will include an increased fee that very vulnerable households will have to pay to avoid eviction.

2. **Allowing a fee pass-through means that tenants who are struggling most will now have to pay that increased fee in order to avoid eviction. This will mean more evictions, not fewer.** In order to “pay and stay” from a rent court judgment, the tenant must pay all court costs. We have seen numerous tenants who have paid the rent but been evicted because they couldn’t pay the fees.
3. **Allowing a fee pass-through defeats the purpose of the bill, which is to disincentivize serial eviction filing** (month after month when rent is a few days late). If the landlord can recover the increased surcharge, it will have little effect on landlord eviction filing.
4. **Tenants still have an incentive to pay the rent in a timely fashion because landlords can still assess a 5% late fee and court filing fee** – just not this increased surcharge.
5. **If a landlord truly wants to evict a tenant who is chronically late, then after three judgments the landlord can foreclose on the right to redeem (e.g., no “pay and stay”).** There is no need for the landlord to continue seeking judgments and passing on the increased surcharge.
6. **When fully funded, Access to Counsel will assist annually approximately 32,000 tenants who have a defense. It does not solve Maryland’s significant affordability gap:** There are 193,819 extremely low-income (\$31,600/year for family of four) renter households in Maryland. 74% of those households are severely cost-burdened, i.e., paying more than 50% of their income in rent. These households are one paycheck or unexpected expense away from facing an eviction.
7. **“Judicial discretion” for passing on the fee increase is what happens now and tenants almost always lose.** In all default judgments, the court has “discretion” to award court costs against tenants. They do it every time. Anytime the landlord gets a judgment, the court automatically assesses the court costs. Even if the case doesn’t go to trial, the landlord assesses the costs against the tenant via their lease provisions – even if the case is dismissed. The tenant virtually always loses. This pass-through would defeat the entire purpose of the bill.

**Even an amendment that would allow landlords to pass through the fee to tenants only after the 3rd failure-to-pay-rent filing in a year would still fall disproportionately on the renters who are least able to pay the increased fee because they are often on the brink of eviction.** In the experience of our organization, landlords file against the same tenant repeatedly within the year

because the purpose of the eviction filing is not eviction *per se* but rather debt collection.<sup>1</sup> For example, if there is a dispute between the landlord and tenant over \$500 in rent or other fees, the tenant may pay the \$1,000 monthly rent timely, but the landlord may still file an eviction complaint for multiple successive months because there remains a \$500 back balance to which the landlord allocates first the tenant's payment each month, charging a late fee in each of those months as well. Even with a prohibition on pass-through of this surcharge, tenants still have ample incentive to pay the rent timely to avoid late fees and the current court costs that landlord pass through pursuant to statute. This additional proposed surcharge should instead serve as an incentive to the landlord to attempt to work with the tenant, accept a payment plan, and connect the tenant to social services if needed, instead of skipping straight to an eviction filing each month.

HPRP is a member of the Renters United Maryland coalition and asks that the Committee **issue a FAVORABLE REPORT WITHOUT AMENDMENTS on SB 223**. If you have any questions, please contact: Carisa A. Hatfield, Esq., HPRP, 443-402-5395 or [chatfield@hprplaw.org](mailto:chatfield@hprplaw.org).

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<sup>1</sup> “The execution of an eviction is a double-edged sword for landlords, who must balance the costs of unit turnover with those of allowing a tenant to remain in rent arrears. But this is not the case for filing. *Filing* costs a modest fee, and initiates a legal process that leverages the power of the state both symbolically and physically to encourage the tenant to pay her late rent. Moreover, the process of repeated (“serial”) filing for eviction and charging late fees, even on tenants who are expected to eventually pay their rent, is used by some landlords as an additional revenue source.” Drs. Philip ME Garboden and Eva Rosen, *Serial Filing: How Landlords Use the Threat of Eviction*, City and Community: A Journal of the Community and Urban Sociology Section of the American Sociological Association, Vol. 18, No. 2, June 2019, at 11-12 (emphasis original) (internal citations omitted).

## **2022-Testimony-SB223 Landlord and Tenant - Evictio**

Uploaded by: Christopher Stevenson

Position: FAV



Official Testimony  
SB223

Landlord and Tenant - Eviction Actions - Filing Surcharge and Prohibited Lease Provisions  
Position: **FAVORABLE**

Chair Smith and Members of the Judiciary Proceedings Committee,

My name is Ricarra Jones, and I am the Political Director of 1199SEIU United Healthcare Workers East. We are the largest healthcare workers union in the nation – representing 10,000 healthcare workers in long-term care facilities and hospitals across Maryland. Our union supports SB223: Equity in Transportation Sector - Guidelines and Analyses and urges the Committee to issue a favorable report.

Since the inception of COVID, families all over Maryland have faced both housing and financial hardships with little to no avail. The difficulties have ranged from backlogs of mortgage payments to evictions, even leaving some families in complete ruin. One of the reasons this occurred is that landlords have taken vast action to file eviction actions against financially burdened residents. Financial ruin has not only damaged many families because of the devastating impact COVID had on the general workforce population, including the closing of businesses and worksite COVID contractions, but this has consequently affected children. As more families face evictions, it has put children in homelessness, missed schools, malnourishment, and other socio-economic conditions that stunt the proper growing process of our youth.

To combat this legislation, SB223 puts a financial deterrent against landlords that many usually exercise arbitrary (and without considering the consequences) evictions. This bill increases the filing fees in eviction actions to make it more consistent with the fees charged for filing for eviction in other states. Allowing the fee to increase to an amount not to exceed \$73.00 will force landlords to think more critically about how many families they decide to evict. In current circumstances, many landlords arbitrarily pick any number of families to evict without any recourse. Moreover, this bill would also prohibit courts and landlords from passing these increased surcharges on to residential tenants. This is important because many landlords often pass charges arbitrarily to tenants, which only continue to burden families already struggling to

survive.

The members of 1199SEIU stand behind this piece of legislation because it creates a deterrent against landlords for at-risk families. For many families, a home is the last source of security, and allowing landlords to prey on struggling families is something we stand adamantly against. When families are still facing evictions throughout the COVID-19 pandemic and face other socio-economic challenges to maintain their livelihoods, we encourage this Committee to give SB223 a favorable report.

Sincerely,

Ricarra Jones  
Political Director  
1199SEIU UHE  
ricarra.jones@1199.org

# **SB 223\_MLSC\_fav.pdf**

Uploaded by: Deb Seltzer

Position: FAV





# MLSC

MARYLAND LEGAL SERVICES CORPORATION

IOLTA - INTEREST ON LAWYER TRUST ACCOUNTS

**Testimony Concerning SB 223  
“Landlord and Tenant - Eviction Actions -  
Filing Surcharge and Prohibited Lease Provisions”  
Submitted to the Senate Judicial Proceedings Committee  
Hearing Date: February 3, 2022**

**Position: Favorable**

**Contact: Deb Seltzer, Executive Director, 410-576-9494 x1009, [dseltzer@mlsc.org](mailto:dseltzer@mlsc.org)**

Maryland Legal Services Corporation requests a favorable report on SB 223, enactment of which would increase surcharges on certain court filing fees and direct that funding to the provision of civil legal aid.

MLSC’s mission is to ensure low-income Marylanders have access to stable, efficient and effective civil legal assistance through the distribution of funds to nonprofit legal services organizations. It currently funds 36 organizations to work toward that mission across the entire state. The Maryland General Assembly created MLSC in 1982 to administer the state’s Interest on Lawyer Trust Accounts (IOLTA) program, and since that time MLSC grantees have assisted nearly 3.9 million Marylanders with a wide variety of civil legal needs.

The Maryland General Assembly enacted surcharges as a funding source for MLSC in 1998, and they currently make up MLSC’s largest funding source. However, MLSC’s two of major revenue sources – IOLTA and the surcharges – were significantly reduced by the COVID-19 pandemic due to near zero interest rates and a dramatic decrease in court filings. Court filings have continued to fluctuate in fiscal year 2022, and MLSC current projects filing fee surcharge revenue for FY22 will equal approximately two-thirds of pre-pandemic averages. Even with the increase in Abandoned Property Fund revenue passed by the Maryland General Assembly last year to stave off a funding crisis, MLSC’s total funding from the MLSC Fund has not recovered.

Furthermore, even before the pandemic, legal services providers did not have the capacity to meet all the civil legal needs of Maryland residents facing financial challenges and unable to afford legal help. At a minimum, it is vital that MLSC’s filing fee surcharge revenue remains stable, with the increase in the surcharge amount balancing a potential decrease in the number of filings. Additional funding would translate to additional life-changing legal assistance, improving quality of life for Maryland’s families and communities.

Established nonprofit legal aid providers help low-income Marylanders with a wide range of issues, including eviction and foreclosure; protection from domestic violence and elder abuse; bankruptcy and debt collection; child support and custody; and access to unemployment, health and other benefits. The pandemic has made these issues both more prevalent and more complicated. Having an experienced advocate can make a tremendous difference for a low-income Marylander who, if not for civil legal aid, would be forced to navigate the legal system alone.

Providing more funding will mean Maryland’s civil legal aid delivery system can sustain and potentially expand vital services that affect housing, economic stability, physical safety and more. Not only do these services help people in need, but they also reduce strain on the court system and streamline interactions with state agencies, saving valuable time and funds. In fact, multiple studies have shown that every dollar invested in civil legal services results in a \$6 return in the form of economic activity, cost savings and increased productivity – a total return of hundreds of millions of dollars each year.

MLSC urges favorable consideration of SB 223.

# **SB 223 FAV House of Ruth.pdf**

Uploaded by: Dorothy Lennig

Position: FAV



Marjorie Cook Foundation  
Domestic Violence Legal Clinic

2201 Argonne Drive • Baltimore, Maryland 21218 • 410-554-8463 • [dlennig@hruthmd.org](mailto:dlennig@hruthmd.org)

**TESTIMONY IN SUPPORT OF SENATE BILL 223**

February 3, 2022

**DOROTHY J. LENNIG, LEGAL CLINIC DIRECTOR**

House of Ruth Maryland is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. Senate Bill 223 would increase from not more than \$8 to not more than \$73, the surcharge that the District Court is required to assess per civil case for summary ejectment, tenant holding over, and breach of lease that seeks a judgment for possession of residential property against a residential tenant. The bill also prohibits the landlord from passing on the fee to the tenant. The additional money would go to the Maryland Legal Services Corporation (MLSC), which helps fund many public interest legal service providers in Maryland. **We urge the Senate Judicial Proceedings Committee to issue a favorable report on Senate Bill 223.**

The House of Ruth Domestic Violence Legal Clinic (the Clinic) receives a significant portion of its funding from MLSC. With this support, the Clinic serves low-income victims of domestic violence throughout the state. Clinic attorneys provide representation in protective order hearings and divorce and custody cases; legal advocates provide information, lethality assessment, safety planning, and referrals to victims who call or visit our walk-in clinics at court houses in Baltimore City and Prince George's, Montgomery, and Baltimore Counties. Civil legal representation is critical to victims of domestic violence and their children. A 2016 study demonstrated that domestic violence victims who received civil legal representation experienced a notable reduction in physical violence over a 24-month period following the representation, as well as an increase in their psychological well-being and economic self-sufficiency.<sup>1</sup> Not only does civil legal representation work to prevent future domestic violence, but it also helps to mitigate the damage inflicted by that violence. Victims who were represented by legal services attorneys trained in domestic violence more frequently received custody and visitation orders that protected themselves and their children, as compared to cases in which victims were represented by private attorneys or victims who represented themselves.<sup>2</sup> Civil legal services are a vital part of Maryland's safety net for men, women and children escaping domestic violence.

