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Maryland Legal Aid Files Amicus Brief to Protect Tenants Against Unreasonable Lease Provisions and Eviction

BALTIMORE, MD., August 25, 2023 – On August 25, Maryland Legal Aid ("MLA") and a coalition of dedicated non-profit organizations* across the state filed an amicus brief in the Supreme Court of Maryland on behalf of vulnerable low-income tenants facing eviction. The case is *Westminster Management, LLC, v. Tenae Smith*.

Our brief comes in response to Westminster's argument that "rent" can mean anything a landlord wishes it to be—including the cost of evicting the tenant. So even if the tenant is current on their monthly rent payments, they can be hauled into Maryland's high-speed eviction courts for these extra sums and threatened with homelessness. These practices are both socially destructive and illegal. The coalition on the brief comprises esteemed organizations like Maryland Legal Aid that have made it their mission to provide vital civil legal services and advocacy to low-income and vulnerable Marylanders.

The landlords in this case want to overturn the appellate court's commonsense definition that "rent" in a residential proceeding means "the periodic charge for the use of occupancy of the premises." Prior courts have endorsed this view, yet landlords continue to try to skirt the law by forcing vulnerable potential tenants to agree to a different definition in their leases. Because the supply of low-income housing is far lower than demand—a problem that needs immediate fixing—tenants have little ability to negotiate these kinds of coercive terms. Therefore, the Supreme Court must step in.

The amici curiae firmly believe that a landlord's own costs, like for liability insurance, trash collection, routine pest control and especially the cost to evict our clients, is too expansive. Allowing Westminster and other landlords to include non-rent expenses as "rent" will lead to homelessness, housing insecurity, and additional difficulties like mental and physical health issues, losing employment and custody challenges. MLA and its partners serve low-income people in all these areas and brought these consequences to the Court's attention in this brief.

MLA Advocacy Director for Appellate and Impact Litigation, Lee Ogburn says, "Rent means rent, plain and simple. MLA represents thousands of low-income clients who have no power to negotiate different definitions, illegally included by landlords, to make it easier to evict them. This brief, backed by a powerful coalition of non-profit organizations, gives voice to our clients. We hope the Supreme Court hears them."



For a copy of the amicus brief, please click [here](#).

*The Coalition is comprised of the following dedicated non-profits and attorneys across Maryland: The Pro Bono Resource Center, Maryland Volunteer Lawyers Service, Civil Justice, Inc., Economic Action Maryland, The Homeless Persons Representation Project, Inc., and Daniel L. Rosenberg.

About Maryland Legal Aid: Maryland Legal Aid (MLA) is a private, non-profit law firm that provides free, civil legal services to low-income people across the state. The firm, Maryland's third largest of any kind, handles a wide range of issues, including family, housing, children's rights, government benefits, healthcare, employment, and consumer law. Other vulnerable populations, such as homeowners facing foreclosure, migrant and seasonal farm workers, people with developmental and mental health disabilities, nursing home and assisted living residents, and veterans seeking benefits and assistance with related legal issues also receive representation through special projects. MLA also seeks systemic change through impact litigation, policy advocacy, and media.

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