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Ways and Means Committee

Chair, Early Childhood Subcommittee

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THE MARYLAND HOUSE OF DELEGATES
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**Testimony in Support of HB 249
Real Property - Limitations on Summoning Law Enforcement or Emergency
Services - Prohibition**

This bill would close an accidental loophole in legislation we previously enacted to protect residents from eviction.

In the 2023 legislative session, the General Assembly passed HB 215 to ensure that Marylanders can summon police or medical services during an emergency. That legislation sought to prohibit local governments from using local 'nuisance laws' to penalize landlords and tenants solely for the act of summoning police or emergency assistance.

A handful of local jurisdictions have laws on the books to penalize property owners for repeated calls for police, fire, or EMS service to their property. These nuisance laws subject the landlord or property owner to a fine and possible loss of their rental license if the police are called out to a property more than a certain number of times within a specified timeframe.

In sponsoring the 2023 bill, it was my intent for the law to prohibit local governments from enacting and enforcing such a law. I testified to that end before this committee, as did other witnesses. However, based on the way the 2023 law was written, local governments are prohibited only from *enacting*, but not from *enforcing*, such nuisance laws.

We discovered this issue when Carroll County enacted a new local nuisance law shortly before the state law went into effect. I then sought the advice of the Maryland Attorney General. The advice letter I received states: "In my view, the legislative history behind Ch. 769 reveals a clear intent by the General Assembly to preempt both local enactment and *enforcement* of local laws and ordinances that establish a threshold of requests or penalties for summoning law enforcement or emergency services to a residential property, rather than exclusively prohibiting future enactment of such local laws but otherwise allowing local jurisdictions to enforce any such ordinances enacted prior to the effective date of the Act."¹

This bill seeks to clarify the intent of the General Assembly and the law we passed in 2023 to ensure that every Marylander has access to emergency services without fear of retaliation by their landlord or local government.

¹ Advice letter from Jeremy M. McCoy, Assistant Attorney General, September 27, 2023.

Background on Local Nuisance Laws

In Maryland, four municipalities and one county are enforcing nuisance laws that are not in compliance with the 2023 state prohibition.² Some of these local laws allow for fines to be assessed against a property owner for as few as two calls for emergency service. Notably, minor infractions such as littering, alcohol violations, and noise violations are sufficient grounds under some local laws to initiate penalties, which can result in the eviction of the tenant.

No one wants to have neighbors that are engaged in criminal activity, but local nuisance laws serve as a deterrent for residents calling the police during an emergency for fear of reprisal by their landlord. That's because the landlord will usually evict the tenant after the first call for police service. This can occur even when the tenant did nothing wrong and was the victim of a crime. Even when nuisance ordinances do not explicitly require eviction, landlords resort to eviction nonetheless in order to protect their business and income.³

Local Nuisance Laws are Discriminatory

Local nuisance laws often result in discriminatory outcomes. These laws result in evictions of people who are victims of crime, including victims of domestic violence.⁴ Nuisance laws have also perpetuated the legacy of racial segregation in housing⁵ and disproportionately harm people of color and people with disabilities.^{6,7}

Some local ordinances specifically define "excessive" calls for police or emergency services as nuisances, even when the tenant is a victim of domestic violence, stalking, or another crime that requires police, medical, or other emergency assistance.⁸ This deters the reporting of crime and places victims of crime in heightened danger, resulting in some victims being afraid to call for help for fear of eviction. The existence of a nuisance ordinance can also deter landlords from renting to persons they believe will be a victim of crime, especially domestic violence victims.⁴

Local nuisance ordinances also violate a number of constitutional and federal protections, thereby opening local governments and landlords to liability. A number of lawsuits have been successfully litigated against municipalities because of their enforcement of a nuisance ordinance.⁴

² Carroll County, City of Frederick, Hagerstown, Manchester, and Smithsburg are not in compliance with state law. Note: Harford County does not enforce its local law, according to its State's Attorney's office. The following jurisdictions also have local nuisance laws, but they are in compliance with the 2023 state law: Anne Arundel, Baltimore City, Baltimore County, Prince George's County, Brunswick, College Park, Hampstead, Union Bridge, and Westminster.

³ "Silencing Women's Voices: Nuisance Property Laws and Battered Women." G. Arnold & M. Slusser, Journal of the American Bar Foundation (2015).

⁴ "Guidance on Application of Fair Housing Act Standards to the Enforcement of Local Nuisance and Crime-Free Housing Ordinances Against Victims of Domestic Violence, Other Crime Victims, and Others Who Require Police or Emergency Services." U.S. Department of Housing and Urban Development (2016).

⁵ "Racial Exclusion Through Crime-Free Housing Ordinances." Deborah Archer (2019).

⁶ "Silenced: How Nuisance Ordinances Punish Crime Victims in New York." ACLU (2015).

⁷ "Unpolicing the Urban Poor: Consequences of Third-Party Policing for Inner-City Women." Matthew Desmond & Nicol Valdez (2012).

⁸ "Victims' Dilemma: 911 Calls Can Bring Eviction." Erik Eckholm, New York Times (2013).