

HB0882-JUD-FAV.pdf

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MAYOR

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HB 882

March 1, 2023

TO: Members of the House Judiciary Committee
FROM: Mayor Brandon M. Scott, City of Baltimore
RE: House Bill 882 – Landlord and Tenant - Holding Over - Landlord Restrictions and Tenant Remedies
POSITION: **Support**

Chair Clippinger, Vice Chair Moon, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** House Bill (HB) 882.

HB 882 would amend the Courts and Judicial Proceedings article to allow for emergency civil injunctive relief in District Court of Baltimore City Public Local Law § 9-15, which prohibits illegal eviction (and constructive eviction) of tenants. The proposal would also harmonize the public local law with the state law prohibiting unlawful evictions (Section 8-216 of the Real Property article.) This would provide for a more effective remedy for tenants.

Illegal eviction in Baltimore City is currently a criminal misdemeanor punishable by a \$500 fine and up to 10 days in jail. When a tenant is locked out of their apartment, or their utilities are turned off, the tenant usually wants emergency relief (to obtain new keys to get back into their apartment, to get the electricity or water turned back on, to get their personal property returned, etc.) None of these are a potential remedy in a criminal case. Additionally, criminal cases are set out at a minimum of six weeks from the date of filing, and by the time the case comes in trial, the tenant is often without recourse. Almost all criminal cases filed under the current law end up being dismissed or with not guilty verdicts. The cases are extremely difficult to prove because there is no police investigation, and there are usually no witnesses. In the few cases where a guilty verdict is obtained, the result is a small fine and probation.

Currently, injunctive relief is not authorized by the illegal eviction statute, and tenants are often left with only a breach of contract remedy, which doesn't adequately address the harms caused by suddenly losing your home. Adding an injunctive relief provision in District Court would create a remedy that could more effectively address the harms that the public local law is designed to prevent. Many situations that end in illegal actual or constructive evictions already have cases pending in Rent Court, cases which are exclusively heard in District Court. Permitting the injunctions to be heard in District Court therefore makes practical sense, as the District Court judges are familiar with the issues in the Rent Court docket, and related case files are easily obtained from the clerk's office.

By creating an injunctive remedy for tenants, and by harmonizing the City's public local law with the State lockout statute, we would create additional, more effective protections and remedies for tenants, and clearer provisions on the obligations and duties of landlords.

For these reasons, the BCA respectfully request a **favorable** report on HB 882 which would protect the health and safety of renters in Baltimore City.

MMHA_UNFAV_HB882.pdf

Uploaded by: Lauren Graziano

Position: UNF



Date: March 1, 2023

Committee: Judiciary

Bill: House Bill 882-Landlord and Tenant - Holding Over - Landlord Restrictions and Tenant Remedies

Position: Unfavorable

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose membership consists of owners and managers of more than 207,246 rental housing homes in more than 937 apartment communities. Our members house over 667,000 residents of the State of Maryland throughout the entire State of Maryland. MMHA membership also includes more than 216 associate members that supply goods and services to the multi-housing industry. More information is available at <https://www.mmhaonline.org/>

This Baltimore City Administration bill unnecessarily amends State law and the public local laws of Baltimore City to allow a resident to seek injunctive relief against a property owner. House Bill (HB 882) is unnecessary because Baltimore City Code of Public Local Laws Subtitle 9-15 already allows Baltimore City to levy criminal penalties against property owners who commit any number of prohibited acts, including willful diminution of services.

Pursuant to the Baltimore City Code, claims for injunctive relief under this provision are heard by the criminal division of the court. In a meeting with Baltimore City DHCD, MMHA was informed that there are between 200-300 claims for injunctive relief brought each year, 95% of which are dismissed. This bill maintains a potential criminal penalty for landlords yet amends state law to give the District Court original civil jurisdiction over tenant actions for injunctive relief.

It is also unclear how this would be implemented, and many court administration questions remain unanswered. For example, would these cases be placed on the housing court docket? Would claims for injunctive relief be merged with other existing housing court cases (such as failure to pay rent or breach of lease) or as a separate matter? Would these cases be heard on a general civil court docket? Without answers to these questions, it is unclear on how the bill would impact judicial efficacy and other types of cases in District Court. There is little utility in placing more demand on an already exceptionally delayed housing court system, for actions that are dismissed 95% of the time.

For the aforementioned reasons, MMHA respectfully requests an unfavorable report on HB 882.

For more information, please contact Lauren C. Graziano, Senior Government Affairs Manager, 518.522.3529