

Tuesday, July 27, 2021  
10:00 AM

VIRTUAL BRIEFING

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## **End of COVID–19 Tenant Protections and Overview of Tenant Assistance Programs**

### **Panel 1 District Court of Maryland (15 minutes)**

- The Honorable John P. Morrissey, *Chief Judge*
- The Honorable Lisa Hall–Johnson, *District Administrative Judge*
- The Honorable Sherri D. Koch, *District Administrative Judge*
- The Honorable Halee F. Weinstein, *District Administrative Judge*
- The Honorable Dorothy J. Wilson, *District Administrative Judge*

### **Panel 2 Department of Housing and Community Development (15 minutes)**

- Carol A. Gilbert, *Assistant Secretary, Division of Neighborhood Revitalization*
- Matt Heckles, *Assistant Secretary, Division of Development Finance and Director of the Community Development Administration*

### **Panel 3 County and Municipal Perspectives and Responses to the Effects of COVID–19 on Landlords and Tenants (30 minutes)**

- **Members of the Maryland Association of Counties and United Way of Central Maryland (20 minutes)**
  - Montgomery County Department of Health and Human Services
    - Ilana Branda, *Deputy Chief of Services to End and Prevent Homelessness*
  - Baltimore County Department of Housing and Community Development
    - Terry Hickey, *Director*
  - Baltimore City Community Action Partnership
    - Angela Whitaker, *Director*
  - United Way of Central Maryland
    - Scott Gottbreht, *Vice President of Housing & Senior Program Officer*

- **Members of the Maryland Municipal League (10 minutes)**
  - Town of Colmar Manor
    - Mayor Sadara Barrow
  - City of Annapolis
    - Alderman DaJuan Gay
  - City of Gaithersburg
    - Tom Lonergan, *Assistant City Manager*
  - City of Frederick
    - Mayor Michael O'Connor
  - City of Laurel
    - Christian Pulley, *Deputy City Administrator*

**Panel 4 (15 minutes)**

- Hannibal Kemerer and Jessica Kaufman, *Office of the Attorney General*
- Carisa Hatfield, *Homeless Persons Representation Project*
- Stuart Simms and Douglas Nivens, *Maryland Legal Aid*

**Panel 5 (15 minutes)**

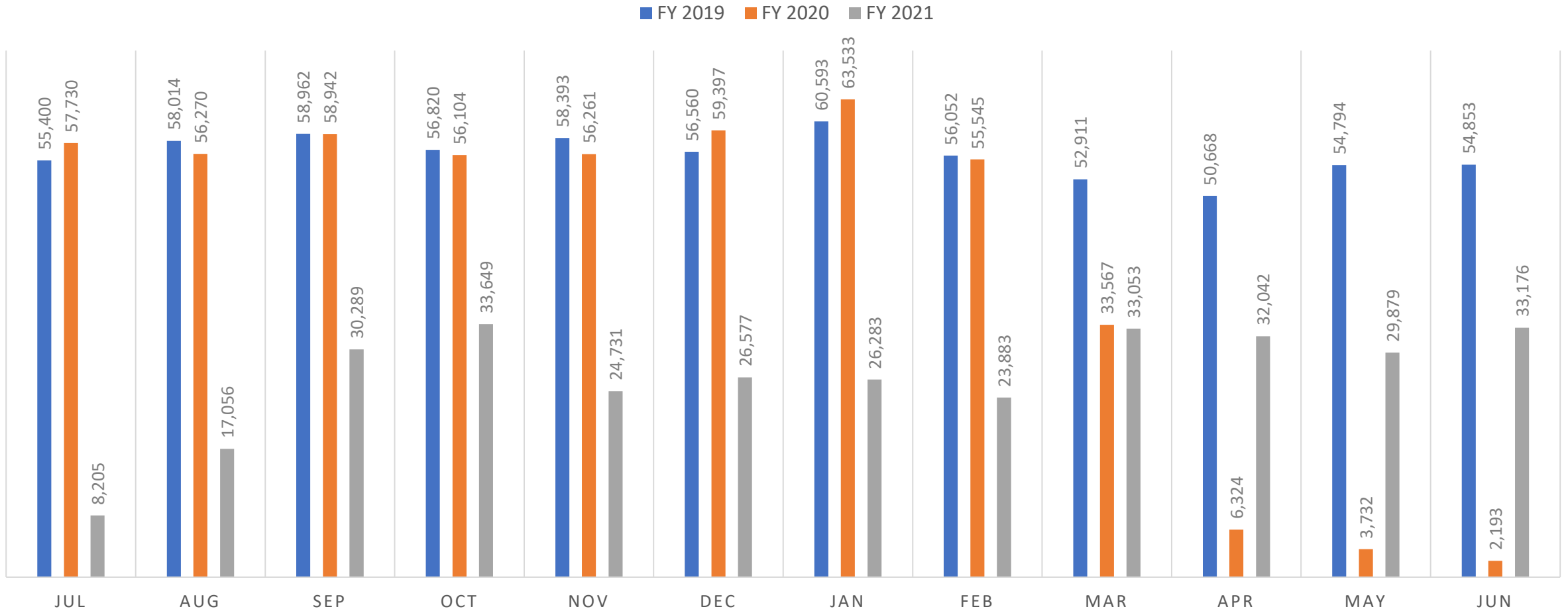
- Grason Wiggins, *Maryland Multi-Housing Association*
- Erin Bradley, *Apartment and Office Building Association of Metropolitan Washington*
- Bill Castelli, *Maryland Realtors*

# District Court Presentation COVID-19 and Housing

Chief Judge Morrissey  
July 2021

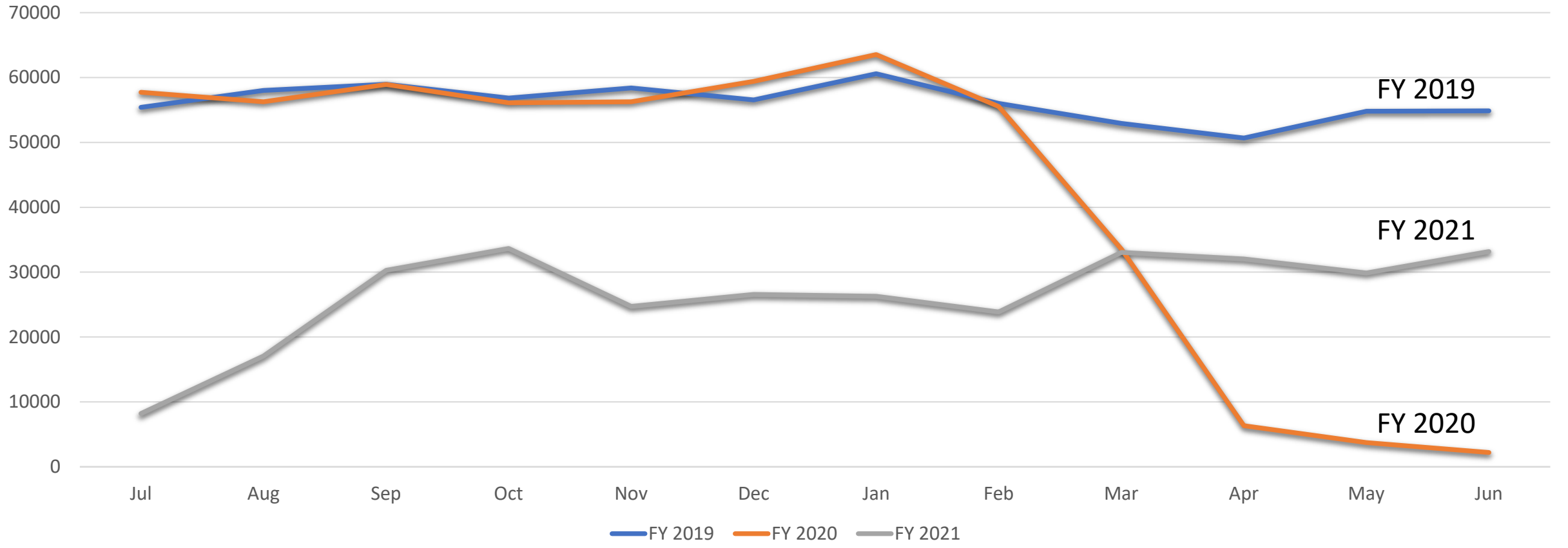
# Failure to Pay Rent Filings

## FAILURE TO PAY RENT FILINGS BY FISCAL YEAR



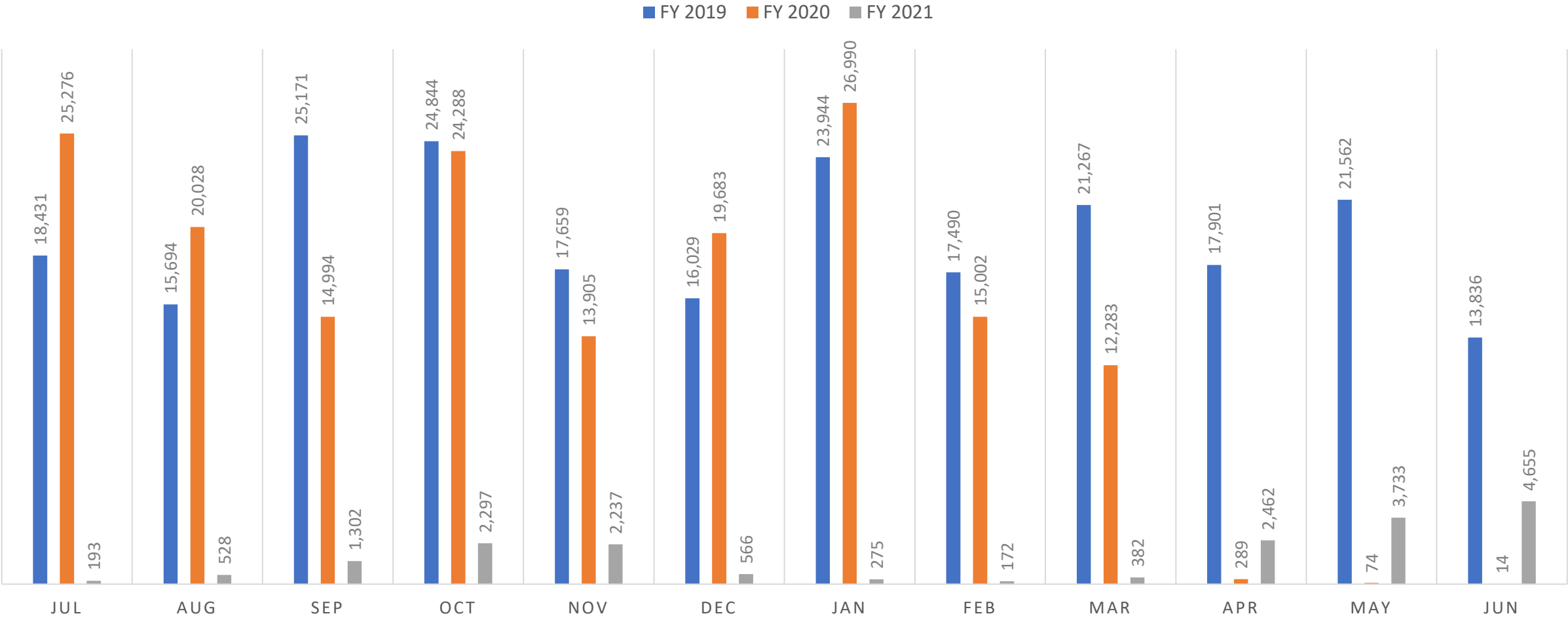
# Failure to Pay Rent Filings

## Failure to Pay Rent Filings by Fiscal Year



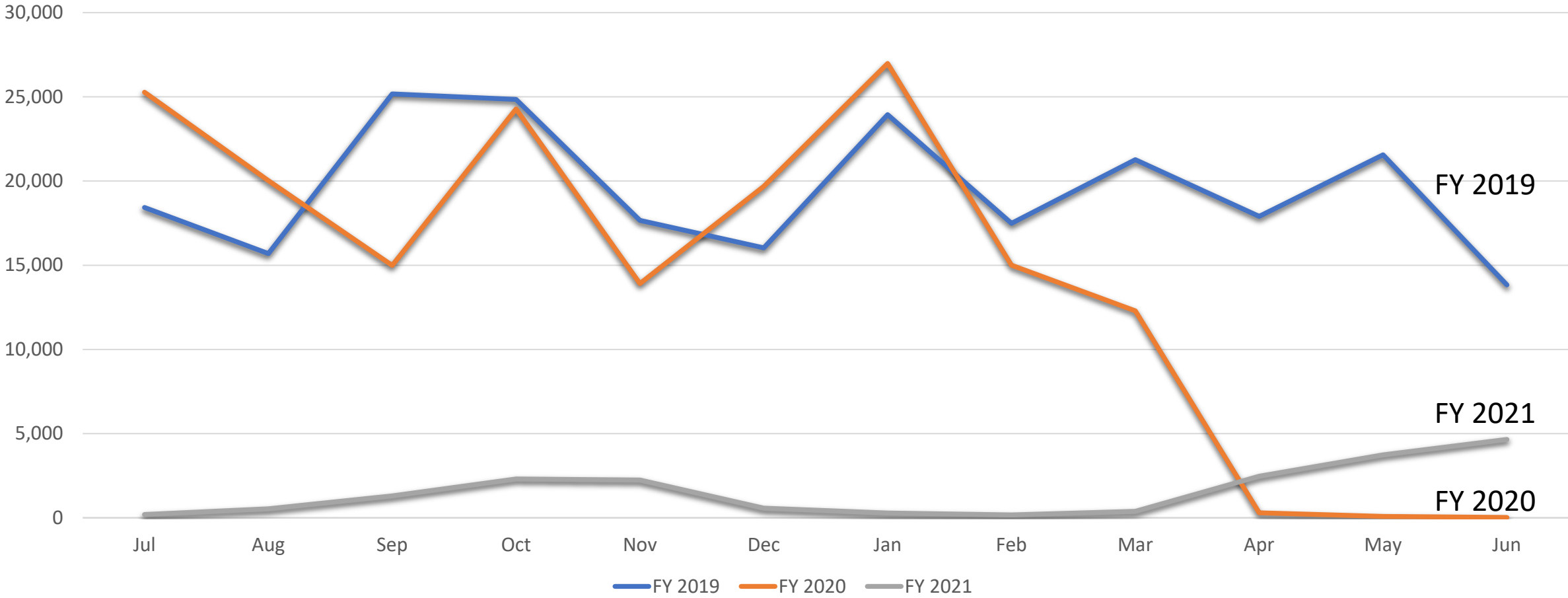
# Warrant of Restitution Filings

## WARRANT OF RESTITUTION FILINGS BY FISCAL YEAR



# Warrant of Restitution Filings

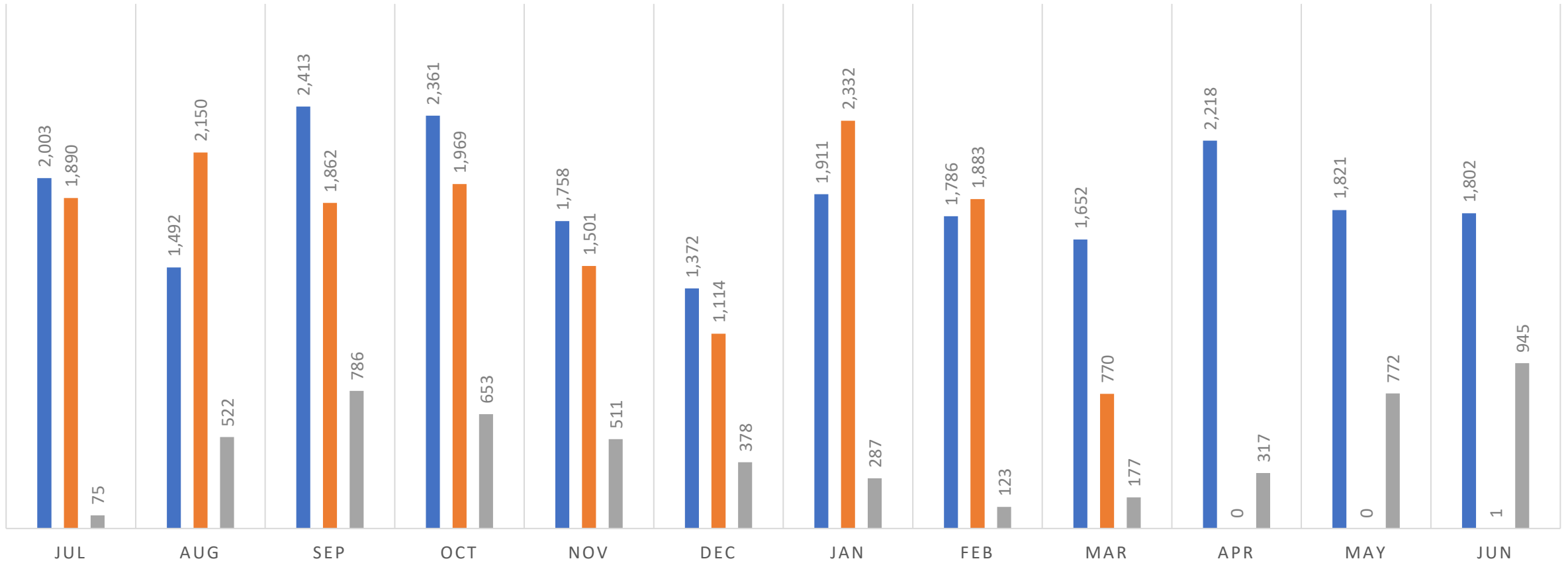
## Warrant of Restitution Filings by Fiscal Year