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<sup>1</sup> Hartley, C. C., & Renner, L. M. (2016). *The Longer-Term Influence of Civil Legal Services on Battered Women*. National Institutes of Justice, U.S. Dept. of Justice. Available at: <https://www.ncjrs.gov/pdffiles1/nij/grants/249879.pdf>.

<sup>2</sup> Kernic, M. (2015). *Final Report of the "Impact of Legal Representation on Child Custody Decisions among Families with a History of Intimate Partner Violence Study"*. U.S. Dept. of Justice, National Institute of Justice. Available at: <https://www.ncjrs.gov/pdffiles1/nij/grants/248886.pdf>.

Since the onset of the Covid-19 pandemic, MLSC has experienced severe reductions in one of its major sources of funding. Historically, MLSC has relied in large part on the Interest on Lawyers Trust Accounts (IOLTA) as a source of its funds. During the last 22 months, the interest rates have been close to zero, resulting in little to no income for MLSC. The proposed filing fee surcharge increase will avert further reductions to MLSC's funds and allow MLSC and the legal services agencies it supports to continue to provide vitally needed services.

MLSC funding enables the House of Ruth to help many victims of domestic abuse. During FY 2021, the House of Ruth used MLSC and other funding to serve 2,783 victims. Without this support, low-income victims often would have no access to the legal services needed to help end the cycle of violence. The filing fee surcharge will allow MLSC to continue to provide crucial support for these important services.

**The House of Ruth urges a favorable report on Senate Bill 223.**

# **SB223 AG Surcharge Increase RUM TEMPLATE.pdf**

Uploaded by: Gwen DuBois

Position: FAV



**SB 223 Landlord and Tenant – Eviction Actions – Filing Surcharge and Prohibited Lease Provisions**

**Hearing before the Senate Judicial Proceedings Committee,  
February 3, 2022**

**Position: FAVORABLE**

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Chesapeake Physicians for Social Responsibility (CPSR) is statewide evidenced-based, organization of over 900 physicians, other health professionals, and supporters that addresses the existential public health threats: nuclear weapons, the climate crisis and the issues of pollution and toxics' effect on health, as seen through the intersectional lens of environmental, social, and racial justice. As an organization founded by physicians, we understand that prevention is far superior to treatment in reducing costs, death, illness, injury, and suffering.

**We support SB 223, but we would oppose SB 223 if the bill is amended to allow the increased surcharge to be passed through to tenants under any circumstances.** SB 223 would increase the filing fee surcharge on eviction actions from \$8 to \$73 and prohibit the court and the landlord from passing on this increase to the tenant.

Prior to the pandemic, landlords filed 660,000 eviction complaints each year in a State with only 730,000 renter households, the highest eviction filing rate in the nation. The General Assembly took an important step to address this issue in 2021 by passing HB 18, which will provide tenants with access to counsel in eviction cases when funded and which requires landlords to send tenants a 10-day notice prior to filing an eviction action. Additional important steps to further housing justice would be funding the Access to Counsel in Evictions Fund, pausing eviction cases when a rental assistance application is pending or the tenant is seeking legal/social services, and increasing the fee on filing an eviction action without passing that fee increase onto tenants. These actions would further incentivize landlords to work with tenants and social services -- rather than filing a virtually automatic eviction case each month.

**While we support SB 223 as drafted, if the bill is amended to allow landlords or the court to pass on this \$65 increase to the tenant under any circumstances, the purpose of the bill is eviscerated.** There would no longer be any disincentive for the landlord to file an eviction action if the landlord or the court can pass that surcharge onto the tenant. **Our organization and Renters United Maryland would vocally oppose any surcharge increase in which that surcharge may**

**be passed onto the tenant under any circumstances.**

Even a minor increase that could be passed onto tenants would have significant effects on renters and housing stability in Maryland:

1. **Allowing a pass-through of any amount to tenants means a fee increase squarely on the backs of low-income renters trying to avoid an eviction.** Even if eviction filings are reduced by 25% and 32,000 tenants receive counsel in eviction cases, that leaves approx. 460,000 eviction filings, many of which will include an increased fee that very vulnerable households will have to pay to avoid eviction.
2. **Allowing a fee pass-through means that tenants who are struggling most will now have to pay that increased fee in order to avoid eviction. This will mean more evictions, not fewer.** In order to “pay and stay” from a rent court judgment, the tenant must pay all court costs. We have seen numerous tenants who have paid the rent but been evicted because they couldn’t pay the fees.
3. **Allowing a fee pass-through defeats the purpose of the bill, which is to disincentivize serial eviction filing** (month after month when rent is a few days late). If the landlord can recover the increased surcharge, it will have little effect on landlord eviction filing.
4. **Tenants still have an incentive to pay the rent in a timely fashion because landlords can still assess a 5% late fee and court filing fee** – just not this increased surcharge.
5. **If a landlord truly wants to evict a tenant who is chronically late, then after three judgments the landlord can foreclose on the right to redeem (e.g., no “pay and stay”).** There is no need for the landlord to continue seeking judgments and passing on the increased surcharge.
6. **When fully funded, Access to Counsel will assist annually approximately 32,000 tenants who have a defense. It does not solve Maryland’s significant affordability gap:** There are 193,819 extremely low-income (\$31,600/year for family of four) renter households in Maryland. 74% of those households are severely cost-burdened, i.e., paying more than 50% of their income in rent. These households are one paycheck or unexpected expense away from facing an eviction.
7. **“Judicial discretion” for passing on the fee increase is what happens now and tenants almost always lose.** In all default judgments, the court has “discretion” to award court costs against tenants. They do it every time. Anytime the landlord gets a judgment, the court automatically assesses the court costs. Even if the case doesn’t go to trial, the landlord assesses the costs against the tenant via their lease provisions – even if the case is dismissed. The tenant virtually always loses. This pass-through would defeat the entire purpose of the bill.



**Even an amendment that would allow landlords to pass through the fee to tenants only after the 3rd failure-to-pay-rent filing in a year would still fall disproportionately on the renters who are least able to pay the increased fee because they are often on the brink of eviction.** In the experience of our organization, landlords file against the same tenant repeatedly within the year because the purpose of the eviction filing is not eviction *per se* but rather debt collection.<sup>1</sup> For example, if there is a dispute between the landlord and tenant over \$500 in rent or other fees, the tenant may pay the \$1,000 monthly rent timely, but the landlord may still file an eviction complaint for multiple successive months because there remains a \$500 back balance to which the landlord allocates first the tenant's payment each month, charging a late fee in each of those months as well. Even with a prohibition on pass-through of this surcharge, tenants still have ample incentive to pay the rent timely to avoid late fees and the current court costs that landlord pass through pursuant to statute. This additional proposed surcharge should instead serve as an incentive to the landlord to attempt to work with the tenant, accept a payment plan, and connect the tenant to social services if needed, instead of skipping straight to an eviction filing each month.

Chesapeake Physicians for Social Responsibility is a member of the Renters United Maryland coalition and asks that the Committee **issue a FAVORABLE REPORT WITHOUT AMENDMENTS on SB 223**. If you have any questions, please contact:

Gwen L. DuBois MD, MPH

President, Chesapeake Physicians for Social Responsibility

gdubois@jhsph.edu

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<sup>1</sup> “The execution of an eviction is a double-edged sword for landlords, who must balance the costs of unit turnover with those of allowing a tenant to remain in rent arrears. But this is not the case for filing. *Filing* costs a modest fee, and initiates a legal process that leverages the power of the state both symbolically and physically to encourage the tenant to pay her late rent. Moreover, the process of repeated (“serial”) filing for eviction and charging late fees, even on tenants who are expected to eventually pay their rent, is used by some landlords as an additional revenue source.” Drs. Philip ME Garboden and Eva Rosen, *Serial Filing: How Landlords Use the Threat of Eviction*, City and Community: A Journal of the Community and Urban Sociology Section of the American Sociological Association, Vol. 18, No. 2, June 2019, at 11-12 (emphasis original) (internal citations omitted).

# **SB 223\_MoCo\_Branda\_FAV.pdf**

Uploaded by: Ilana Branda

Position: FAV



# Montgomery County

## Office of Intergovernmental Relations

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**ROCKVILLE: 240-777-6550**

**ANNAPOLIS: 240-777-8270**

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**SB 223**

**DATE: February 3, 2022**

**SPONSOR: The President (By Request - Office of the Attorney General)**

**ASSIGNED TO: Judicial Proceedings**

**CONTACT PERSON: Leslie Frey** ([leslie.frey@montgomerycountymd.gov](mailto:leslie.frey@montgomerycountymd.gov))

**POSITION: SUPPORT**

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### **Landlord and Tenant – Eviction Actions – Filing Surcharge and Prohibited Lease Provisions**

Senate Bill 223 would protect tenants from superfluous evictions filings by raising the surcharge filing fees for summary ejectment (failure to pay rent), tenant holding over, and breach of lease actions against a residential tenant. Currently, the maximum filing fee is \$8; under the bill, the maximum fee would be raised to \$73. SB 223 also prohibits lease clauses that would make the tenant responsible for paying the fee.

Unfortunately, there are landlords who regularly use evictions filings as a scare tactic with their tenants and file actions with the courts every month. These excessive filings then require households who are vulnerable to becoming unhoused to continually appear in court which can further add to their housing instability. Furthermore, filings and judgments become part of the tenants' rental records, which are accessible to future landlords and can create an additional barrier to accessing alternative housing opportunities. Maryland has among the lowest fees in the country for filing these actions; by raising fees, landlords would not be incentivized to turn to the courts at the earliest opportunity to resolve their issues with tenants.

Montgomery County strongly supports initiatives to mitigate eviction and to keep residents housed as part of COVID-19 economic recovery. We therefore respectfully urge the Committee to issue a favorable report on SB 223.

# **SB223 MCRC Testimony 2022.pdf**

Uploaded by: Isadora Stern

Position: FAV

**Testimony to the Senate Judicial Proceedings Committee**  
**SB223: Landlord and Tenant – Eviction Actions – Filing Surcharge and Prohibited Lease Provisions**  
**Position: Favorable**

February 3, 2022

Senator 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 is a statewide coalition of individuals and organizations that advances financial justice and economic 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. MCRC is in support of SB223.

SB 223 would increase the filing fee surcharge on eviction actions from \$8 to \$73 and prohibit the court and the landlord from passing on this increase to the tenant. Prior to the pandemic, landlords filed 660,000 eviction complaints each year in a State with only 730,000 renter households, the highest eviction filing rate in the nation. The General Assembly took an important step to address this issue in 2021 by passing HB 18, which will provide tenants with access to counsel in eviction cases when funded and which requires landlords to send tenants a 10-day notice prior to filing an eviction action. Additional important steps to further housing justice would be funding the Access to Counsel in Evictions Fund, pausing eviction cases when a rental assistance application is pending or the tenant is seeking legal/social services, and increasing the fee on filing an eviction action without passing that fee increase onto tenants. These actions would further incentivize landlords to work with tenants and social services.

MCRC's Tenant Advocacy program empowers tenants to advocate for themselves by providing information about housing rights and responsibilities, legal information, mediation, and referrals to other nonprofits and legal services. The requests we have received for assistance with eviction have increased by 36% over 2020 and continued to increase in 2021. COVID-19 has exponentially increased the housing insecurity impacting Maryland tenants.

