







Renters United Maryland & Maryland Association of Counties support HB1312

HB 1312 in Senate

Tailored protections from evictions in Catastrophic Health Emergencies

HB1312 codifies and expands on Gov. Hogan's executive order that provides a defense against certain evictions if the tenant shows a substantial loss of income related to the pandemic. HB1312 provides protection in a declared catastrophic health emergency when the tenant demonstrates particularized need.

-  **Failure to Pay Rent evictions:** during the catastrophic health emergency and for 3-6 months after (depending on duration of the emergency), a tenant may invoke an affirmative defense based on showing a substantial loss of income related to the declared catastrophic health emergency.
-  **Lease non-renewal ('Tenant Holding Over') evictions:** during the catastrophic health emergency and for 30 days after, landlords must have already utilized Emergency Rental Assistance and waited 120 days before they can issue a Notice to Quit or start a Tenant Holding Over eviction.
-  **Rent increases & fees:** if a tenant shows a substantial loss of income related to the catastrophic health emergency, their landlord may not increase rent or assess late fees or collection fees during the catastrophic health emergency.
-  **Breach of Lease evictions: Sen. Hettleman's friendly Floor Amendment** provides Breach of Lease eviction protection, tailored to 3 specific scenarios:
 - (1) the breach is related to the tenant's non-payment of charges (utilities, fees) and the tenant can show a substantial loss of income connected to the emergency;
 - (2) the breach is related to the tenant's having the illness at issue in the emergency (for instance, in the current emergency, tenant's having COVID-19);
 - (3) the breach is related to the tenant's refusal to allow the landlord or their agents into the property because the tenant reasonably believes they are not taking safety measures.

Pass HB1312 with Sen. Hettleman's Floor Amendment!

- We need to close all loopholes, without creating new ones. With Sen. Hettleman's floor amendment, HB1312 would cover **all 3 eviction types**: non-payment of rent, holding over, and breach of lease.
- Without the **Floor Amendment**, HB1312 would be weaker on Breach of Lease eviction than Gov. Hogan's executive order.

Pass HB1312 to make federal Emergency Rental Assistance effective as a housing stabilizer.

- Neither local Emergency Rental Assistance programs nor District Court judges can require landlords to utilize ERA funds before they can non-renew leases or file Tenant Holding Over evictions.
- HB1312 follows what **Virginia did in October 2020**: Require landlords to utilize emergency rent relief before they can file an eviction case. (HB1312 sets this requirement for Tenant Holding Over cases.)

Pass HB1312 because Maryland needs a smarter emergency "moratorium" on evictions.

- Gov. Hogan's executive order and the CDC order do not cover lease non-renewal.
- Since August 2020, there have been at least **3,000 evictions**.
- Aug-Dec 2020, there were over **117,000 eviction actions** filed. This included an **85% increase** in evictions based on lease non-renewal, compared to 2019.
- Almost **27,000 eviction cases** were filed in January 2021.

Pass HB1312 to protect Maryland renters during COVID-19 and in future emergencies.

- This bill creates the template for renter protections in any declared catastrophic emergency.