# Evictions

## EVICTIIONS BY FISCAL YEAR

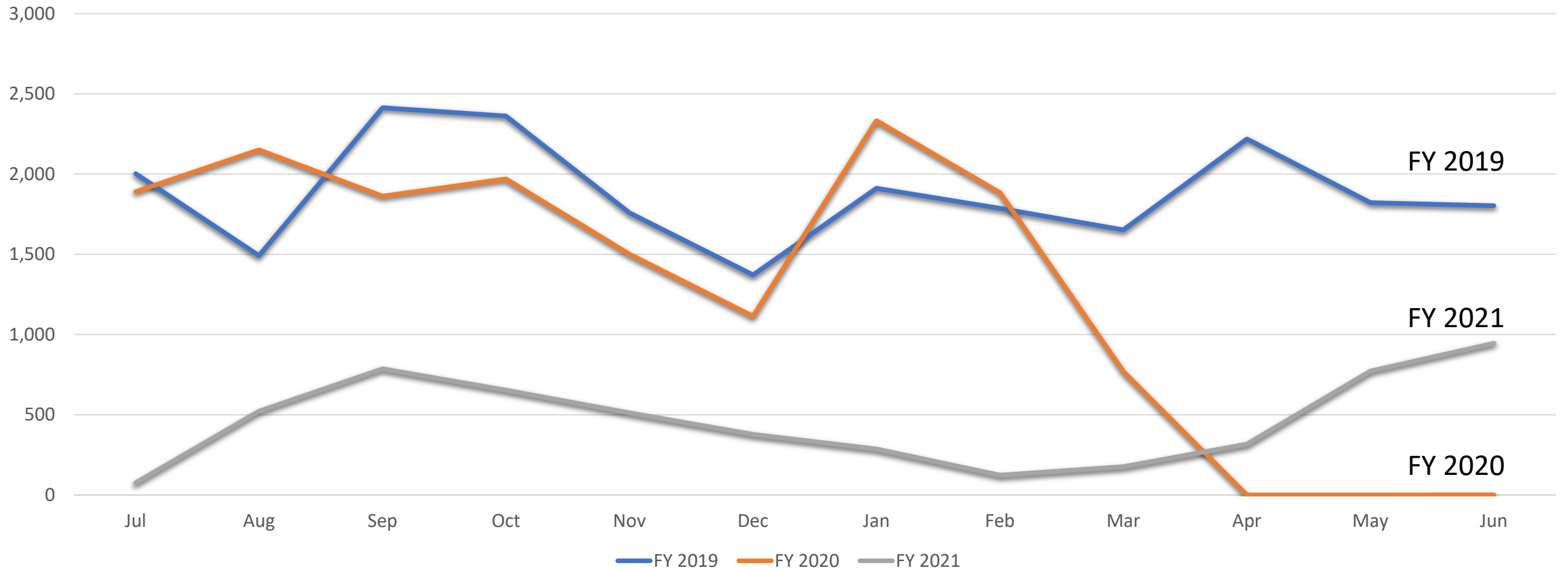
FY 2019 FY 2020 FY 2021



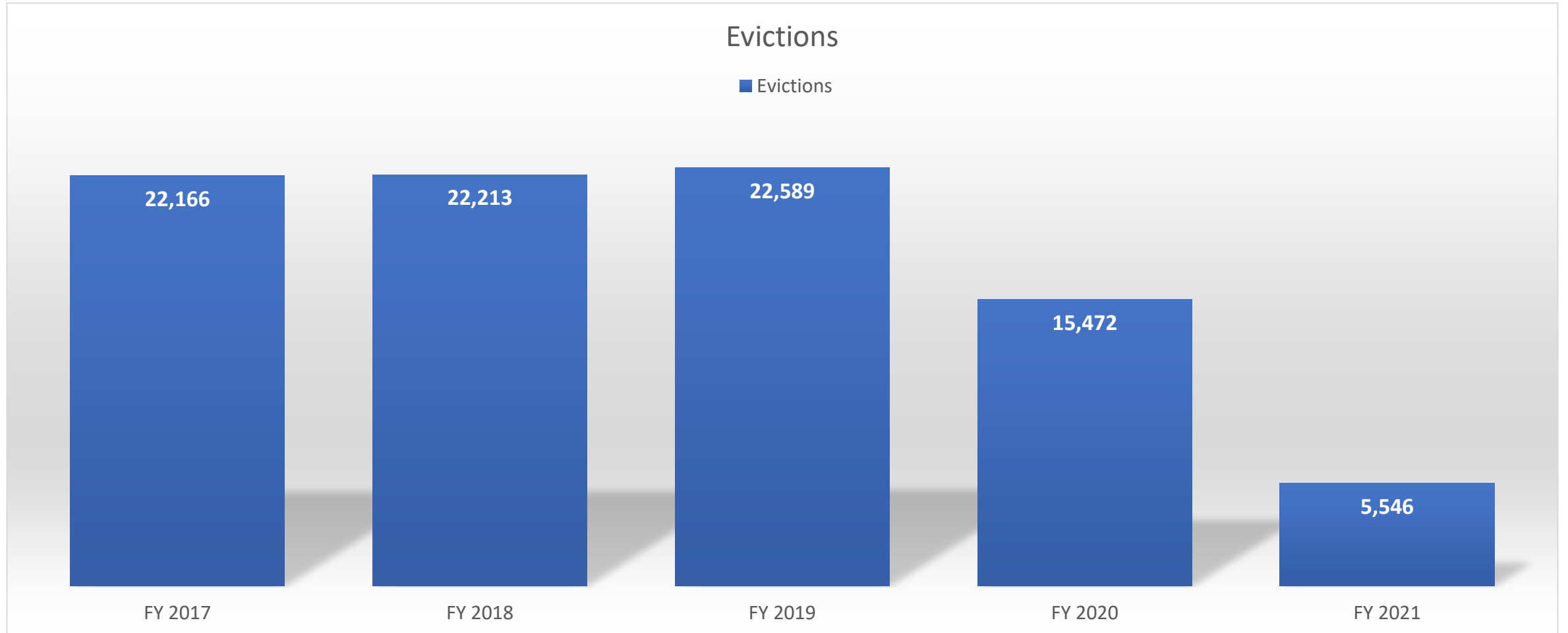


# Evictions

## Evictions by Fiscal Year



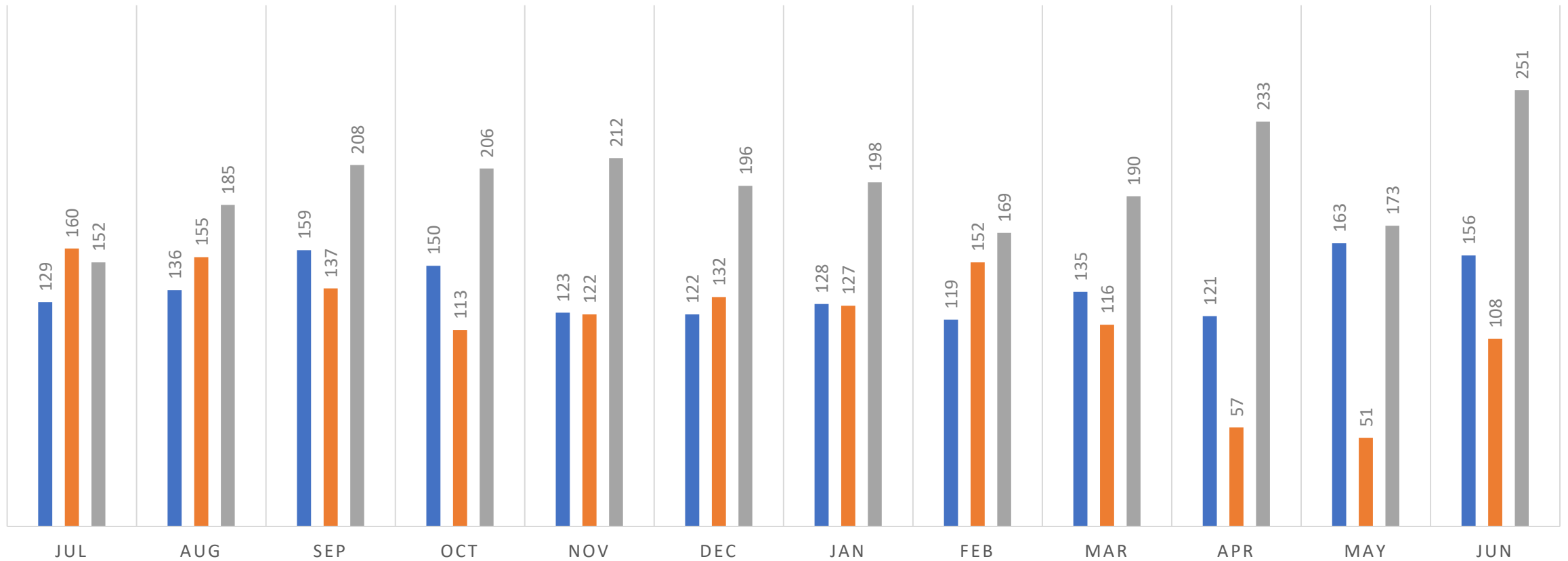
# Statewide Evictions by Fiscal Year



# Breach of Lease Filings

## BREACH OF LEASE FILINGS BY FISCAL YEAR

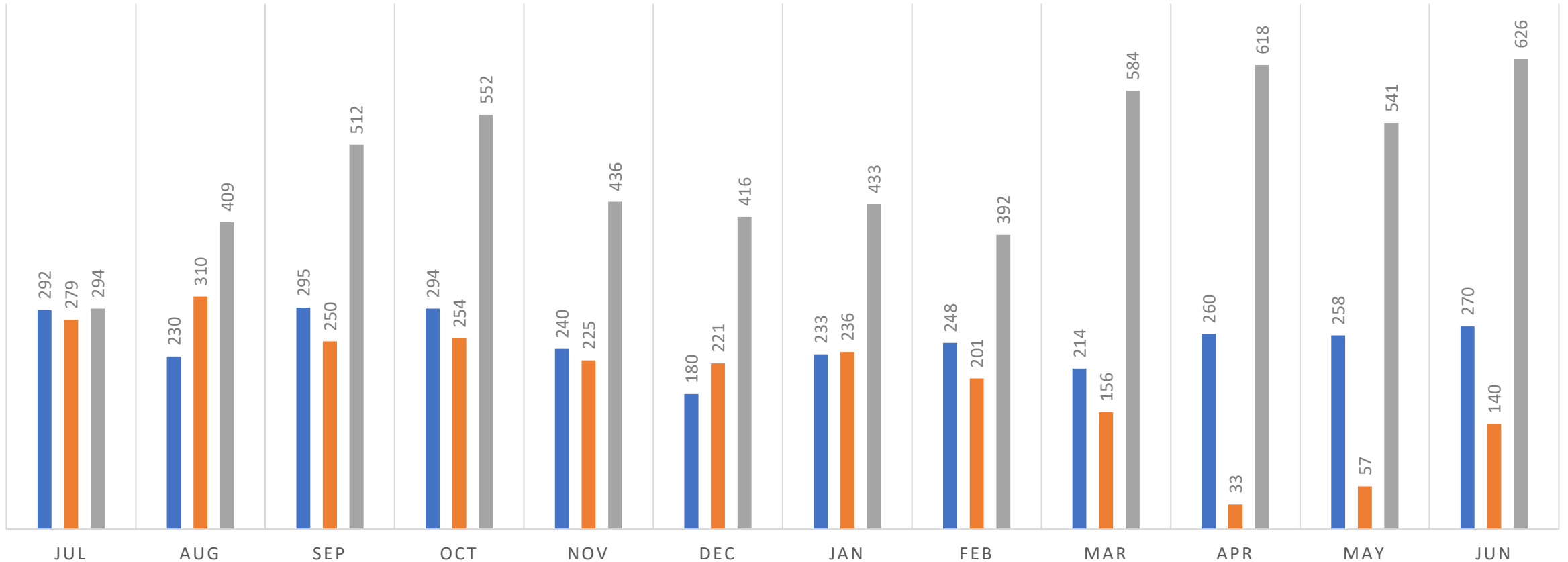
FY 2019 FY 2020 FY 2021



# Tenant Holding Over Filings

## TENANT HOLDING OVER FILINGS BY FISCAL YEAR

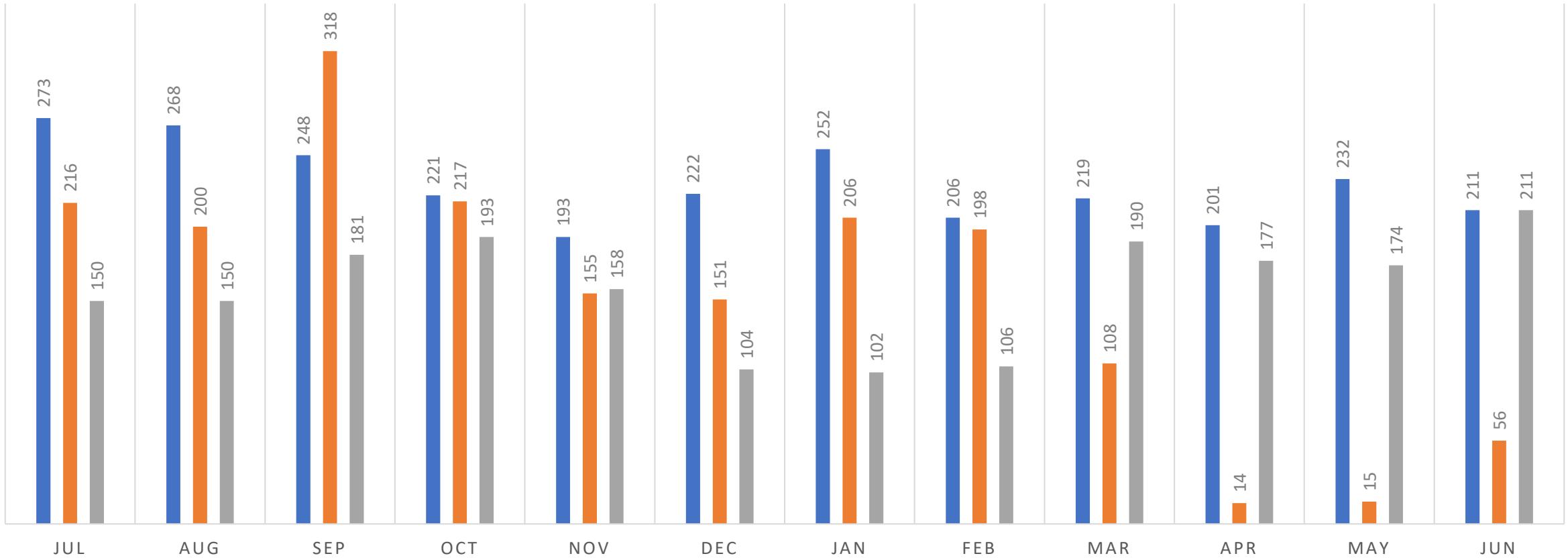
FY 2019 FY 2020 FY 2021



# Wrongful Detainer Filings

## WRONGFUL DETAINER FILINGS BY FISCAL YEAR

FY 2019 FY 2020 FY 2021



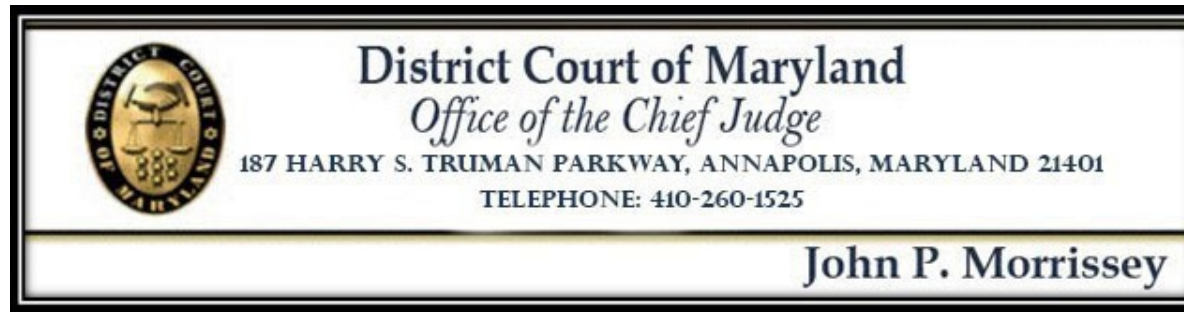
# Statewide Reserved Judgments

Reserved Judgments Issued through July 2021

Approximately:  
4,500  
Reserved  
Judgments for  
Failure to Pay  
Rent.

## Moratorium on Eviction

- CDC – Temporary Halt in Residential Evictions to Prevent the Further Spread of Covid-19
- Governor Hogan’s Emergency Order Temporarily Prohibiting Evictions of Tenants Suffering Substantial Loss of Income Due to Covid-19.



**June 30, 2021**

**COMMUNICATION REGARDING THE CDC AGENCY ORDER AND LANDLORD/TENANT ACTIONS**

**CDC Agency Order**

The CDC agency order regarding evictions that became effective on September 4, 2020 has been extended and now expires on July 31, 2021. [The CDC order can be found here: https://www.cdc.gov/coronavirus/2019-ncov/covid-eviction-declaration.html](https://www.cdc.gov/coronavirus/2019-ncov/covid-eviction-declaration.html).

This defense, if applicable, may be raised by motion or at trial in any residential failure to pay rent case that may have been initiated prior to September 4, 2020 but is not completed up to and including July 31, 2021.

If a tenant is successful in asserting this defense, the court will determine the merits of the case and/or the amount that is due for possession, but will reserve entry of judgment until such time as the judgment is not prohibited by the CDC agency order. Upon expiration of the CDC agency order, the court, without request from any party, will enter each judgment for possession that was reserved by the court. The clerk will mail a copy of the judgment for possession to all parties to the action.

The landlord has a continuing duty to inform the court of any payments made by the tenant while the case is pending or is reserved. Upon the filing of a request for a warrant of restitution for a case in which a reserved judgment is entered, the clerk will set the request for a hearing within 21 days with notice to all parties. If the warrant for restitution is ordered by the court, the clerk will mail the order to all parties to the action.

A tenant has the right to prevent the eviction by paying the amount that the court determined to be due in the judgment for possession. If a tenant has made payments since the court made its determination but the landlord does not agree, the tenant should file a motion with the court and the court will determine the proper amount. However, if the court has ordered possession without the [right of redemption, a tenant may not remain on the premises, unless the tenant and the landlord](#) agree in writing that the tenant may stay.

**Additional Information**

Maryland Governor Larry Hogan's Executive Order on evictions was renewed, will remain in effect until August 15, 2021, [and can be found here: https://governor.maryland.gov/covid-19-pandemicorders-and-guidance/](https://governor.maryland.gov/covid-19-pandemicorders-and-guidance/). [Upon expiration, any judgments reserved per the executive order will be](#) handled in the same manner as the CDC agency order.

There are government programs available that may be able to assist both landlords and tenants with rental assistance. Both landlords and tenants are strongly encouraged to contact their state and local governments to determine what resources may be available. The Maryland Judiciary's Help Centers may be able to help and are staffed by trained attorneys and provide brief free legal advice on all civil matters, including questions regarding landlord/tenant proceedings. For more information, please call 410-260-1392 or visit <https://mdcourts.gov/selfhelp>.



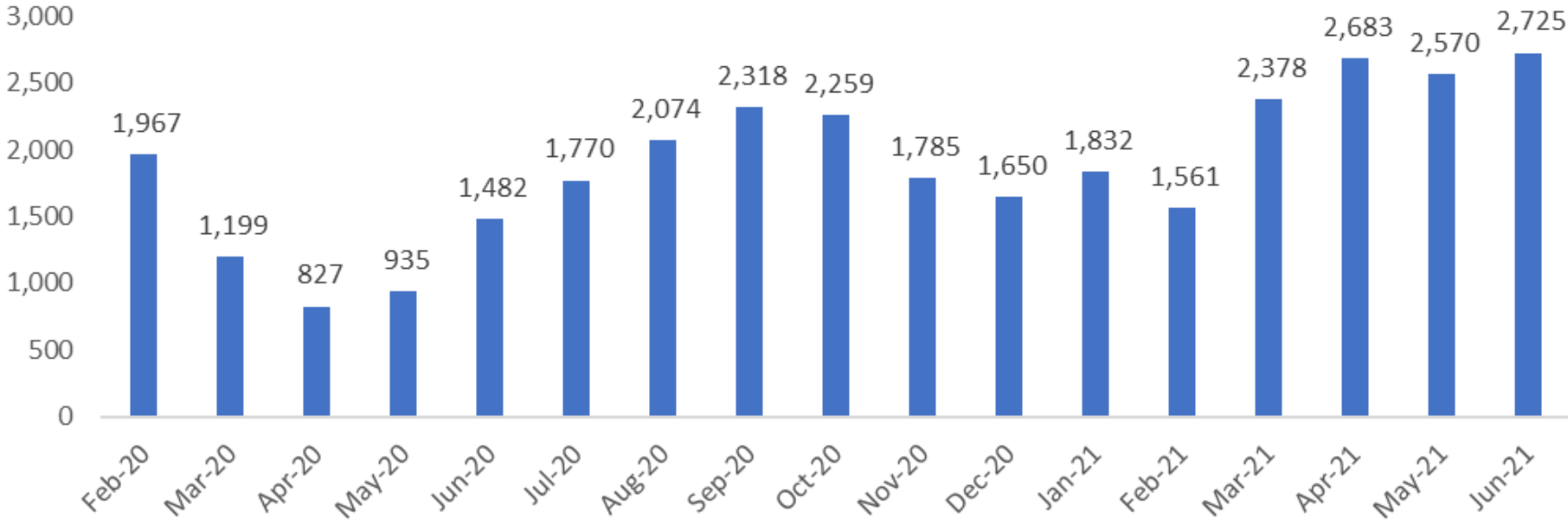
# Maryland Court Help

Free. Online. In Person. By Phone.

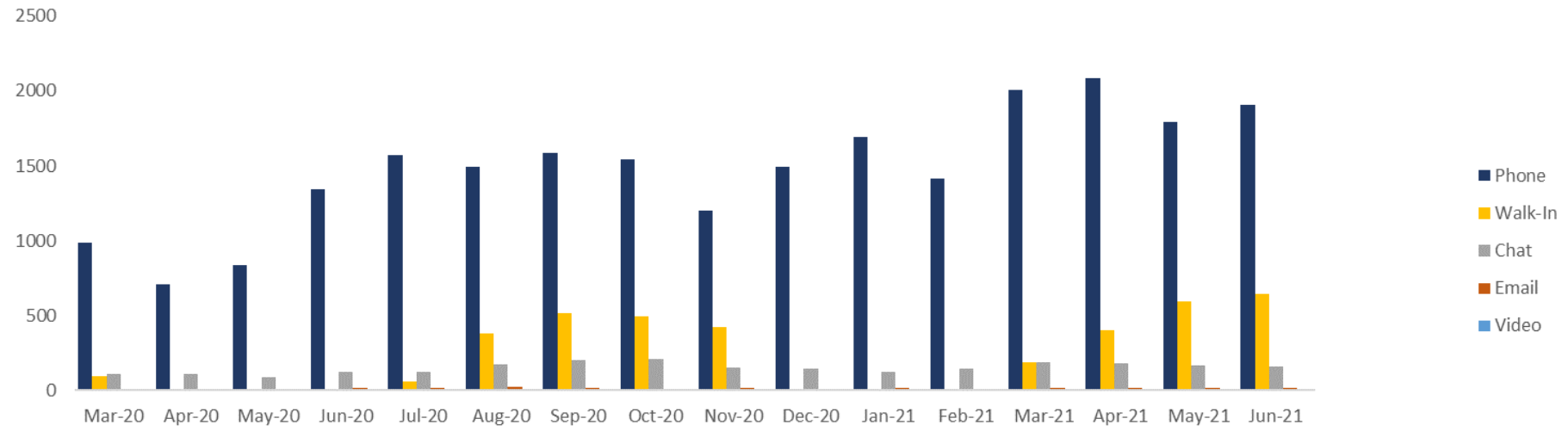
- Maryland's network of Court Help Centers provides **free legal advice** and information **to litigants without counsel in civil matters.**
- Maryland Court Help Centers provide **more than 100,000 instances of service each year.**
- **More than half** of District Court Help Center users **report annual household incomes of \$30,000 or less.** The number of individuals reporting a very low income (between \$0 - \$14,999) increased in FY20.



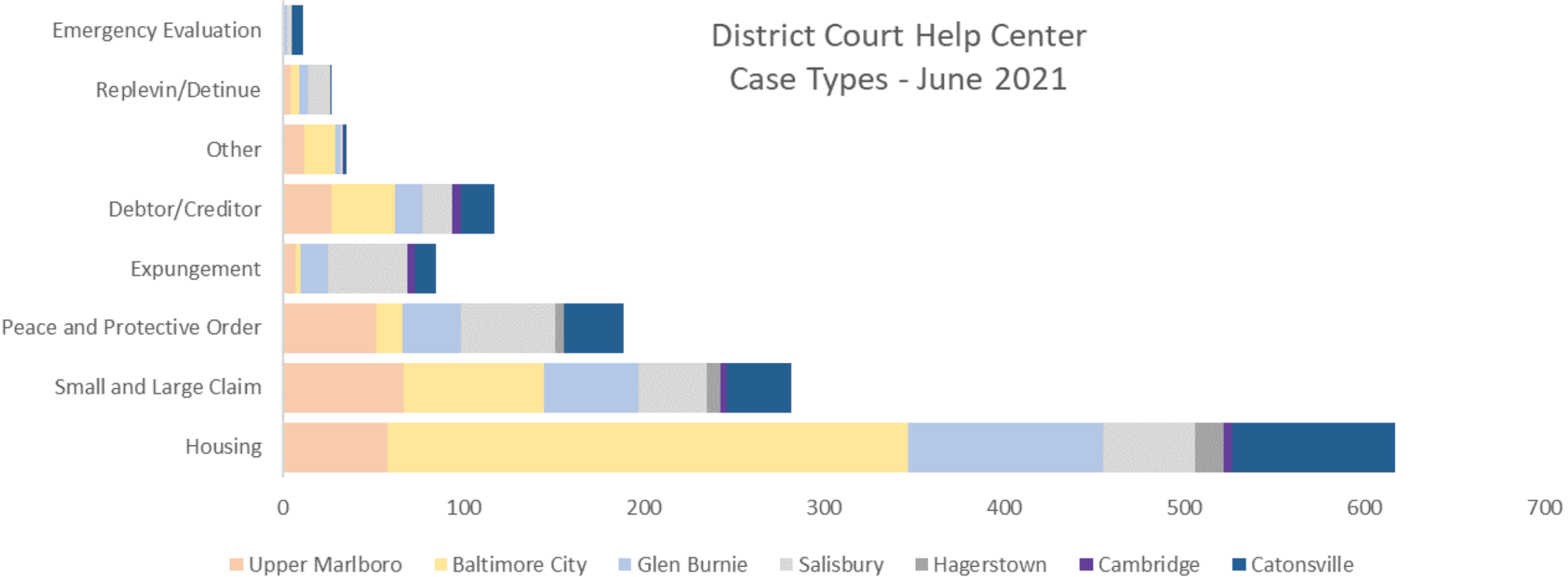
### Instances of Service - **Housing Matters** Maryland Court Help Centers



# Service Delivery Method - Housing Matters Maryland Court Help Centers

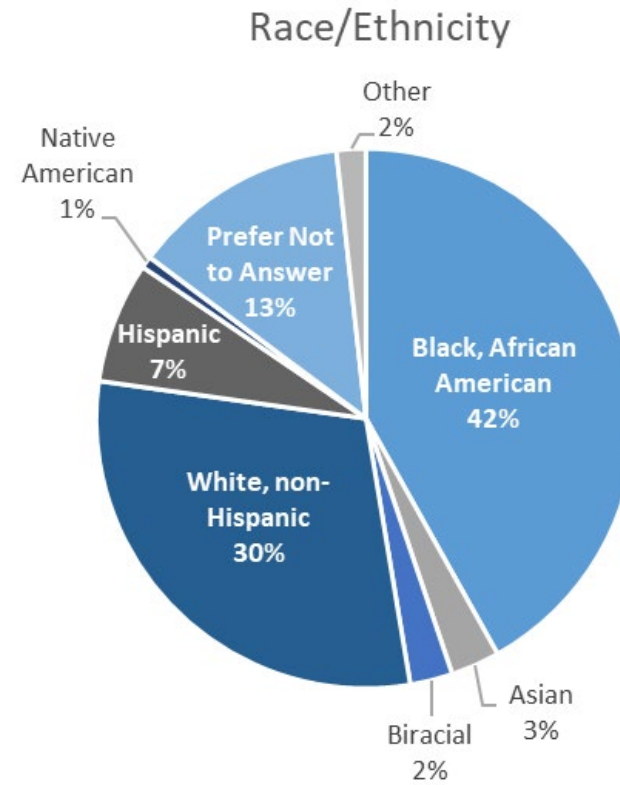
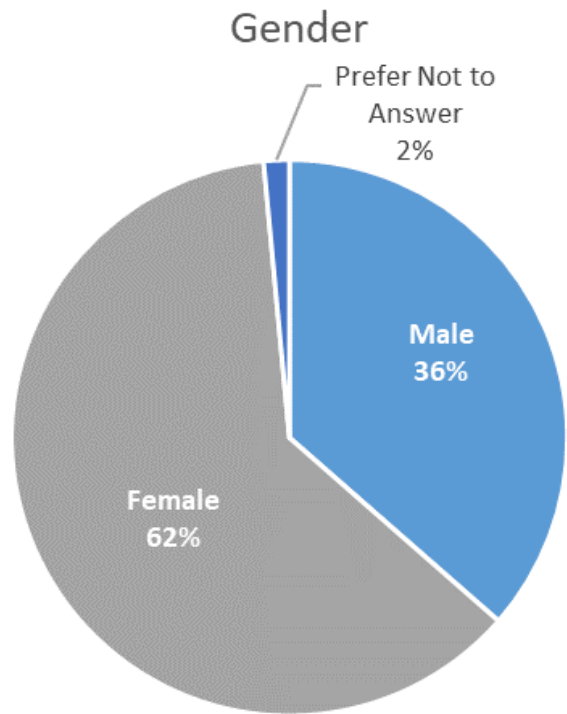


# District Court Help Center Case Types - June 2021



# Maryland Court Help Center Users

Remote Services – April 2021 Data



# Notice of Intent to File a Complaint for Summary Ejectment Effective 10/1/2021



## Maryland Court Help

Free. Online. In Person. By Phone.



### NOTICE OF INTENT TO FILE A COMPLAINT FOR SUMMARY EJECTMENT (Failure to Pay Rent) (Real Property Article § 8-401(c))

**FROM:** \_\_\_\_\_  
 Landlord/Agent \_\_\_\_\_  
 Address \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_ Telephone \_\_\_\_\_  
 E-mail Address \_\_\_\_\_

**TO:** \_\_\_\_\_  
 Tenant (1) \_\_\_\_\_ Tenant (2) \_\_\_\_\_  
 Tenant (3) \_\_\_\_\_ Tenant (4) \_\_\_\_\_  
 Address \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_ Telephone \_\_\_\_\_  
 E-mail Address(es) \_\_\_\_\_

An action for repossession of the property will be initiated if the total amount listed below is not paid within 10 days after receipt of this notice. You have a legal right to dispute the charges.

The past-due rent and late fee amounts in dispute are:

\$ \_\_\_\_\_ rent for the  months  weeks \_\_\_\_\_ to \_\_\_\_\_

\$ \_\_\_\_\_ \*late fees for the  months  weeks \_\_\_\_\_ to \_\_\_\_\_

\*Due pursuant to the terms of your lease.

\$ \_\_\_\_\_ \*TOTAL

\*Does not include other charges related to utilities, services, other fees, fines, and court costs.

At your request, the landlord must promptly provide you an itemized accounting of debits and credits (rental ledger) showing how the landlord came up with the amount they claim you owe.

#### LANDLORD/AGENT CONTACT INFORMATION

(if different from above)

Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

Address: \_\_\_\_\_

#### DATE AND METHOD OF DELIVERY

This notice was provided to the tenant by the landlord on \_\_\_\_\_ by:

- First-class mail  Affixed to the door of the leased property  Delivered electronically by:  E-mail message  Text message  Electronic tenant portal

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Landlord/Attorney/Agent

\_\_\_\_\_  
Attorney Number

#### COURT RESOURCES FOR TENANTS

- Alternative Dispute Resolution (ADR) Office [mdcourts.gov/district/adr/home](http://mdcourts.gov/district/adr/home)
  - Mediation** is a widely used dispute resolution process for disputes between landlords and tenants. Mediation is a conversation between the landlord and the tenant that is facilitated by a mediator. Topics discussed in mediation may include: the amount of rent that is due and how and when it might be paid; communication between the landlord and the tenant; a move out date and conditions of moving out; modifying, extending or terminating the lease; and/or, other topics important to the landlord and to the tenant. **Mediation is available before and after a failure to pay rent case is filed** in the District Court of Maryland. More information on how to request mediation with your landlord or with your tenant is available at [mdcourts.gov/district/adr/landlordtenant](http://mdcourts.gov/district/adr/landlordtenant).
- Maryland Court Help Centers [mdcourts.gov/helpcenter](http://mdcourts.gov/helpcenter) or 410-260-1392
  - Speak with a lawyer for free about your case. Lawyers at the Maryland Court Help Centers can provide advice, help with forms, and referrals to rent assistance programs.
- Rental Assistance program information can be found at: [mdcourts.gov/legalhelp/housing](http://mdcourts.gov/legalhelp/housing)



See page 2 for nonprofit legal services organizations that may provide legal advice and representation for tenants who qualify.