In 2021, our Tenant Advocacy program received 1271 complaints from Maryland residents statewide. Of those 1271, 800 were related to eviction. An increase in the cost of eviction filings would disincentivize landlords from pursuing evictions as a first course of action before considering diversion services.

For these reasons we support SB223 and urge a favorable report.

Best,  
Isadora Stern  
Policy Associate

# **Health Care for the Homeless - SB 223 FAV - AG Sur**

Uploaded by: Joanna Diamond

Position: FAV

**HEALTH CARE FOR THE HOMELESS TESTIMONY**  
**IN SUPPORT OF**  
**SB 223 – Landlord and Tenant – Eviction Actions – Filing Surcharge**  
**and Prohibited Lease Provisions**

**Senate Judicial Proceedings Committee**  
**February 3, 2022**



**Health Care for the Homeless supports SB 223, *but join with our colleagues at Renters United Maryland in opposing SB 223 if the bill is amended to allow the increased surcharge to be passed through to tenants under any circumstances.***

SB 223 would increase the filing fee surcharge on eviction actions from \$8 to \$73 and prohibit the court and the landlord from passing on this increase to the tenant. Prior to the pandemic, landlords filed 660,000 eviction complaints each year in a State with only 730,000 renter households, the highest eviction filing rate in the nation. We applaud the General Assembly in taking the important step of preventing evictions during the 2021 session by passing HB 18, which will provide tenants with access to counsel in eviction cases and which requires landlords to send tenants a 10-day notice prior to filing an eviction action. However, Access to Counsel in Evictions Fund must be funded in order for this program to actually be implemented. Additional important steps to further housing justice include pausing eviction cases when a rental assistance application is pending or the tenant is seeking legal/social services, and increasing the fee on filing an eviction action without passing that fee increase onto tenants. These actions would further incentivize landlords to work with tenants and social services. A number of these initiatives, along with other bills, will be before this body this legislative session and we, along with Renters United Maryland, urge you to consider and pass these bills.

While we support SB 223 as drafted, **if the bill is amended to allow landlords or the court to pass on this \$65 increase to the tenant under any circumstances, the purpose of the bill is eviscerated.** There would no longer be any disincentive for the landlord to file an eviction action if the landlord or the court can pass that surcharge onto the tenant. Further, any additional fees on tenants, even “minor” increases, would have significant effects on renters and housing stability in Maryland. **Do not make tenants pay more for their own eviction!**

Health Care for the Homeless and Renters United Maryland coalition and we will vocally oppose any surcharge increase in which that surcharge may be passed onto the tenant under any circumstances. As such, Health Care for the Homeless asks that the Committee issue a favorable report ***without amendments*** on SB 223.

*Renters United Maryland is a coalition of independent non-profit, legal services, and community-based organizations. In 2022, Renters United Maryland calls on the General Assembly to ensure that Maryland’s COVID recovery isn’t leaving renters behind. See Renters United Maryland’s Housing Justice plan for the 2022 legislative session here: <https://rentersunitedmaryland.org/>.*

*Health Care for the Homeless is Maryland's leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We work to prevent and end homelessness for vulnerable individuals and families by providing quality, integrated health care and promoting access to affordable housing and sustainable incomes through direct service, advocacy, and community engagement. We deliver integrated medical care, mental health services, state-certified addiction treatment, dental care, social services, and housing support services for over 10,000 Marylanders annually at sites in Baltimore City and Baltimore County. For more information, visit [www.hchmd.org](http://www.hchmd.org).*



# **BaltimoreCounty\_FAV\_SB0223.pdf**

Uploaded by: Joel Beller

Position: FAV



JOHN A. OLSZEWSKI, JR.  
*County Executive*

JOEL N. BELLER  
*Acting Director of Government Affairs*

JOSHUA M. GREENBERG  
*Associate Director of Government Affairs*

MIA R. GOGEL  
*Associate Director of Government Affairs*

**BILL NO.: SB 223**

**TITLE:** Landlord and Tenant - Eviction Actions - Filing Surcharge and Prohibited Lease Provisions

**SPONSOR:** The President

**COMMITTEE:** Judicial Proceedings

**POSITION:** **SUPPORT**

**DATE:** February 3, 2022

Baltimore County **SUPPORTS** Senate Bill 223 – Landlord and Tenant - Eviction Actions - Filing Surcharge and Prohibited Lease Provisions. This legislation would raise surcharges assessed by the District Court per civil case for summary ejectment, tenant holding over, and breach of lease.

Eviction prevention is a core priority for Baltimore County Executive John Olszewski's administration. Amid the COVID pandemic, as eviction concerns mounted due to an unprecedented wave of unemployment, Baltimore County created the Department of Housing and Community Development (DHCD) to meet the surging demand. By taking advantage of strategic partnerships with organizations such as United Way and other governmental partners, DHCD has prevented thousands of evictions to date and continues to find creative solutions to secure housing for County residents.

SB 223 will further Baltimore County's efforts by setting a higher price for civil actions against tenants for summary ejectment, tenant holding over, and breach of lease. This legislation would raise surcharges from a maximum \$8 per case to a maximum \$73 per case. Raising the cost of filing civil action against tenants incentivizes landlords come to creative, equitable solutions with their tenants. With a public health crisis continuing to impact the ability of residents to find employment and care for their loved ones, actions that guarantee continued stable housing have never been more critical.

Accordingly, Baltimore County requests a **FAVORABLE** report on SB 223. For more information, please contact Joel Beller, Acting Director of Government Affairs, at [jbeller@baltimorecountymd.gov](mailto:jbeller@baltimorecountymd.gov).

## **SB 223 Final -Landlord and Tenant - Eviction Actio**

Uploaded by: Justin Hayes

Position: FAV



Peter Franchot  
*Comptroller*

## TESTIMONY OF COMPTROLLER PETER FRANCHOT

### Support – Senate Bill 223 – Landlord and Tenant - Eviction Actions - Filing Surcharge and Prohibited Lease Provisions

*Judicial Proceedings Committee*

*February 3, 2022*

Chairman Smith, Vice Chair Waldstreicher, and members of the Committee, it is my pleasure to provide testimony in support of **Senate Bill 223 – Landlord and Tenant - Eviction Actions - Filing Surcharge and Prohibited Lease Provisions**. I would like to thank Senate President Ferguson for sponsoring this important legislation on behalf of Attorney General Frosh, and the Committee for providing the opportunity for my testimony to be heard.

Housing affordability is an ongoing issue in Maryland, and the COVID-19 pandemic has made keeping families in their homes more important than ever before. Too frequently, some landlords elect to file eviction proceedings prematurely, in part because filing fees in Maryland are nearly the lowest in the nation. While other states may charge hundreds, the current filing surcharge is as low as fifteen dollars. This incentivizes landlords to simply file for eviction due to the low cost, which they are allowed to pass on to tenants.

Senate Bill 223 would increase the maximum eviction filing fee for landlords to a maximum of 73 dollars, still well below the national average, and ensure that those costs could not be passed on to tenants.

These reasonable measures will work to reduce the number of eviction filings and help fund legal services for vulnerable tenants, all serving to protect tenants and keep Maryland families in their homes.

For the reasons stated above, I respectfully request a favorable report for Senate Bill 223. Thank you for your time and consideration.

###

# **SB223\_MD Center on Economic Policy\_FAV.pdf**

Uploaded by: Kali Schumitz

Position: FAV

FEBRUARY 3, 2022

# Ending Cheap Eviction Lawsuits Will Increase Housing Stability, Fund Legal Aid Services

## Position Statement Supporting Senate Bill 223

*Given before the Judicial Proceedings Committee*

All Marylanders deserve the chance to have safe, affordable housing, and Maryland's extremely low filing fees for eviction cases present a barrier to achieving that goal. Senate Bill 223 would increase the filing fee surcharge on eviction actions from \$8 to \$73 and prohibit the court and the landlord from passing on this increase to the tenant. Raising the fee will reduce high-volume eviction dockets, end cheap repeat lawsuits, and help fund legal services to ensure that people facing eviction proceedings have access to a lawyer. **The Maryland Center on Economic Policy supports Senate Bill 223, because more evictions following COVID-19 will jeopardizing the state's economy and halt pandemic recovery. However, we would oppose SB 223 if the bill is amended to allow the increased surcharge to be passed through to the tenants under any circumstances.**

Maryland families were already facing housing instability long before the pandemic. In Maryland, an average of 660,000 evictions are filed annually. In Baltimore City, there are more eviction cases filed yearly than there are available rental units, which suggests repeated eviction filings by landlords. Maryland is currently the third cheapest state to file for an eviction with a cost of \$8. Raising the fee to \$73 will bring Maryland closer in line with the current national average for the cost to file for an eviction.

The spread of COVID-19 has resulted in substantial loss of income for many Marylanders, leaving them unable to afford their rent. Preserving housing stability is the most effective method for preventing the spread of the virus and setting up families and communities for a strong economic recovery. This notion was the driving force for the CDC taking unprecedented action by issuing the national moratorium on evictions last year. In light of the CDC actions, many Marylanders believed they were protected from being taken to court for eviction and that their landlords would have to apply for rental assistance before they could resort to lawsuits. However, this is not the case due to the many loopholes in current renter protections.

In response to the economic crisis, Governor Hogan did take some actions early on to protect Marylanders from evictions caused by the pandemic.<sup>i</sup> However, those protections expired in July of last year and eviction filings have since resumed. In Maryland:

- 115,000 eviction cases were filed from July to November of last year
- 36% of Black households are not current on their rent compared to 14% of white households
- Over 2,500 Marylanders were evicted amid the surging public health crises from July to November of last

year

- 30% of households earning less than \$50,000 are behind in their rent compared to just 10% of those earning \$75,000 or more.

Increasing the cost to landlords for entering eviction proceedings will create a greater incentive for landlords to work with tenants on repayment of unpaid rent. The data support the need for this legislation with so many Marylanders currently being behind in their rent.

The COVID-19 crisis has spotlighted the reality that Maryland's current eviction process is by design a race to displace Marylanders. Thanks to a recent report, we know that 99% of renters face eviction without the assistance of a lawyer.<sup>ii</sup> When a family receives an eviction judgement, it is a loss of a home, their possessions, school, community, employment, mental and physical health and the ability to secure a new place to live. Maryland can build back better if we prioritize stability over displacement. **For these reasons, the Maryland Center on Economic Policy respectfully requests the Judicial Proceedings Committee to make a favorable report on Senate Bill 223.**

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## Equity Impact Analysis: Senate Bill 223

### *Bill Summary*

Senate Bill 223 establishes an eviction surcharge that effectively raises Maryland courts' rock-bottom \$15 court fee for evictions to the national average of \$120.

### *Background*

Maryland families were already facing housing instability long before the pandemic. In Maryland, an average of 660,000 evictions are filed annually. In Baltimore City, there are more eviction cases filed yearly than there are available rental units, which suggests repeated eviction filings by landlords. Maryland is currently the third cheapest state to file for an eviction with a low cost of \$15. Raising the fee to \$120 will bring Maryland in line with the current national average for the cost to file for an eviction. Moreover, it will also reduce high volume eviction dockets, end cheap repeat lawsuits and establish an eviction surcharge fee that will fund legal services for people facing eviction proceedings. Most importantly, it ensures that any such increase in eviction filing fees are not passed on to the tenant.

