



**STATEWIDE
ADVOCACY SUPPORT UNIT**

Cornelia Bright Gordon, Esq.
Director of Advocacy
for Administrative Law
(410) 951-7728
cbgordon@mdlaborg

Gregory Countess, Esq.
Director of Advocacy
for Housing & Community
Economic Development
(410) 951-7687
gcountess@mdlaborg

Anthony H. Davis, II, Esq.
Director of Advocacy
for Consumer Law
(410) 951-7703
adavis@mdlaborg

Erica I. LeMon, Esq.
Director of Advocacy
for Children's Rights
(410) 951-7648
elemon@mdlaborg

February 28, 2022

The Honorable Luke Clippinger
Judiciary Committee
Room 101, House Office Building
Annapolis, Maryland 21401

**RE: Maryland Legal Aid's Testimony in Support of House Bill 521 –
Repossession for Failure to Pay Rent Proceedings - Shielding of Court
Records**

Dear Chair Clippinger and Members of the Committee:

Thank you for the opportunity to testify in support of HB 521. Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. MLA's 12 offices serve residents in each of Maryland's 24 jurisdictions. MLA handles various civil legal matters, including family law, housing, public benefits, consumer law (e.g., bankruptcy and debt collection), and criminal record expungements to remove barriers to obtaining child custody, housing, a driver's license, and employment. This letter serves as notice that Gregory Countess, Esq. will testify in support of House Bill 521 on behalf of MLA at Delegate David Moon's request Maryland Legal Aid supports HB 521 and asks that the committee give it a favorable report.

This bill will allow tenants, if the landlord obtains a judgment for possession for a failure to pay rent case, to request that the District Court shield court records for failure to pay rent actions heard from March 2020 until January 2022 if the person had a loss of income arising out of the COVID 19 pandemic.

Currently, there is no mechanism in Maryland law for the sealing or shielding of any eviction proceedings under any circumstances. As such, these records remain open to the public for inspection indefinitely. The unlimited access to court records related to eviction proceedings can serve as an obstacle to many low-income clients looking to secure housing, employment, and other basic human needs. A failure to pay rent action, even when ruled in favor of the tenant, remains open to the public for inspection and is visible on the Maryland Judiciary Case Search Database. As a result, all eviction proceedings, including failure to pay rent cases, mark a renter's record permanently, regardless of the outcome or length of time that has passed, leading to the denial of housing and employment.

EXECUTIVE STAFF

Wilhelm H. Joseph, Jr., Esq.
Executive Director

Stuart O. Simms, Esq.
Chief Counsel

Gustava E. Taler, Esq.
Chief Operating Officer

Administrative Offices
500 East Lexington Street
Baltimore, MD 21202
(410) 951-7777
(800) 999-8904
(410) 951-7778 (Fax)

www.mdlaborg
04.2021



HB 521 expands the opportunities for low-income citizens to become employed and secure housing. Employers and landlords often utilize the public website maintained by the Maryland Judiciary to screen individuals. MLA clients recount that employers and landlords do not give much deference to the proceeding's disposition but instead focus on the allegations in the landlord's filing or the mere fact that a case was filed. The limited information available in the publicly searchable databases cannot provide adequate detail to evaluate a tenant's history. Clients consistently convey a sense of hopelessness and discouragement in their ability to obtain gainful employment or stable housing due to the mere filing of a failure to pay rent case being publicly available and accessible. This bill will directly impact many MLA clients and help remove obstacles for people seeking to better themselves, their families, and the community. This is particularly important because no tenant was at fault for existence of this pandemic. Certainly our clients who lost income as a result of the pandemic should not suffer future job loss or denial of housing as a result.

Failure to pay rent proceedings do not tell the full story of an individual. They tell the landlord's perception of a narrow window of time in a renter's life. A person's life and circumstances change over time. This bill encourages and empowers individuals by removing a permanent bar to their future progress in securing stable housing.

Thank you for your consideration of this written testimony. **Maryland Legal Aid urges a favorable report on House Bill 521.**

Sincerely,

/s/ Gregory Countess
Gregory Countess, Esq.
Director of Advocacy
for Housing and Community Development
410-951-7687
gcountess@mdlaborg