# Notice of Intent to File a Complaint for Summary Ejectment

Effective 10/1/2021

Page 2:

Includes Legal Service  
Organizations

## Nonprofit Legal Services Organizations – Eviction Help

*These organizations may be able to provide legal advice or representation for tenants who qualify.*

<b>Allegany County</b> Allegany Law Foundation 301-722-3390 alleganylaw.com  Maryland Legal Aid 301-777-7474 mdlab.org	<b>Baltimore County (Continued)</b> Pro Bono Resource Center 443-703-3053 probonomd.org  St. Ambrose Housing Aid Center 410-366-8550 x249 stambros.org	<b>Frederick County</b> Maryland Legal Aid 301-694-7414 mdlab.org  <b>Garrett County</b> Maryland Legal Aid 301-777-7474 mdlab.org	<b>Queen Anne's County</b> Maryland Legal Aid 410-763-9676 mdlab.org  Mid-Shore Pro Bono 410-690-8128 midshoreprobono.org
<b>Anne Arundel County</b> Community Legal Services 240-391-6370 clspgc.org  Maryland Legal Aid 410-972-2700 mdlab.org	<b>Caroline County</b> Maryland Legal Aid 410-763-9676 mdlab.org  Mid-Shore Pro Bono 410-690-8128 midshoreprobono.org	<b>Harford County</b> Maryland Legal Aid 410-836-8202 mdlab.org	<b>St. Mary's County</b> Maryland Legal Aid 301-932-6661 mdlab.org  <b>Somerset County</b> Maryland Legal Aid 410-546-5511 mdlab.org
<b>Baltimore City</b> Disability Rights Maryland (If eviction is related to disability) 410-727-6352 disabilityrightsmd.org  Homeless Persons Representation Project (Public/Subsidized Housing) 410-364-4198 hprplaw.org  Maryland Legal Aid 410-972-7750 mdlab.org  Pro Bono Resource Center 443-703-3053 probonomd.org  Public Justice Center 410-625-9409 publicjustice.org  St. Ambrose Housing Aid Center 410-366-8550 x249 stambros.org	<b>Carroll County</b> Maryland Legal Aid 301-694-7414 mdlab.org  <b>Calvert County</b> Maryland Legal Aid 301-932-6661 mdlab.org  <b>Cecil County</b> Maryland Legal Aid 410-836-8202 mdlab.org	<b>Howard County</b> Maryland Legal Aid 410-972-2700 mdlab.org  <b>Kent County</b> Maryland Legal Aid 410-763-9676 mdlab.org  Mid-Shore Pro Bono 410-690-8128 midshoreprobono.org  <b>Montgomery County</b> Maryland Legal Aid 240-314-0373 mdlab.org  Montgomery County Bar Foundation 301-424-7651 barmont.org	<b>Talbot County</b> Maryland Legal Aid 410-763-9676 mdlab.org  Mid-Shore Pro Bono 410-690-8128 midshoreprobono.org  <b>Washington County</b> Maryland Legal Aid 301-694-7414 mdlab.org
<b>Baltimore County</b> Maryland Legal Aid 410-427-1800 mdlab.org	<b>Dorchester County</b> Maryland Legal Aid 410-546-5511 mdlab.org  Mid-Shore Pro Bono 410-690-8128 midshoreprobono.org	<b>Prince George's County</b> Community Legal Services 240-391-6370 clspgc.org  Maryland Legal Aid 301-560-2100 mdlab.org	<b>Wicomico County</b> Maryland Legal Aid 410-546-5511 mdlab.org  Mid-Shore Pro Bono 410-690-8128 midshoreprobono.org  <b>Worcester County</b> Maryland Legal Aid 410-546-5511 mdlab.org



# Maryland Emergency Rental Assistance Program

## Status Update

July 27, 2021

# Treasury ERAP Funding Framework

## ERAP 1

### ▶ \$401,575,014 through the Consolidated Appropriations Act, 2021:

- \$258 million awarded to State of Maryland - DHCD
- \$143 million awarded to 8 counties with over 200,000 residents - “Direct Grantees”

## ERAP 2


### ▶ \$352,225,095 through the American Rescue Plan Act:

- \$204 million awarded to State of Maryland - DHCD
- \$148 million awarded to 8 counties with over 200,000 residents - “Direct Grantees”



## Eligible Activities and Costs – Per ERAP 1.0 Statute

1. Rental Arrears Assistance up to 12 months
2. Prospective Rent Assistance up to 3 months at a time
3. Utility and Home Energy Arrears Assistance up to 12 months
4. Prospective Utility and Home Energy Assistance up to 3 months at a time
5. Relocation and Re-Housing Costs



**Total combined amount of assistance for each household cannot exceed 15 months**

# Eligible Households – Per ERAP 1.0 Statute

Households are eligible if they meet **ALL** of the following 4 conditions:

## Rent Status

Tenant obligated to pay rent on a residential dwelling

## Income

Household income at or below 80% of Area Median Income as defined by HUD

## Financial Hardship

1 or more individuals qualified for unemployment assistance

OR

experienced a reduction in household income, incurred significant costs, or other financial hardship due, directly or indirectly, to the COVID19 outbreak

## Housing Instability

Demonstrated risk of housing instability, which may include:

- a past due utility or rent notice or eviction notice,
- unsafe or unhealthy living conditions, OR
- any other evidence of such risk, as determined by grantee

# DHCD Guiding Principles



## Equitable

- Allocate Funds Based on Need and Disparities
- Prioritize Households Most At-Risk of Eviction
- Implement Affirmative Outreach Strategy and Communications
- Monitor Disparities in Assistance and Pivot Quickly



## Low-Barrier

- Simplify Tenant Eligibility and Screening Processes
- Streamline All Rental/Utility Assistance into Existing Local Access Points
- Facilitate Mass Rental Relief through Multifamily Housing Partnerships



## Locally-Driven

- Comprehensively Address Housing Stability and Basic Needs of Tenants
- Incorporate Rental Housing Market Conditions into Local Planning
- Deploy Programs with Trusted Community Partners

# ERAP 1 State Funding Methodology

- 82% of Maryland’s renter households live in the 8 jurisdictions receiving ERAP funds directly from Treasury - most had already created an application process and already had renter applications in the pipeline for assistance
- Treasury allocated ERAP 1 funds based on population size only. State’s formula intended to “right-size” allocations to jurisdictions based on need.
- ERAP statute requires prioritization of assistance for households under 50% AMI or who have at least one adult that was unemployed for 90 days before application
- State formula was data-informed and needs-based:
  - County’s share of total renter households statewide
  - High-priority census tracts for rental assistance, as identified by [Urban Institute’s Emergency Rental Assistance Prioritization tool](#)
  - Took into account how much funding was already allocated directly by Treasury
- ERAP Advisory Workgroup review

# ERAP 1 Funding Framework

	Direct County Awards	DHCD Award	Total Maryland Awards
County and Baltimore City Allocations*	\$143,498,208	\$192,915,269	\$336,413,478
DHCD Assisted Housing Relief Program (15%)		\$40,000,000	\$40,000,000
DHCD Rental Assistance Reserve (8%)		\$20,000,000	\$20,000,000
DHCD Admin/Outreach Max (2%)		\$5,161,536	\$5,161,536
<b>Total Treasury Allocation</b>	<b>\$143,498,208</b>	<b>\$258,076,806</b>	<b>\$401,575,014</b>

*Max Housing Services and Admin for Counties	\$14,349,821	\$20,646,144	\$34,995,965
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# Geographic Distribution of ERAP 1 Funds

Jurisdiction/Activity	State ERAP Award	Direct Federal ERAP	Total ERAP	% of Maryland ERAP
Allegany County	\$3,389,068	\$0	\$3,389,068	0.8%
Anne Arundel County	\$5,498,730	\$17,313,628	\$22,812,358	5.7%
Baltimore City*	\$40,551,211	\$17,739,748	\$58,290,959	14.5%
Baltimore County*	\$24,609,350	\$24,730,552	\$49,339,902	12.3%
Calvert County	\$1,801,998	\$0	\$1,801,998	0.4%
Caroline County	\$1,503,689	\$0	\$1,503,689	0.4%
Carroll County	\$4,260,520	\$0	\$4,260,520	1.1%
Cecil County	\$4,151,639	\$0	\$4,151,639	1.0%
Charles County	\$5,897,393	\$0	\$5,897,393	1.5%
Dorchester County	\$2,459,157	\$0	\$2,459,157	0.6%
Frederick County	\$1,426,438	\$7,758,005	\$9,184,443	2.3%
Garrett County	\$1,685,427	\$0	\$1,685,427	0.4%
Harford County*	\$914,908	\$7,635,274	\$8,550,182	2.1%
Howard County*	\$4,512,928	\$9,735,056	\$14,247,984	3.5%
Kent County	\$1,332,475	\$0	\$1,332,475	0.3%
Montgomery County	\$28,145,367	\$31,405,652	\$59,551,019	14.8%
Prince George's County	\$27,034,379	\$27,180,293	\$54,214,671	13.5%
Queen Anne's County	\$1,656,284	\$0	\$1,656,284	0.4%
Somerset County	\$1,841,274	\$0	\$1,841,274	0.5%
St. Mary's County	\$4,515,115	\$0	\$4,515,115	1.1%
Talbot County	\$2,439,498	\$0	\$2,439,498	0.6%
Washington County	\$9,441,971	\$0	\$9,441,971	2.4%
Wicomico County	\$7,380,680	\$0	\$7,380,680	1.8%
Worcester County	\$6,465,772	\$0	\$6,465,772	1.6%
DHCD Assisted Housing Relief Program	\$40,000,000	\$0	\$40,000,000	10.0%
DHCD Reserves	\$20,000,000	\$0	\$20,000,000	5.0%
DHCD Admin	\$5,161,536	\$0	\$5,161,536	1.3%
<b>Total</b>	<b>\$258,076,806</b>	<b>\$143,498,208</b>	<b>\$401,575,014</b>	<b>100%</b>

\*At county's request, DHCD granted some or all State ERAP funds to United Way of Central Maryland for bulk rent relief for multifamily housing tenants in their jurisdiction.

Harford and Howard Counties - 100% of funds,  
Baltimore City and Baltimore County - Approx  
50% of funds.

## DHCD's Assisted Housing Relief Program (AHRP)

- Property Management companies for DHCD-funded properties apply on behalf of their tenants and receive bulk payments for the property.
- Other than the CDA property-based eligibility, tenants must only meet the Treasury Department requirements to be eligible for assistance.
- Any tenants from non DHCD-funded properties are directed to the county programs.

# ERAP Program Milestones

**County Program Launch**  
(larger counties started earlier)

**DHCD's AHRP Application Portal Opened**

**ERAP Call Center Opened (April 19)**

**Treasury Monthly Report for June Submitted**

**New Treasury Data Collection and Reporting Guidance Released**

**AHRP Payments Began**

**Treasury Target: 65% Funds Obligated**

**Treasury Q3 Reports Due**

- Detailed grantee data
- Detailed program narratives
- Household-Level Data Upload
- Expenditure Data
- Performance Measures by Race, Gender, Ethnicity

## ONGOING

### Compliance

- Tenant File Reviews
- Compliance Monitoring
- Fraud Prevention & Monitoring
- Duplication of Benefits Monitoring

### Technical Assistance

- County Trainings
- Monthly 1:1 Meetings

JUNE

AUGUST

MAY 17

JULY

OCTOBER 15

### Monthly County 1:1s Began

- Program Check-Ins, Spending Reviews
- Technical Assistance

### Monthly County Roundtables Began

- Training, Peersharing, Program Updates

### County Expenditure and Activity Reporting Began

### Treasury Monthly Reporting Began for State Funds

**Partner Agency Outreach Completed (DHS, Labor, MDOD)**

### Treasury Q2 Reports Due (Aug 6)

- Expenditure Data
- Summary Performance Measures

### Treasury Monthly Report for July Due

### ERAP Data Dashboard Launch

- Expenditure Data
- Household Demographics
- Marketing/Outreach



# ERAP Marketing And Outreach Timeline

## Soft Start ERAP

### Marketing Campaign

- Partial Broadcast and Cable TV
- Partial Broadcast Radio

### Outreach Efforts

- Engaged the services of Cool & Assoc. for Hispanic Outreach
- RadioOne 30 second Radio spot airs

### Marketing Campaign

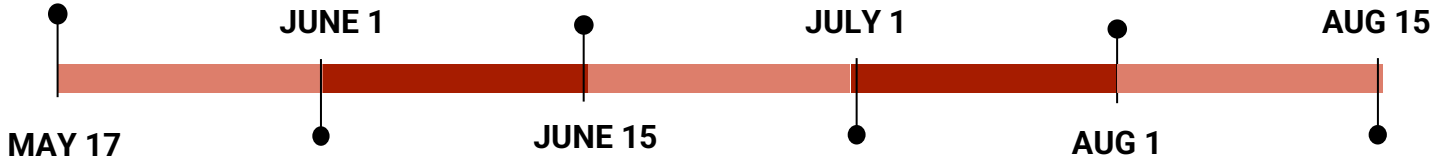
- Social Media Tool Kit created for Counties to help market local programs

### Outreach Efforts

- Spanish translation of Tool Kit into Spanish

### Q2 Campaign Start (8/9)

- Out-of-Home: Transit ads and PSA opportunities added to marketing plan
- Broadcast and Cable TV
- Over-The-Top Services
- Broadcast Radio
- HBCU Radio
- Digital Ads (Google, Facebook, YouTube)



### Full Marketing Campaign Start

- Broadcast and Cable TV
- Over-The-Top Services
- Broadcast Radio
- HBCU Radio
- Digital Ads (Google, Facebook, YouTube)

### Outreach Effort

- Start of ERAP collateral canvassing - Postcard & FAQ
- Community partners/ key influencers secured

### Outreach Efforts

- Spanish translation of FAQ card and ERAP flyer for outreach events

### Marketing

- ERAP Data Dashboard Launch

## NEXT STEPS

### MARKETING

- Engage with County Reps to find constituents that have utilized the program
- Refresh TV/Radio ads with Testimonial from constituents for start of Q3 campaign

### OUTREACH

- Develop new partnerships with community organizations
- Latino Outreach - Telemundo Platform takeover, Attend local Festivals, Hold additional workshops

# ERAP Marketing and Outreach Accomplishments



**8M**

Online Advertisement Views  
(English and Spanish)



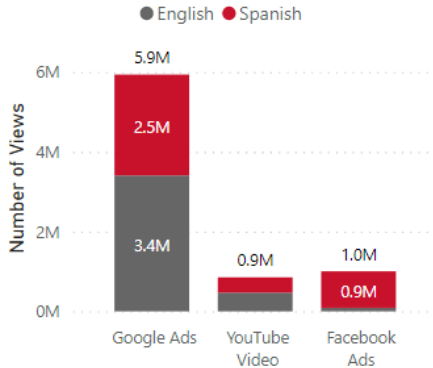
**5,462**

TV & Radio Commercials Aired  
(English and Spanish)



**570K**

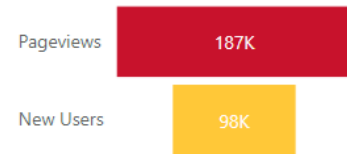
Direct Mail Postcards Sent  
(English and Spanish)



**13K**

Households Assisted Through DHCD Call Center  
95% Tenants, 5% Landlords

## ERAP Website Visitors



**Average Time on Page: 3:49**

# ERAP Culturally-Specific Outreach



**33,983**

ERAP collateral distributed  
(FAQ cards and Postcards)

## African American Market Outreach



**210**

Radio Advertising -  
:30 second commercials



**LIVE RADIO**

Radio Interview -  
Larry Young Show



**10K x 3**

Social Media Impressions  
(Weekly impressions per channel)

## Hispanic Market Outreach



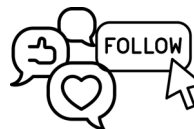
**12**

Virtual Events - Online  
workshops  
with Latino community partners  
*50-100 participants per event*



**5**

Radio Interviews  
on Hispanic  
market stations



## Influencer Engagement

Identified key media personalities and community partners to amplify outreach efforts

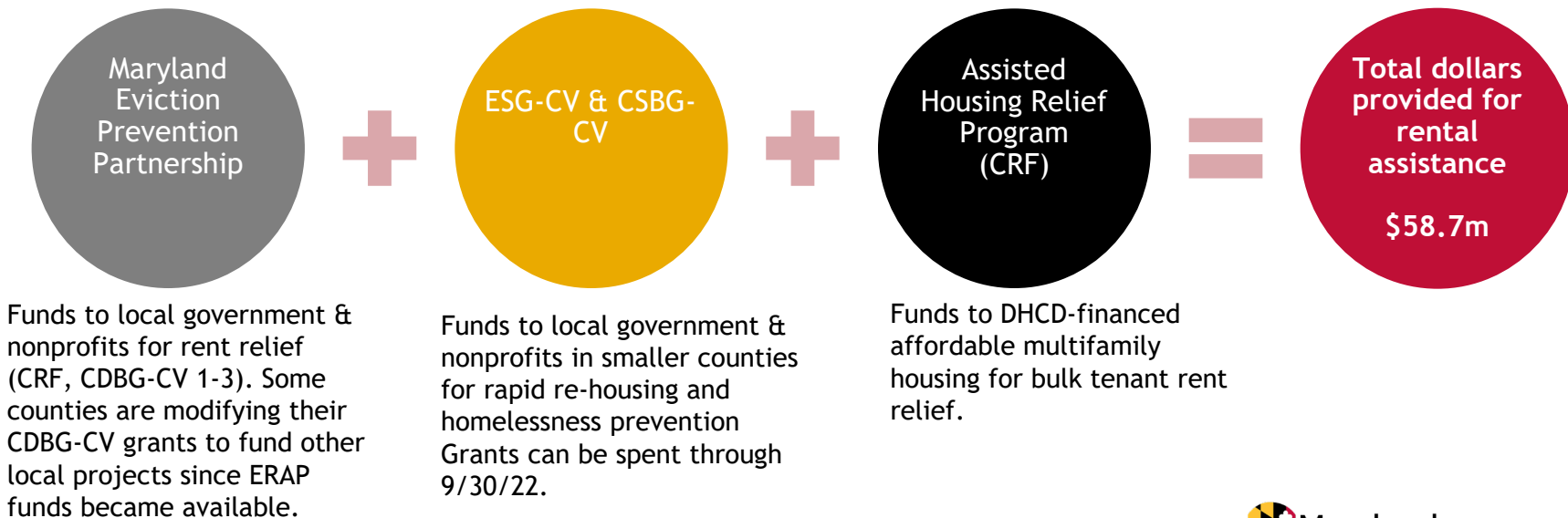


## Community Engagement

Engaged Latino community through online communities. i.e., Facebook groups, churches and other Hispanic organizations

# Non-ERAP Rental Assistance Expended to Date

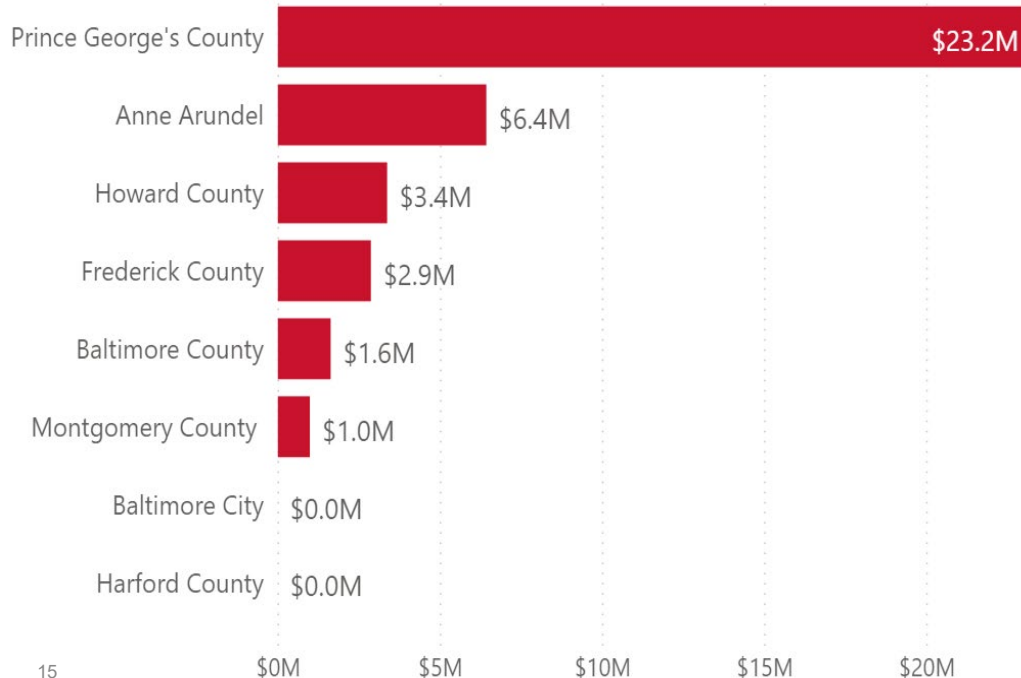
Funds awarded by the State for rental assistance, Prior to ERAP: \$58.7 million



# ERAP Spending - Direct Federal Awards to Counties

**Financial Assistance Distributed\*:** \$38.54 million

**Total Households Assisted\*:** 5,458



## NOTES:

- Totals do not include administrative costs or housing stability services
- Harford County: expended a combined \$1.5 million in CARES/ERAP through June but will start reporting to Treasury in August
- Baltimore City: still spending local funds
- Includes county data through either June or July

# ERAP Spending - State Allocated Awards

**Total Funds Expended:** \$10.67 million

**Total Households Assisted:** 2,776

**Applications to be Paid in August:** \$24.96+ million

## County Programs

- Primarily individual tenant/landlord assistance, with some counties also doing bulk rent relief as well
- \$8.8 million expended, \$20.37+ million to be paid in August

## DHCD Assisted Housing Relief Program

- Bulk rent relief to properties assisted by DHCD's programs in the Community Development Administration
- \$1.87 million paid out, \$4.59+ million to be paid in August, representing over 200 properties/2,000 households.

# Reporting Requirements

- Treasury released official reporting guidance early July 2021
- Treasury requires monthly and quarterly reporting from all grantees
- Monthly reports include total households assisted in month and total financial assistance distributed
- Quarterly reports require:
  - Program narratives
  - Subaward/subrecipient information
  - Summary performance measure data disaggregated by race, gender, ethnicity
  - Full expenditure data
  - Household-level data reporting via a bulk upload template
- DHCD requires counties utilizing State ERAP to submit monthly household-level data in same format required as Treasury, plus some data points used for assessing duplication of benefits and program performance
- Counties receiving direct federal ERAP funding forward Treasury reports to DHCD after submission

## Next Up: ERAP 2

### ERAP 2 Spending Deadline: September 30, 2025

- At least 90% must be spent on financial assistance
- Up to 10% may be spent on housing stability services
- Administrative costs are capped at 15% under financial assistance and housing stability services
- Assistance cap for households is increased from 15 months to 18 months (ERAP 1 & 2 combined)
- 40% of ERAP 2 funds have been distributed to Treasury grantees (remainder is distributed once grantee obligates 75% of previously received ERAP funds)
- First Treasury reallocation opportunity is after March 30, 2022

Jurisdiction	Regular ERAP 2 Allocation	High-Need Allocation*	Total
Anne Arundel County	\$13,699,464		\$13,699,464
Baltimore City	\$14,036,632	\$9,091,298	\$23,127,930
Baltimore County	\$19,568,128	\$6,659,983	\$26,228,112
Frederick County	\$6,138,546		\$6,138,546
Harford County	\$6,041,435		\$6,041,435
Howard County	\$7,702,894		\$7,702,894
Montgomery County	\$24,849,823	\$9,636,691	\$34,486,514
Prince George's County	\$21,506,493	\$9,089,609	\$30,596,103
State of Maryland (DHCD)	\$204,204,098		\$204,204,098
<b>Total</b>	<b>\$317,747,514</b>	<b>\$34,477,582</b>	<b>\$352,225,095</b>

\*ERAP2 sets aside \$2.5 billion for eligible grantees with a high need for ERA2 assistance, based on the number of very low-income renter households paying more than 50 percent of income on rent or living in substandard or overcrowded conditions, rental market costs, and change in employment since February 2020.