### *Equity Implications*

A recent study found that the number of evictions of Black women is 3.9 times (296% more) than the number of evictions of white men.<sup>iii</sup>

The surcharge will not only bring Maryland in line with the national average, but it will incentivize landlords to work with tenants on repayment of unpaid rent. It will also lower Maryland's eviction court dockets, which will reduce rental debt and negative effects on credit and tenant screening.

### *Impact*

Senate Bill 223 will likely **improve racial, gender, and economic equity** in Maryland.

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<sup>i</sup> The State of Maryland Emergency Declaration <https://governor.maryland.gov/wp-content/uploads/2020/03/Executive-Order-Temp-Evictions-Prohibiting.pdf>

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- <sup>ii</sup> Public Justice Center (2019) The Economic Impact of a Right to Council in Baltimore City. <https://bmorerentersunited.org/rtc/stoutreport/>
- <sup>iii</sup> Thomas, T. (PhD) Baltimore Evictions Study. <https://evictions.study/maryland/report/baltimore.html>



# **SB 223 - Written Testimony - SENATE.pdf**

Uploaded by: Katie Davis

Position: FAV

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**SB 223 – Eviction Surcharge**  
**HEARING BEFORE THE JUDICIAL PROCEEDINGS COMMITTEE, FEBURARY 3, 2022 at 1:00 PM**  
**POSITION: SUPPORT**

The Pro Bono Resource Center of Maryland (“PBRC”), an independent 501(c)(3) non-profit organization, is the statewide clearinghouse for volunteer civil legal services in Maryland. As the designated pro bono arm of the Maryland State Bar Association, PBRC provides training, mentorship, and pro bono service opportunities to members of the private bar. We respond to acute legal needs identified in areas across the state by piloting innovative pro bono service projects targeting specific legal problems or populations.

**PBRC urges a FAVORABLE report on SB 223 for two reasons: PBRC supports SB 223 because the increased evictions surcharge will relieve stress on courts and encourage landlords to work with renters on repayment rather than rushing to court. PBRC also supports SB 223 because the Maryland Legal Services Corporation (“MLSC”) needs the revenue from the additional surcharges in order to sustain its funding of critical civil legal services, including those provided by PBRC, to vulnerable residents of our state. For every dollar invested on civil legal services, the state realizes a savings of \$6.**

In May 2017, with a grant from the Maryland Judiciary’s Access to Justice Department, PBRC launched the **Tenant Volunteer Lawyer of the Day Program (TVLD Program)** in Baltimore City Rent Court to provide day-of-court legal representation to tenants who appear unrepresented for their proceedings. In September 2021, the TVLD Program received additional funding to expand to Baltimore County. PBRC attorneys have seen first-hand the number of tenants who appear in court ready to work with the landlords to pay their rent or with a valid defense to an eviction. We have also witnessed many tenants for whom serial, monthly Failure to Pay Rent filings are a true hardship, requiring them to miss work or disrupt their childrens’ virtual school to repeatedly come to court only to learn that the action has been dismissed by the landlord. In 2021, over 76% of TVLD clients represented at court either avoided an eviction entirely based on a valid defense, had their case dismissed by the landlord or were granted a postponement delaying their eviction. **The increase in the surcharge for summary ejectment cases will encourage landlords to work with renters on repayment rather than rushing to court. This will ultimately reduce rental debt and negative effects of serial filings on tenants and families while preventing unnecessary strain on the court system.**

Furthermore, the increased surcharge in both summary ejectment cases and civil cases in general will funnel much-needed funds to MLSC to help fund work like the TVLD Program. MLSC funding comprised 29% of PBRC’s budget in fiscal year 2021. In addition to TVLD, PBRC’s projects include home preservation (covering tax sale and foreclosure prevention), consumer protection, immigration (including unification of unaccompanied children with their families), and senior stability. These projects incorporate extensive volunteer service components through community, courthouse and remote clinics that offer essential legal help to thousands of clients in need. We also recruit, train, and engage hundreds of lawyers in the myriad of civil legal areas that impact low-income individuals and refer them to other legal services providers to offer high quality legal services to their client populations. **Grant funding from MLSC makes this possible.**

**While PBRC supports SB 223 as drafted, if the bill is amended to allow landlords or the court to pass on this increase to the tenant under any circumstances, the primary purpose of the bill will be eviscerated.** There would no longer be any disincentive for landlords to file serial eviction actions, and the benefit to the courts would be lost. The extra charge would be born by those least able to handle it, and more tenants would be evicted unnecessarily. **PBRC and Renters United Maryland would oppose any surcharge increase in which that surcharge may be passed onto the tenant under any circumstances.**

**As written, SB 223 will decrease unnecessary eviction actions, reduce stress on the courts and create additional funding for MLSC, helping to ensure the continued vitality of free civil legal services to those who need it most. PBRC supports SB 223. Thank you for the opportunity to testify.**

For the above reasons,

**PBRC, a member of Renters United if Maryland, urges a FAVORABLE report on SB 223.**

Please contact Katie Davis, Director of PBRC's Courtroom Advocacy Project, with any questions.

[kdavis@probonomd.org](mailto:kdavis@probonomd.org) • 443-703-3049

# **SB0223\_testimony\_evictionlab.pdf**

Uploaded by: Lillian Leung

Position: FAV

## **Statement in support of Senate Bill 223 Landlord and Tenant – Eviction Actions – Filing Surcharge and Prohibited Lease Provisions**

February 3, 2022

**Lillian Leung**, Doctoral Student in Sociology, Princeton University

**Peter Hepburn**, Assistant Professor of Sociology, Rutgers University-Newark

**Matthew Desmond**, Maurice P. Daring Professor of Sociology, Princeton University

America was in the midst of an affordable housing and eviction crisis well before the COVID-19 pandemic. In 2019, nearly half (46.3%) of renting households nationwide were housing cost burdened, spending more than 30% of their monthly income on housing, and nearly a quarter of renters (23.9%) spent over half their income on housing.<sup>1</sup> Housing cost burden is highest for renters of color and low-income households. Housing cost burden in Maryland is slightly above the national average: 49.9% of renting households are classified as housing cost burdened and 24.5% are severely burdened.<sup>2</sup>

Increasing housing cost burden places a growing number at risk of eviction. Princeton University's Eviction Lab estimates that 3.7 million eviction cases were filed nationwide in 2016. That amounts to an eviction filing rate of 9.6%: 9.6 evictions filed for every 100 renting households.<sup>3</sup> In Maryland, however, we have collected data that suggest dramatically higher eviction filing rates—as high as 92.5% in 2019 (see Appendix A).

The COVID-19 pandemic has had a particularly severe effect on renters. Between March, 2020 and March 2021, more than half of renter households lost income, and almost one in five renters struggled to pay rent in early 2021.<sup>4</sup> Data from the Census Pulse Survey indicates that 17.6% of renters in Maryland were behind on rent between July and September 2021, above the national average of 15%.<sup>5</sup>

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<sup>1</sup> Joint Center for Housing Studies at Harvard University. “The State of the Nation’s Housing 2021.” Harvard University, 2021.

<sup>2</sup> Author’s calculations based on 2019 one-year American Community Survey Data for Maryland. Underlying data are available at:

<https://data.census.gov/cedsci/table?t=Renter%20Costs&g=0400000US24&y=2019&tid=ACSDT1Y2019.B25070&hidePreview=true>

<sup>3</sup> Ashley Gromis, et al., “Estimating the National Prevalence of Eviction Using Millions of Public Court Records,” Working Paper: Princeton University, Eviction Lab, 2020.

<sup>4</sup> Joint Center for Housing Studies at Harvard University. “The State of the Nation’s Housing 2021.” Harvard University, 2021.

<sup>5</sup> Estimates for Maryland come from “The Highest Share of Households Behind on Rent were in the South” (<https://www.jchs.harvard.edu/behind-on-rent-map>) and the national average is presented in the Joint Center for Housing Studies at Harvard University’s report on “America’s Rental Housing 2022.”

However, state and local policies have helped to reduce eviction rates during the crisis. Eviction filing rates across the country fell in response to federal and state eviction moratoria, widespread availability of emergency rental assistance, and various other policies that supported housing stability.<sup>6</sup> Between March, 2020 and November, 2021, 45.1% as many eviction cases as normal were filed in Maryland. Still, this amounts to 520,449 eviction filings.<sup>7</sup>

By way of comparison, the Eviction Lab has been collecting eviction filing data from six states and 31 cities during the pandemic. Our sample covers a quarter of all renters nationwide, but does not include Maryland.<sup>8</sup> We tracked 664,244 eviction filings across all of these jurisdictions over the equivalent 21-month period, 43.1% of historical average. Compared to Maryland, reductions in eviction filings have been larger in New York City (21.7% of historical average), Philadelphia (26.0% of historical average), and Richmond, VA (26.8% of historical average). There were 82 times as many eviction cases filed in Maryland as in Minnesota over this 21-month period, despite the fact that there are only 20% more renter households in Maryland.

Maryland's high eviction filing rate reflects the fact that the threat of eviction is often used as a rent collection and property management tool, rather than a means of removing tenants. The strategic use of eviction filings was the subject of our analysis of serial eviction filings.<sup>9</sup> Serial eviction filings take place when landlords and property managers repeatedly file evictions against the same household, at the same address, across multiple months and even years. Analyzing court records from across the country, we found that nearly one-third of households facing eviction in 2014 were filed against repeatedly at the same address. Interviews with 33 landlords and property managers led us to conclude that serial eviction filings were often used as a tool to facilitate rent collection—the threat of displacement a powerful inducement to pay rent.

Serial eviction filing is a plausible property management strategy only in places where eviction filing fees are low and regulatory barriers minimal. Jurisdictions that make eviction cheaper and quicker had significantly higher rates of serial eviction filings. In Indiana, Illinois, and Florida, less than one in every ten cases was a repeat filing. By contrast, almost half of eviction cases filed in 2014 were part of a serial eviction case in Delaware, South Carolina, and Virginia. In these states, eviction courts function as the court of first, not last resort.

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<sup>6</sup> Peter Hepburn, Renee Louis, Joe Fish et al., “U.S. Eviction Filing Patterns in 2020,” *Socius* (2021): 1-18.

<sup>7</sup> Data are sourced from the Maryland Courts: <https://mdcourts.gov/district/about#stats>. The baseline comparison is the average number of filings over the 21-month period starting in March 2017 and March 2018 (running through November 2018 and 2019, respectively).

