

Testimony in SUPPORT of SB 910.pdf

Uploaded by: Bradford, Mary

Position: FAV



Testimony in SUPPORT of SB 910: The Covid-19 Eviction and Housing Relief Act

Mary Bradford on behalf of Beyond the Boundaries

Position: FAVORABLE

Beyond the Boundaries is an Archdiocese of Baltimore program with members from churches throughout Maryland. We recognize the need for Catholic organizations to advocate for social justice, especially as it relates to stable and permanent housing. The United States Conference of Catholic Bishops has repeatedly stated that to effectively love our neighbor, we must care for the conditions in which they live, and we must acknowledge decent housing as a human right.¹ “Since decent housing is a human right, its provision involves a public responsibility.”² Such public responsibility includes providing Maryland tenant’s eviction protection and relief during the ongoing Covid-19 Crisis. Therefore, we urge the committee to vote favorably on SB 910: The Covid-19 Eviction and Housing Relief Act.

Maryland is in a housing crisis, and there is a tsunami of evictions on the horizon.³ As a result of the COVID-19 pandemic, an estimated 109-204,000 Maryland households were at risk of eviction at the end of 2020.⁴ The struggle to maintain a home during this crisis has become undeniable. SB 910 provides the relief Maryland tenants desperately need. It establishes the Maryland Rental Relief Fund, providing financial relief for landlords and tenants. The Act extends and expands the Governor Hogan’s current orders to protect tenants from evictions and creates a true emergency moratorium on evictions. It also prohibits rent increases and late fees throughout the emergency, requires landlords to work with tenants to attempt to avoid eviction proceedings, mandates a collection and sharing of eviction data, and creates essential systems to ensure renters know their legal rights. Current eviction protections are limited and subject to change, and have proven insufficient. Maryland tenants desperately need the protections of SB 910.

Given that “evictions may accelerate COVID-19 transmission by increasing household crowding and decreasing individuals’ ability to comply with social distancing directives,”⁵ it is essential that Maryland pass legislation to ensure renters are not evicted during this crisis. Research shows that expiring eviction bans across the country led to hundreds of thousands of additional Coronavirus cases.⁶ Maintaining people in their home during the Covid-19 crisis saves lives.

We know that evictions and housing instability have lasting impacts on Marylanders. In a 2019 assessment on homelessness in Baltimore City, 22% of people surveyed reported evictions as the primary cause for

¹ <https://www.usccb.org/resources/right-decent-home-pastoral-response-crisis-housing>

² <https://www.usccb.org/resources/right-decent-home-pastoral-response-crisis-housing>

³ https://www.marylandattorneygeneral.gov/A2JC%20Documents1/AG_Covid_A2J_TF_Report.pdf (pgs 17-18)
<https://nlihc.org/coronavirus-and-housing-homelessness/eviction-update> (click Maryland)

⁴ Stout Risius Ross, LLC, Estimation of Households Experiencing Rental Shortfall and Potentially Facing Eviction, <http://bit.ly/stoutevictiondata> (select “Maryland” in drop-down menu).

⁵ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3739576

⁶ <https://www.cnn.com/2020/11/27/evictions-have-led-to-hundreds-of-thousands-of-extra-covid-cases-.html>

their current homelessness.⁷ According to a report from the [Aspen Institute](#), “children who switch schools frequently due to instability or homelessness are more likely to struggle academically and display behavioral problems, less likely to graduate from high school, and earn less than their peers as adults.”⁸ Furthermore, in 2019 nearly 10 percent of youth entered foster care due to their families experiencing housing instability.⁹

We also know there is a massive racial disparity in Maryland’s eviction process. “A recent [study by Dr. Timothy Thomas PhD](#) shows “that the highest risk of eviction occurs in the most segregated neighborhoods to the West and in gentrifying neighborhoods to the East” (referring to Baltimore City).¹⁰ Furthermore, Black female headed household experience evictions 3.9 times higher than the number of white male headed household evictions, while Black male headed households are evicted at a rate 2.3 times higher.¹¹ During the Covid-19 crisis, people of color are being impacted the most. “[According to census data](#), 31% of Black renters, 25% of multiracial renters, and 18% of Hispanic renters are not caught up on rent”¹²

Maryland legislatures must act now. SB 910 will ensure Maryland renters maintain their homes during this crisis, will increase housing stability and begin to redress the racial disparities in Maryland’s eviction process. As Pope Francis made clear during his visit to Washington DC in 2015, “There is no social or moral justification, no justification whatsoever, for the lack of housing.” Now is the time to fix Maryland’s massive eviction system. **We urge the Committee’s FAVORABLE report on SB 910**

