



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

STATEWIDE
ADVOCACY SUPPORT UNIT

Cornelia Bright Gordon, Esq.
Director of Advocacy
for Administrative Law
(410) 951-7728
cbgordon@mdlal.org

Gregory Countess, Esq.
Director of Advocacy
for Housing & Community
Economic Development
(410) 951-7687
gcountess@mdlal.org

Anthony H. Davis, II, Esq.
Director of Advocacy
for Consumer Law
(410) 951-7703
adavis@mdlal.org

Erica I. LeMon, Esq.
Director of Advocacy
for Children's Rights
(410) 951-7648
elemon@mdlal.org

Bobbie Steyer, Esq.
Director of Advocacy
for Family Law
(410) 951-7737
bsteyer@mdlal.org

Julianne Kelly Tarver, Esq.
Director
Pro Bono Program
(410) 951-7642
jkelly@mdlal.org

Meaghan McDermott, Esq.
Director
Community Lawyering Initiative
(410) 951-7635
mmcdermott@mdlal.org

EXECUTIVE STAFF

Wilhelm H. Joseph, Jr., Esq.
Executive Director

Stuart O. Simms, Esq.
Chief Counsel

Gustava E. Taler, Esq.
Chief Operating Officer

Administrative Offices
500 East Lexington Street
Baltimore, MD 21202
(410) 951-7777
(800) 999-8904
(410) 951-7778 (Fax)

www.mdlal.org
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March 8, 2021

The Honorable William C. Smith, Jr.
Judiciary Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

**RE: Maryland Legal Aid Written Testimony in Support of Senate Bill 910–
COVID-19 Eviction and Housing Relief Act of 2021**

Dear Mr. Chairman and Members of Committee:

Thank you for the opportunity to provide testimony on this important bill. Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. MLA handles civil legal cases involving a wide range of issues, including family law, housing, public benefits, consumer law (e.g., bankruptcy and debt collection), and criminal record expungements to remove child custody barriers, housing, a driver's license, and employment. Maryland Legal Aid supports Senate Bill 910 and asks that this committee give it a favorable report.

This letter serves as notice that Gregory Countess, Esq. will testify in support of Senate Bill 910 on behalf of MLA at Senator Shelly Hettleman's request. SB 910 seeks to protect and promote housing stability for Maryland families during the COVID-19 global pandemic and any future events that cause a state of emergency. SB 910 prohibits charging late fees on rent for tenants impacted by any event that results in the declaration of a state of emergency. This law would provide families facing hardship with immediate relief from late fees, and provide a path for recovery after the emergency period has ended. It would also protect the human right to safe and secure housing as outlined in the International Covenant on Economic, Social, and Cultural Rights.

In 2019 alone, MLA represented clients in over 4,000 Maryland housing cases, many of which had eviction prevention as the central issue. While these pre-pandemic numbers are dire, when courts resume full operations, advocates anticipate an even greater surge of eviction filings. MLA expects a flood of eviction filings across Maryland, as residents are economically insecure due to the COVID pandemic. SB 910 will serve to lessen the impact of these evictions and ensure better protection for tenants' rights.

Understanding the data regarding evictions is a key tool in ameliorating the eviction crises. Currently, Maryland's data regarding eviction is particularly lacking. Princeton's Eviction Lab, in tracking evictions nationwide, only found complete data for Garrett, Caroline, and Prince George's counties.¹ This is in stark comparison to the multitude of states where the Eviction Lab found accurate and complete eviction data. Prior to the pandemic, studies carried out by the Public Justice Center concluded that, in Baltimore City alone, over 6,000 evictions occur every year. Due to economic devastation wrought by the pandemic, MLA expects a substantial increase to the number of evictions unless additional action is undertaken. Housing advocates need the data on evictions that SB 910 will provide, in order to create solutions to evictions challenges caused by this pandemic and beyond.

The price of eviction is high, on both the individual and on society as a whole. Without a home, it is hard for an individual to stay employed, it is hard for a student to succeed in school, and it may be impossible for a family to stay safe and warm. Housing instability destroys communities, removing long-standing neighbors and changing the culture of an area. Ultimately, the cost of this devastation is borne by the state, which must provide shelter and aid to homeless families.

SB 910 decreases the costs of eviction and seeks to maintain stability for Maryland communities. This bill requires the sheriff give tenants 48-hours' notice, allowing tenants to either prepare themselves for evictions, pay off the outstanding balance, or redeem before eviction. As the law currently stands, there is no notice requirement, leaving tenants unsure when they will lose their possessions and find their doors locked. In addition, SB 910 provides a rent relief fund, creating more resources for the tenant to pay, and the landlord to receive, rent. Also, by setting the minimum amount of rent due to \$600 before an action can be filed, SB 910 ensures that individuals and the state do not bear these costs unless there is a significant amount of late rent due. These provisions help avoid the extreme act of eviction by raising the bar before a Failure to Pay Rent action is filed.

This bill also extends the affirmative defense for failure to pay rent established by the Governor's order. Currently, a tenant can prevent an eviction during the state of emergency by proving a substantial, COVID-related loss of income. This ensures that tenants already financially damaged by COVID are not further devastated by eviction. However, many landlords have found a way around this protection of tenants by pursuing tenant holding over actions. Tenant holding over actions are intended to occur when a tenant stays beyond the term of their lease. However, because many tenants have month-to-month tenancies, landlords are able to use tenant holding over actions evict tenants unable to pay rent due to the COVID-19 pandemic. Currently, these tenant holding over actions are occurring in District Courts throughout Maryland. SB 910 closes a loophole in the Governor's order, and prevents pandemic devastated tenants from being evicted through a tenant holding over action.

¹ Eviction Lab, Eviction Map, <https://evictionlab.org/>

Housing is a human right. Article 25 of the Universal Declaration of Human Rights declares that “[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including...housing”.² Senate Bill 910 takes steps necessary to provide housing stability and prevent a furthering of the eviction crisis during a pandemic.

Thank you for providing MLA the opportunity to comment on this important piece of legislation. MLA strongly supports SB 910 and asks that this committee give it a favorable report.

/s/ Gregory Countess
Gregory Countess, Esq.
Director of Advocacy for Housing
and Community Economic Development
Maryland Legal Aid
gcountess@mdlalab.org
Tel: (410) 951-7687

² Committee on Economic, Social, and Cultural Rights, General Comment 4 , U.N. Doc. E/1992/23 (1991)