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

Testimony of Delegate Joseline A. Peña-Melnyk (FWA)

Chair Clippinger, Vice Chair Moon, and members of the Judiciary Committee, I am pleased to present House Bill 521, Landlord and Tenant - Repossession for Failure to Pay Rent - Shielding of Court Records Act.

In March of 2020, when the COVID-19 pandemic began its massive disruption of normal life in Maryland through lockdowns, and closures of schools and businesses, it inevitably triggered severe economic hardship and recession. While these public health measures were necessary to save lives, and were mitigated by economic stimulus, expanded unemployment, and an eviction moratorium, there were still those who fell into financial ruin through the economic cracks created by the virus. How can someone earn their paycheck when their job vanishes overnight through no fault of their own?

The purpose of this legislation is simple. It will give anyone who faced a rent payment failure related eviction, directly caused by the pandemic, the opportunity to petition the court to shield their records. This will protect them from housing or employment discrimination in the future and allow them to get back on their feet. As these evictions were triggered by unprecedented conditions and not the fault of the individual, the opportunity to prevent further harm is the very definition of responsible government oversight.

The legislative text of House Bill 521 first clarifies the definitions of "court record" and "shielding," and would ensure that a shielded court record in either physical or electronic form is kept from public consumption by unauthorized persons. This only applies to court records relating to an act of rent failure related repossession dated on or after March 5th 2020, but before January 1st 2022. It allows an individual to petition for shielding of rent failures that stem from a loss of income related to the COVID-19 pandemic. It also provides mechanisms for a landlord to file an objection to such petitions, and establishes parameters for hearings which arise from such disputes. If enacted it would take effect on October 1, 2022.

While this legislation is aimed at helping tenants impacted by the pandemic, it is expressly not designed to give an unfair advantage to or harm anyone financially. This should be clear from the specific timeframe applied to the shielding petitions as well as the mechanisms in place for landlords to file objections. My office has had productive meetings with members of the Maryland Multi Housing Association, as well as the Apartment & Office Building Association of Metropolitan Washington and the response to the narrow scope and common sense framework of this legislation was favorable.

This pandemic has hurt all Marylanders in one way or another. Unfortunately, just like the virus itself, the economic consequences have had a disproportionately negative impact on women and people of color. According to the Baltimore Sun, after the eviction moratorium expired last August, it has been Latino and Black communities who have been the most harmed, with Latino families comprising 28.3% of tenants behind on rent, and African Americans comprising 21.5%.¹ Furthermore, a September 2021 report from the Montgomery County Office of Legislative Oversight found that COVID-19 has “Decimated industries where women made up the majority of the workforce,” and led to widespread economic insecurity including housing and food insecurity.”²

We have worked out amendments with the stakeholders that have addressed the concerns from Judiciary. If we do not enact this legislation in some form, we risk exacerbating the already significant economic hardship imposed by this virus on the most vulnerable in our community. We cannot ask Marylanders to stay home from work to stop the spread, and then punish them repeatedly for making this financial sacrifice.

Thank you for the opportunity to present this legislation, I respectfully request a favorable report.

¹<https://www.baltimoresun.com/coronavirus/bs-md-eviction-20210828-zsuw3llsd5ho3dx2gp4so6epqe-story.html>

² https://www.montgomerycountymd.gov/OLO/Resources/Files/2021_Reports/OLOReport21-9.pdf