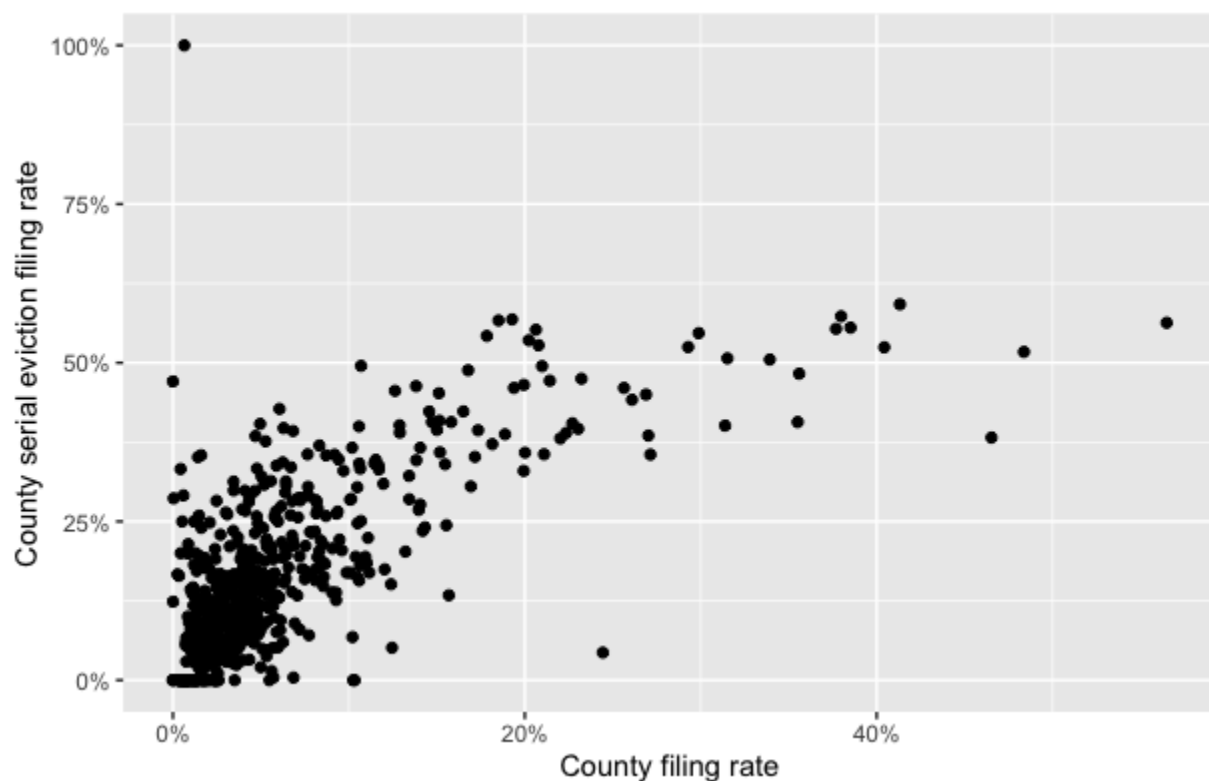
<sup>8</sup> These data are available through the Eviction Tracking System: <https://evictionlab.org/eviction-tracking/>.

<sup>9</sup> Lillian Leung, Peter Hepburn, and Matthew Desmond, “Serial Eviction Filing: Civil Courts, Property Management, and the Threat of Displacement,” *Social Forces* (2020): 1-29.

To put this in context of SB 223, the current filing fee for Failure to Pay Rent cases in Maryland is \$15 (except Baltimore City, where it costs \$25). This is among the lowest in the country. The average filing fee nationwide is \$112, with Minnesota having the highest average filing fee (\$295.5).<sup>10</sup> Only Washington, D.C. has an eviction filing fee as low as Maryland's.

Due to the unavailability of case-level eviction filing data in the state, we cannot estimate serial eviction filing rates in Maryland. We provide statistics from nearby and similar states in Appendix B. Our analyses exploring the association between eviction filing rates and *serial* eviction filing rates demonstrate that states with higher overall filing rates tend to also have higher serial eviction filing rates as well (see Plot 1).

**Plot 1.** County-level serial eviction filing rate by overall eviction filing rate.



*Note: Estimates are based on data from Leung et al. (2020). All estimates pertain to rates for 2014. No serial eviction filing data are available for Maryland.*

There is considerable evidence to suggest that serial eviction filings are a common occurrence in Maryland. As noted above, the state's overall eviction filing rate—which we can calculate given aggregate statistics described in Appendix A—is extraordinarily high. In 2019, 675,625 landlord-tenant cases were processed, translating to approximately 92.54 cases per 100 renting

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<sup>10</sup> Figures are based on 2018 filing fee information collected by the Eviction. Filing fees might vary across counties within the same state; figures cited are state average.

households.<sup>11</sup> In the most extreme cases, we see a filing rate of 177.0% in Baltimore County, 131.5% in Prince George’s County, and 106.5% in Baltimore City in 2019. Rates of over 100% suggest many of these filings were likely part of serial eviction cases. Extrapolating the general pattern observed in Plot 1 to the eviction rates in Maryland, it seems more likely than not that a considerable share of all eviction filing in the state are serial eviction filings.

Serial eviction filings result in serious consequences for tenants, even those who never receive an eviction judgment. Having multiple eviction filings tarnishes tenants’ rental histories and creates barriers to finding housing in the future. In our interviews with property managers, many noted that they rejected applicants with negative rental history, even those that did not culminate in an eviction judgment. This pattern has also been documented by a number of journalists studying the tenant screening industry.<sup>12</sup>

Serial eviction filings also increase housing costs for households that are already struggling to pay rent. Landlords and property managers that we interviewed noted that they typically pass court costs, including filing and attorney fees, to tenants. We estimated that, across the country, each eviction filing translates into approximately \$180 in fines and fees for the typical renter household that pays to stay in their unit, raising their monthly housing cost by 20%. This bill’s provisions ensuring that landlords and property managers do not pass on these costs should help to reduce the financial burdens of tenants who are already at risk of eviction.

Increasing the filing fee for eviction cases should serve to reduce undue and frivolous eviction filings, limit serial eviction filings, and lower administrative stress and burden on the court system. Trying to put pre-pandemic caseloads in context, we estimate that each district court in Maryland must handle an average of almost 400 cases *weekly*.<sup>13</sup> Some, however, process far more than that. A 2015 report by the Public Justice Center and the Right to Housing Alliance estimates the rent court in Baltimore City, which has one of the state’s highest eviction filing rates, processes roughly 1,000 cases per day. The report describes “overwhelmed dockets” and rapid processes that undermine the court’s fairness.<sup>14</sup>

Our research indicates that SB 233 (Landlord and Tenant - Eviction Actions - Filing Surcharge and Prohibited Lease Provisions) would likely reduce Maryland’s eviction filing rates and result

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<sup>11</sup> Monthly statistic reports were summed to obtain figures for 2019:

<https://mdcourts.gov/sites/default/files/import/district/statistics/2019/Calendar19.pdf>

<sup>12</sup> Megan Kimble, “The Blacklist,” *The Texas Observer*, 12/9/2020; Lauren Kirchner, “Data Brokers May Report COVID-19–Related Evictions for Years,” *The Markup*, 8/4/2020; Kyle Swenson, “The stimulus relieved short-term pain, but eviction’s impact is a long haul,” *The Washington Post*, 2/8/2021.

<sup>13</sup> We produced a back-of-the-envelope calculation by dividing the total number of filings in Maryland in 2019 by 52 weeks and by the 33 district court locations in Maryland.

<sup>14</sup> The Public Justice Center, the Right to Housing Alliance, Dan Pasciuti, and Michele Cotton. 2015. “Justice Diverted: How Renters Are Processed in the Baltimore City Rent Court.”

[http://www.publicjustice.org/wp-content/uploads/2019/09/JUSTICE\\_DIVERTED\\_PJC\\_DEC15.pdf](http://www.publicjustice.org/wp-content/uploads/2019/09/JUSTICE_DIVERTED_PJC_DEC15.pdf)



in fewer unnecessary, serial eviction filings. The pass-through prohibition written into the law serves as a critical disincentive to landlords and ensuring that court costs are not passed on to tenants.

## Appendix A

We have calculated state-level eviction filing rates using court statistics retrieved from Maryland's annual court reports. Data for 2000 to 2016 are drawn from Maryland Judiciary's annual Statistical Abstracts.<sup>15</sup> Data for 2017 through November 2021 are sourced from monthly statistical reports on the Maryland Courts' website.<sup>16</sup> National filing rates are drawn from the Eviction Lab's website and are available only between 2000 and 2016.<sup>17</sup>

The filing rate is calculated by dividing the number of landlord-tenant cases filed that year by the number of renting households, drawn from the U.S. Census Bureau's American Community Survey. The rates below do not account for serial eviction filings.

### State-level eviction filing rates in Maryland, 2000-2021

Year	Maryland Filing Rate (%)	National Filing Rate (%)
2000	82.27	6.00
2001	77.25	6.38
2002	81.14	6.96
2003	80.51	7.04
2004	79.22	7.07
2005	79.33	7.22
2006	81.62	7.49
2007	86.38	6.42
2008	88.87	6.50
2009	87.05	6.44
2010	91.25	7.05
2011	86.43	7.22
2012	88.39	6.98
2013	87.08	6.73

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<sup>15</sup> <https://mdcourts.gov/publications/annualreports>

<sup>16</sup> <https://mdcourts.gov/district/about#stats>

<sup>17</sup> <https://evictionlab.org/>

2014	83.75	6.60
2015	83.33	6.27
2016	83.65	6.12
2017	89.44	NA
2018	90.28	NA
2019	92.54	NA
2020	42.55	NA
2021 (partial) <sup>18</sup>	45.15	NA

## Appendix B

<b>State</b>	<b>Average Filing Fee (2018) (\$)</b>	<b>State Serial Eviction Filing Rate (%)</b>
Delaware	40	56.3
North Carolina	126	41.3
South Carolina	40	46.7
Virginia	44.5	50.7
West Virginia	50	10

<sup>18</sup> Court data for 2021 is only available up to November 2021. The eviction rate calculated therefore is likely lower than what the actual filing rate for a complete year would be.

# **SB 223 PJC Testimony FAV.pdf**

Uploaded by: Matt Hill

Position: FAV



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**SB 223 Landlord and Tenant – Eviction Actions – Filing Surcharge and Prohibited Lease Provisions**

**Hearing before the Senate Judicial Proceedings Committee, February 3, 2022**

**Position: FAVORABLE**

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The Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing. **The PJC supports SB 223, but we would oppose SB 223 if the bill is amended to allow the increased surcharge to be passed through to tenants under any circumstances.**

**Do not make tenants pay more for their own eviction!**

SB 223 would increase the filing fee surcharge on eviction actions from \$8 to \$73 and prohibit the court and the landlord from passing on this increase to the tenant. Prior to the pandemic, landlords filed 660,000 eviction complaints each year in a State with only 730,000 renter households, the highest eviction filing rate in the nation. The General Assembly took an important step to address this issue in 2021 by passing HB 18, which will provide tenants with access to counsel in eviction cases when funded and which requires landlords to send tenants a 10-day notice prior to filing an eviction action. SB 223 would further incentivize landlords to work with tenants and social services.

**While we support SB 223 as drafted, if the bill is amended to allow landlords or the court to pass on this \$65 increase to the tenant under any circumstances, the purpose of the bill is eviscerated.** There would no longer be any disincentive for the landlord to file an eviction action if the landlord or the court can pass that surcharge onto the tenant. **Our organization and Renters United Maryland would vocally oppose any surcharge increase in which that surcharge may be passed onto the tenant under any circumstances.**

Even a minor increase that could be passed onto tenants would have significant effects on renters and housing stability in Maryland:

1. **Allowing a pass-through of any amount to tenants means a fee increase squarely on the backs of low-income renters trying to avoid an eviction.** Even if eviction filings are reduced by 25% and 32,000 tenants receive counsel in eviction cases, that leaves appx. 460,000 eviction filings, many of which will include an increased fee that very vulnerable households will have to pay to avoid eviction.