⁷https://homeless.baltimorecity.gov/sites/default/files/PIT%20Report%20Draft%202019_Update%208.30.19_Update.pdf

⁸ <http://www.aspenepic.org/wp-content/uploads/2019/05/Housing-Affordability-and-Stability-An-EPIC-Challenge.pdf>

⁹ https://abell.org/sites/default/files/files/Baltimore%20RTC%20Report_FINAL_5_8_2020.pdf

¹⁰ <https://evictions.study/maryland/report/baltimore.html>

¹¹ <https://evictions.study/maryland/report/baltimore.html>

¹² https://www.marylandattorneygeneral.gov/A2JC%20Documents1/AG_Covid_A2J_TF_Report.pdf

SB 910 - COVID-19 Eviction and Housing Relief Act.

Uploaded by: Brown, Kerianne

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. My name is Kerianne Brown

and I am a resident of MD District 45. As someone who has lost all three of her jobs due to the COVID-19 pandemic, I am **testifying in support of Senate Bill 910**, the COVID-19 Eviction and Housing Relief Act.



Senate Bill 910 would extend the foreclosure moratorium, prohibit rent increases and late fees during the COVID-19 pandemic, allocate adequate budget funds to landlords to allow for rent forgiveness, provide statewide distribution of Know Your Rights information to tenants, and codify federal Centers for Disease Control and Prevention guidance.

The best defense against COVID-19 is to socially distance from other people. At the same time, the pandemic has threatened the housing stability of all Americans, especially Black and Brown communities, causing people to lose their jobs, miss rent payments, and face eviction. Without a home, Maryland residents struggle to do the one thing that is proven to prevent infection: stay home. According to a recent report by WBAL, in November, 30% of Marylanders, including 36% of Black households, making less than \$50,000 per year could not afford their rent.

Housing has been a cause and effect of poverty in Maryland since long before the pandemic. As Attorney General Brian Frosh recently told the Baltimore Sun, eviction is a “root cause” of poverty “that perpetuates a cycle that can last for generations.” See Angela Roberts, Maryland housing advocates, lawmakers discuss bills to reform eviction process, stem housing crisis.”¹ As AG Frosh further explained, losing one’s home “disrupts lives in profound and irrevocable ways. It means loss not just of a home, but also of possessions, of school, of community, employment, mental and physical health and the ability to find another place to live.” The health and safety risks to people experiencing houselessness are always heightened, but this is even more true during the COVID-19 pandemic, when not having a home means not being able to socially distance from other people who might be carrying a deadly virus.

I support the COVID-19 Eviction and Housing Relief Act because all people in Maryland deserve the dignity of a safe and affordable place to live - especially during a global pandemic.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 910**. Thank you for your time, service, and consideration.

Sincerely,
Kerianne Brown
4404 Bayonne Avenue
Baltimore, MD 21206
Showing Up for Racial Justice Baltimore

¹<https://www.baltimoresun.com/politics/bs-md-pol-eviction-process-housing-crisis-pandemic-press-conference-20201228-eabul6dwnbgzfhy12d4wqr5rbq-story.html>

SB 910 - COVID-19 Eviction and Housing Relief Act.

Uploaded by: Chan, Sam

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 45. I am **testifying in support of Senate Bill 910**, the COVID-19 Eviction and Housing Relief Act.



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I support the COVID-19 Eviction and Housing Relief Act because all people in Maryland deserve the dignity of a safe and affordable place to live - especially during a global pandemic.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 910**. Thank you for your time, service, and consideration.

Sincerely,
Sam L Chan
207 E. Preston St. Apt 3A
Baltimore MD 21202
Showing Up for Racial Justice Baltimore

¹<https://www.baltimoresun.com/politics/bs-md-pol-eviction-process-housing-crisis-pandemic-press-conference-20201228-eabul6dwnbgzfhy12d4wqr5rbq-story.html>

Health Care for the Homeless - SB 910 FAV - COVID-

Uploaded by: Diamond, Joanna

Position: FAV

HEALTH CARE FOR THE HOMELESS TESTIMONY
IN SUPPORT OF
Senate Bill 910 – COVID-19 Eviction and Housing Relief Act of 2021

Senate Judicial Proceedings Committee
March 2, 2021



Health Care for the Homeless strongly supports SB 910, which provides critically important renter protections and eviction prevention measures that are necessary due to the COVID-19 emergency. It is important to understand that current eviction prevention measures fall woefully short of addressing the enormity of the housing crisis, which has been vastly exacerbated during the pandemic.