# Status of Rent Relief Efforts in Montgomery County

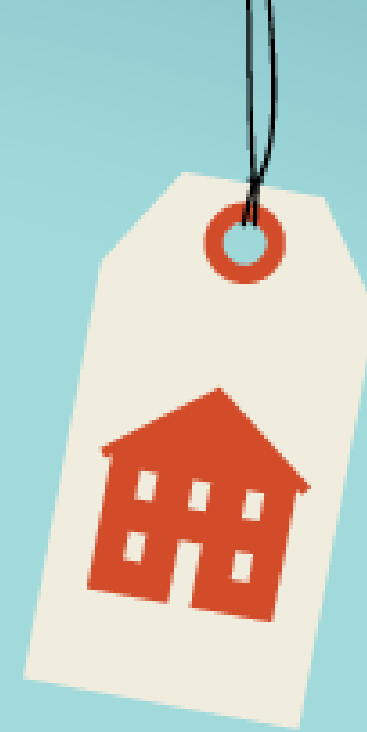
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Maryland State House  
Environment and Transportation  
Committee

July 27, 2021



# Housing Instability in Montgomery County



- Percent Severely Housing Burdened: 27% of renters
- Percent of Households Making Less than \$35,000: 21%
- More than 11,000 Overcrowded Households

# Funding for Eviction Prevention

Funding Source	Amount	Anticipated Number Served
Local funds	\$3 Million	1100
CRF	\$20 Million	4000
ERAP1 – Direct from Treasury	\$31 Million	2500
ERAP1 – State Allocation	\$28 Million	1500
CDBG-CV	\$3 Million	750
ERAP2- Direct	\$34 Million	2700
<b>TOTAL</b>	<b>\$119 Million</b>	<b>12,600</b>

# Overarching Philosophy: Ending and Preventing Homeless is the Goal

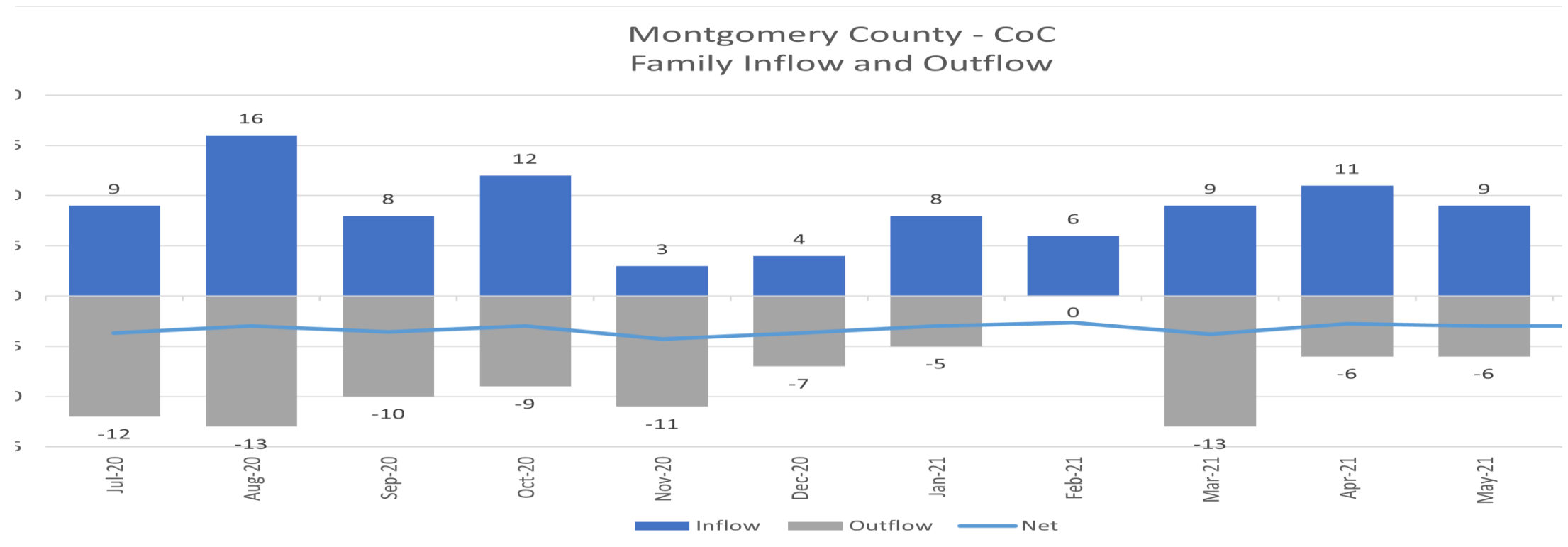
- Need to Target Resources to Households at the Greatest Risk of Homelessness by Utilizing Homeless Prevention Index
- Balancing Efficiency/Speed with Equity in Access
  - Online Application Portal
  - Language accessibility
  - Assistance in completing application (More than 1500 applications completed over the phone)
  - In depth review of every application (not denying on face value)
  - Outreach to hard-to-serve communities

# The Results

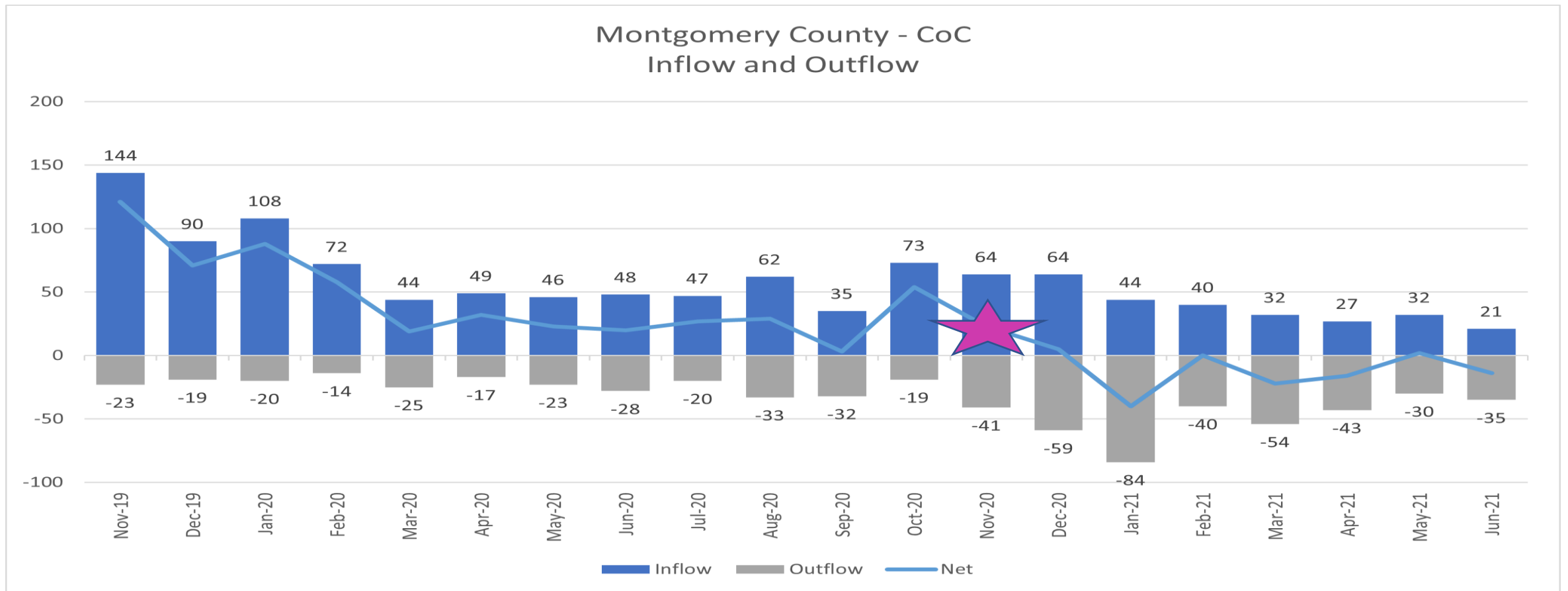
Are we actually preventing and ending homelessness?



# Family Homelessness: Inflow vs. Outflow



# Single Adult Homelessness: Inflow vs. Outflow



# Status Update on COVID Rent Relief Program

Review of ERAP funding and previous COVID Rent Relief Efforts



# Implementation Challenges

## Frequent Changes to from Treasury on Program Guidelines and Reporting

- FAQs have changed 5 times
- Changes to reporting requirements

## Application Process

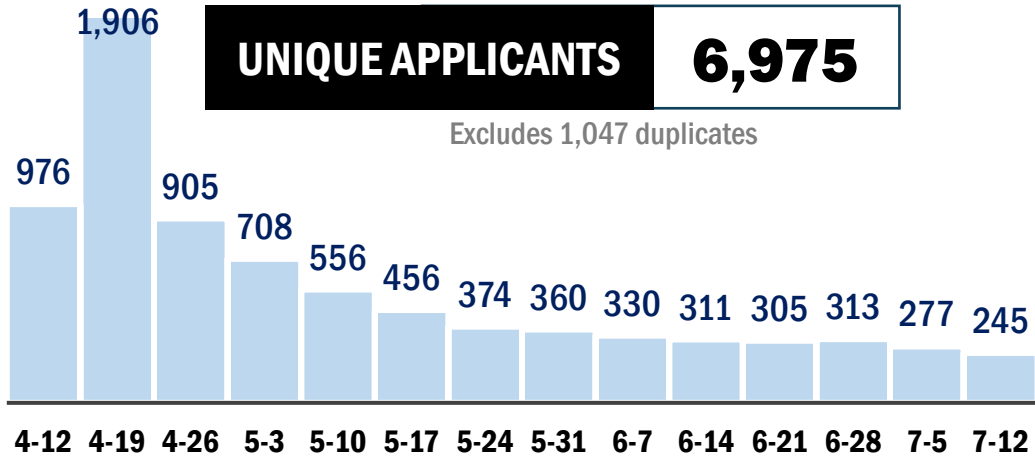
- Limits on self certification
- Preventing duplication of benefits
- Complicated application

## Limits on Assistance

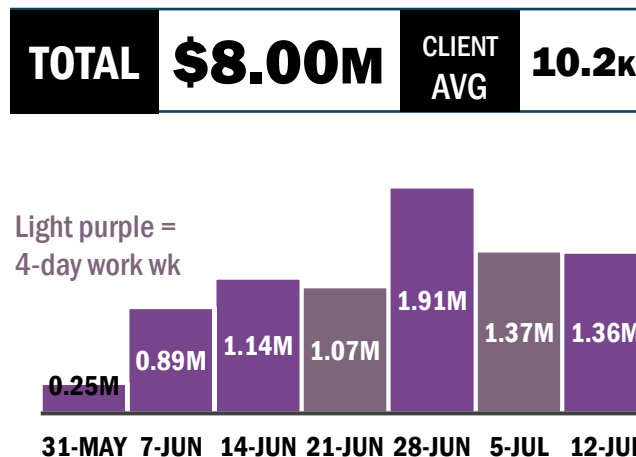
## Landlord Participation

# 2021 COVID-19 RENTAL RELIEF: PROCESS UPDATE (JULY 19)

## APPLICATIONS



## APPROVED PAYMENTS

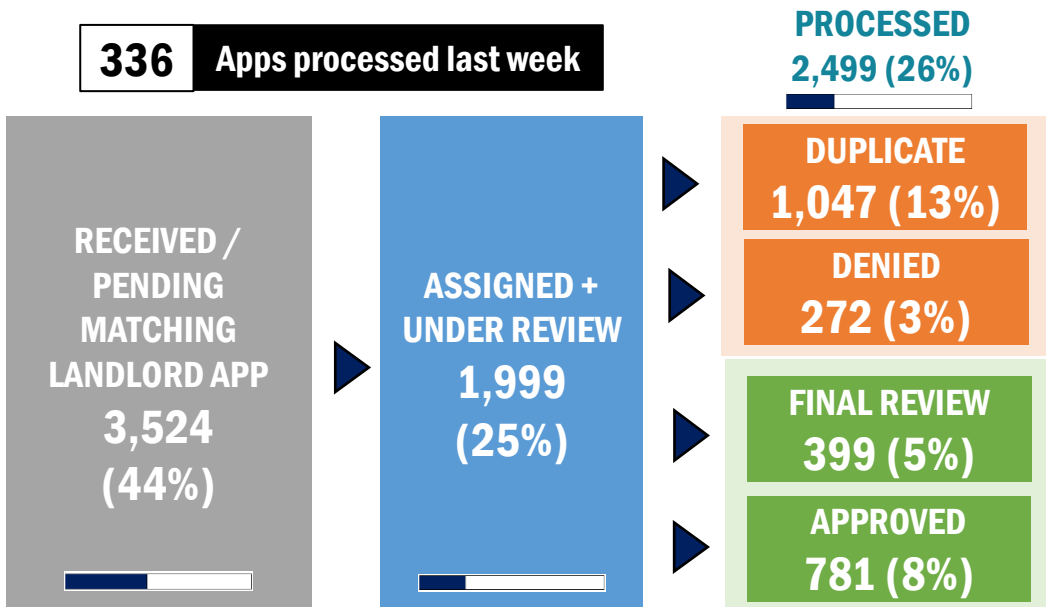


## TOTAL C-19 RENTAL ASSISTANCE

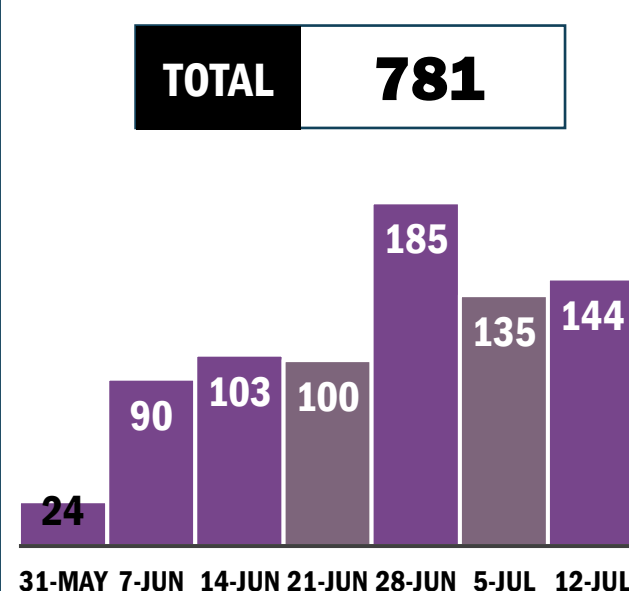
The current round of funding adds to two previous rounds of COVID19 assistance.

PROGRAM	PAYMENTS	HOUSEHOLDS
PAST ROUNDS	\$17.9M	4,496
CURRENT ROUND	\$8.0M	781
<b>ALL-TIME</b>	<b>\$25.9M</b>	<b>5,277</b>

## APPLICATION PROCESSING - BY STAGE



## APPROVED HOUSEHOLDS



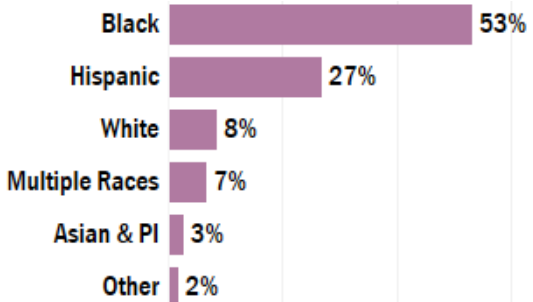
## 65% SPENDING TARGET TRACKER

Federal guidelines call for expending 65% of the \$59M fund (i.e. \$38.35M) by **Sep 30** or else risk return of funds. Spending includes an est. \$5.0M in admin costs.

**\$13.0M** CURRENT SPENDING | **22%** OF FUNDS | **33%** OF 65% TARGET

# RENT RELIEF: RECIPIENT DETAILS

## RECIPIENTS' RACE/ETHNICITY

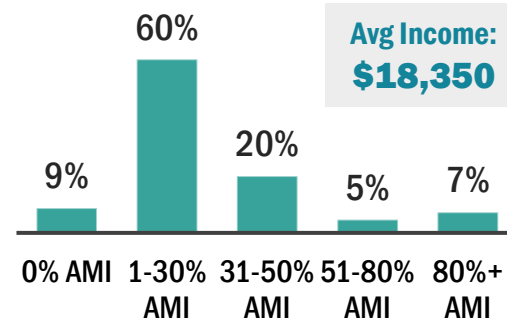


## \$ BY BENEFIT TYPE

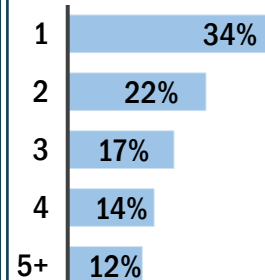


# RENT RELIEF: APPLICANT DETAILS

## % OF AREA MEDIAN INCOME



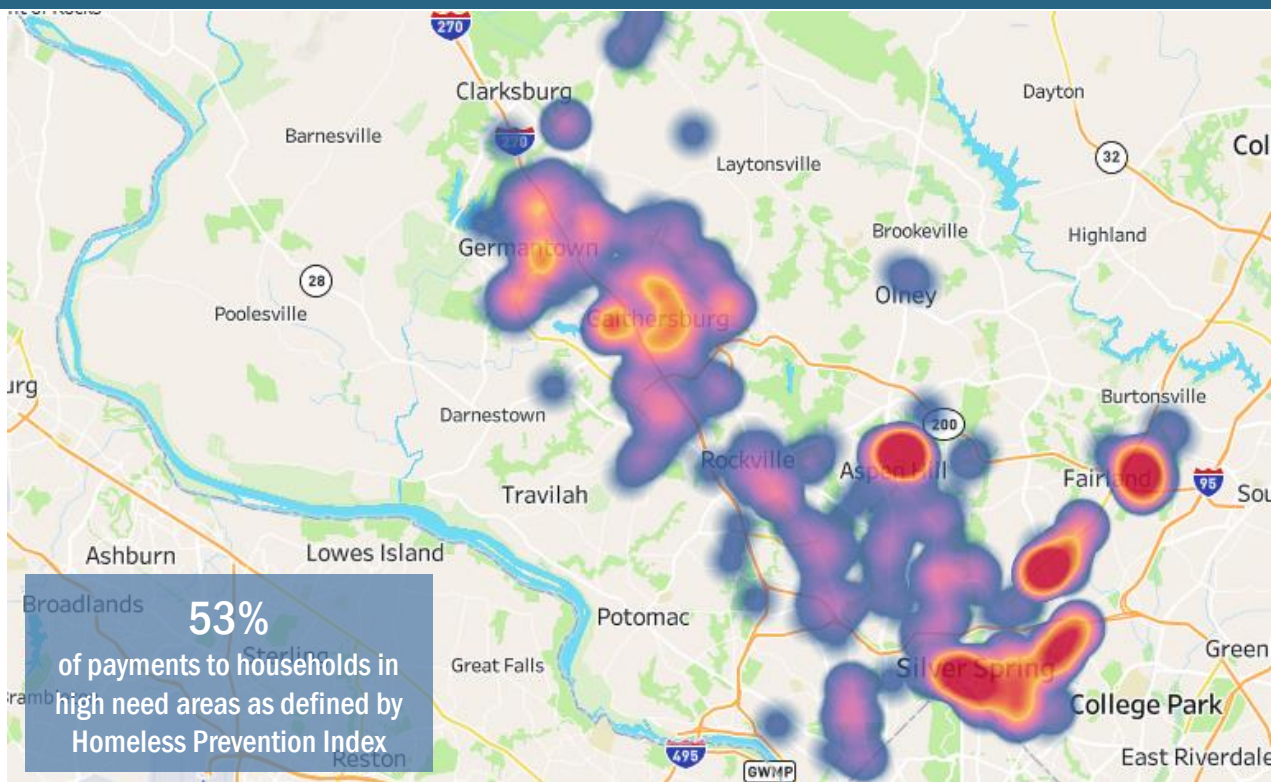
## FAMILY SIZE



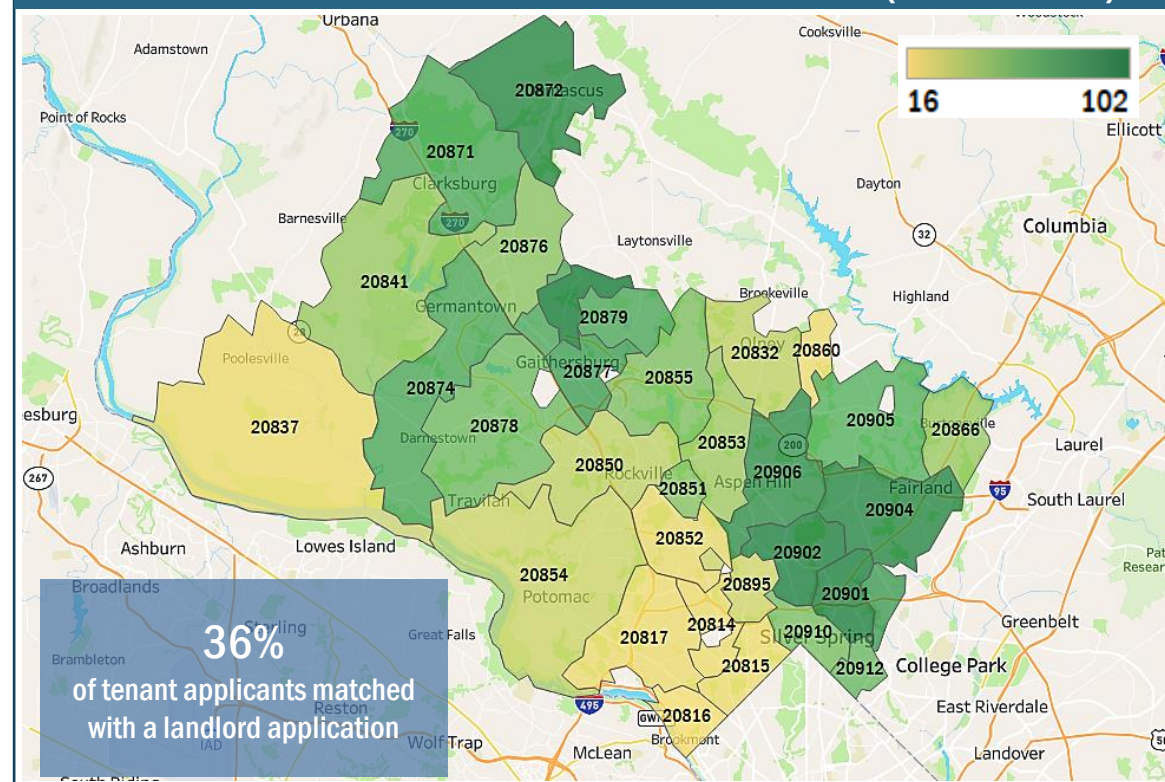
## HARDSHIP



## HEATMAP OF RECIPIENTS



## APPLICATIONS PER 1K RENTAL HOUSEHOLDS (BY ZIPCODE)



# EVICTION TRACKER

DHHS and its partners conduct outreach at courts and prioritize applications from tenants with an eviction notice.

**WRITS – UNIQUE RESIDENTIAL**

**330** SCHEDULED FOR EVICTION AFTER JULY 19

**NEW THIS WEEK**

**+46**

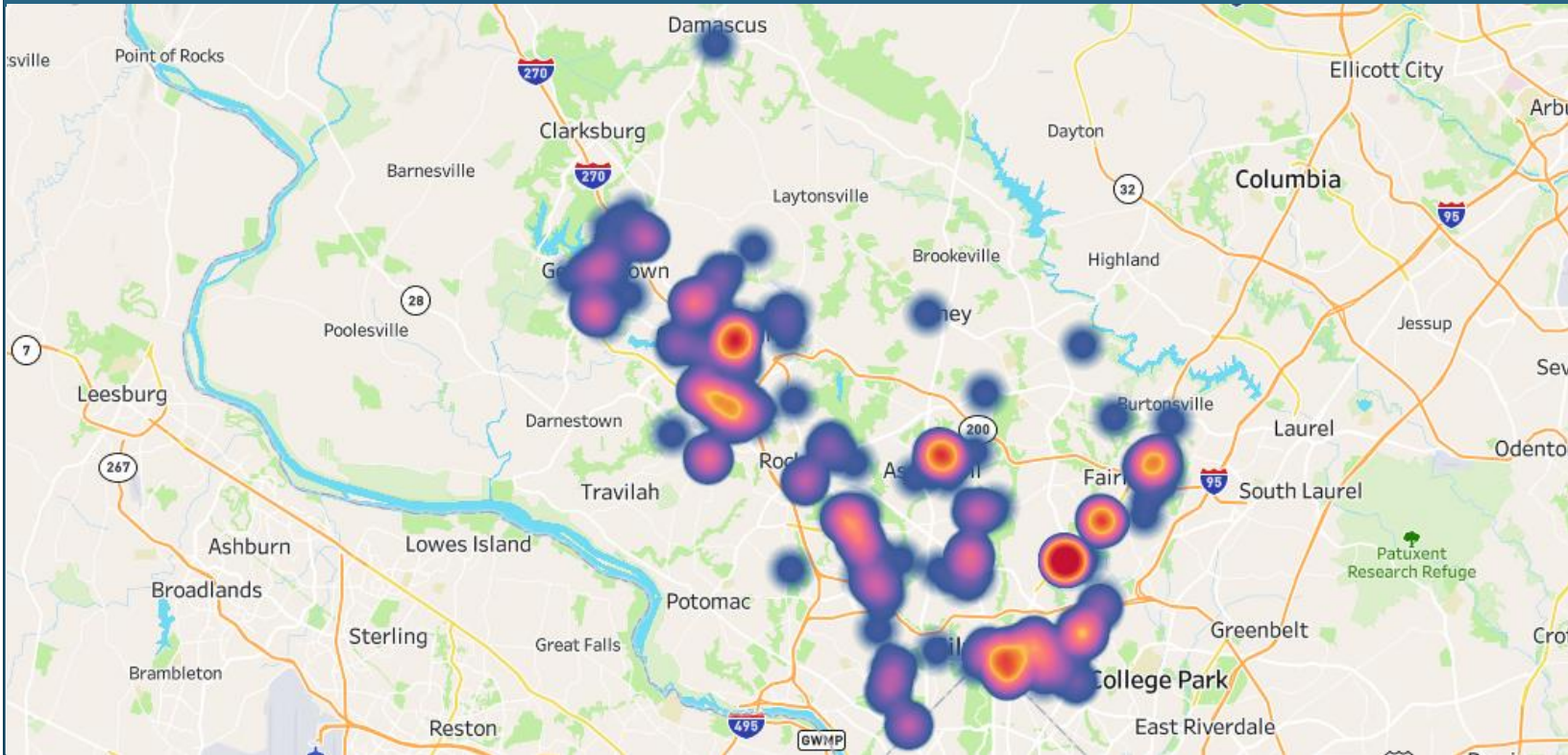
**% WITH RENT RELIEF APP**

**21%** OF HOUSEHOLDS W/ WRIT HAVE APPLIED FOR ASSISTANCE

**CONTEXT: EVICTION RATE**

**< 8%** OF WRITS TYPICALLY RESULT IN EVICTION

## HEATMAP OF SCHEDULED EVICTIONS



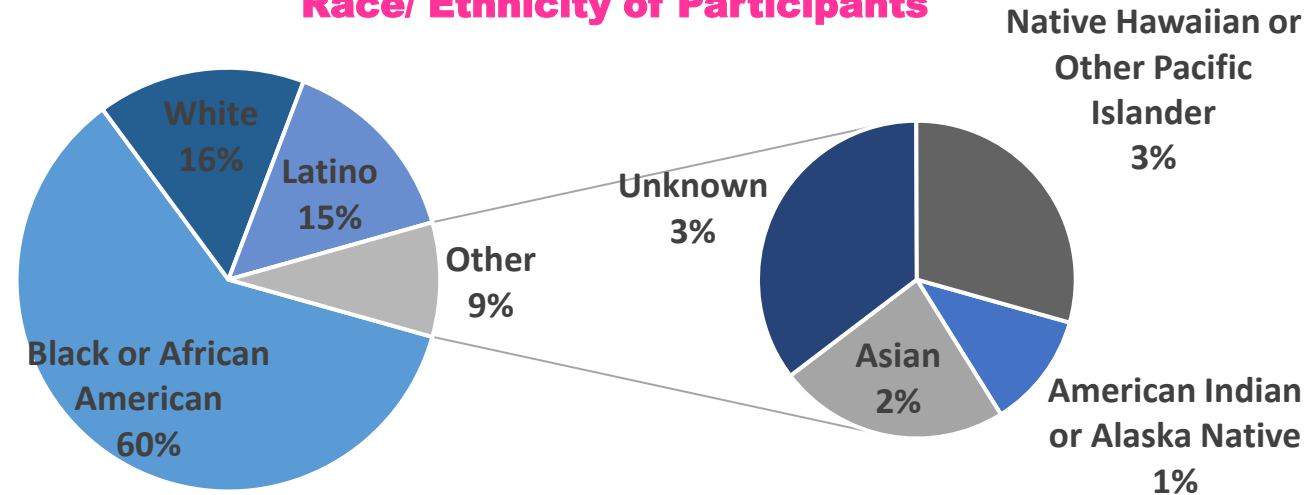
**NOTE:** Records on writs for eviction can include commercial tenants as well as multiple notices for a single household. The stats above attempt to capture unique residential households only, but it is not always possible to make such distinctions.

A chart will track new cases by week once additional data points are collected.