*The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.*

2. **Allowing a fee pass-through means that tenants who are struggling most will now have to pay that increased fee in order to avoid eviction. This will mean more evictions, not fewer.** In order to “pay and stay” from a rent court judgment, the tenant must pay all court costs. We have seen numerous tenants who have paid the rent but been evicted because they couldn’t pay the fees.
3. **Allowing a fee pass-through defeats the purpose of the bill, which is to disincentivize serial eviction filing** (month after month when rent is a few days late). If the landlord can recover the increased surcharge, it will have little effect on landlord eviction filing.
4. **Tenants still have an incentive to pay the rent in a timely fashion because landlords can still assess a 5% late fee and court filing fee** – just not this increased surcharge.
5. **If a landlord truly wants to evict a tenant who is chronically late, then after three judgments the landlord can foreclose on the right to redeem (e.g., no “pay and stay”).** There is no need for the landlord to continue seeking judgments and passing on the increased surcharge.
6. **When fully funded, Access to Counsel will assist annually approximately 32,000 tenants who have a defense. It does not solve Maryland’s significant affordability gap:** There are 193,819 extremely low-income (\$31,600/year for family of four) renter households in Maryland. 74% of those households are severely cost-burdened, i.e., paying more than 50% of their income in rent. These households are one paycheck or unexpected expense away from facing an eviction.
7. **“Judicial discretion” for passing on the fee increase is what happens now and tenants almost always lose.** In all default judgments, the court has “discretion” to award court costs against tenants. They do it every time. Anytime the landlord gets a judgment, the court automatically assesses the court costs. Even if the case doesn’t go to trial, the landlord assesses the costs against the tenant via their lease provisions – even if the case is dismissed. The tenant virtually always loses. This pass-through would defeat the entire purpose of the bill.

**Even an amendment that would allow landlords to pass through the fee to tenants only after the 3rd failure-to-pay-rent filing in a year would still fall disproportionately on the renters who are least able to pay the increased fee because they are often on the brink of eviction.** In the experience of our organization, landlords file against the same tenant repeatedly within the year because the purpose of the eviction filing is not eviction *per se* but rather debt collection.<sup>1</sup> For

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<sup>1</sup> “The execution of an eviction is a double-edged sword for landlords, who must balance the costs of unit turnover with those of allowing a tenant to remain in rent arrears. But this is not the case for filing. *Filing* costs a modest fee, and initiates a legal process that leverages the power of the state both symbolically and

example, if there is a dispute between the landlord and tenant over \$500 in rent or other fees, the tenant may pay the \$1,000 monthly rent timely, but the landlord may still file an eviction complaint for multiple successive months because there remains a \$500 back balance to which the landlord allocates first the tenant's payment each month, charging a late fee in each of those months as well. Even with a prohibition on pass-through of this surcharge, tenants still have ample incentive to pay the rent timely to avoid late fees and the current court costs that landlord pass through pursuant to statute. This additional proposed surcharge should instead serve as an incentive to the landlord to attempt to work with the tenant, accept a payment plan, and connect the tenant to social services if needed, instead of skipping straight to an eviction filing each month.

Public Justice Center is a member of the Renters United Maryland coalition and asks that the Committee **issue a FAVORABLE REPORT WITHOUT AMENDMENTS on SB 223**. If you have any questions, please contact: Matt Hill, attorney, 410-625-9409, ext. 229, [hillm@publicjustice.org](mailto:hillm@publicjustice.org)

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physically to encourage the tenant to pay her late rent. Moreover, the process of repeated (“serial”) filing for eviction and charging late fees, even on tenants who are expected to eventually pay their rent, is used by some landlords as an additional revenue source.” Drs. Philip ME Garboden and Eva Rosen, *Serial Filing: How Landlords Use the Threat of Eviction*, City and Community: A Journal of the Community and Urban Sociology Section of the American Sociological Association, Vol. 18, No. 2, June 2019, at 11-12 (emphasis original) (internal citations omitted).

## **SB 223 - Landlord and Tenant - Eviction Actions -**

Uploaded by: Michelle Siri

Position: FAV



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BILL NO:	Senate Bill 223
TITLE:	Landlord and Tenant – Eviction Actions – Filing Surcharge and Prohibited Lease Provisions
COMMITTEE:	Judicial Proceedings
HEARING DATE:	February 3, 2022
POSITION:	<b>SUPPORT</b>

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The Women's Law Center of Maryland (WLC) is a statewide, non-profit legal services provider, dedicated to ensuring the physical safety, the economic security, and the bodily autonomy of women across Maryland. Our direct legal services include representing survivors of domestic violence in protective order hearings, family law matters, and immigration proceedings. The WLC advances its work not only through direct legal representation, but also through statewide educational hotlines and advocacy.

Senate Bill 223 was developed by the Attorney General through the COVID 19 Task Force on Access to Justice, a partnership between the Maryland Attorney General's Office and the Maryland Access to Justice Commission, developing strategies and solutions addressing the significant civil legal challenges facing Marylanders in the wake of COVID-19. It would bring filing fees in landlord tenant cases closer in line with surcharges filed in other states, which in turn would help reduce the number of eviction proceedings filings, while at the same time increasing funding for an Access to Counsel. Proceeds would go to support civil legal services, in particular representation in eviction proceedings.

Domestic and sexual violence is a leading cause of homelessness for women and children, and the need for safe and affordable housing is one of the most pressing concerns for survivors of violence and abuse. Many survivors face unique barriers to accessing affordable housing due to the power and control dynamics involved in these types of relationships, such as being evicted for calling the police or because the batterer caused a disturbance at the dwelling. A right to counsel in such eviction proceedings can play a critical role in ensuring survivor safety and economic stability.

For these reasons, the WLC supports SB223 and urges a favorable report.

***The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.***

## **SB 223 - FAV-Molly Amster, JUFJ.pdf**

Uploaded by: Molly Amster

Position: FAV

February 3, 2022

Molly Amster  
Baltimore, MD 21218



**TESTIMONY ON SB223/HB298 - POSITION: FAVORABLE**

**Landlord and Tenant - Eviction Actions - Filing Surcharge and Prohibited Lease Provisions**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Molly Amster, on behalf of Jews United for Justice

My name is Molly Amster. I am a resident of District 43 and am the Maryland Policy Director and Baltimore Director for Jews United for Justice (JUFJ). **I am submitting this testimony on behalf of JUFJ in support of SB223/HB298, Landlord and Tenant - Eviction Actions - Filing Surcharge and Prohibited Lease Provisions.** JUFJ organizes 6,000 Jews and allies from across Maryland in support of local social, racial, and economic justice campaigns.

Jewish sacred texts recognize that having safe, stable housing is key to a healthy society, and we know that it is key to reducing racial inequities. These texts have taken on even more urgency in the past two years: all people should be able to stay in their homes, especially during a pandemic.

While we support SB223/HB298 as drafted, if the bill is amended to allow landlords or the court to pass on the \$65 increase to the tenant under any circumstances, the purpose of the bill is eviscerated. There would no longer be any disincentive for the landlord to file an eviction action if the landlord or the court can pass that surcharge onto the tenant. Further, renters who are trying to scrape together enough money to pay their rent and late fees to stay in their homes would then have to come up with an additional amount to avoid eviction, leading to more evictions. **Our organization and Renters United Maryland would vocally oppose any surcharge increase in which that surcharge may be passed onto the tenant under any circumstances.**

**On behalf of JUFJ, I respectfully urge this committee to return a favorable report on SB223/HB298.**

## **2022.02.01 - A2JC Written Testimony - SB223 - Fili**

Uploaded by: Reena Shah

Position: FAV

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Executive Director

#### SB223

### **Landlord and Tenant - Eviction Actions - Filing Surcharge and Prohibited Lease Provisions**

#### **Senate Judicial Proceedings Committee**

#### **SUPPORT**

The Maryland Access to Justice Commission (A2JC) is an independent entity supported by the Maryland State Bar Association (MSBA) that unites leaders to drive reforms and innovations to make the civil justice system accessible, fair and equitable for all Marylanders. Prominent leaders from different segments of the legal community in Maryland – including the deans of the two law schools, the attorney general, law firm partners, heads of the legal services providers and funders, corporate counsel, academics, legislators, the state bar and judiciary comprise the A2JC.

During the height of the COVID-19 pandemic, A2JC served as the lead partner in the Maryland Attorney General's COVID-19 Access to Justice Task Force, with its executive director serving as the A2J Task Force's vice chair. One of the recommendations coming out of the Task Force final report [Confronting the COVID-19 Access to Justice Crisis](#) has resulted in SB223 and has the potential to serve two purposes: 1. decrease the number of Failure to Pay Rent court filings; 2. fund the Access to Counsel in Evictions Program, which was passed, but not funded during the 2021 legislative session.

**We support SB223 as is, but we would oppose SB223 if the bill is amended to allow the increased surcharge to be passed through to tenants under any circumstances.**

SB223 would increase the filing fee surcharge on eviction actions from \$8 to \$73 and prohibit the court and the landlord from passing on this increase to the tenant. Prior to the pandemic, landlords filed 660,000 eviction complaints each year in a State with only 730,000 renter households, the highest eviction filing rate in the nation.

The General Assembly took an important step to address the eviction crisis in 2021 by passing HB18, which provides tenants with access to counsel in eviction cases when the law is funded and which requires landlords to send tenants a 10-day notice prior to filing an eviction action.

A2JC led and was heavily involved in the work of the [Access to Counsel Task Force](#), which was legislatively mandated by HB18. The Task Force studied and made recommendations on how to implement the Access to Counsel in Evictions Program. One of the key challenges the Task Force identified to implement the Program is the exceedingly high number of case filings in Maryland. In addition to putting tenants to a continuous churn of insecurity and stress that traps tenants in a cycle of debt, the

number of case filings also increases the cost to implement HB18, which provides counsel to anyone facing an eviction in Maryland.

Additionally, HB18 remains unfunded. In order for access to counsel to have its intended effect of preventing evictions, it needs funding. A2JC has worked with partners and legislators to push for the use of federal ERAP funding to fund HB18 and add funding HB18 to the state budget. We continue to pursue all available options for funding and support SB223 because it could serve as an additional source of funds.

While we support SB 223 as drafted, if the bill is amended to allow landlords or the court to pass on this \$65 increase to the tenant under any circumstances, the purpose of the bill is eviscerated. There would no longer be any disincentive for the landlord to file an eviction action if the landlord or the court can pass that surcharge onto the tenant. We would vocally oppose any surcharge increase in which that surcharge may be passed onto the tenant under any circumstances.

Even an amendment that would allow landlords to pass through the fee to tenants only after the 3rd failure-to-pay-rent filing in a year would still fall disproportionately on the renters who are least able to pay the increased fee because they are often on the brink of eviction.

SB223 aims to reduce evictions by disincentivizing serial filings. Currently, the barriers to entry for an eviction filing are too low and allow for hundreds of thousands of cases to be filed and churned through the courts unnecessarily. Filing fees in Maryland are one of the lowest in the country and could be increased to both reduce evictions and address the funding gap for the Access to Counsel in Eviction Fund.

Based on the information provided above, the Maryland Access to Justice Commission requests the Senate Judicial Proceedings Committee to deliver a FAVORABLE REPORT WITHOUT AMENDMENTS on SB 223. Please contact Reena Shah - [reena@msba.org](mailto:reena@msba.org) - with any questions.

# **MAP\_SB223\_Support\_Eviction Actions - Filing Surcha**

Uploaded by: Stacey Jefferson

Position: FAV



## Member Agencies:

211 Maryland

Advocates for Children and Youth

Baltimore Jewish Council

Behavioral Health System Baltimore

CASH Campaign of Maryland

Catholic Charities

Energy Advocates

Episcopal Diocese of Maryland

Family League of Baltimore

Fuel Fund of Maryland

Health Care for the Homeless

Homeless Persons

Representation Project

Job Opportunities Task Force

Laurel Advocacy & Referral Services,  
Inc.