COVID-19 has put hundreds of thousands of Maryland households on the brink of eviction at a time when staying home can be the difference between life and death. To be clear, the pandemic exacerbated an already existing housing crisis. This bill is necessary because, among other things:

- 1) The orders from Governor Hogan and the CDC which attempt to prevent evictions are not *actual* moratoria on evictions. Evictions are moving forward at an alarming rate in the state of Maryland. This bill expands and extends the Hogan/CDC orders to protect renters from eviction throughout 2021;
- 2) The state and federal financial assistance for renters or landlords does not come close to addressing the rent relief necessary to assist what is, for some, a year-long inability to pay rent due to unemployment or other pandemic-related loss of income. This bill provides financial relief for landlords through a statewide program that matches state/county funds;
- 3) Despite orders which have attempted to prohibit landlords from evicting a tenant based on failure to pay rent (FTPR), tenants are finding work-arounds by filing evictions against tenants for other reasons, such as tenant holding over actions. This bill prohibits lease non-renewals without a good cause. Rent delinquency and lease expiration are not good causes for lease termination; and
- 4) Prohibitions on late fees and rent increases have only been addressed in some jurisdictions and even those have not fully eliminated such charges. This bill prohibits late fees, interest charges, and rent increases throughout the emergency.

Much of the bill follows the recommendations from a legislative workgroup that met in 2020 and studied the issue of COVID-19 and housing. According to the Senate Judicial Proceedings Committee [Workgroup Report on COVID-19 and Housing Report](#), issued in July of 2020, “housing security is essential to treat, prevent, and reduce the spread of COVID-19.” Additionally, the committee found that rental assistance must be robust and that late fees and penalties for FTPR should be prohibited.

Poor health is already a major [cause of homelessness](#) and simply being without a home is a dangerous health condition. Homelessness creates new health problems and exacerbates existing ones. People experiencing homelessness have higher rates of illness and die on average 12 years sooner than the general U.S. population. Chronic health conditions such as high blood pressure, diabetes, and asthma become worse because there is no safe place to store medications properly. Further, recovery and healing are more difficult without housing. Stable housing not only provides privacy and safety, it is also a place to rest and recuperate from surgery, illness, and other ailments without worry about where to sleep and find a meal, or how to balance these needs with obtaining health care and social services. Stable housing not only provides privacy

and safety, it is also a place to rest and recuperate from surgery, illness, and other ailments without worry about where to sleep and find a meal, or how to balance these needs with obtaining health care and social services.

As the evidence clearly shows that stable housing is a key element to ensuring good health, the prevention of evictions is imperative as the pandemic continues. [New research](#) shows that evictions lead to increased COVID-19 infections and COVID-19 related deaths. The rise in homelessness as a result of evictions from nonpayment of rent will happen precisely at a time when the COVID-19 virus is hitting new peaks and winter brings about [considerable challenges](#). While renters waited for emergency assistance during this pandemic, nearly 115,000 “Failure to Pay Rent” lawsuits were filed from July through November. For many households, eviction day came before unemployment insurance or rent relief applications could process. Over 2,500 were evicted amid the surging public health crisis (July-November 2020). This is unacceptable. Tenants should not have to experience homelessness or live in unsafe conditions because they do not have enough resources to keep them safe and healthy.

Even in non-pandemic times, in total, Maryland has just [33 affordable housing units per 100 households](#) earning 30% AMI or less. While most low-income households manage to stay housed, housing remains precarious for many. A simple life event – say, illness or job loss due to a pandemic – could result in a household falling into homelessness. As we approach a tsunami of evictions, we also face a shortage of beds, and people who are evicted will have no place to go but the sidewalk. We are preparing for mass suffering and misery unless the legislature acts.

Health Care for the Homeless strongly urges a favorable report on this bill.

Health Care for the Homeless proudly supports the Housing Justice Package, of which Emergency Renter Protections is a part. For more information, visit www.rentersunitedmaryland.org.

Health Care for the Homeless is Maryland’s leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We work to prevent and end homelessness for vulnerable individuals and families by providing quality, integrated health care and promoting access to affordable housing and sustainable incomes through direct service, advocacy, and community engagement. We deliver integrated medical care, mental health services, state-certified addiction treatment, dental care, social services, and housing support services for over 10,000 Marylanders annually at sites in Baltimore City and Baltimore County. For more information, visit www.hchmd.org.

SB 910 - COVID-19 Eviction and Housing Relief Act

Uploaded by: Esposito, Lindsay

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 45. I am a proud homeowner in the Greenmount West neighborhood and have been a Baltimore City voter for the last 12 years. I am **testifying in support of Senate Bill 910**, the COVID-19 Eviction and Housing Relief Act.



