



COMMISSION ON AGING

March 5, 2019

The Honorable Kumar P. Barve
Chair, House Committee of Environment and Transportation
251 House Office Building
6 Bladen Street
Annapolis, Maryland 21401

Re: HB 628-Montgomery County-Residential Lease- Just Cause Eviction MC 22-19

Dear Delegate, Barve:

The Montgomery County Commission on Aging strongly supports passage of HB 628, which would allow Montgomery County to prohibit a residential landlord from refusing to renew a lease or otherwise evicting a tenant from rental housing in the County without just cause. As you know, the Bill has the support of County Executive Marc Elrich, the County Council, and the Delegation.

Under current law, a landlord can refuse to renew a lease, or evict a residential tenant, without providing a reason, no matter how well the tenant has complied with the lease provisions or how many years she has lived in her home. In Montgomery County, this means that a landlord could refuse without reason to renew a lease or could evict a renter from her home of 20 years, with just a 60-day notice. An unscrupulous landlord could evict, or threaten to evict, a renter who complains about living conditions or requests accommodations for a disability. While there may be legal defenses to some eviction actions, litigating those defenses can be expensive, time-consuming, and out of reach for many renters. Many renters, moreover, are fearful of taking such steps.

HB 628 requires a landlord in Montgomery County to renew a lease or to continue a tenancy unless there is just cause (a lawful reason) not to do so. The Bill does not stop landlords from evicting tenants for substantial breaches of a lease, including nonpayment of rent, property damage, illegal activities, or disruptive behavior. A landlord could still terminate a tenancy for legitimate business reasons, including removing a unit from the market, renting a unit to a family member, or substantial renovation and demolition - provided that these actions are taken in good faith and not just to circumvent the law, and that proper notice is provided. The bill also allows a landlord to impose lawful rent increases. Similar laws are in already effect in several large rental markets, including Washington D.C., New York City, Seattle, San Diego, Los Angeles, San Francisco, Chicago, and throughout the state of New Jersey.

Department of Health and Human Services

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According to a December 2018 report of the Montgomery County Office of Legislative Oversight (OLO), there were 10,451 eviction notices issued in the County in FY17. While the number of actual evictions – 836 – was significantly lower, there is no telling how many of those tenants, including those who went through a court process without legal representation, may have had valid defenses to the eviction. (Office of Legislative Oversight, Report 2018-10, Evictions in Montgomery County, October 2, 2018.)

Evictions are disruptive for any household, but especially for children, people with special needs, older adults, and those with low and moderate or fixed incomes. For older adults, who comprise more than 25% of Montgomery County renters, housing instability can have significant costs, including social, physical, and mental decline, homelessness, and institutionalization, including a move to a nursing home.

The Commission on Aging was established in 1974 to advise County government on the needs, interests, and issues of older adult residents, and to advocate on their behalf. We continue to prioritize the need for more affordable housing options for older adults, more protections for older renters, and more programs and services to address senior homelessness. Rental housing accounts for approximately one-third of all units in Montgomery County, and as previously noted, older adults comprise more than 25% of renters. HB 628 allows landlords to exercise their management responsibilities while providing critical protection for all renters, including those who are older, have disabilities, or are living on fixed or modest incomes.

We urge you and members of the Committee to support this Bill, and we thank you for your consideration of the Commission on Aging's position.

Sincerely,
Jean M. Dinwiddie, Chair

cc:
Members of the MC Delegation
Members of the County Council
County Executive Marc Elrich
Leslie Frey