League of Women Voters of Maryland

Loyola University Maryland

Maryland Catholic Conference

Maryland Center on Economic Policy

Maryland Community Action  
Partnership

Maryland Family Network

Maryland Food Bank

Maryland Hunger Solutions

Paul's Place

Public Justice Center

St. Vincent de Paul of Baltimore

Welfare Advocates

## Marylanders Against Poverty

Julia Gross, Co-Chair

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Kali Schumitz, Co-Chair

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## TESTIMONY IN SUPPORT OF SB 223

### Landlord and Tenant - Eviction Actions - Filing Surcharge and Prohibited Lease Provisions

*Senate Judicial Proceedings Committee*

**February 3, 2022**

*Submitted by Julia Gross and Kali Schumitz, Co-Chairs*

**Marylanders Against Poverty (MAP) supports SB 223**, which would raise the filing fee surcharge for eviction actions in Maryland. However, **we would oppose SB 223 if the bill is amended to allow the increased surcharge to be passed through to tenants under any circumstances.**

### **Do not make tenants pay more for their own eviction!**

**Each year in Maryland, more than 30,000 people experience homelessness.** Leading researchers with the Aspen Institute and others have [documented the ways in which eviction cause homelessness and other forms of immense human suffering](#):

- [Following eviction](#), a person's likelihood of experiencing homelessness increases, mental and physical health are diminished, and the probability of obtaining employment declines.
- Eviction is linked to [numerous poor health outcomes](#), including depression, suicide, and anxiety, among others.
- Eviction is also [linked with respiratory disease](#), which could increase the risk of complications if COVID-19 is contracted, as well as mortality risk during COVID-19.
- Eviction makes it more expensive and more difficult for tenants who have been evicted to [rent safe and decent housing](#), apply for credit, borrow money, or purchase a home.
- Instability, like eviction, is [particularly damaging to children](#), who suffer in ways that impact their educational development and well-being for years.

This does not include the [enormous public costs of eviction and homelessness](#) from Medicaid-insured homeless persons forced to use the emergency room as their primary care physician or the increased number of children forced to enter foster care due to eviction.

A critical component of ending evictions and homelessness is creating new affordable housing opportunities for families with limited incomes. Yet another component must be reducing the incentive for landlords to seek eviction and protecting tenants' current legal rights to secure, habitable housing in any eviction action.

Raising the fee would give landlords an incentive to communicate with tenants before filing for eviction. Namely, landlords would have an incentive to work out a payment plan or find out whether severe conditions of disrepair on the property should be fixed to facilitate the payment of rent. Raising the filing fee is but one small way in which the State can discourage eviction actions and the devastating consequences of eviction. **However, if the bill is amended to allow landlords or the court to pass on this \$65 increase to the tenant under any circumstances, the purpose of the bill is eviscerated.** There would no longer be any disincentive for the landlord to file an eviction action or work with the tenant if the landlord or the court can pass that surcharge onto the tenant.



**MAP and Renters United Maryland would oppose any surcharge increase in which that surcharge may be passed onto the tenant under any circumstances.** As such, MAP asks the Committee to issue a favorable report without amendments on SB 223.

***Marylanders Against Poverty (MAP)*** is a coalition of service providers, faith communities, and advocacy organizations advancing statewide public policies and programs necessary to alleviate the burdens faced by Marylanders living in or near poverty, and to address the underlying systemic causes of poverty.

# **SB 223-AOBA--UNF final.pdf**

Uploaded by: Erin Bradley

Position: UNF



**Bill No:** SB 223-- Landlord and Tenant - Eviction Actions - Filing Surcharge and Prohibited Lease Provisions

**Committee:** Judicial Proceedings

**Date:** 2/3/22

**Position:** Oppose

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. Many AOBA members manage market-rate affordable rental communities that operate on thin margins and house low and moderate-income Marylanders.

This bill would increase the surcharge for summary ejectment, tenant holding over or breach of lease from \$8 to \$73. The fee will be assessed against the housing provider and may not be awarded or assigned as a fee against the resident. A housing provider may not use a lease that contains a provision that requires a resident to be responsible for payment of a filing surcharge assessed by the Court. The bill specifies that surcharge fees cannot be added to the judgement amount if the Court finds in the housing provider's favor.

AOBA supports efforts to reduce the number of evictions in Maryland but cannot support an exorbitant fee increase that increases the cost to access the Court system by over 800%. In Prince George's County, 156,238 failure to pay rent cases were filed using the court's online filing system in 2019. Had those filings been brought with the proposed \$73 surcharge fee, it would have cost housing providers in excess of \$11,405,374 to access the District Court to exercise their only legal remedy when a resident has failed to pay the rent. This bill will also dramatically increase costs when a housing provider attempts to enforce the legal contract they entered with the resident on occasions when the resident violates that contract in non-financial ways.

Further, the rhetoric around this bill has been misleading and mischaracterizes the actual costs to file for an eviction. It has been said that the \$15 filing fee is one of the lowest in the Country. The statement ignores the total court costs involved in a failure to pay rent case that ranges from \$60 to \$80. This total includes a \$15 or \$25 filing fee, a

\$5 surcharge for each tenant of record, and a \$40 or \$50 warrant of restitution. These total costs align with most of our border states where the total cost to evict is \$71-\$81 in Virginia and \$45 in Delaware. According to TransUnion, the national average for court costs is \$50.

The fee increase is not tied to anything. It is an arbitrary amount that seeks to weaponize filing fees to create a new barrier for housing providers accessing the Court. However, as designed by the Maryland General Assembly, the court system and current eviction process is the only remedy available to housing providers seeking to remove residents that have not paid rent or otherwise violate community rules. The current system also allows residents the ability to redeem up to three times per year – four in Baltimore City. In fact, the right to redeem contributes to the high number of eviction filings as many of the filings are levied against the same group of residents who consistently owe outstanding rent.

Additionally, we have no evidence of any other state that prohibits the filing fee from being passed on to the resident by the housing provider or the court. This would be an unprecedented tax on housing providers' access to the court system. It has been said that an increased filing fee and the inability for a housing provider to pass those costs through to a resident will deter filings or change filing practices so housing providers wait longer to file for a failure to pay rent eviction. Unfortunately, that would ultimately increase the number of physical evictions as residents would be forced to pay a much larger, possibly prohibitive, outstanding rent balance to utilize their right of redemption. Thus, the prohibition on passing the filing fee to the tenant (1) is a tax on housing providers' access unique to Maryland; (2) could be construed as a taking not imposed on any other litigant in the State; and (3) if it does modify housing provider behavior, could have the unintended consequence of increasing actual evictions as residents cannot redeem.

However, housing providers do not take lightly the impact an eviction has on a household. During the COVID-19 pandemic they have reached out to cost-burdened residents to create payment plans—often accepting small amounts to help keep impacted residents safely housed. AOBA members have also applied for rental assistance on behalf of and in conjunction with residents; have held resource fairs and food pantries to help their communities overcome extreme financial hardship. AOBA would welcome the opportunity to work with the legislature to develop balanced and innovative approaches that help underserved communities. Yet this bill is neither balanced, nor does it truly help community members. It is merely punitive towards the rental housing industry which provides some of the most affordable housing in Maryland.

**For these reasons AOBA requests and unfavorable report on SB 223.**

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

# **MMHA - 2022 - SB 223 - Unfavorable.pdf**

Uploaded by: Grason Wiggins

Position: UNF



## Senate Bill 223

Committee: Judicial Proceedings  
Date: February 3, 2021  
**Position: Unfavorable**

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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.

Senate Bill 223 (SB 223) financially penalizes housing providers for accessing the judicial system by: (1) increasing the *surcharge* fee for accessing the judicial system from \$8 to \$73; and **prohibiting a housing provider from ever recovering the fee**. MMHA's position has been consistent regarding fee increases; MMHA is open to consideration of increased filing fees, but **the fee must be recoverable**.

### I. Unprecedented Decline in Court Filings and Evictions

Since the beginning of the pandemic, Maryland has experienced an historical decline in court filings and evictions. At the beginning of the pandemic, there were dire predictions of an eviction tsunami, but no tsunami ever arrived. In fact, evictions plummeted during the pandemic and have remained low. Over the past three months, court filings and evictions have declined by more than 65% and 58% respectively compared to the same pre-pandemic timeframe. That data is reflective of the consistent and unprecedented decline in court filings and evictions since the beginning of the pandemic.

Housing providers have played a critical role in the eviction decline. Housing providers have spent thousands of staff hours supporting tenants during the rental assistance process, utilized their resources to connect residents with rental assistance, and shown extreme patience as **the time between a court filing and a court hearing for repossession has extended to more than eight months**. Housing providers have conducted that work and shown that patience while their own bills, mortgages, and taxes have come due. Now, as housing providers patiently wait on excessively delayed court systems and the state experiences an historical decline in court filings and evictions, the Attorney General is seeking to financially penalize housing providers for accessing the court system.

### II. Recoverability and Court Processes in Other Jurisdictions

To be clear, **NONE** of Maryland's contiguous states prohibit housing providers from recovering filing fees when they access the judicial system. **Any notion that SB 223 aligns Maryland with surrounding states is categorically false**. Further, MMHA is unaware of any other state that prohibits recovery of the filing fee. SB 223 is nothing less than a tax targeted at housing providers designed to restrict and chill the industry's access to the judicial system. To justify this unprecedented tax, the Attorney General has pointed to the number of eviction filings in Maryland compared to our contiguous states, but the Attorney General



has failed to understand that Maryland’s court processes and policies that benefit tenants have led to Maryland’s higher number of filings.

As an example, the right to redeem allows tenants to pay unpaid rent and stay in the property up to and at **any time** prior to the actual eviction taking place. In Maryland, tenants may exercise their right to redeem up to 3 times per calendar year – 4 in Baltimore City. In contrast, the policies in Maryland’s contiguous states provide much less benefit to tenants. For example, in Pennsylvania, tenants are not afforded an absolute the right to redeem, judges can and often do foreclose the right at the request of a housing provider. Unlike Maryland, jurisdictions like Virginia and Washington, D.C., require tenants to pay rent that comes due after a judgement to avoid eviction. These policies lead to less court filings, but they are also less beneficial to tenants than Maryland’s laws.

**III. Two Payment Process**

The Attorney General claims that Maryland’s court process for repossession is low compared to other states, but he never includes information on the cost of the warrant of restitution. Maryland’s repossession process requires payment of an initial filing fee and a warrant of restitution before an eviction can take place. The chart below illustrates the different costs in Maryland and compares it to that of Virginia, which is similar.

	Maryland	Baltimore City	Virginia
Filing Fee:	\$20 plus \$5 for each additional tenant.	\$30	\$46-\$56
Additional Fee:	\$40 Warrant of Restitution	\$50 Warrant of Restitution	\$25 Writ of Possession
Total Costs:	\$60+	\$80	\$71-\$81

**IV. Conclusion**

MMHA’s position on court fees has been consistent. We are open to consideration of fee increases, but the fees must remain recoverable. Housing providers should not be punished for utilizing their only option for repossession under Maryland law. **SB 223 will lead to rent increases for tenants that pay their rent, disincentive payment plans, and incentivize housing providers to move forward with evictions.** For the aforementioned reasons, MMHA respectfully requests an unfavorable report on Senate Bill 223.

