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February 28, 2022

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

House Bill 521 - Landlord and Tenant - Shielding of Court Records
Hearing before the House Judiciary Committee
March 2, 2022
Position: FAVORABLE

Dear Chair Clippinger and Committee Members:

Thank you for the opportunity to testify in support of HB 521, a bill that would allow certain individuals to petition a court to remove records related to failure to pay rent actions from public inspection.

Community Legal Services of Prince George's County ("CLS") is a private, non-profit organization that provides free legal services to low-income Maryland residents. We are based in Greenbelt, Maryland, where we help Prince George's County residents with a wide array of legal matters. In response to the pandemic, CLS extended our services to assist Anne Arundel County residents in landlord-tenant matters, as the need for legal representation grew exponentially.

CLS represents thousands of tenants throughout Prince George's County and Anne Arundel County. Throughout the pandemic, CLS has experienced a marked increase in requests for representation in actions involving Nonpayment of Rent and Tenant Holding Over. Struggling families have faced financial challenges from businesses closures, fear of COVID-19 infection, and loss of income, which has ultimately resulted in housing instability and uncertainty. Maryland courts continued to accept and process landlord-tenant filings throughout the moratoria, leaving families with multiple judgments and lengthy records, while applications for emergency rental assistance were pending. A waiting list for these funds continues.

House Bill 521 adds a new provision to the landlord-tenant statute in which a tenant may petition the court to remove from public inspection the records of Failure to Pay Rent cases filed after March 5, 2020 and prior to January 1, 2022. CLS strongly supports this bill.

Residents of Maryland experienced unprecedented unemployment rates in 2020; low-income tenants need assistance and protection, not punishment. While [unemployment rates in Prince George's County were at 3.7% in 2019, they grew to a staggering 8.1% in 2020. Anne Arundel County's unemployment rates increased from 3% in 2019 to 5% in 2020.](#) Some tenants are still recovering from the aftermath of losing their jobs and, after depleting their savings, are living paycheck-to-paycheck. The challenges of financial recovery for many families were not instantly resolved when businesses reopened, nor when vaccines became available. Many tenants are striving to overcome massive financial setbacks caused by the global pandemic. Some landlords filed new actions for nonpayment of rent for each month a tenant failed to submit a full payment of rent by the beginning of each month, which resulted in "serial" filings listed in Maryland Judiciary Case Search for some tenants, even while there was a moratorium on evictions. While tenants are now slowly gaining stability, these filings should not continue to haunt them.

Nonpayment of rent cases filed after March 2020 that are available for inspection to the public are not a true representation of the behavior or habits of many of the individuals, who will be negatively affected, if the records are not shielded. Many tenants did not have trouble paying their monthly rent until the global crisis caused loss of income, loss of childcare options, and loss of loved ones who contributed to household living expenses. Furthermore, many of the cases that appear in public records were ultimately dismissed, but details of the dispositions are sometimes unavailable online, which may cause prospective landlords to make assumptions and deny new housing to the subject of the records. With leases ending or rent payments rising, many tenants will need to move. Tenants should be able to petition a court to shield a failure to pay rent record that is not representative of their usual payment practices to protect them from unfair denial of future housing or employment. This bill would protect tenants from unfair prejudice that may further compound their financial challenges.

Efforts to keep families housed during the past two years could end in vain. There have been concerted and collective efforts put forth during the past two years to avoid a homelessness crisis. Emergency Rental Assistance, provided by the federal government and administered to tenants through organizations such as Arundel Community Development Services (ACDS), are distributed to prevent evictions. CLS attorneys diligently advocate in court for low-income tenants and help connect tenants to emergency rental assistance programs. Due to inaccurate conclusions prospective landlords would inevitably reach as to the ability of a tenant to make timely rent payments, the financial tragedy faced by many Maryland residents will be exacerbated. Allowing judgment history to negatively affect the ability to secure future housing frustrates the purpose of the federal funds intended to promote housing stability.

Please issue a report of Favorable on HB 521.

Very Truly Yours,

Jessica Quincosa
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