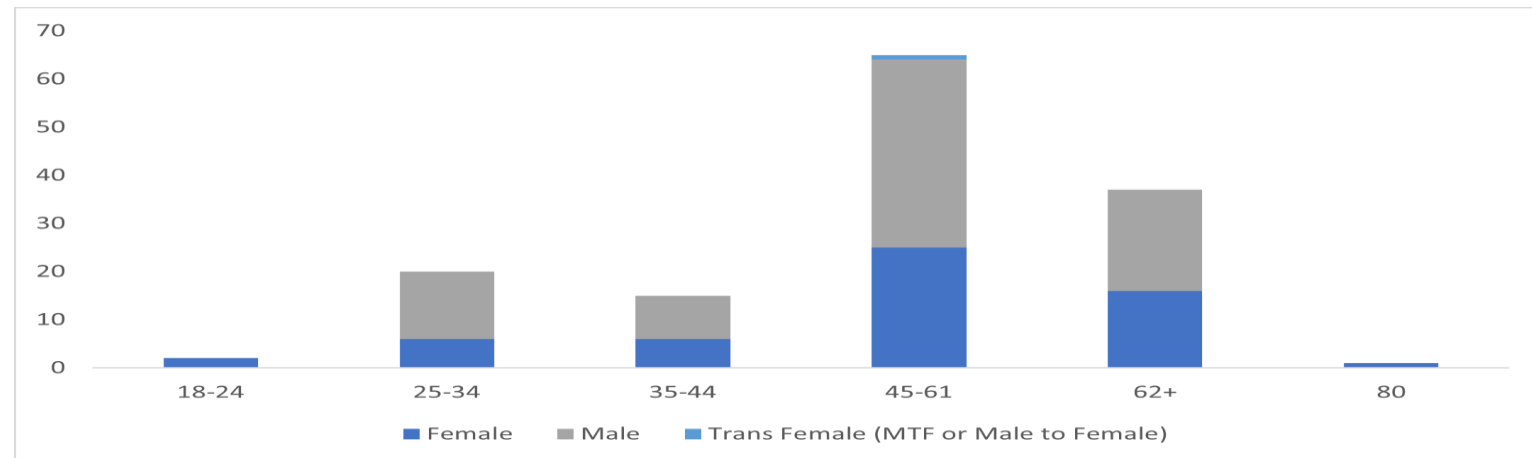
# COVID Rent Relief Program- Rapid Resolution

- Provides security deposit, first month's rent, and an additional 5 months of rent subsidy
- 192 Households connected to Permanent Housing
- To date, only 5% rate of return to homelessness

**Race/ Ethnicity of Participants**



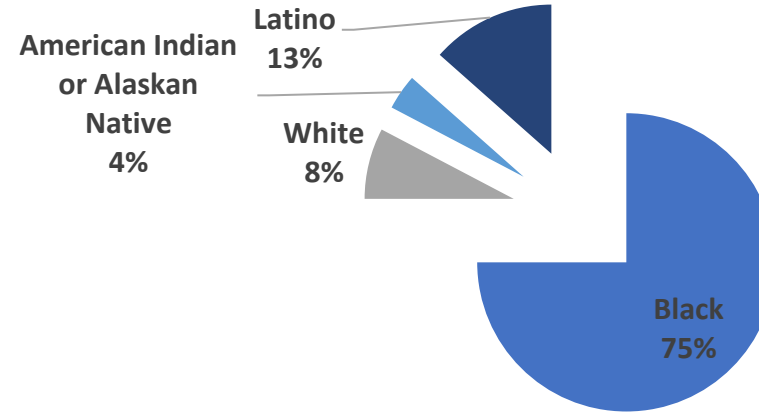
**Age and Gender of Participants**



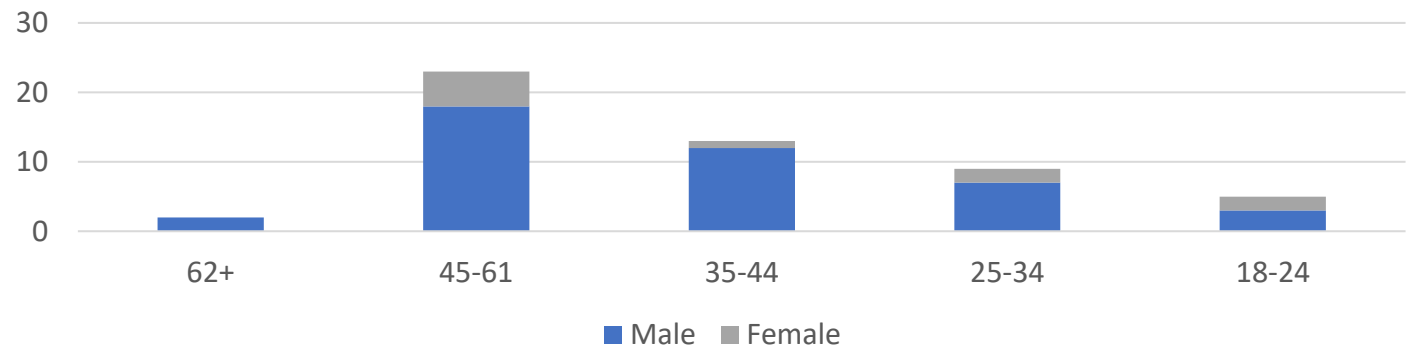
# EXIT BONUS PROGRAM

- Provides \$5000 in direct cash assistance to single adults exiting emergency shelter
- 52 Participants to date
- Less than 10% return to homelessness
- Eligibility Criteria
  - First time homeless
  - Entered emergency shelter after March 2020
  - Low acuity of need
  - No known significant substance use or mental health challenges

## Race/ Ethnicity of Participants



## Age of Participants



# Baltimore County Housing Stability Briefing



Presented by:

Terry F. Hickey, Esq., Director  
Department of Housing and Community Development

July 27, 2021

# Funding for Eviction Prevention in Baltimore County

Funding Source	Amount
County CRF	\$1.7M
CDBG-CV	\$5.9M
ERAP-1 Direct	\$24.7M
ERAP-1 State Allocation	\$24.6M
ERAP-2 Direct	\$19.6M
Total funding to date	\$76.5M



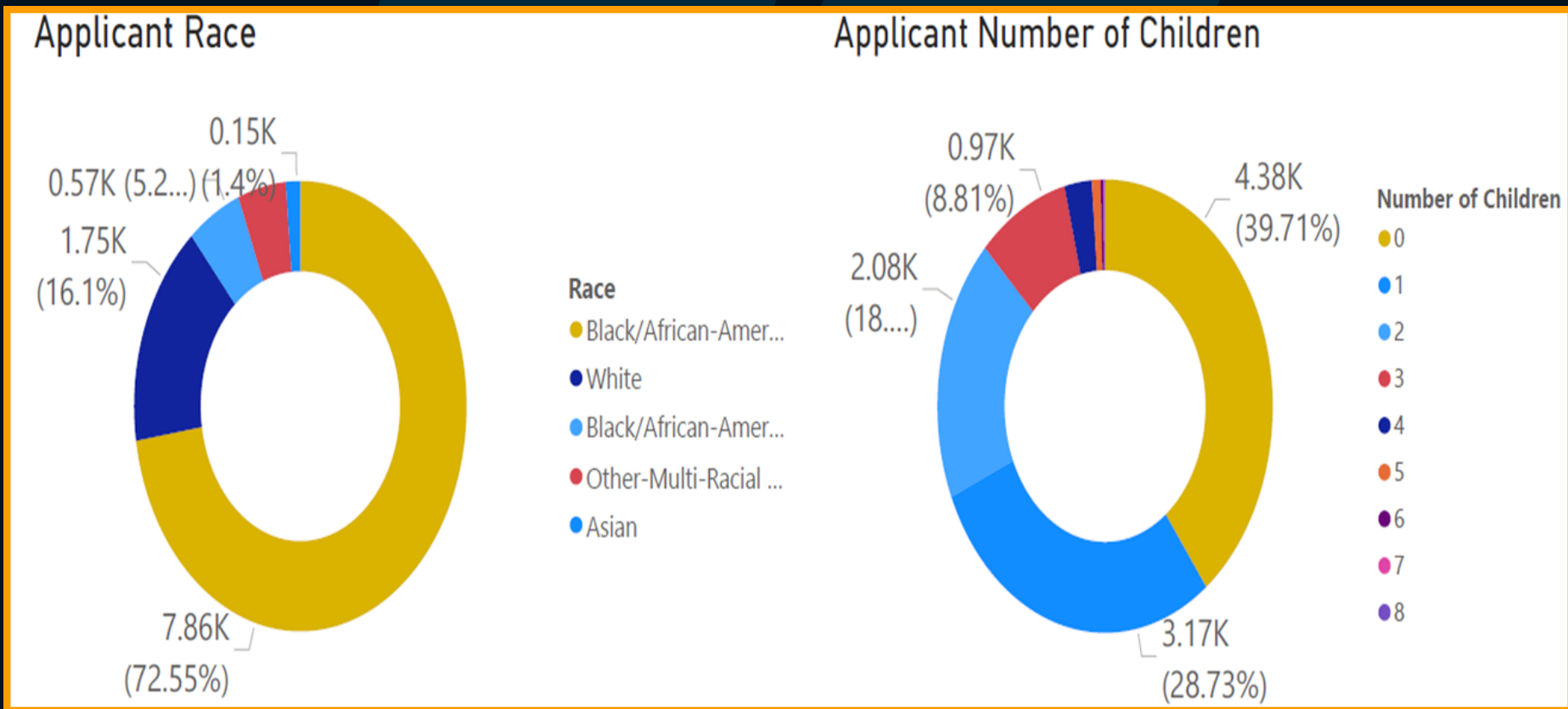
# Baltimore County COVID-19 Housing Stability Initiatives

## Summary of Programs

<i>Initiative</i>	<i>Funds Allocated To Date</i>	<i>Source of Funds</i>	<i>Description</i>
COVID-19 Eviction Prevention Program (EPP, Phase 1) June – August 2020	\$1.5M	County CRF, EAFC	Rapid deployment with as few barriers as possible, operated in partnership with County DSS
COVID-19 Eviction Prevention Program (EPP, Phase 2) October 2020 - present	\$5.9M – CDBG-CV \$11.5M – County ERAP 1 \$13.6M – State ERAP 1	County and State CDBG-CV County and State ERAP 1	Case management focused in partnership with non-profit providers
Strategic Targeted Eviction Prevention Program (STEP 1.0) November – December 2020	\$4.2M	County and State CRF	Bundled settlement model in partnership with UWCM
Strategic Targeted Eviction Prevention Program (STEP 2.0) May 2021 - present	\$10.6M – County ERAP 1 \$11M – State ERAP 1	County and State ERAP 1	Bundled settlement model in partnership with UWCM
<b>TOTAL:</b>	<b>\$58.3M allocated to date</b>		

# COVID-19 Eviction Prevention Program Phase II

- Portal opened 10/6/2020 and portal remains open
- Between 10/6/2020 and 7/25/2021, 8,822 intake forms submitted (after removing duplicates).
- Intake forms referred to 1 of 7 non-profit providers who then contact applicants to complete eligibility documentation
- Program Criteria: 50- 80% of AMI, 90+ days unemployed, name on lease, county resident, and documented COVID impact
- EPP Phase II will continue as long as funding is available



# Strategic Targeted Eviction Prevention Program (STEP 1.0)

- **Collaborative** - Eviction prevention pilot in partnership with United Way of Central Maryland designed to move funds quickly and efficiently. (Dec 2020 – Feb 2021)
- **Data Driven** - Targeted 9 Baltimore County zip codes with residents at the highest risk of housing instability, food insecurity and impact from reported COVID-19 cases. UWCM and Maryland Multi-Housing Association (MMHA) recruited property management companies in the priority zip codes and invited them to participate.
  - 23 management companies with 99 properties joined the pilot
  - Landlords agreed to forgive 20% of the past due rent, and waive all fees and costs and no eviction until after January 31, 2021 (and dismiss any complaints already filed)
  - Focus on Class C and D rental units which tend to house vulnerable low-income renters
- The program targeted households with:
  - At least one senior (65 or older) and/or one child (17 or younger) living in the unit
  - Owed 3 to 9 months of rent (between April and December 2020)
  - Documented loss of income due to COVID-19
- Funded by the federal CARES Act (through County and State CRF allocations)

# Strategic Targeted Eviction Prevention Program (STEP 2.0)

- **Data Driven** – Six cohorts of Baltimore County zip codes with residents at the highest risk of housing instability, food insecurity, unemployment filings and impact from reported COVID-19 cases. **Launched June 2021.**
- Landlords representing **81 properties** joined 2.0, cohorts 1 – 3 (**\$10.7M** in requests to date for **1,100+ households**)
  - **No rental forgiveness requirement.** Landlords agreed to waive fees and costs, no eviction for 90 days, no court filing for 30 days, or lease renewal for 90 days (if expiration is to occur) after accepting the payment for arrearage (and dismiss any complaints already filed)
- The program is designed to assist households with:
  - Loss of income due to COVID-19 and landlords are asked to identify households with vulnerable populations (such as senior, minors or disabled persons)
- Funded using ERAP1 (state and local) and ERAP2. Supports households with:
  - One or more individuals qualified for unemployment benefits or experienced a reduction in household income for the previous 90+ days, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 outbreak
  - One or more individuals within the household at risk of experiencing homelessness or housing instability
  - Total household income at or below 80% of area median income

# Supportive Initiatives

## Additional Housing Stability Initiatives

---

- Baltimore County developed a host of partnerships to provide residents with:
    - **Legal Services** (Maryland Legal Aid Bureau and Pro Bono Resource Center)
    - **Tenant Advocacy** (Fair Housing Action Center of Maryland)
    - **Financial Navigation and Benefits Screening** (CASH Campaign)
    - **Workforce Development** (Baltimore County Department of Economic and Workforce Development)
  - Agreements initially funded with CARES Act, but will be sustained with a mix of local and federal funding. Sustaining these supportive services is a priority.
-



# THANK YOU!

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Terry F. Hickey

Baltimore County Department of  
Housing and Community Development

Phone

410-887-8383

Email

[thickey@baltimorecountymd.gov](mailto:thickey@baltimorecountymd.gov)



# Baltimore City Eviction Prevention /Housing Stability Avoiding an Eviction Crisis

Tuesday, July 27, 2021



# A National Crisis

- On June 23, 2021, the *Eviction Crisis Act of 2021* was introduced in the U.S. Senate to address the housing crisis impacting millions of families
- On June 24, the CDC extended its June 30 eviction moratorium to July 31...

*“The COVID-19 pandemic has presented a historic threat to the nation’s public health. Keeping people in their homes...is a key step in helping to stop the spread of COVID-19.”*

- Also on June 24, the Department of Justice issued guidance to state courts to leverage eviction diversion strategies to...

*“...encourage landlords and tenants to resolve disputes without formal adjudication and increase the chance that tenants can stay in their homes”*



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**COMMUNITY  
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# Baltimore's Challenge

- Baltimore has historic housing stability crisis
  - 1 in 10 tenants were behind on rent pre-pandemic
- COVID-19 quickly pushed those numbers higher
  - March 2020: **1 in 10**
  - April 2020: **1 in 5**
  - June 2020: nearly **1 in 3**
- In fall 2020, arrearages accelerated. DHCD estimates:
  - October 2020: 11,000 households in arrears
  - March 2021: **28,000 households** in arrears
- Despite moratorium, evictions have continued

“

Being an independent woman, begging for help is something that I'm not used to. It's embarrassing. Rejection hurts in all forms, but being rejected from emergency services is a fear that explodes my anxiety.

BEVERLY,  
BALTIMORE RESIDENT

”



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# Baltimore's Response

- In June 2020, Baltimore launched Temporary Rent Support, a short-term initiative with limited reach
- In November 2020, the city combined homelessness prevention and rental assistance efforts across agencies, launched Eviction Prevention Program
- A multi-agency collaboration...
  - Department of Housing and Community Development
  - Mayor's Office of Homeless Services
  - Mayor's Office of Children & Family Success
- ...administered by Baltimore City Community Action Partnership in MOCFS



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**FAMILY SUCCESS**



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# Eviction Prevention Program: Funding

- Mix of multiple federal, state and local allocations, each with distinct spending timeline and eligibility requirements
- Total funding to date: **\$37,772,997**
- In addition, **\$16,220,484** in state funds have been allocated to the United Way of Central Maryland to administer the landlord bundle portion of the city's eviction prevention program
- The city also anticipates receiving an additional **\$24,330,727** in state funds and **\$23,127,929** in federal funds before the end of the calendar year



# Maximizing Reach: Range of Supports

## Winter 2020/Spring 2021

- o **Back-rent recovery**—with a low-barrier first round of federal COVID relief funds, early focus was on back-rent recovery for all households negatively impacted by COVID and behind on rent

## Summer 2021 Onward

- o **Housing stability**—leveraging multiple funding sources to provide relocation, legal, utility, security deposit and case management assistance; outsourcing landlord bundle processing to focus more on supporting housing stability/case management

---

“

I have never asked for help before. I'm usually the one who C always helping my family, friends and patients. But when Covid-19 infected my entire family, I had no choice but to ask for help. I was approved for the rental assistance program and they covered 100% of my missing rent. You prevented me and my children from being put out in the cold. Thank you.

CHANNELL, BALTIMORE RESIDENT

”



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ACTION PARTNERSHIP**

# Maximizing Reach: Partnerships

## Eviction Prevention Collaborator's Council- monthly meeting since Fall 2020

- **United Way of Central Maryland**  
bulk back-rent, relocation, case management
- **South East CDC & CASA de Maryland**  
ongoing feedback for program improvements,  
direct outreach and application submission in Latinx  
community
- **Public Justice Center**  
program feedback, direct legal services to clients
- **City Agencies: DHCD + MOHS + MOCFS + MIMA**  
Interagency coordination, program policy  
development and resource sharing

“

You immediately went to work on my case and within days I was receiving hopeful correspondence. My fears began to slowly subside and for once in many weeks I was able to get a full night's sleep. Not once did you talk down to me. Not once did you treat me as if you were doing me a favor. Not only have you helped me financially, you brightened my mood from fear to hope.

BEVERLY, BALTIMORE RESIDENT

”



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ACTION PARTNERSHIP**

# Eviction Prevention Program: Distribution

- As of July 2, 2021, Baltimore City had distributed **\$18,297,987\***
  - \$13,519,564 individual tenants
  - \$4,778,423 landlord bundles
  - **48.4%** of total funds to date

\*last week in FY2021

- **4,000+** households assisted:
  - all 14 City Council districts represented
  - 400 applications from the immigrant community/\$500,000 paid to landlords/tenants

“

Jacob, Carvel and Mrs. White—  
Your unconditional support towards my recent [need for] rental assistance...you have no idea what this means to me. I moved with joy and I'm ever so thankful for your listening ear and open heart towards my current situation.

LAMAR, BALTIMORE RESIDENT

”



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**COMMUNITY  
ACTION PARTNERSHIP**

# Eviction Prevention Program: Strengths

- Customer service and communication
  - Call center
  - Designated constituent services team
  - Weekly tenant/landlord text/email updates
  - Communication with tenants landlords in native language
- Steps to ensure access within Latinx community
  - Alternative IDs and documents
  - Self-reporting
  - Bilingual communications, including Spanish video tutorial
- Expedited application approval w/eviction notices
- Networks to leverage regional, national best practices

“

During these times it has been very difficult financially for both tenants and landlords. I was so impressed with Ms. Duckett's high level of professionalism and responsiveness to my inquiries. I really appreciated her attitude and compassion.

ARMENTHA,  
BALTIMORE RESIDENT

”



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FAMILY SUCCESS**



BALTIMORE CITY  
**COMMUNITY  
ACTION PARTNERSHIP**

# Eviction Prevention Program: Challenges

- Disproportionate demand pre-COVID
- Immediate surge in demand March 2020
- Applicants need high-touch support
- Multiple funding sources, requirements
- Document collection
- Initial focus on low-barrier eligibility
- Court-ordered evictions despite moratoria

→ All fueling...

- varied application processing times
- growing demand for support

“

OMG. This is the blessing we were waiting on. This takes a weight off our shoulders. Thank you so much. I appreciate you so much. I'm so relieved I'm crying thank you so much.

ALICIA, BALTIMORE RESIDENT,  
responding to a text update that her  
application was in the approval stage

”



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# Growing Current Momentum

- Build out housing stability focus of the Eviction Prevention Program
  - Relocation assistance
  - Security deposit + rent forward funding
  - Shelter diversion partnership with Mayor's Office of Homeless Services
- Launch partnership with the District Court and the Sherriff's Office to develop eviction diversion strategies—an early step toward a more targeted response to those at immediate risk of eviction
- Proactive communications so that tenants and landlords can monitor application processing



“

I would first like to say thank you. I have been through hell and back in the past two years. And I recently underwent a kidney transplant in January. My life has been very hard and this was biggest blessing I could receive. Please let me know I can pay this forward and if I need any further action on my behalf.

ADRIANNA, BALTIMORE RESIDENT ”





United Way  
of Central Maryland

# United Way of Central Maryland ERAP-Funded Programming

Presentation to the Environment & Transportation Committee

# HOUSING



## Programmatic Responses to the Pandemic Housing Crisis

### Tenant-based programs:

- Family Stability Program
- 211 Emergency Assistance Program
- Relocation Program (Baltimore City)

### Landlord-based program:

- Strategic Targeted Eviction Prevention (STEP) Program



# LANDLORD-BASED PROGRAMS

## Strategic Targeted Eviction Prevention (S.T.E.P.) Program

- Landlord-driven process (landlord collects documents from tenants and submits to us for review/payment)
- Bulk or “bundled” rental assistance in lump sum payments
- Targeted approach rolls through zip codes in a priority order based on objective data prioritizing areas most impacted by COVID, poverty, and evictions
- Up to 12 months of rent and utility arrears, plus 3 months forward when needed
- \$4M pilot conducted Dec 2020 to Feb 2021 in Baltimore County
- \$49M in ERA-1 funding dedicated to STEP expansion (STEP 2.0)

# STEP FUNDING BREAKDOWN

<u>Jurisdiction</u>	<u>ERA-1 Source</u>	<u>Amount</u>
Anne Arundel	DHCD	\$5.4M
Baltimore City	DHCD	\$16M
Baltimore County	Direct	\$10M
Baltimore County	DHCD	\$11M
Harford County	DHCD	\$1M
Howard County	DHCD	\$5.6M
	<b>TOTAL</b>	<b>\$49M</b>



United Way  
of Central Maryland

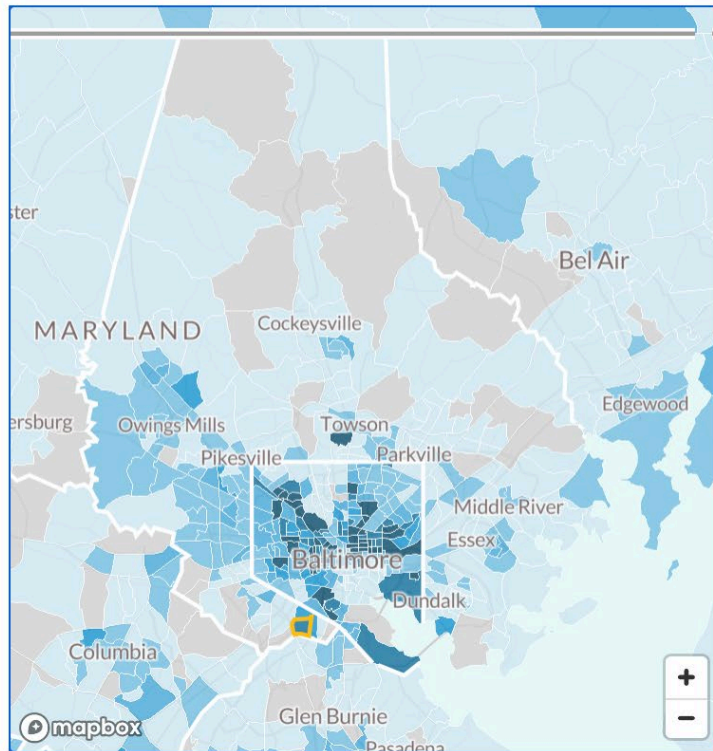
# STEP ROLLOUT TIMELINE

- December 2020 – February 2021 – STEP Pilot in Baltimore County
- June 2021 – STEP 2.0 launches in Baltimore County
- July 2021 – STEP launches in Baltimore City, Harford, and Howard
- August 2021 – STEP launches in Anne Arundel
- To date, ~\$16M in submissions in approximately 6 weeks
- Program expects to serve ~4,000 households
- Projected average of \$10,000 - \$12,000 assistance per household
- 12 dedicated staff currently, bringing on 10 more in the next 2 months

# TARGETING ASSISTANCE



Features :: Where to Prioritize Emergency Rental Assistance to Keep Renters in Their Homes



Emergency Rental Assistance Priority Index percentile



Baltimore County, MD



CENSUS TRACT 430300  
in Baltimore County, MD

455  
ELI renters

Emergency Rental Assistance Priority Index: **91st**  
percentile (among Maryland tracts)

Housing Instability Risk Subindex: 95th percentile

*Shares of: people living in poverty, renter-occupied housing units, severely cost-burdened low-income renters, severely overcrowded households, and unemployed people*

COVID-19 Impact Subindex: 43rd percentile

*Shares of: adults without health insurance and low-income jobs lost to COVID-19*

Equity Subindex: 84th percentile

*Shares of: people of color, extremely low-income renter households, households receiving public assistance, and people born outside the US*

*ELI renters = extremely low-income renters, or renters with incomes at or below 30 percent of the area median income*



United Way  
of Central Maryland



# QUESTIONS?

## **Scott Gottbreht, PhD**

Vice President, Housing

Senior Program Officer

United Way of Central Maryland

410-895-1442

[scott.gottbreht@uwcm.org](mailto:scott.gottbreht@uwcm.org)



United Way  
of Central Maryland

“Our ultimate goal is to fight for the families and individuals living in our communities until that **fight becomes a win.**”

– *Franklyn Baker, President United Way of Central Maryland*

Thank You!



United Way  
of Central Maryland

Housing Panel for E&T Committee

Written Comments for Howard County

Howard County's Department of Housing and Community Development (DHCD) has received several allocations of federal, state and local funds to combat housing challenges brought on the pandemic, COVID-19. As the lead agency for the County's annual Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Programs, the County relied on its existing systems to engage with its housing and human service providers. At the onset of the pandemic, the County's DHCD held several hearings to determine the most pressing needs in the community. These sessions were informative and allowed the County to get funds out quickly and to entities that were already equipped to help households maintain housing and offer wrap around services.

The chart below lists the awards received, amounts expended and deadline to expend funds.

Funding Source	Program	Amount	Expended	Deadline
HUD	CARES Act	\$1,600,000	\$1,600,000	12/31/20
MDDHCD	CRRA	\$400,000	\$ 400,000	12/31/20
HUD	CDBG-CV1	\$770,356	\$ 710,317	05/30/21
HUD	CDBG-CV3	\$1,216,581	\$ 541,957	6/30/22
MDDHCD	CDBG-CV2	\$2,000,000	\$0	12/31/22
U.S. Treasury	ERAP I	\$9,700,000	\$3,480,000	09/30/22
U.S Treasury	ERAP II	\$7,702,394	\$0	09/30/25
HUD	HOME	\$1,757,012	\$0	09/30/2030

At present the County is actively managing two allocations, the Treasury ERAP1 allocation and CDBG-CV3 from the Department of Housing and Urban Development.

