

**HB0684 - Landlord and Tenant - Residential Leases and Holdover Tenancies -
Local Just Cause Termination Provisions
Hearing before the House Environment and Transportation Committee,
Feb. 24, 2023 at 1:00PM**

Position: SUPPORT (FAV)

Disability Rights Maryland (DRM, formerly known as the Maryland Disability Law Center) is the federally-appointed Protection & Advocacy agency¹ in Maryland mandated to advance the civil rights of people with disabilities. One of DRM's goals is to end the unnecessary segregation and institutionalization of Marylanders with disabilities. To achieve this goal, DRM's Housing Unit works to expand opportunities for Marylanders with disabilities to be part of their communities and to live in affordable and accessible housing. For people with disabilities, eviction and loss of housing can be particularly fraught, resulting in homelessness or institutionalization, exacerbating individuals' disabilities, and worsening health outcomes. The estimated 40 million Americans with disabilities are more likely than their non-disabled peers to experience unemployment and poverty, and nationwide, about 4.1 million people with disabilities spending more than half of their income on rent.² In Maryland, most of the estimated 402,000 low-income residents who spend more than half of their income on rent receive no rental assistance due to of funding limitations.³

In the private rental market, disabled tenants face numerous barriers to locating and securing housing that meets their access needs. While housing discrimination against people with disabilities is prohibited under federal law, it remains distressingly common: in 2019, about 59% of all housing discrimination complaints brought to private Fair Housing Organizations (FHOs) and state and federal agencies were based on disability.⁴ People with disabilities often face tacit discrimination if they reveal their

¹ For more information on Protection & Advocacy agencies, see NATIONAL DISABILITY RIGHTS NETWORK, <https://www.ndrn.org/> (last visited June 18, 2021).

² About 4.1 million people with disabilities nationwide pay more than half of their income on rent. CENTER ON BUDGET AND POLICY PRIORITIES, UNITED STATES FEDERAL RENTAL ASSISTANCE FACT SHEET (2021),

³ CENTER ON BUDGET AND POLICY PRIORITIES, MARYLAND FEDERAL RENTAL ASSISTANCE FACT SHEET (2021), <https://www.cbpp.org/sites/default/files/atoms/files/12-10-19hous-factsheet-md.pdf>.

⁴ NATIONAL FAIR HOUSING ALLIANCE, FAIR HOUSING IN JEOPARDY: TRUMP ADMINISTRATION UNDERMINES CRITICAL TOOLS FOR ACHIEVING RACIAL EQUITY 34 (2020), <https://nationalfairhousing.org/wp-content/uploads/2020/09/NFHA-2020-Fair-Housing-Trends-Report.pdf>.

disability status to potential landlords.⁵

Prohibiting the termination of tenancies without “good cause,” protects disabled renters from housing instability and discriminatory treatment and exclusion from the private rental market. The Just Cause Enabling Act would give clear legislating power to Maryland counties to establish “just cause” or “good cause” limitations on lease non-renewals, providing additional protection to disabled renters facing discrimination in housing. This bill expressly grants authority to counties to decide when it is appropriate for rental agreements to be non-renewed. That means local policymakers would be able to determine the kind of “just cause” policy their locality needs, whether by type of building, for certain populations, or under certain circumstances such as a state of emergency. Without HB0684, local efforts are stymied by legal concerns around preemption. We urge the Committee to move HB0684 favorably so that local government can act with clear authority on this issue.

What is “just cause” policy?

When it comes to lease non-renewals, Maryland is currently a “no cause” state – that is, a landlord can decide to non-renew without any stated cause. This means that working people and their children face the constant threat of displacement, even when they follow all the rules. They are under constant pressure to accept declining conditions and increasing rents just to stay in their communities.

HB0684 enables Maryland counties to pass local “just cause” laws that limit lease non-renewals. “Just cause” means that a landlord must have an acceptable reason for choosing not to renew an expiring lease. HB0684 defines what “just cause” is, but does not impose specific contours for just cause to permit counties to decide. Instead, the HB0684 provides a list of options for what “just cause,” as adopted by a county, may include, such as substantial lease violations, illegal activities, removal of the property from the market, or personal use of the property by the owner. HB0684’s list reflects the policies other U.S. jurisdictions that have enacted just cause policy. *To be clear, this is a list that localities are free to adopt or change, as localities see fit.*

Where is the interest in “just cause eviction”?

⁵ A 2017 HUD report indicated that people with mental disabilities who revealed their disability status to potential landlords were substantially less likely to receive any sort of favorable response to their inquiries. U.S. DEP’T OF HOUS. AND URBAN DEV., STUDY OF RENTAL HOUSING DISCRIMINATION ON THE BASIS OF MENTAL DISABILITIES: FINAL REPORT (2017), <https://www.huduser.gov/portal/sites/default/files/pdf/MentalDisabilities-FinalPaper.pdf>.

Since 2008, just cause eviction legislation has been introduced in 8 times – including multiple statewide bills, as well as bills specific to Prince George’s County and Montgomery County. During the COVID-19 state of emergency, Howard County unsuccessfully attempted to prohibit lease non-renewals while Baltimore City passed a short-term provision to require just cause for lease non-renewals until 6 months after the state of emergency’s end. These efforts demonstrate a sustained desire in Maryland localities for just cause policies.

Washington, D.C. (since 1985) and Philadelphia (since 2018) have adopted just cause eviction policies, and the state of New Jersey, too (since 1974). New Jersey’s policy endeavor over many decades demonstrates that the benefit of just cause far outweighs the hypothetical that it hurts development. “Something in the Garden State is clearly working. According to data from the Eviction Lab, New Jersey cities such as Trenton, Paterson, Jersey City, and West New York have among the lowest eviction rates in the country. Meanwhile, construction is absolutely exploding.”

Additionally, looking at 4 localities in California, a 2019 Princeton/Eviction Lab study finds that "just cause eviction ordinances have a significant and noticeable effect on eviction and eviction filing rates. Given the budget limitations of many states and municipalities to fund other solutions to the eviction crisis, passage of just cause eviction ordinances appears to be a relatively low-cost, effective policy solution."

HB0684 recognizes that local legislatures want to aid their renters in achieving stable housing so that they are able contribute long-term to the workforce and the local economy. Requiring just cause as a precondition for an eviction can be a tailored policy that boosts the stability of the housing market by stabilizing families, neighborhoods, and communities. HB0684 ensures local legislatures can pass enforceable laws whereby no one is arbitrarily deprived of their housing.

Disability Rights Maryland is a member of the Renters United Maryland, a statewide coalition of renters, organizers, and advocates, and **we urge the Committee’s report of Favorable on HB0684.**