

MEMORANDUM

To: Members of the House Judiciary Committee

From: Maryland State Bar Association (MSBA)
Shaoli Katana, Esq., Director

Subject: House Bill 521 - Landlord and Tenant - Repossession for Failure to Pay Rent –
Shielding of Court Records

Date: February 28, 2022

Position: Informational Letter

The Maryland State Bar Association (MSBA) respectfully files this informational letter regarding House Bill 521 - Landlord and Tenant - Repossession for Failure to Pay Rent - Shielding of Court Records. House Bill 521 authorizes certain individuals to petition a court to remove from public inspection certain records relating to an action for repossession of residential property for failure to pay rent; establishing certain procedures and requirements for the consideration of a petition to shield records under the Act; etc.

MSBA represents more attorneys than any other organization across the State in all practice areas. MSBA serves as the voice of Maryland's legal profession. Through its Laws Committee and various practice-specific sections, MSBA monitors and takes positions on legislation of importance to the legal profession.

The proposed legislation seeks to provide relief to tenants who have faced some legal challenges during the pandemic, with an opportunity to shield specific cases if certain conditions are met. The proposed legislation puts the burden of proof on a landlord to prove a tenant's failure to pay rent was not due to a loss of income arising out of Covid-19 pandemic. The proposed bill could be better served by shifting the burden of proof to tenants instead of landlords, thereby requiring the tenant, as the person seeking relief, to prove the required condition.

MSBA would be glad to connect further to find a positive solution to this issue that has affected so many Marylanders. For additional information, please feel free to contact Shaoli Katana at MSBA at shaoli@msba.org.