ERAP1 has been awarded to six (6) non-profit partners. Due to the magnitude of this award, the County needed a robust grant management tool that was user-friendly, accessible, interfaces with agencies and the County staff, and can generate the required reporting. To that end, Howard County partnered with Prefix Health to customize their web-based platform for the County's ERAP grant. The platform is multifaceted; It is consumer facing and will allow a resident to easily apply from any mobile device, use their built-in camera to take pictures of and upload documents to the portal, engage with agency case workers and complete an application for assistance, without having to enter a public building. The agency case worker can then review the application for completeness, request additional information and approve assistance almost immediately. This platform addresses a critical need and request from the U.S Treasury, which was to ensure that access to assistance was not burdensome to residents. Another added benefit of the Prefix Health platform is that it allows the County to review and approve requests for reimbursements in a timelier manner. The County now has first hand view of each file and the supporting documents. This platform will reduce on-site monitoring efforts.

Since March 2021, the County has expended \$3.5million and assisting 381 households with these funds.

The CDBG-CV3 from the Department of Housing and Urban Development is the second active grant awarded to the County directly from the Department of Housing and Urban Development. in the amount of about \$1.2 million, which will be awarded to eight (8) local partners. These funds will be used mostly for rent and mortgage assistance, personal protective equipment (PPE), technology needs, and landlord assistance, which all derived due to the onset of the pandemic.

The eight (8) partners all serve low to moderate-income households, persons with disabilities, victims of intimate partner violence, human trafficking, or recovering from drug and alcohol addiction. There has been an uptick in cases for each of these population cohorts since the onset of the pandemic, but social distancing guidelines have added a new challenge in meeting the needs of these groups. These grant funds will help to meet their unique needs in a COVID-safe manner.

Over the next several weeks, the County will administer the CDBG-CV2 funds awarded from the State of Maryland. These funds will continue to address the rental crisis, but 15 percent will provide assistance to households facing foreclosure. These funds have been earmarked for one housing and human service agency.

Similarly, to other jurisdictions, Howard County has partnered with the United Way of Central Maryland to administer the STEP Program. The liaison for Howard County has hosted two cohort meetings to date and awaiting applications for the second cohort. The County also ensured that United Way's staff have access to Prefix Health to ensure that instances of duplication are minimal or non-existent.

The Department has received a second allocation of ERAPII, along with Home Investment Partnership (HOME) funds from the American Rescue Plan. Programming for the HOME dollars are forthcoming and will begin in late summer after training and additional guidance from the Department of Housing and Urban Development (HUD). ERAPII funds will be programmed at the conclusion of ERAPI.



- The City created the Laurel COVID-19 Financial Assistance Program
- The City partnered with Laurel Advocacy and Referral Services Inc. (LARS), a local non-profit in the City to administer the Program.
- The Program provided residents financial support for:
  1. Rental and Mortgage Assistance
  2. Energy Assistance
  3. Move- In Assistance



**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.

410-576-6584

July 27, 2021

TO: The Honorable Kumar P. Barve  
Chair, Environment and Transportation Committee

FROM: Hannibal G. Williams II Kemerer, Legislative Director, Office of the Attorney General

RE: Briefing: End of Covid-19 Tenant Protections and Overview of Tenant Assistance Programs

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Chairman Barve, Vice Chair Stein, and distinguished members of the Environment and Transportation Committee, thank you for the opportunity to appear before you today. Our testimony concerns three issues: (1) the low barriers to entry for landlords seeking eviction in district court; (2) the increased number of tenants filing complaints with our Consumer Protection Bureau; and (3) the delays in getting federal rental assistance funding, and through it access to counsel funding, to Marylanders in need.

**FILING FEES FOR LANDLORD TENANT ACTIONS - HB 729/SB 530 (2021)**

- Maryland's eviction filing fee is way out of step with the rest of the country. The nationwide average fee for filing an eviction action is **\$112**; in Maryland, it's just **\$15** (\$25 in Baltimore City).
- The wide discrepancy between eviction filing rates in Maryland and the rest of the country highlights the consequence of giving landlords such cheap and easy access to the court system.<sup>1</sup>

<b>Year</b>	<b>Maryland Filing Rate (%)</b>	<b>National Filing Rate (%)</b>
2012	88.39	6.98
2013	87.08	6.73
2014	83.75	6.60
2015	83.33	6.27
2016	83.65	6.12

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<sup>1</sup> The eviction rate is calculated by dividing the number of landlord-tenant cases filed in a given year by the number of renting households. The data contained herein was provided by researchers affiliated with the Eviction Lab at Princeton University.

[Type here]

- Data from 2016 shows that the filing rate in some Maryland counties has sometimes exceeded 100%.

<b>County</b>	<b>2016 Filing Rate (%)</b>
Baltimore County	146.72
Prince George's County	123.61
Baltimore City	103.21

- Maryland's eviction filing rate is not only out of step with the nation as a whole; it also dwarfs the rates in our neighboring states.

<b>State</b>	<b>2016 Filing Rate (%)</b>
Delaware	16.19%
District of Columbia	15.67%
New Jersey	12.05%
Pennsylvania	5.31%
Virginia	14.48%
West Virginia	4.4%

- Opponents will argue that the tenant's right of redemption explains why landlords file multiple cases against the same tenant. But as Georgetown Professor Eva Rosen testified, in jurisdictions where the eviction filing fee is higher, "landlords have systematically reported . . . that this fee acts as a deterrent."
- Since 2016, the filing rate in Maryland has increased as of 2019, it was **92.54%**.

### **LANDLORD-TENANT CONSUMER COMPLAINTS ARE ON THE RISE**

The Attorney General's Consumer Protection Division (CPD) has seen a significant uptick in landlord-tenant complaints.

- The general themes of these complaints were people being wrongfully evicted.
- During the COVID-19 pandemic, landlords were doing things such as sending notices that tenants would be evicted during the time that evictions for nonpayment of rent were disallowed under Governor Hogan's Executive Orders and Centers for Disease and Control (CDC) order.
- In addition, landlords engaged in self-help methods such as turning off the electricity and changing the locks.
- One of the most egregious examples was a landlord who changed the locks and cut off the electricity to try to evict the tenants. When CPD advised that this was illegal<sup>2</sup> and contacted the

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<sup>2</sup> See Md. Code Ann., Real Property § 8-216 (2015 Repl. Vol. and 2020 Suppl.).

[Type here]

electric company and let them know there were tenants on the premises, the landlord proceeded to physically cut the electrical wires coming to the house.

Historical landlord-tenant hotline calls per year are as follows:

- 1/1/18 to 12/31/18 = 2061
- 1/1/19 to 12/31/19 = 2106
- 1/1/20 to 12/31/20 = 544
- 1/1/21 to 7/22/21 = 1098<sup>3</sup>

Total landlord-tenant calls from the state of emergency declaration through last Thursday (3/5/20 to 7/22/21) = 1,485.<sup>4</sup> However, 1098 of those calls were made this year alone.

For complaints specifically concerning improper evictions, the annual results are as follows:

- 1/1/18 to 12/31/18 = 41
- 1/1/19 to 12/31/19 = 42
- 1/1/20 to 12/31/20 = 192

Here, the total improper eviction complaints from the declaration of emergency through last Thursday (3/5/20 to 7/22/21) = 172. Of these, 72 were made this calendar year alone—suggesting a significant increase over 2018 and 2019 numbers.

### **FEDERAL FUNDS ARE NOT REACHING TENANTS IN NEED QUICKLY ENOUGH**

Notwithstanding the influx of federal rental assistance funds, Maryland households are still struggling to pay rent. The current share of Maryland households facing arrears (129,000) constitutes almost 20% of rental households across the State. That number has remained largely stagnant since Maryland received the first tranche of federal rental assistance funds:

<b>Date Range of U.S. Census Bureau Household Pulse Survey</b>	<b>Estimated Number of Maryland Households Behind on Rent</b>
3/17/21 - 3/29/21	121,000
4/14/21 - 4/26/21	144,000
5/12/21 - 5/24/21	124,000
6/9/21 - 6/21/21	144,000
6/23/21 - 7/5/21	129,000

Moreover, the share of Maryland renters facing arrears has consistently exceeded the national average, as has the proportion of those behind on rent who are people of color. Indeed, according to the most

---

<sup>3</sup> This period is only from January 1, 2021, through last Thursday.

<sup>4</sup> The hotline is run 2 hours less since 3/5/20 to present. This, coupled with the eviction moratoria, may explain why the numbers went down.



[Type here]

recent Census data, people of color account for 78% of the Maryland households behind on rent, compared to 57% nationally. Appendix A shows the most recently available estimates of Maryland households behind on rent by county.<sup>5</sup>

As this body recognized in HB 18 (2021), providing low-income tenants with legal representation in eviction proceedings is a “proven means of preventing the disruptive displacement of families and the resulting social, economic, and public health costs of such displacement.”<sup>6</sup> Meanwhile, the federal government has authorized states and local jurisdictions to use up to ten percent of emergency rental assistance funds for “housing stability services,” which includes the provision of legal representation to tenants in eviction proceedings.

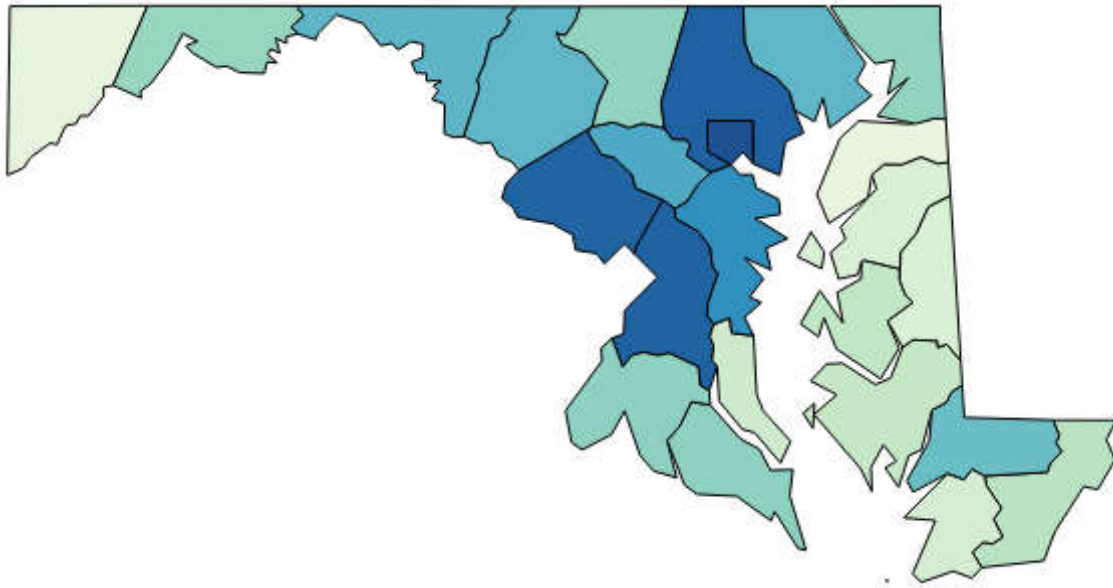
Since the passage of HB 18, the Attorney General has been encouraging the Governor and County Executives to allocate federal rental assistance funds toward access to counsel. Examples of these efforts are included in your materials as Appendices B - C. Although we have yet to receive a response to our request to Governor Hogan, County Executive Pittman’s response shows that the commitment of resources to providing tenants with legal representation can make a significant impact on the lives of struggling Marylanders. As County Executive Pittman explained, in Anne Arundel County, “in every case where representation has been provided eviction has been avoided, underscoring the immense value of legal representation in preventing evictions and homelessness in this crisis.”

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<sup>5</sup> This data and the data contained in Appendix A were taken from the National Equity Atlas’s Rent Debt Dashboard, [www.nationalequityatlas.org/rent-debt](http://www.nationalequityatlas.org/rent-debt) (last visited July 26, 2021).

<sup>6</sup> H.B. 18, 442nd Gen. Assemb., Reg. Sess. (Md. 2021), <https://mgaleg.maryland.gov/2021RS/bills/hb/hb0018E.pdf>.

**Maryland Households Behind on Rent by County**  
 (data collected June 23, 2021 – July 5, 2021)



<b>Jurisdiction</b>	<b>Households Behind on Rent</b>
Allegany County	1,773
Anne Arundel County	9,041
Baltimore County	19,826
Baltimore City	25,785
Calvert County	736
Caroline County	604
Carroll County	1,949
Cecil County	1,902
Charles County	2,009
Dorchester County	837
Frederick County	3,729
Garrett County	480
Harford County	3,763
Howard County	5,112
Kent County	467
Montgomery County	19,367
Prince George's County	19,606
Queen Anne's County	607
Somerset County	649
St. Mary's County	1,992
Talbot County	907
Washington County	3,823
Wicomico County	3,174
Worcester County	1,050

Source: National Equity Atlas Rent Debt Dashboard, [www.nationalequityatlas.org/rent-debt](http://www.nationalequityatlas.org/rent-debt) (last visited July 26, 2021).



STATE OF MARYLAND  
OFFICE OF THE ATTORNEY  
GENERAL



May 11, 2021

The Honorable Lawrence J. Hogan, Jr.  
Governor  
State House  
100 State Circle  
Annapolis, Maryland 21401-1925

Dear Governor Hogan:

With the passage of HB 18 establishing an Access to Counsel in Evictions Program for income-eligible Marylanders (the “Program”), Maryland is poised to have a powerful new tool to fend off the looming eviction crisis and the resulting harm to Maryland’s families, public health, and economy.

A timely and efficient implementation of the Program is imperative, especially given the end of a national eviction moratorium. We therefore urge you to allocate \$68 million, a small portion of the billions of dollars in federal relief funds coming to the State, to fund the implementation of the Program. Specifically, we request allocation from the following federal sources:

- \$20.4 million from the Emergency Rental Assistance Program
- \$47.6 million in Coronavirus State Fiscal Recovery Funds

As the General Assembly recognized in passing HB 18, access to counsel in eviction proceedings is a “proven means of preventing the disruptive displacement of families and the resulting social, economic, and public health costs of such displacement.” And as the attached proposal explains, Maryland is fortunate to have the requisite expertise and an existing statewide civil legal aid infrastructure that can be scaled to begin implementing the Program immediately. Once fully implemented, the Program is expected to provide access to legal counsel for approximately 34,000 Maryland households facing eviction.

In addition to helping a significant number of Marylanders retain their homes, the Program will bolster the State’s efforts to efficiently distribute to landlords the \$800 million of available rental assistance; ensure more equitable outcomes in housing preservation, in urban and rural settings and in Black and Brown communities; and yield as much as \$59.5 million in *cost savings* to the State.

We appreciate that you understand how important it is to make sure that Maryland families have stable housing during this ongoing public health crisis and the unprecedented economic chaos

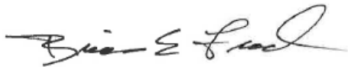
May 11, 2021

Page 2 of 2

precipitated by the global pandemic. Allocating federal funds to allow for implementation of the Program provides your Administration with a remarkable opportunity to help balance the scales of justice and significantly reduce the individual trauma and societal costs of eviction. We look forward to working with you to make the Program a reality for Maryland families.

We are available at your earliest convenience to discuss this matter further. Thank you for your consideration.

Sincerely,



Brian E. Frosh  
Attorney General  
of Maryland



Susan Erlichman  
Executive Director,  
Maryland Legal  
Services Corporation



Reena K. Shah  
Executive Director,  
Maryland Access to  
Justice Commission

Enclosure

cc: Secretary Kenneth C. Holt, Department of Housing and Community Development  
Secretary David R. Brinkley, Department of Budget and Management

# **Request for Allocation of Federal Funds to the Access to Counsel in Evictions Special Fund**

## **I. Introduction**

### **A. An Unprecedented Eviction Crisis**

Mass evictions are on the horizon for hundreds of thousands of Maryland families. While housing insecurity has long been a significant problem in Maryland and the United States, the devastating economic fallout from the COVID-19 pandemic has caused an unprecedented housing crisis for Marylanders—especially for low-income and at-risk individuals, survivors of domestic violence, and communities of color. Prior to the pandemic, Maryland had an outsized number of eviction court case filings—over 650,000 annually—and over 20,000 evictions per year. Data from pre-pandemic studies also convincingly showed that evictions disproportionately impacted Black and Latinx women and communities of color.

The pandemic has only exacerbated this situation. Estimates based on U.S. Census survey data indicate that, as of the end of March 2021, approximately 121,000 Maryland households—almost 20% of rental households in the State—were behind on rent, with an average rent debt per household of around \$4,200. Although evictions impact both urban and rural areas of the State, data show that the housing crisis continues to disproportionately harm the very same communities of color that have already borne the harshest brunt of the COVID-19 health and economic crisis. Indeed, a staggering 86% of Marylanders currently behind on rent are people of color.<sup>1</sup>

The loss of a home is a traumatic and destabilizing event in and of itself, but an eviction carries with it a myriad of other collateral consequences, including possible job loss and strain on physical and mental health. For children, it can mean trauma, poor educational outcomes, and stunted development. In addition to the toll on children, families, and the economy, the State also incurs significant expenses from evictions resulting from the increased burden on law enforcement, judicial resources, shelters, healthcare, and foster care. All told, eviction and its collateral consequences destabilize individuals and families; divert valuable State resources; and undercut the State’s other significant efforts at equitable health, educational, employment outcomes and an equitable economic recovery.<sup>2</sup>

To confront the eviction crisis, at least seven jurisdictions around the country have already started implementing right to counsel programs. These programs demonstrate tangible benefits in the reduction of evictions. In New York City, 86% of represented tenants remained in their homes, and eviction filings decreased by 30%.<sup>3</sup> In Cleveland, 93% of represented tenants have

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<sup>1</sup> These statistics were taken from the National Equity Atlas’s Rent Debt Dashboard, which provides current state- and county-level data regarding rent debt derived from the U.S. Census Bureau’s Household Pulse Survey. See PolicyLink/USC Equity Research Institute, National Equity Atlas, [www.nationalequityatlas.org/rent-debt](http://www.nationalequityatlas.org/rent-debt) (last visited May 5, 2021).

<sup>2</sup> See Stout Risius Ross, LLC, *The Economic Impact of an Eviction Right to Counsel in Baltimore City*, at 34-39 (May 8, 2020), available at <https://bmorerentersunited.org/rtc/stoutreport> (“Stout Study”).

<sup>3</sup> New York City Human Resources Admin., *Universal Access to Legal Services: A Report on Year Three of Implementation in New York City*, at 11 (Fall 2020), available at [https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ\\_UA\\_Annual\\_Report\\_2020.pdf](https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_UA_Annual_Report_2020.pdf).

avoided an eviction or involuntary move.<sup>4</sup> Based on a randomized survey of eviction actions in Baltimore City in 2019, Stout Risius & Ross projected that 92% of represented tenants would avoid disruptive displacement in eviction actions (“Stout Study”).<sup>5</sup>

Integrating legal services into other eviction prevention and stability efforts has been the key to robust outcomes. The provision of counsel is often a key component to maintaining stable housing, but also is often the most overlooked.

In Maryland, the lack of full integration of civil legal services with emergency relief means that even with substantial rental assistance funds available, large numbers of Marylanders remain at risk of losing their homes. Although counsel does not change the facts of a given eviction case, it does ensure that current legal protections are enforced when applicable. One illustration of the importance of counsel in securing the fair administration of justice is the 3,335 Maryland tenant households that were evicted from July 2020 through February 2021,<sup>6</sup> in the midst of COVID-19, despite the eviction protections ordered by Governor Hogan and the Centers for Disease Control and Prevention. Access to counsel in this critical context could have assured that the emergency eviction moratoria were understood by tenants and applied evenly throughout the State.

In addition to helping tenants navigate the legal complexities of an eviction proceeding, counsel can connect tenants to other needed resources and services, including rental assistance, social workers, food assistance, job training, and even relocation options. When civil legal aid organizations work closely with other service providers, they are able to prevent eviction; sustain affordable and safe housing; address other basic human needs; and improve health, educational, and other social outcomes.

## **B. The Historic Passage of HB 18 and the Funding Opportunity**

Understanding both the stakes of the eviction crisis and the cost-effectiveness of access to counsel as a tool to addressing it, the General Assembly passed HB 18 to provide statewide access to counsel in eviction actions for income-eligible households. As the legislature recognized, giving tenants access to counsel in eviction proceedings is a “proven means of preventing the disruptive displacement of families and the resulting social, economic, and public health costs of such displacement.”<sup>7</sup> The State has also recognized the critical importance that

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<sup>4</sup> United Way Greater Cleveland et al., *Right to Counsel: Annual Report to Cleveland City Council and Courtesy Report to Cleveland Mayor’s Office*, at 2 (Jan. 31, 2021), available at <https://unitedwaycleveland.org/wp-content/uploads/documents/2020-Right-to-counsel-annual-report.pdf>.

<sup>5</sup> Stout Study at 11. As used in the Stout Study and herein, “disruptive displacement” includes both executed evictions and circumstances under which the eviction and relocation process throw some aspect of the tenant’s life into disarray.

<sup>6</sup> Evictions by county are included in the District Court of Maryland monthly statistical reports. See Md. Courts, About District Court, Statistics, <https://www.courts.state.md.us/district/about#stats> (last visited May 5, 2021).

<sup>7</sup> H.B. 18, 442nd Gen. Assemb., Reg. Sess. (Md. 2021), <https://mgaleg.maryland.gov/2021RS/bills/hb/hb0018E.pdf> (hereinafter “HB 18”).

legal representation can play in stabilizing housing by allocating both federal and State funds to eviction prevention legal services since the pandemic began.<sup>8</sup>

Final enactment of HB 18 will make Maryland a leader in combating housing instability by becoming the second state in the nation to provide statewide access to counsel in eviction actions for income-eligible households.<sup>9</sup> But while HB 18 creates the Access to Counsel in Evictions Program (the “Program”), the legislation will not have the desired effect of helping to avert the impending eviction crisis without the immediate allocation of funding to the Access to Counsel in Evictions Special Fund (the “Access Fund”).<sup>10</sup>

Due to federal funds coming to the State through a number of economic relief programs, Maryland has a rare and immediate opportunity to invest in the successful implementation of the Program. We therefore urge the Governor and the Department of Budget and Management to allocate a small portion of the billions of dollars in federal emergency funds to the Access Fund. Specifically, we are asking for the allocation at least \$20.4 million of the State’s federal Emergency Rental Assistance program (“ERAP”) funding, along with an additional \$47.6 million of the State’s federal Coronavirus State and Local Fiscal Recovery Funds (“CSFRF”). More information about each of these funding sources is attached as an appendix to this proposal, and our request is described in more detail in Part IV below.

## **II. Access to Counsel Will Ensure the Effective Distribution of Rental Assistance, Prevent Evictions, and Improve Housing Stability**

### **A. Access To Counsel Will Help the State Distribute Rental Assistance Funds To Keep People Housed**

Providing renters facing eviction with access to legal counsel will help ensure that the \$800 million of rental assistance flowing into the State fulfills its primary purpose—to help families maintain safe, stable housing despite the widespread disruption to the economy precipitated by the COVID-19 pandemic.

As a result of the most recent emergency actions taken to mitigate the economic effects of the COVID-19 crisis, the State will be tasked with distributing over \$462 million in ERAP funds, which can be used for both “financial assistance and housing stability services for renters.”<sup>11</sup>

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<sup>8</sup> Maryland allocated over \$600,000 from CARES Act funding and other sources to eviction prevention legal services. Through the recently passed RELIEF Act, Maryland also allocated \$3 million toward eviction prevention legal services during FY 2022.

<sup>9</sup> Governor Jay Inslee signed Washington State Senate Bill 5160 on April 22, 2021, establishing a right to counsel program that will be implemented over the next year with state funds.

<sup>10</sup> HB 18 establishes the Access Fund as a nonlapsing, special fund to be used for the provision of legal services and administrative expenses associated with the Program. Implementation of HB 18, however, is contingent on the appropriation of funding to the Access Fund. *See* HB 18 at 18-20.

<sup>11</sup> Cong. Research Serv., *Emergency Rental Assistance through the Coronavirus Relief Fund* (Mar. 31, 2021), available at <https://crsreports.congress.gov/product/pdf/R/R46688>. Maryland received more than \$258 million in ERAP funds allocated through the Consolidated Appropriations Act of 2021 (“ERAP 1”) and is slated to receive another \$204 million in funding allocated by the American Rescue Plan Act (“ERAP 2”).

This is in addition to the CARES Act rental assistance that the State has allocated, as well as \$257 million in additional ERAP funds that the federal government is allocating directly to eight of the State’s most populous jurisdictions. Because 90% of ERAP funds must be used for financial assistance to help eligible households make payments toward rent, rental arrears, and utilities, most of the funds will ultimately go to rental housing providers (i.e., landlords) and utility providers. The overall goal of the funding, however, is to stabilize housing and make sure that individuals and families maintain their homes.

The Program will help the State in the expeditious distribution of these rental assistance funds in several ways. Legal services providers can assist in regulating the allocation of rental assistance and ensuring the amounts paid to the landlords are the correct amount due and owing, allowing the emergency rental assistance to reach the maximum number of households in need. Additionally, in the context of eviction actions, legal counsel can help tenants negotiate with landlords to ensure that the property is maintained in a habitable condition while rental assistance is utilized. Or, if a property owner wrongfully attempts to evict a tenant despite obtaining rental assistance—in violation of the terms of the rental assistance contract with the State—counsel will assist in enforcing any rights the tenant may have under the contract or law. Finally, providing renters with access to counsel will help tenants, landlords, and judges navigate the complicated legal landscape of federal, state, and local laws enacted in the wake of COVID-19, thereby ensuring the enforcement of protections such as the Governor’s eviction moratorium.