**Grason Wiggins, MMHA Senior Manager of Government Affairs, 912.687.5745**

# **SB 223 RMI Testimony Oppose.pdf**

Uploaded by: Katherine Howard

Position: UNF



# REGIONAL MANAGEMENT INC.

## Testimony of Regional Management, Inc.

### Senate Bill 223 - Oppose

February 3, 2022

For over 60 years Regional Management, Inc., a founding member of the Maryland Multi Housing Association, has managed over 5,000 affordable, unsubsidized rental homes for Baltimore City and County residents. We voluntarily serve lower and middle income customers because that is our mission and market niche and we provide these services without taking any Government tax breaks or requiring our customers to seek any government subsidies. Our rentals are well planned, sustainable, multifamily garden and townhouse style housing and, at an average age of 40 years old, all of these units remain attractive, affordable and well maintained. Our staff members take pride in serving our customers and we have continued to provide excellent service throughout the pandemic regardless of the fact that, even with the help provided by rental assistance programs, we still are experiencing a rent delinquency rate of 28%.

RMI, **OPPOSES** Senate Bill 223 for all of the reasons provided by MMHA. However, RMI and its staff specifically want to dispel the Attorney General's naïve notion that "knocking on tenant's doors" to collect delinquent rents is a viable alternative to seeking Court redress.

#### A. "Door Knocking" Is Inherently Dangerous

Tenants with delinquent rent payments are highly stressed and often volatile. A perfect example of this is the case of Tionn Casey, a former RMI tenant, who mistakenly believed that during the pandemic he was not responsible for paying rent and that any rent he paid during the pandemic should be refunded to him. In August, 2021 he owed almost \$11,000 in unpaid rent. RMI notified him by letter about applying for rental assistance but he refused to do so unless RMI refunded his previously paid rent. See, staff notes attached.

On August 13, 2021 Casey shot a 64-year-old RMI Maintenance Mechanic 3 times while he was performing requested service to Casey's air conditioner because the Mechanic could not add an additional air conditioner to Casey's apartment. When the Mechanic explained that he did not have the authority to do so, the tenant pulled out his gun and shot the Mechanic as he ran from the apartment. The Mechanic survived this attempted murder because he received immediate care from Maryland Shock Trauma Center however, none of the 3 bullets can safely be removed from his legs and buttocks, he suffers extensive nerve damage to both of his legs, is in constant pain and cannot return to work. Casey awaits Trial for multiple counts of attempted murder, See CBS Baltimore (WJZ) article, attached.

This is only one example of the dangerous unpredictability of tenant reactions that Housing Providers and their staff will inevitably encounter if they follow the Attorney General's callow suggestion. This Legislature has long acknowledged that the way to avoid horrific outcomes like this is to bring disputes to the Court system which provides fair, unbiased and knowledgeable decision making for all litigants. SB 223's unrecoverable "Legal Access Tax" in favor of "Door Knocking" debt collection will exacerbate, not diffuse these inevitable situations.

**B. "Door Knocking" often seen as a "Shakedown" Debt Collection tactic, may expose Housing Providers to unnecessary litigation.**

The Attorney General and other supporters of SB 223 recently told this Legislature that instead of Housing Providers bringing unpaid rent matters before an unbiased judicial arbiter, that they want them to resort to knocking on residents' doors to demand rent payments. In response, one Democratic lawmaker accurately described that as a "shakedown" and cautioned the supporters against encouraging such behavior. RMI agrees with that Democratic lawmaker, and argues that members of the Maryland General Assembly should refuse to promote the shakedown of residents – it is unconscionable.

Moreover, the Attorney General's suggestion that "Door Knocking" is a substitute for established legal process will ultimately expose Housing Providers to potential litigation under Fair Debt Collection laws, particularly if they utilize a "Door Knocking" service. See, *Siwulec v. J.M. Adjustment Services, LLC*, 2012 WL 666649 (3d Cir. 2012), where the Court of Appeals for the Third Circuit found that a Bank's "door knock" service was subject to the FDCPA, and was not a mere delivery service of letters for the Bank and *Romine v. Diversified Collection Services, Inc.*, 155 F.3d 1142 (9th Cir. 1998), where the Ninth Circuit held that Western Union was a debt collector when it advertised "Talking Telegrams" to aid debt collectors in contacting delinquent debtors.

For all of these reasons Regional Management, Inc. asks this Legislature to continue to support the rights of both Tenants and Housing Providers to safely bring their rent collection matters before Maryland's Courts as they have done for over 50 years under this Legislature's guidance and governance and give

**SB 223 an UNFAVORABLE report**

Respectfully Submitted;  
Katherine Kelly Howard, Esq.  
General Counsel for Regional Management, Inc.  
410 539 2370  
[khoward@regionalmgmt.com](mailto:khoward@regionalmgmt.com)

23 [1522EEAS ] 1522 E EAST 36TH ST 133-6-0066 OAKR STU 1ST  
 TIONN A. CASEY RENT 681.00 OCCUPIED 1/14/12  
 LEASE BEGINS 1/14/21 A TYPE 1YR

CODES: - DIR . DAT ) EXT / PO = RECALL , OT ! OT ADDR : OT \$ ; # 0 REJ  
 5/22/20 COMMENT: BILL SENT  
 6/02/20 BALANCE FEB/14 MO 34.00 CASEY  
 6/02/20 RENT MAR/14 681.00  
 6/02/20 RENT APR/14 681.00  
 6/02/20 ON/ACCT MAY/14 680.00  
 6/23/20 COMMENT: BILL SENT  
 7/22/20 COMMENT: BILL SENT  
 8/24/20 COMMENT: BILL SENT  
 9/22/20 COMMENT: BILL SENT  
 9/24/20 NO RENT INCREASE : PRESENT RENT EQUAL SCHEDULE  
 4/14/21 OLD TEN'T COLL. 100.00 JOHNSON 221  
 4/14/21 REFUND OF RENT 33.33CR &RUPP & ASSOC.  
 4/30/21 ----- 2,142.67 ----- 557.00  
 5/12/21 OLD TEN'T COLL. 200.00 JOHNSON 221  
 5/12/21 REFUND OF RENT 66.66CR &RUPP & ASSOC.  
 6/15/21 OLD TEN'T COLL. 100.00 JOHNSON 221  
 6/15/21 REFUND OF RENT 33.33CR &RUPP & ASSOC.  
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 Window RENTINQ/1 at CPMCP1  
 RCV | |FORM| |LTAI| |Col 7|Row 1|Page 1|E1SR3

Mr. Casey would like his April, May and June 2020 rents reimbursed because he was not supposed to pay because of the pandemic. He said he did not receive any bills and will not apply for any assistance until he has proof he owes. I told him we can send him a letter of what is owed and a copy of any bills if we had any. Phone # 443-804-4278  
 -Soncia  
 6-17-2020

**Regional  
Management  
Inc.**

June 18, 2021

**Via: Mail**

Re: 1522 East 36<sup>th</sup> St Apt E  
Tenant(s) Tionn A. Casey  
Rent Amount: \$681.00

To Whom It May Concern:

In reference to the above unit, the total amount needed to bring your rent account up to date is:

\$681.00	June 14 <sup>th</sup> rent (2020)
\$681.00	July 14 <sup>th</sup> rent
\$681.00	Aug. 14 <sup>th</sup> rent
\$681.00	Sept. 14 <sup>th</sup> rent
\$681.00	Oct. 14 <sup>th</sup> rent
\$681.00	Nov. 14 <sup>th</sup> rent
\$681.00	Dec. 14 <sup>th</sup> rent
\$681.00	Jan. 14 <sup>th</sup> rent (2021)
\$681.00	Feb. 14 <sup>th</sup> rent
\$681.00	Mar. 14 <sup>th</sup> rent
\$681.00	April 14 <sup>th</sup> rent
\$681.00	May 14 <sup>th</sup> rent
\$681.00	June 14 <sup>th</sup> rent

**TOTAL AMOUNT DUE: \$8,853.00**

Please pay by certified check or money order, made payable to Regional Management Inc. (RMI) at 11 E. Fayette St. If you have any questions, please feel free to contact me at 410-539-2370 Ext 1354.

Sincerely,

Mrs. Ivy Ologbosere  
Tenant Relations Supervisor  
Regional Management Inc.  
ishufford@regionalmgmt.com

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(410) 539-2370 11 EAST FAYETTE ST. BALTIMORE, MARYLAND 21202



# Baltimore Man Charged With Attempted Murder For Shooting Maintenance Worker

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**BALTIMORE (WJZ)** — A Baltimore man is charged with first-degree attempted murder for shooting a maintenance worker in northeast Baltimore last month, police said.

Officers responded on the afternoon of August 13 to an apartment on the 1500 block of East 36 Street, where they found a 64-year-old maintenance worker suffering from gunshot wounds to the lower extremities.

Other maintenance workers directed officers to the apartment of 41-year-old Tionn Antonio Casey.

Police learned the worker made a maintenance visit to Casey's apartment. Police said Casey, armed with a handgun, demanded the worker leave the apartment.

As the worker attempted to leave the apartment, Casey shot the victim, police said. Casey remained in the apartment until police arrived. He was arrested without incident.

Casey is currently being held without bail at Central Booking.

## **SB 223\_realtors\_UNF.pdf**

Uploaded by: William Castelli

Position: UNF



**Senate Bill 223**– Landlord and Tenant – Eviction Actions – Filing Surcharge and Prohibited Lease Provisions

**Position: Unfavorable**

Maryland REALTORS® opposes SB 223 which significantly increases the surcharge for summary ejectment, breach of lease or tenant holding over actions. State law currently limits such fees to \$8 -18 (similar to other civil actions) but this is just the surcharge and does not include filing fees or the warrant of restitution.

REALTORS® often manage property for owners who lease their single-family property for many reasons. Sometimes it is because the owner is seeking to create additional income for their family by holding onto property they once lived in. Sometimes, they choose rental real estate as a separate investment vehicle where the rent helps pay the mortgage so that they will eventually have equity in the property at the end of the mortgage term. Sometimes, it is because the owner of the property was under water and instead of selling the property at a loss, they keep it until the market prices recover so they don't lose equity. Other times an owner may have a temporary but longer-term job relocation and they would like to hold onto the property and move back in when their temporary assignment is over.

By increasing the surcharge to \$73 and making it unrecoverable in court, the legislation makes a costly eviction process even more so - particularly for small landlords. Landlords may spend hundreds to thousands of dollars when a tenant is evicted. Some counties require a property owner to hire a moving crew to remove any personal property left behind by the tenant. All turnover properties will be cleaned and often painted after a tenant leaves. Eviction is an option of the last resort because of these expenses. Almost all landlords have a strong financial incentive to keep tenants in a property as long as possible.

Some of our property managers report that between 3-20% of their rental owners are selling properties due to the strong sales market and continued uncertainty in the rental market. For that reason, it is important that the concerns of tenants and landlords are appropriately balanced.

The Maryland REALTORS® could support a smaller increase in the surcharge but believe the surcharge with other fees should be recoverable by the property owner in court.

**For more information contact [bill.castelli@mdrealtor.org](mailto:bill.castelli@mdrealtor.org),  
[susan.mitchell@mdrealtor.org](mailto:susan.mitchell@mdrealtor.org), or [lisa.may@mdrealtor.org](mailto:lisa.may@mdrealtor.org)**