## **B. Access to Counsel Will Help Prevent Eviction-Related Homelessness**

In addition to helping ensure the efficient and effective use of rental assistance payments, the Program will also provide other economic benefits to the State and its residents. Evictions are a significant driver of homelessness, which inflicts mental, physical, and socio-economic trauma on individuals and families.<sup>12</sup> Homelessness is also expensive to the State and to local jurisdictions. For example, the vast majority of homeless persons are enrolled in Medicaid, and homeless individuals are much more likely to use the emergency room as their primary care physician or be admitted for in-patient care.<sup>13</sup> Similarly, homelessness is a significant driver of entry into the foster care system, the costs of which are borne in large part by the State.<sup>14</sup> By providing legal counsel to an additional 34,000 income-qualified families facing eviction, the Program could save the State \$90.5 million per year in Medicaid and foster care costs alone.<sup>15</sup>

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<sup>12</sup> According to the Stout Study and consistent with national estimates, about 25% of persons evicted are likely to become homeless. *See* Stout Study at 68.

<sup>13</sup> *Id.* at 74-75.

<sup>14</sup> *Id.* at 77.

<sup>15</sup> The estimate of 34,000 households is extrapolated from the Stout Study’s estimate of how many households would obtain representation under a fully implemented access to counsel program in Baltimore City. The estimate considers how many tenants are income qualified and will seek legal representation based on data from the Maryland judiciary and the experience of legal services providers. Similarly, the estimated cost savings was developed by using the Stout Study’s estimated cost savings or avoidance flowing to the State from the implementation of a right to counsel program in Baltimore City and extrapolating those estimated savings to a statewide program. Specifically, we compared the Stout Study’s estimate of \$18.1 million in savings to the State after providing representation to tenants in failure to pay rent (“FTPR”) eviction filings in Baltimore City (over 133,000) and other types of eviction cases to the number of FTPR filings and other eviction cases statewide (over 672,000).



Even after accounting for the projected annual cost of operating the Program, the State could realize a net cost savings of up to \$59.5 million per year once the Program is fully implemented.

### **C. Access to Counsel Will Increase Housing Stability**

Providing access to counsel in eviction cases is also a proven, cost-effective means of addressing housing instability, which will endure beyond the COVID-19 crisis. Following a randomized survey of eviction actions in Baltimore City in 2019, and consistent with analogous data from other jurisdictions, the Stout Study found grave differences in tenant versus landlord representation, with landlords represented in 96% of eviction actions while tenants are represented in only 1%.<sup>16</sup> By leveling the playing field between landlords and tenants, access to counsel increases enforcement of State and local statutes intended to protect safe, stable housing and to ensure due process in eviction cases. For example, legal counsel helps enforce State and local laws that, among other things:

- Ensure habitable housing (e.g., housing codes, rent escrow, lead paint regulations);
- Prohibit charging of excessive fees and enforcing unfair lease provisions;
- Prevent retaliatory actions;
- Require compliance with state and local licensing requirements;
- Prohibit unlawful discrimination in housing; and
- Prohibit the denial of essential services.

Providing access to counsel in eviction actions significantly reduces the likelihood of disruptive displacement. To be sure, not all tenants are able to remain in their current unit, but the involvement of legal counsel makes it less likely that a rental household will lose their home. Legal counsel also can often obtain other benefits, such as additional time to move, a neutral landlord reference, and forgiveness of outstanding debt—all of which can prevent a disruptive displacement that causes the most individual and social harms from eviction.

## **III. Implementing the Program**

### **A. MLSC is an Experienced Administrator of Civil Legal Services Programs**

Pursuant to HB 18, Maryland Legal Services Corporation (“MLSC”) will administer the Program across the State.<sup>17</sup> Specifically, HB 18 tasks MLSC with the following responsibilities:

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<sup>16</sup> Some landlords are represented not by legal counsel, but by specialized rent court agents. But because those specialized agents are themselves repeat players with significant institutional knowledge regarding the eviction process, landlords gain a significant advantage regardless of whether they are represented by an attorney or an agent.

<sup>17</sup> MLSC is a nonprofit organization whose mission is to ensure low-income Marylanders have access to stable, efficient, and effective civil legal assistance through the distribution of funds to nonprofit legal services organizations. The Maryland General Assembly created MLSC in 1982 to serve as the State’s primary funder of civil legal aid. MLSC is governed by a nine-member board of directors whose members are appointed by the Governor and confirmed by the Maryland Senate.

- Contracting with nonprofit legal services organizations to provide for legal representation to “covered individuals”;<sup>18</sup>
- Administering the Access Fund;
- Developing an informational pamphlet for tenants with information about the Program;
- Designating and contracting with community groups to provide outreach and education to tenants about the Program; and
- Issuing an annual report to the Governor and General Assembly that includes the number of individuals served through the Program, an evaluation of case outcomes, and a summary of efforts at tenant engagement and education.

The Program will benefit from MLSC’s experience and expertise in implementing similar scalable projects. Over the past several years, MLSC has sought to complement the growth of advice and referral resources available to Marylanders. Time and time again, MLSC heard from its nonprofit grantees that they were encountering large numbers of Marylanders attempting to go it alone in complex court cases, but the organizations did not have dedicated resources to adequately assist clients in litigation. In response, MLSC launched the Extended Representation Project in July 2018, which prioritizes placing attorneys in court with clients—clients who very likely would have otherwise gone unrepresented.

Through the Extended Representation Project, several grantees launched or expanded rent court projects. With just a handful of staff, pro bono and low bono attorneys, these organizations have seen remarkable results. Using Extended Representation funds, other grants from MLSC, and various other funding, Maryland’s legal services organizations assisted clients in nearly 4,600 cases that benefited more than 12,000 tenants from July 2018 through June 2020. For example:

- More than 5,350 renters avoided eviction from private or public housing;
- More than 1,200 renters delayed their eviction, providing time to seek alternative housing;
- More than 1,200 renters obtained redress for unfair or illegal charges imposed by the landlord or vindicated their rights under their leasing agreements; and
- Nearly 1,500 renters had their rights to decent, habitable housing enforced, including obtaining repairs to their dwelling.

The Extended Representation Project would have helped even more clients if not for the court closures and various moratoria resulting from the COVID-19 pandemic. And while legal services providers helped these 12,000 tenants avoid displacement and potential homelessness, hundreds of thousands more went without representation—many not knowing that legal assistance might be available. Put simply, the Extended Representation Project has essentially served as a pilot project for the Program and is primed to be scaled for greater impact.

HB 18 also establishes an Access to Counsel in Evictions Task Force (the “Task Force”), which is responsible for evaluating the provision of services under the Program, studying funding

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<sup>18</sup> HB 18 defines “covered individuals” as tenant households whose incomes do not exceed 50% of the Maryland median income, adjusted for household size. HB 18 at 12.

sources, and making recommendations for improvements to implementation of the Program. MLSC plans to work closely with the Task Force to ensure the successful implementation and operation of the Program.

### **B. MLSC Is Already Planning for the Initial Implementation of the Program**

HB 18 envisions a phased implementation, tasking MLSC with determining a timeline for implementation and setting a goal of full implementation by October 1, 2025. As explained further below, MLSC will work closely with the Task Force on the creation of a multi-year, comprehensive implementation plan. However, given MLSC's many years of experience in funding civil legal aid and its existing relationships with grantees, including 36 civil legal aid providers across the State, MLSC is poised to begin phasing in the Program as soon as monies are allocated to the Access Fund.

Maryland is fortunate to be home to at least seven civil legal services providers with dedicated eviction prevention programs, as well as at least six others who provide eviction prevention services in the course of their more general work. These providers cover all portions of the State, from Western Maryland to the Eastern Shore and everywhere in between. Existing providers do not currently have the capacity to meet the existing need, let alone the rush of evictions that will be filed as eviction moratoria expire. However, MLSC can leverage this existing provider network by making FY 22 grants to organizations that are able to scale up existing services using money from the Access Fund. These organizations will help to bridge the gap until the Program can be fully implemented.

Multi-faceted civil legal aid services will likely make use of staffed legal services programs and engage the private bar to provide pro bono and low bono service. MLSC's nonprofit grantees can lend their expertise by providing input into which models work best in each of Maryland's jurisdictions, where they already tailor their services to best meet the needs of each region. These organizations are well-established and trusted members of their local communities, with the backing and collaboration of a statewide delivery system.

### **C. MLSC and the Task Force Have the Experience and Expertise Necessary to Plan for the Successful Implementation the Program**

Once established on October 1, 2021, the Task Force will begin to advise MLSC on the creation of a comprehensive implementation plan for the Program. Among other things, the implementation plan will account for the following considerations:

- Creating a model for statewide legal services delivery, including an intake and referral system and necessary technology supports;
- Identifying the best methods and materials for tenant organizing, outreach, and education;
- Accounting for variations in needs and existing resources in local jurisdictions;

- Evaluating options for phased-in implementation, including prioritization;<sup>19</sup>
- Identifying all implementation costs and sustainable funding sources; and
- Standardizing outcome reporting, analysis, evaluation, and equity assessment.

In developing a comprehensive implementation plan, MLSC and the Task Force will leverage the deep expertise that already exists in Maryland regarding the successful implementation of access to counsel programs, including:

- The Maryland Access to Justice Commission’s legislative task force [report](#) on implementing a right to counsel in human needs cases;
- The [Maryland Attorney General’s COVID-19 Access to Justice Task Force](#), which obtained input from grassroots organizations, civil legal aid organizations, and landlord interests;
- The national expertise of the [National Coalition for Civil Right to Counsel](#), which is housed in the Public Justice Center of Maryland; and
- The presence of national expertise on the Maryland Access to Justice Commission from the [Access to Justice Lab at Harvard University Law School](#) on right to counsel related data collection and program evaluation.

Finally, and importantly, MLSC’s implementation plan will ensure that existing services are incorporated into the Program. This, in turn, will ensure equitable and efficient coverage of services across the State, making the Program easier to navigate for both providers and tenants while also providing consistency for courts and landlords who may operate in multiple jurisdictions.

#### **IV. Funding the Program**

##### **A. The Cost of Full Implementation**

MLSC, in conjunction with the Task Force, will ultimately study and evaluate the funding amounts and sources needed to fully implement the Program. However, our initial estimates suggest that, once fully implemented, the Program will provide representation for roughly 34,000 additional covered households at an annual cost of approximately \$31 million.<sup>20</sup> Broadly speaking, the costs associated with full implementation fall into the following categories:

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<sup>19</sup> Most jurisdictions that have already adopted access to counsel programs have used a phased approach to implementation, with varying models of prioritization. Examples of this include targeting representation first to certain geographical areas (e.g., New York City’s use of zip codes); populations (e.g., specific demographic groups, such as families with children); income groups (e.g., Baltimore City’s use of households with 50% of area median income); or all access (e.g., phasing in resources and availability without a further narrowing of scope).

<sup>20</sup> *See supra* note 15. As with our estimates of the potential cost savings associated with a statewide access to counsel program, the estimated cost of the Program, once fully implemented, is based on (1) extrapolations from the Stout Study’s analysis of the costs associated with implementing a right to counsel program in Baltimore City; (2) statewide data regarding the number of FTPR, tenant holding over and breach of lease actions; and (3) data reported by legal services providers.

<b>Expense Category</b>	<b>Amount (annual)</b>
Funding for legal services	\$28.75 million
Outreach and education to ensure Marylanders are aware of the Program	\$2 million
MLSC administrative costs needed to support a fully implemented Program, including program evaluation	\$250,000

Notably, the additional funding for legal representation incorporates the costs associated with the expansion of legal services providers’ existing infrastructure. Those costs will include the creation of numerous positions for new and experienced attorneys, paralegals, case management, and other support staff; employee training; and the development and deployment of case intake technology.

### **B. Immediate Funding Request**

Maryland has a unique opportunity to fund the implementation of the Program through the allocation of a small part of the billions of dollars in federal funding that has been allocated to the State and local jurisdictions in the wake of the economic crisis precipitated by the COVID-19 pandemic. Allocating these monies to the Access Fund to support implementation of the Program would make Maryland a nationwide leader in using federal recovery funds to stabilize rental housing through the expansion of legal services infrastructure.<sup>21</sup>

We urge the Governor and the Department of Budget and Management to allocate \$68 million in federal funds to the Access Fund for use from FY 2022 through FY 2025. Specifically, we are requesting an allocation to the Access Fund of the full 10% of ERAP funding that is available for housing stability services (\$20.4 million) through 2025, and of \$47.6 million in CSFRF that are available for use through 2024. As explained further in the appendix to this proposal, the federal government has made clear that both funding sources can be used to provide legal representation for households facing eviction proceedings.

MLSC—with support and input from the Task Force—would be tasked with developing a budget for the use of these funds consistent with HB 18’s vision for a phased implementation of the Program to be completed by October 1, 2025. Taking into account the costs of increased legal representation, administrative expenses, and outreach and education, a preliminary four-year projected budget might proceed on the following schedule:

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<sup>21</sup> States around the country are contemplating use of these funds for access to counsel for tenants in eviction cases. For example, Governor Ned Lamont has recently recommended allocating \$20 million of Connecticut’s CSFRF funding toward providing tenants legal counsel in eviction cases and related outreach and education. *See* State of Connecticut, *Connecticut’s Plan for the American Rescue Plan Act of 2021*, at 18 (Apr. 26, 2021), *available at* <https://portal.ct.gov/-/media/Office-of-the-Governor/News/2021/20210426-Governor-Lamont-ARPA-allocation-plan.pdf>. A number of other states—including Michigan, Maine, Oklahoma, Rhode Island, and Wyoming—have also committed to allocating recent federal funding toward expanded access to counsel for tenants facing eviction.

FY 2022	\$5 - \$7 million
FY 2023	\$12 - \$14 million
FY 2024	\$20 - \$22 million
FY 2025	\$29 - \$31 million

As explained in Part III above, there is significant existing infrastructure that can be leveraged to proceed with the initial implementation of the Program. Therefore, although HB 18 does not go into effect until October 1, 2021, we request that funds be made available immediately so that MLSC can plan for the timely deployment of program start-up costs, including the hiring of administrative staff, the engagement of program evaluators, and technology considerations for client outreach and intake.

## APPENDIX

### Emergency Rental Assistance Program

Ten percent of federal funds appropriated through the Emergency Rental Assistance Program (“ERAP 1”) of the Consolidated Appropriations Act of 2021 may be used for “housing stability services,” defined to include those services which “enable eligible households to maintain or obtain housing,” including “legal services or attorney’s fees related to eviction proceedings and maintaining housing stability.”<sup>1</sup> We understand that Maryland received \$258 million and certain local jurisdictions within Maryland received \$143 million, a total of \$401.5 million in ERAP 1 funding, which must be expended by September 1, 2022. The majority of these funds may have already been awarded or be in the process of being awarded, and it is unclear whether any of those funds have been provided to expand access to counsel in eviction cases.<sup>2</sup> To the extent that any of these funds have not yet been allocated, up to 10% of those funds could be allocated to the Access Fund created by HB 18.

Significant additional funding has been allocated pursuant to the American Rescue Plan Act (“ARPA”) for a second round of the emergency rental assistance program (“ERAP 2”). Maryland is slated to receive \$204 million from ERAP 2, along with an additional \$114 million being directly distributed to local jurisdictions for a total of \$318 million in ERAP 2.<sup>3</sup> As with ERAP 1, 10 percent of those funds may be used for “housing stability services.”<sup>4</sup> Significantly, however, housing stability services provided using ERAP 2 funds “do not have to be related to the COVID-19 outbreak.”<sup>5</sup> Funds from ERAP 2 must be expended by September 30, 2025 or, in some circumstances, September 30, 2027.

### Coronavirus State Fiscal Recovery Funds

Maryland is receiving \$3.87 billion in Coronavirus State Fiscal Recovery Funds (“CSFRF”) from ARPA. These funds may be used for a broad range of purposes, including “to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits.”<sup>6</sup> On May 10, 2021, the Treasury Department issued an Interim Final Rule to implement the CSFRF, which makes clear that these funds may be used to provide “[a]ssistance to households or populations facing negative economic impacts due to COVID-19,” including

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<sup>1</sup> U.S. Dep’t of the Treasury, Emergency Rental Assistance: Frequently Asked Questions, at 11-12 (revised May 7, 2021) (“Treasury Guidance”), <https://home.treasury.gov/system/files/136/ERA2FAQs%205-6-21.pdf>.

<sup>2</sup> We understand and appreciate that the Department of Housing and Community Development previously allocated \$607,000 in federal funds for the expansion of legal services.

<sup>3</sup> Cong. Research Serv., *Emergency Rental Assistance through the Coronavirus Relief Fund* (Mar. 31, 2021), available at <https://crsreports.congress.gov/product/pdf/R/R46688>.

<sup>4</sup> American Rescue Plan Act of 2021, H.R. 1319, 117th Cong. § 3201; see Treasury Guidance at 11-12 (describing housing stability services “for purposes of” both ERAP 1 and ERAP 2).

<sup>5</sup> Treasury Guidance at 11.

<sup>6</sup> American Rescue Plan Act of 2021, H.R. 1319, 117th Cong. § 9901.

“counseling and legal aid to prevent eviction or homelessness.”<sup>7</sup> These funds must be expended no later than December 31, 2024.

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<sup>7</sup> U.S. Dep’t of the Treasury, Interim Final Rule, Coronavirus State and Local Fiscal Recovery Funds, at 33 (May 10, 2021), <https://home.treasury.gov/system/files/136/FRF-Interim-Final-Rule.pdf>.



**BRIAN E. FROSH**  
*Attorney General*



**ELIZABETH F. HARRIS**  
*Chief Deputy Attorney General*

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**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

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410-576-7036

WRITER'S DIRECT DIAL NO.  
410-576-6311

July 8, 2021

County Executive Stuart Pittman  
Arundel Center  
44 Calvert Street  
Annapolis, MD 21401

Dear County Executive Pittman:

As you may know, the General Assembly recently became the second state legislature in the nation to create a statewide access to counsel in evictions program.<sup>1</sup> Since the bill's passage, my office has been working with the Access to Justice Commission ("A2JC"), the Maryland Legal Services Corporation ("MLSC"), state legislators, and housing advocates to raise awareness about the program and to persuade the Governor to fund it.<sup>2</sup> Regardless of whether Governor Hogan decides to fund the program, Anne Arundel County has a rare and immediate opportunity to use some of the federal funds it has received directly through the federal Emergency Rental Assistance Program ("ERAP") to fund a right to counsel program for income-eligible county residents facing eviction.

Housing insecurity has long been a significant problem in Maryland and the United States, but the devastating economic fallout from the COVID-19 pandemic has caused an unprecedented housing crisis for Marylanders—especially for low-income and at-risk individuals, survivors of domestic violence, and communities of color. Maryland has long had an outsized number of eviction court case filings, and data convincingly shows that evictions disproportionately impact Black and Latina women. The pandemic has only exacerbated this situation. Recent estimates indicate that approximately 7,294 households in Anne Arundel County are behind on rent.<sup>3</sup> With the CDC's eviction moratorium set to expire at the end of July, and Governor Hogan's decision to

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<sup>1</sup> See generally H.B. 18, 442nd Gen. Assemb., Reg. Sess. (Md. 2021), <https://mgaleg.maryland.gov/2021RS/bills/hb/hb0018E.pdf> (hereinafter "HB 18").

<sup>2</sup> For example, in May, I co-authored a letter with the Executive Directors of A2JC and MLSC asking the Governor to fund the program using ERAP and other federal funds. We have yet to receive a response.

<sup>3</sup> These statistics were taken from the National Equity Atlas's Rent Debt Dashboard, which provides current state- and county-level data regarding rent debt derived from the U.S. Census Bureau's Household Pulse Survey. See PolicyLink/USC Equity Research Institute, National Equity Atlas, [www.nationalequityatlas.org/rent-debt](http://www.nationalequityatlas.org/rent-debt) (last visited July 7, 2021).

end the state of emergency and lift the State's eviction moratorium, thousands of Anne Arundel County residents will soon be at risk of losing their homes.

The loss of a home is a traumatic and destabilizing event in and of itself, but an eviction carries with it a myriad of other collateral consequences, including possible job loss and strain on physical and mental health. For children, it can mean trauma, poor educational outcomes, and stunted development. In addition to the toll on families and the economy, state and local governments also incur significant expenses from evictions resulting from the increased burden on homeless shelters; healthcare, foster care, and education systems; law enforcement; and judicial resources. All told, eviction and its collateral consequences destabilize individuals and families; divert valuable government resources; and undercut other efforts at achieving equitable health, educational, employment outcomes and facilitating an equitable economic recovery.

Attached to this letter is a fact sheet explaining why providing tenants facing eviction with legal representation will help to fend off the looming eviction crisis and the resulting harm to the county's families, public health, and economy. As one of eight local jurisdictions in Maryland receiving a direct allocation of ERAP funds, Anne Arundel County is uniquely situated to provide income-eligible residents with legal representation.<sup>4</sup> The federal government has specifically endorsed this approach, "strongly encourag[ing]" ERAP grantees such as Anne Arundel County to "engag[e] providers of legal services and other housing stability services to assist households against which an eviction action for nonpayment of rent has been filed."<sup>5</sup>

I understand that Anne Arundel County has already directed some funding to support eviction prevention legal service providers, and I am grateful for that commitment of resources. The availability of federal ERAP funds gives Anne Arundel County an opportunity to support additional struggling households by giving them a critically important tool to help avoid evictions. And by seeding the development of a local access to counsel program now, Anne Arundel County will also be entitled to priority funding when the statewide program is phased in.<sup>6</sup>

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<sup>4</sup> Up to 10% of ERAP funds may be used for "housing stability services," which includes "legal services or attorney's fees related to eviction proceedings and maintaining housing stability." U.S. Dep't of the Treasury, Emergency Rental Assistance: Frequently Asked Questions, at 11-12 (revised May 7, 2021), <https://home.treasury.gov/system/files/136/ERA2FAQs%205-6-21.pdf>.

<sup>5</sup> U.S. Dep't of the Treasury, Emergency Rental Assistance: Frequently Asked Questions, at 15 (revised June 24, 2021), [https://home.treasury.gov/system/files/136/ERA\\_FAQs\\_6-24-21.pdf](https://home.treasury.gov/system/files/136/ERA_FAQs_6-24-21.pdf); *see also* U.S. Dep't of the Treasury, Emergency Rental Assistance Fact Sheet, *Treasury Announces Further Action to Support Housing Stability for Renters at Risk of Eviction*, at 2 (June 24, 2021), [https://home.treasury.gov/system/files/136/Treasury\\_Fact\\_Sheet\\_6-24-21.pdf](https://home.treasury.gov/system/files/136/Treasury_Fact_Sheet_6-24-21.pdf).

<sup>6</sup> *See* HB 18 at 20 (to be codified at Md. Code Ann., Real Prop. § 8-910(a)) (mandating priority phase-in funding to local jurisdictions that "provide or agree to provide significant additional local funding to effectuate access to counsel in eviction proceedings in the local jurisdiction").

County Executive Stuart Pittman  
July 8, 2021  
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We are available at your earliest convenience to discuss this matter further. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian E. Frosh". The signature is fluid and cursive, with a large, stylized initial "B".

Brian E. Frosh  
Attorney General of Maryland

Encl.

cc: Susan Erlichman, Executive Director, Maryland Legal Services Corporation  
Reena Shah, Executive Director, Maryland Access to Justice Commission

## Access to Counsel in Evictions – Why It Matters

Maryland recently became the second state in the nation to create a statewide access to counsel in evictions program. In creating the program, the General Assembly recognized that providing access to counsel to income-eligible Marylanders facing eviction proceedings is a “proven means of preventing the disruptive displacement of families and the resulting social, economic, and public health costs of such displacement.”<sup>7</sup>

Prior to the passage of any statewide programs, several local jurisdictions around the country had already begun implementing right to counsel programs, with preliminary results indicating that such programs create tangible benefits in the reduction of evictions.<sup>8</sup>

Connecting struggling households with legal services providers helps to prevent disruptive displacement in several ways.

**First**, legal services providers can be helpful in facilitating the efficient and effective distribution of rental assistance funds. For example, legal counsel can help ensure that the amounts paid to landlords are the correct amount due and owing, allowing the emergency rental assistance to reach the maximum number of households in need. Counsel can also help tenants negotiate with landlords to ensure that the property is maintained in a habitable condition while rental assistance is utilized. Likewise, counsel can assist in enforcing any legal or contractual rights the tenant may have if a property owner wrongfully attempts to evict a tenant despite obtaining rental assistance funds.

**Second**, while landlords may attempt to paint landlord tenant issues and rent court as straightforward and simple, they are often anything but. Providing renters with access to counsel will help tenants, landlords, and judges navigate the complicated legal landscape of federal, state, and local laws enacted in the wake of COVID-19, including procedural protections and legal defenses that may be available to households facing eviction.

**Third**, providing access to counsel in evictions creates other economic benefits that flow to local jurisdictions and their residents. Evictions are a significant driver of homelessness, which

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<sup>7</sup> H.B. 18, 442nd Gen. Assemb., Reg. Sess. (Md. 2021), <https://mgaleg.maryland.gov/2021RS/bills/hb/hb0018E.pdf>. “[D]isruptive displacement” includes both executed evictions and circumstances under which the eviction and relocation process throw some aspect of the tenant’s life into disarray. See Stout Risius Ross, LLC, *The Economic Impact of an Eviction Right to Counsel in Baltimore City*, at 25 (May 8, 2020), available at <https://bmorerentersunited.org/rtc/stoutreport> (“Stout Study”).

<sup>8</sup> See, e.g., New York City Human Resources Admin., *Universal Access to Legal Services: A Report on Year Three of Implementation in New York City*, at 11 (Fall 2020), [https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ\\_UA\\_Annual\\_Report\\_2020.pdf](https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_UA_Annual_Report_2020.pdf) (86% of represented tenants remained in their homes; eviction filings decreased by 30%); United Way Greater Cleveland et al., *Right to Counsel: Annual Report to Cleveland City Council and Courtesy Report to Cleveland Mayor’s Office*, at 2 (Jan. 31, 2021), <https://unitedwaycleveland.org/wp-content/uploads/documents/2020-Right-to-counsel-annual-report.pdf> (93% of represented tenants avoided eviction or involuntary move); Stout Study at 11 (concluding, based on randomized survey of eviction actions in Baltimore City in 2019, that 92% of represented tenants would avoid disruptive displacement).

inflicts mental, physical, and socio-economic trauma on individuals and families and is expensive to local jurisdictions. For example, the vast majority of homeless persons are enrolled in Medicaid, and homeless individuals are much more likely to use the emergency room as their primary care physician or be admitted for in-patient care. Similarly, homelessness is a significant driver of entry into the foster care system.<sup>9</sup>

**Fourth**, providing access to counsel in eviction cases is a proven, cost-effective means of addressing housing instability, which will endure beyond the COVID-19 crisis. Data collected in Baltimore City in 2019 and other jurisdictions indicate that there are grave, persistent disparities in tenant versus landlord representation, with tenants represented in only 1% of eviction actions while 96% of landlords have representation.<sup>10</sup> By leveling the playing field between landlords and tenants, access to counsel increases enforcement of State and local statutes intended to protect safe, stable housing and to ensure due process in eviction cases. For example, legal counsel helps enforce State and local laws that, among other things:

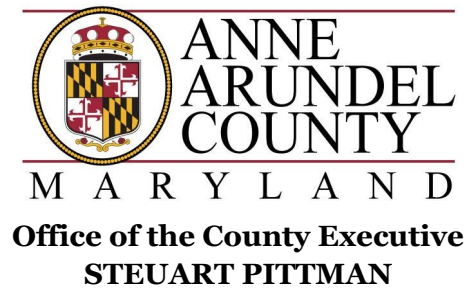
- Ensure habitable housing (e.g., housing codes, rent escrow, lead paint regulations);
- Prohibit charging of excessive fees and enforcing unfair lease provisions;
- Prevent retaliatory evictions;
- Require compliance with state and local licensing requirements;
- Prohibit unlawful discrimination in housing; and
- Prohibit the denial of essential services.

To be sure, not all tenants are able to remain in their current unit, but the involvement of legal counsel makes it less likely that a rental household will lose their home. Legal counsel also can often obtain other benefits, such as additional time to move, a neutral landlord reference, and forgiveness of outstanding debt—all of which can prevent a disruptive displacement that causes the most individual and social harms from eviction. And beyond helping tenants navigate the legal complexities of an eviction proceeding, counsel can often connect tenants to other needed resources and services, including rental assistance, social workers, food assistance, job training, and even relocation options. When civil legal aid organizations work closely with other service providers, they are able to prevent eviction; sustain affordable and safe housing; address other basic human needs; and improve health, educational, and other social outcomes.

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<sup>9</sup> See Stout Study at 68, 74-75, 77. According to the Stout Study and consistent with national estimates, about 25% of persons evicted are likely to become homeless.

<sup>10</sup> Although some landlords are represented by specialized rent court agents rather than lawyers, because those specialized agents are themselves repeat players with significant institutional knowledge regarding the eviction process, landlords gain a significant advantage regardless of whether they are represented by an attorney or an agent.



July 15, 2021

Attorney General Brian E. Frosh  
200 Saint Paul Place  
Baltimore, MD 21202-2021

Dear Attorney General Frosh:

Thank you for your correspondence of July 8, 2021 regarding the Maryland General Assembly's recent passage of an "access to counsel" in evictions bill during the 2021 legislative session. While the bill's passage is encouraging, it is unfortunate that, despite your advocacy, access to counsel remains unfunded on a statewide level. In the absence of a fully-funded, statewide program, we have been forging ahead with our own efforts to provide access to counsel in eviction cases by developing and funding the Eviction Prevention Legal Program here in Anne Arundel County.

As you may know, Anne Arundel County was the first jurisdiction in Maryland to develop an Eviction Prevention Program (EPP) in response to COVID-19, committing locally available funds before federal funds were available. Building on that initiative, my administration committed CARES Act funding to support a complementary Eviction Prevention Legal Services Program nearly one year ago. Through this effort, Arundel Community Development Services, Inc. (ACDS), the County's housing and community development agency, contracted with Community Legal Services (CLS) to provide legal representation to Anne Arundel County residents facing eviction as a direct or indirect result of COVID-19. Through CLS, the County is making dedicated attorneys available for Anne Arundel County tenants in failure to pay rent cases. To date, we have found that in every case where representation has been provided eviction has been avoided, underscoring the immense value of legal representation in preventing evictions and homelessness in this crisis. In addition, ACDS hired an in-house attorney with decades of experience representing tenants facing eviction to develop agreements with landlords, provide legal support for ACDS staff assisting EPP clients, and divert more tenants from the courts. Finally, my administration has designed and funded a special program to provide City of Annapolis public housing residents facing eviction with legal services, case management and access to financial assistance, leading to eviction prevention and housing stability.

Because we have seen a growing volume of cases being filed and we expect the level to increase, we have recently funded an expansion of the Eviction Prevention Legal Program to include a total of 3.5 FTE attorneys, a paralegal and a legal assistant. My administration has also secured and made available space for our legal team in the same building as the Anne Arundel County District Courthouse in Glen Burnie, so that legal services can be provided on the spot, in real time as renters are in the courthouse facing eviction. Beginning next week, we will deploy an Eviction Prevention Program team member and intake specialist to be stationed at the courthouse to work closely with CLS attorneys representing tenants in Failure to Pay Rent cases to better coordinate access to the financial assistance provided through the EPP program.

Building on this work and our collaboration with Judge McKenna and the District Court staff to date, we hope to work more closely with the District Court to develop and integrate a diversion program involving voluntary postponements here at the local level. This will better allow for EPP financial assistance payments to be processed by the time the moratorium ends. While we are hopeful there will also be a statewide process to integrate eviction prevention payments with the Failure to Pay Rent process, we plan to continue doing as much as we can at the local level in Anne Arundel County to ensure our vulnerable renters have access to legal representation and financial assistance in the wake of COVID-19 and its economic consequences.

Thank you again for your commitment to access to justice, especially as it pertains to housing for those at risk. I look forward to continuing our discussion and will reach out to you to set up some time in the near future.

Sincerely,



Steuart Pittman  
County Executive

cc: The Honorable Sandy Bartlett, Chair Anne Arundel County House Delegation  
The Honorable Sarah Elfreth, Chair Anne Arundel County Senate Delegation  
The Honorable James Rosapepe, Vice-Chair, Budget and Taxation Committee

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countyexecutive@aacounty.org

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Briefing before the House Environment and Transportation  
Committee, July 27, 2021

Carisa Hatfield  
chatfield@hprplaw.org





# Governor Hogan's Executive Order

- Pursuant to Governor Hogan's Executive Order dated June 16, 2021, "Terminating Various Emergency Orders," the orders first set by the Governor related to eviction terminate on August 15, 2021.
- Any defenses related to the Governor's Order may not be used after this deadline, and any judgments reserved as a result of this defense will be entered after August 15, 2021.

# CDC Order

The Centers for Disease Control (CDC)'s Temporary Halt in Residential Evictions was first issued on September 4, 2020 and extended on January 31, 2021; March 31, 2021; and June 30, 2021.

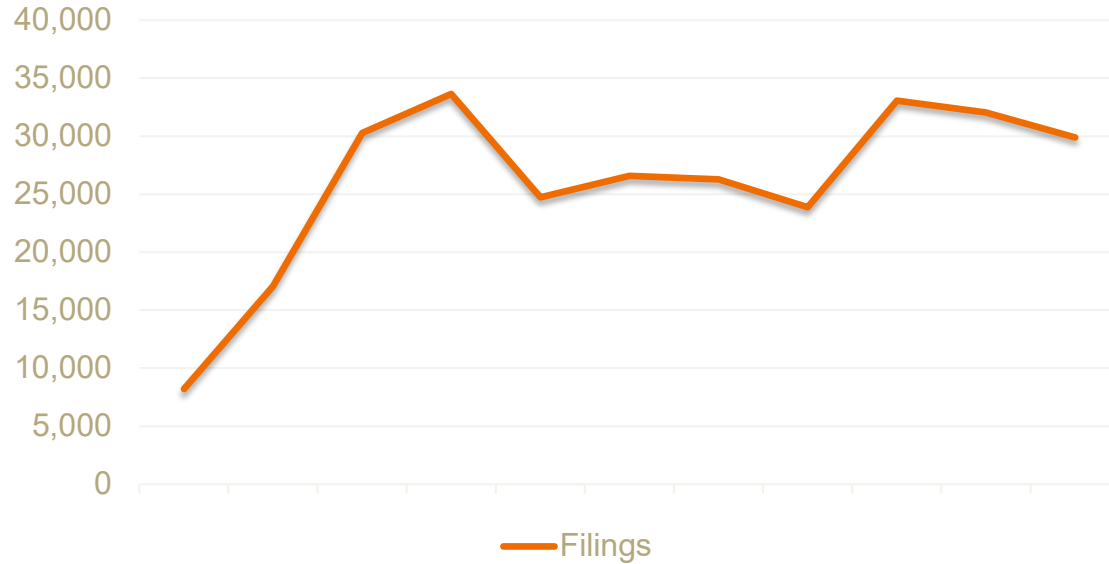
- The CDC's final order and extension will expire on July 31, 2021.
- Under current Maryland policy, judgments where a CDC Declaration has been provided to the landlord have been reserved until July 31, 2021.
  - After July 31, 2021, all reserved judgments will be entered by the courts.
  - When a warrant of restitution is requested by the landlord, the court will set a hearing within 21 days to determine what amounts, if any, amounts have been paid by the tenant or on behalf of the tenant.

# State of Evictions

- 285,647 cases for Failure to Pay Rent were filed from July 2020 through May 2021; 7,309 were filed for Breach of Lease and Tenant Holding Over collectively.
- 14, 147 warrants of restitution have been filed and 4,601 evictions have occurred as a result of these cases.
- **In June and July 2021, 823 warrants of restitution were issued in Baltimore City alone.**

# State of Evictions

Failure to Pay Rent (July 2020-May 2021)



# State of Rental Assistance

- In Baltimore City, the Mayor's Office of Children and Family Success (MOCFS) has assisted 4,000 households at a grand total of \$19.2 million dollars.
- However, the city estimates that a total of 28,000 households are in rental arrears, and the city has not disbursed
- There are also significant delays in disbursement of rental funds, with the City of Baltimore reporting delays in application review in excess of 90 days in April of 2021.
- In our experience, judges are reticent to grant extended continuances to follow up or ensure payout from rental assistance programs, as there is no judicial policy to support the public policy of helping prevent evictions.
- This atmosphere creates the potential for tenants to receive multiple judgments against them, even when rental assistance is pending.

# Policy Recommendations

## Eviction Diversion

Maryland eviction process prioritizes rapid adjudication and makes pre-judgment eviction diversion impracticable. Consequently, rental assistance, mediation, and legal assistance are less effective.

- Reform of the FTPR process should systematize early resort to rental assistance and mediated negotiations. Diversion projects may help make the rental assistance systems more effective and prevent judgments from being entered where payments will be made.
- New process should use the district courts as a hub for holistic problem solving - facilitated through a status hearing.

# Policy Recommendations

## Tenant Screening, Shielding, and Sealing Bills

As COVID-19 protections draw to a close and evictions begin to rise, tenant screening, shielding, and sealing bills are essential to protecting Maryland renters from being denied housing.

- *Screening* bills would prevent landlords from declining prospective tenants for credit history issues greater than seven years old, and may allow tenants with insufficient credit history to rent where they may have not needed to before.
- *Shielding* bills will protect tenants with active landlord-tenant court cases that have not been adjudicated from being improperly denied housing, which is essential considering the significant number of filings making their way through the court system.
- *Sealing* bills will protect tenants who have had since-resolved actions filed against them from being improperly denied housing by a prospective landlord.

# Policy Recommendations

## Collection of Rental Data

- Collecting data about the rental market as a whole, as well as evictions, can help to create a fuller picture about the status of renting in Maryland, particularly after COVID-19, and allow for further policy recommendations to be made that will assist Maryland renters.
- Also creates transparency and accountability around data for all stakeholders.
- Information collected in addition to eviction data could include:
  - Renter demographics at time of leasing
  - Average rental costs
  - Leasing turnovers





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The Honorable Kumar P. Barve  
Chair, Environment and Transportation Committee  
House Office Building,  
Annapolis, Maryland 21401

**RE: Testimony on the Effects of COVID-19 on Housing**

Dear Chairman Barve and Committee Members:

Thank you for the opportunity to testify in this briefing, examining the effects of COVID-19 on Housing. Maryland Legal Aid, “MLA,” is a private, non-profit law firm providing free legal services to indigent Maryland residents.

MLA’s 12 offices across the state assist individuals and families in every Maryland county with a wide array of civil legal issues, including housing, consumer law, public benefits, and family law matters. MLA also represents abused and neglected children and provides legal assistance to senior citizens and nursing home residents. This letter serves as notice that MLA Chief Counsel Stuart Simms and Staff Attorney Douglas Nivens will testify on behalf of Maryland Legal Aid at the request of Chairman Barve.

There has been no challenge to the right to housing as acute as the current Covid-19 crisis. With the unemployment rate rising to 10.1%<sup>1</sup> in April 2020 in Maryland because of COVID-19 related job closures, layoffs, terminations, the human, health, and economic devastation being visited on this state during the height of this crisis and the human suffering is not being overstated. When MLA spoke to this committee in June 2020, this catastrophe was still unfolding.

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07.2021



<sup>1</sup> CONFRONTING THE COVID-19 ACCESS TO JUSTICE CRISIS, Maryland Attorney General Brian E. Frosh’s COVID-19 Access to Justice Task Force:

[https://www.marylandattorneygeneral.gov/A2JC%20Documents1/AG\\_Covid\\_A2J\\_TF\\_Report.pdf](https://www.marylandattorneygeneral.gov/A2JC%20Documents1/AG_Covid_A2J_TF_Report.pdf)

However, there are promising signs that the health consequences of this catastrophe are moderating. Maryland and Marylanders are not yet out of the woods. The potential housing catastrophe is still unfolding, and whether the measures put in place to alleviate it will work are not clear. What is clear is that Eviction Prevention Assistance Programs, despite heroic efforts, may not be positioned to disburse their funds to meet the goal of holding tenants harmless and making Landlords whole.

MLA clients have experienced the following:

1. Rules that impede the disbursement of funds: although actions are being taken to relax those rules by creating transparency, notice, flexibility, and an idea of when the funds are being disbursed, some MLA clients still face challenges. In Prince Georges County, some MLA clients applied for ERAP funds on two different occasions, with the first application occurring in October 2020. As of early July, payment had not been made to the Landlord. However, recent reports from a House Oversight Committee staff member indicate that Prince Georges County has disbursed over six million dollars in funds. Disbursement of funds through the United Way's STEP program and the efficiencies being created by programs in Anne Arundel County, Baltimore City, Baltimore County, and others bring hope that vulnerable tenants and landlords will be helped.
2. The courts are not treating tenant defenses based on the CDC order and the Governor's order uniformly throughout the state. Chief Judge Morrissey issued a communication stating that courts will defer judgment in cases in which a tenant has raised a defense in a rent court action based on the two orders. Some Judges have deferred judgment until the expiration of the order. Others have entered the judgment but stayed an eviction until the orders have expired.
3. Tenant Holding Over actions (THO), which seek to evict a tenant at the end of their lease term, have, as MLA feared and reported to you last June, substantially increased as compared to previous years because Landlords were barred in many cases from evicting tenants due to failure to pay rent or a Breach of Lease. With the expiration of the CDC and Governor's orders, MLA fears a rise in Breach of Lease actions as well. Some tenants were successful in getting judgments stayed in THO actions until the expiration of the orders, but those stays will end by August 15. Fortunately, ERAP programs can use their funds to rehouse individuals who are evicted.

But the judgments and evictions raise a substantial bar to successfully becoming rehoused. Legislation in the 2021 session potentially shielding tenants from these effects was not passed. One MLA client who is disabled and has children who are also disabled will lose her housing if she loses her case, and the odds of her being rehoused will be significantly impaired by a judgment against her.

MLA clients would benefit from ERAP providers being available at eviction hearings to advise the parties on the status of a tenant's application, taking new applications, prioritizing disbursement of funds for those facing imminent eviction. The "rent court" in Baltimore City has stated it will liberally consider continuances to effect settlements of these matters and provide space to the ERAP provider. Other counties are considering similar changes to their programs. MLA has spoken to Landlords who have expressed support for a simplified process that expedites disbursement of funds and minimizes delay.

MLA strongly supports a simplified process for tenants throughout the state to facilitate the disbursement of funds to those facing imminent eviction.

Respectfully



Stuart O. Simms  
Chief Counsel  
Maryland Legal Aid (MLA)



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WASHINGTON



# House of Delegates Environment and Transportation Committee

Tuesday, July 27, 2021  
10:00 AM

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## COVID-19 Recovery

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*Presenters: Erin Bradley, AOBA and Grason Wiggins, MMHA*



# Rental Assistance in Maryland

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Emergency Rental Assistance Program 1 (ERAP1) **\$401,000,000** being **distributed now**

- The Maryland Department of Housing and Community Development administered \$258 million in federal emergency rental funding in two ways:
- \$193 million directly to local jurisdictions through the Maryland Eviction Partnership Program to support local rental assistance efforts
- \$40 million to property management on behalf of tenants residing in affordable units that received state/federal financing through the Assisted Housing Relief Program.
- An additional \$143 million in federal assistance was allocated directly to the 8 jurisdictions with over 200,000 residents.
- **ERAP 2 (\$317.7M) provided Maryland and locals with more than \$700M in total rental assistance - ERAP1 and ERAP2 combined.**



# Rental Assistance: Prince Georges Co.

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P.G. Co. DHCD is the administering agency tenant based

- Received \$27.1M directly from Treasury via ERAP 1
- Received \$30.5M from the America Rescue Plan Act
- Expects \$27M from State via ERAP 1
- Spent \$12.5M of federal money (as of 7/1/21)

As of 7/9/2021:

- 652 housing provider applications
- Approx. 2,900 resident applications
- 335 HP applications funded
- 155 resident applications funded
- 2,279 households assisted as of July 1

Housing Providers can reapply o/b/o residents effective 7/15/21

\* Per P.G. Co. DHCD



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# Rental Assistance: Montgomery Co.

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Mont. Co DHHS is the administering agency tenant based

- Received \$31M from Treasury via ERAP 1
- Received \$28M from State funding
- Expects \$33M in federal funding
- Spent \$7.7M of State and Federal money (as of 7/16/21)

As of 7/7/2021:

- 7,500 Resident Applications
- 1,900 Housing Provider Applications
- 600 households assisted

# Rental Assistance: Central Maryland

## Counties Offering STEP and Tenant Based Programs:

Jurisdiction	ERAP 1 Total Allocation	ERAP 2 Direct Allocation*	Funds Allocated to STEP Program
Anne Arundel	\$22.8M	\$13.6M	\$5.4M
Baltimore City	\$58.2M	\$14M	\$16M
Baltimore County	\$49.3M	\$19.5M	\$21M
Harford County	\$8.5M	\$6M	\$1M
Howard County	\$14.2M	\$7.7M	\$5.6M

\*Maryland received a total of \$317.7M for ERAP 2, which includes these direct allocations.





# Strategic Targeted Eviction Prevention (STEP) Program

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## The STEP Program:

- Piloted in Baltimore County and now replicated throughout the Central Maryland region.
  - Pilot program utilized CARES Act and State funds and provided \$4 million in rental assistance to 935 households across Baltimore County.
- Identifies “hot spot” zip codes and facilitates payments in bulk to housing providers to benefit residents.
- United Way and MMHA work together to identify housing providers in zip codes and establish connections that facilitate payment.
- The program focuses on Class B, C, or D properties and housing providers must submit at least 5 eligible households/accounts per apartment community.



# Strategic Targeted Eviction Prevention (STEP) Program

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**To participate in STEP, housing providers are required to:**

- Remove and waive any and all late fees, court fees, attorney's fees, and/or interest (fees cannot be added back on at a later date)
- Dismiss any active rent court case filing against participating tenants
- Not create new eviction filing for at least 30 days after the term or period of financial assistance
- Offer to renew an expired/expiring lease for at least 90 days after receipt of rental assistance payment



# Strategic Targeted Eviction Prevention (STEP) Program

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- \$49 million has been allocated to the STEP Program
  - Baltimore County (\$21M); Baltimore City (\$16M); Harford (\$1M); Howard (\$5.6M); and Anne Arundel (\$5.4M).
- The program pays up to 12 months of back-rent, and residents are also eligible for up to 3 months of future rent.
  - Residents are also eligible for utility payments that may be owed to the housing provider, such as electric, water, sewer, and trash.
- The first iteration of the program provided on average \$4,300 per household.
- Approximately \$500K in payments were authorized last week, and we expect that to increase to \$1M per week within two weeks.



# Important Updates to Federal Assistance Requirements

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- Under ERAP 2, Treasury requires rental assistance be paid directly to residents if a housing provider refuses to participate in the Rental Assistance program
- Treasury allows for fact-specific proxies to determine income eligibility
- Funds can cover up to 18 months of rent and/or utility arrearages occurring after April 2020



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# Recommendations for Rental Assistance

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- Better communication with Housing Providers and Residents about application status
  - Local governments should be providing more consistent updates to applicants, both residents and housing providers
  - More information regarding the status of an application benefits all parties.
- Maintain Treasury requirements without adding more
  - e.g.: State tenant attestation
- Promote the STEP Program, which allows housing providers to ascertain bulk payments for residents.



# Governor's Eviction Moratorium & State of Emergency

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Issue: On June 15th, Governor Hogan announced an end to the state of emergency and catastrophic health emergency.

- The June 15th Order ended most of the Governor's Orders related to COVID-19 beginning on July 1st, including the use of an affirmative defense against FTPR actions for residents suffering substantial loss of income due to COVID-19 effective August 15<sup>th</sup>.
- However, the Order itself expressly provided that "the state of emergency and catastrophic health emergency still exists."
- Further, on July 12<sup>th</sup>, Governor Hogan effectively renewed the state of emergency as a part of the "administrative grace period,"
- There is uncertainty how the July 12th and June 15th Orders impact Rent Stabilization laws, labor law etc. related to the termination of the state of emergency

# Current Landscape for Housing Providers

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## ➤ **Emergency Rent Control**

- 6 counties have instituted rent control policies for the duration of Governor Hogan's emergency order and an extended time thereafter.
- Revenue has significantly decreased while the costs of goods and services have increased.

## ➤ **Evictions Significantly Reduced**

- According to data from the District Court of Maryland, evictions are down by more than 81% in 2021 compared to pre-pandemic timeframe.

## ➤ **Delayed Processes**

- Cases are being heard well after the date of filing.



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# Overview of District Court Scheduling FTPR Cases

	A	B	C	D	E	F	G	H	I	J	K
1	<b>COURT SCHEDULING TRACKER (UPDATED 7/16/21)</b>										
2	<b>Court</b>		<b>November 2020</b>	<b>December 2020 Filings</b>	<b>January 2021 Filings</b>	<b>February 2021 Filings</b>	<b>March 2021 Filings</b>	<b>April 2021 Filings</b>	<b>May 2021 Filings</b>	<b>June 2021 Filings</b>	<b>July 2021 Filings</b>
3	AA - Glen Burnie									June/July Trials	July trials, most to be
4	AA - Annapolis									June/July Trials	
5	Baltimore City		May/June/July/Aug Trials	April/July/Aug Trials	May/July/Aug Sept Trials	June/Sept/Oct trials	April/July/August/September/October Trials	June/August/December trials, most to be scheduled			
6	Baltimore County - Essex	June/July trials	July trials	Aug Trials, most to be scheduled							
7	Baltimore County - Catonsville			June/July trials	July trials						
8	Baltimore County - Towson			June/July Trials	July Trials	July Trials, a few to be scheduled					
9	Carroll County									July Trials	
10	Cecil County									June trials, a few to be	
11	Frederick County							June/July Trials	July Trials	Aug Trials	
12	Harford County									June/July Trials	July Trials, several to be scheduled
13	Howard County								June/July Trials	Sept Trials, a few to be	
14	Montgomery County							May/June/July Trials			
15	Prince George's County	June/July Trials									
16	Washington County									July Trial	
17	Wicomico County									July Trial	





# State Benefit: Housing Industry

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- 48% of Maryland's apartment homes built before 1980.
  - The renovation and repair of apartments helps preserve Maryland's older more affordable units, contributes \$1B to the local economy annually, and creates 5K jobs.
- 878K apartment residents.
  - The operation of Maryland's apartment homes contributes \$3.5B to the local economy each year (including \$1.0B in property taxes), and creates 6K jobs.
- Maryland requires 6K new apartments annually to meet the needs of growing population. Investment into Maryland's housing industry is critical to the state's success.
  - Apartment construction contributes \$1.6B to Maryland's economy annually.

# Policy Recommendations

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## ➤ Rental Assistance

- Promote the STEP Program, which provides a mechanism for expeditious delivery of rental assistance in bulk.
- Dissemination of bulk rental assistance through housing providers benefits everyone.

## ➤ Communicate

- Housing providers are working on behalf of residents, and communication is critical. A focused messaging campaign to inform residents they should communicate with housing providers regarding rental assistance is critical to the state's success.
- The connection between legislators and constituents provides an important path for ensuring that residents are aware of available assistance.

## ➤ Promote Investment and New Housing Opportunities

- Maryland is currently experiencing a rental housing deficit. Policies that promote investment benefit all residents.



**End of Covid-19 Tenant Protections and Overview of Tenant Assistance Programs  
House Environment and Transportation Committee**

The Maryland REALTORS® reached out to 6 of our property manager members from across the state who manage a handful of properties to hundreds of properties for their views on the status of the rental market and the COVID-19 assistance like the Emergency Rental Assistance Program (ERAP). The property management portfolios of these managers consist of almost entirely single-family detached or semi-detached property.

<b>Question</b>	<b>Response</b>
Any difference in the last 6 months in tenant payments?	ERAP has helped.
Any ways to improve the process?	Because it is a mixture of state and local programs, more uniformity in the application and documentation would be helpful. Landlords are using the both the local and state programs.
Most onerous requirements of assistance programs?	One county was requiring tax records, bank statements, pay stubs and records of employment dismissal.
Can landlords assist tenants in filing?	Yes, and landlords are reaching out to tenants to assist them in their applications and explaining the programs. The process is working well. Only anecdotal incidents of tenants refusing to apply.
Now that Courts are open, do you see any increase in eviction filing?	No measurable difference in filings at this point, and the courts still have a significant backlog and eviction cases are moving slowly.
Is there an increase in the sale of single-family rentals in today's market?	5-20% of their managed portfolios are selling which, in some cases, is quadruple the normal percentage of attrition.

In general, the single-family detached rental property owners have a generally positive view of the ERAP program but believe that more uniformity among jurisdictions would help, particularly as it relates to the documentation requirements.

Additionally, the strong real estate market coupled with the continued uncertainty in the rental market has increased the percentage of single-family property owners looking to sell their property at the end of the lease term.

**For more information contact [Bill.Castelli@mdrealtor.org](mailto:Bill.Castelli@mdrealtor.org)**