Senate Bill 910 would extend the foreclosure moratorium, prohibit rent increases and late fees during the COVID-19 pandemic, allocate adequate budget funds to landlords to allow for rent forgiveness, provide statewide distribution of Know Your Rights information to tenants, and codify federal Centers for Disease Control and Prevention guidance.

The best defense against COVID-19 is to socially distance from other people. At the same time, the pandemic has threatened the housing stability of all Americans, especially Black and Brown communities, causing people to lose their jobs, miss rent payments, and face eviction. Without a home, Maryland residents struggle to do the one thing that is proven to prevent infection: stay home. According to a recent report by WBAL, in November, 30% of Marylanders, including 36% of Black households, making less than \$50,000 per year could not afford their rent.

Housing has been a cause and effect of poverty in Maryland since long before the pandemic. As Attorney General Brian Frosh recently told the Baltimore Sun, eviction is a “root cause” of poverty “that perpetuates a cycle that can last for generations.” See Angela Roberts, Maryland housing advocates, lawmakers discuss bills to reform eviction process, stem housing crisis.¹ As AG Frosh further explained, losing one’s home “disrupts lives in profound and irrevocable ways. It means loss not just of a home, but also of possessions, of school, of community, employment, mental and physical health and the ability to find another place to live.” The health and safety risks to people experiencing houselessness are always heightened, but this is even more true during the COVID-19 pandemic, when not having a home means not being able to socially distance from other people who might be carrying a deadly virus.

I support the COVID-19 Eviction and Housing Relief Act because all people in Maryland deserve the dignity of a safe and affordable place to live - especially during a global pandemic.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 910**. Thank you for your time, service, and consideration.

Sincerely,
Lindsay Esposito
434 E. Oliver, Baltimore, MD 21202
Showing Up for Racial Justice Baltimore

¹<https://www.baltimoresun.com/politics/bs-md-pol-eviction-process-housing-crisis-pandemic-press-conference-20201228-eabul6dwnbgzfhy12d4wqr5rbq-story.html>

SB 910 - COVID-19 Eviction and Housing Relief Act.

Uploaded by: Fertig, Benjamin

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District **11**. I am **testifying in support of Senate Bill 910**, the COVID-19 Eviction and Housing Relief Act.



Senate Bill 910 would extend the foreclosure moratorium, prohibit rent increases and late fees during the COVID-19 pandemic, allocate adequate budget funds to landlords to allow for rent forgiveness, provide statewide distribution of Know Your Rights information to tenants, and codify federal Centers for Disease Control and Prevention guidance.

The best defense against COVID-19 is to socially distance from other people. At the same time, the pandemic has threatened the housing stability of all Americans, especially Black and Brown communities, causing people to lose their jobs, miss rent payments, and face eviction. Without a home, Maryland residents struggle to do the one thing that is proven to prevent infection: stay home. According to a recent report by WBAL, in November, 30% of Marylanders, including 36% of Black households, making less than \$50,000 per year could not afford their rent.

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I support the COVID-19 Eviction and Housing Relief Act because all people in Maryland deserve the dignity of a safe and affordable place to live - especially during a global pandemic.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 910**. Thank you for your time, service, and consideration.

Sincerely,

Benjamin Fertig

2722 Quarry Heights Way, Baltimore, MD 21209

Showing Up for Racial Justice Baltimore

¹<https://www.baltimoresun.com/politics/bs-md-pol-eviction-process-housing-crisis-pandemic-press-conference-20201228-eabul6dwnbgzfhy12d4wqr5rbq-story.html>

SB910 Covid-19 Eviction and Housing Relief Act-LG.

Uploaded by: Girdner, Linnie

Position: FAV

Dear Senators Smith, Waldstreicher and Members of the Judicial Proceedings Committee,

I am a resident of District 21 and have lived in Maryland for most of my 70 years. I am a member of Showing Up for Racial Justice Annapolis and Anne Arundel County and a Christian who believes that we all need to do our part to create the Beloved Community, which includes reaching out to “the least of these.” I am testifying **in support of bill SB910**, the COVID-19 Eviction and Housing Relief Act.

This bill would extend the foreclosure moratorium, prohibit rent increases and late fees during the COVID-19 pandemic, allocate adequate budget funds to landlords to allow for rent forgiveness, provide statewide distribution of Know Your Rights information to tenants, and codify federal Centers for Disease Control and Prevention guidance.

According to a recent report by WBAL, in November, 30% of Marylanders, including 36% of Black households, making less than \$50,000 per year could not afford their rent.

<https://www.wbaltv.com/article/maryland-eviction-process-housing-advocates-seek-overhaul-legislation/35085383#>

Housing has been a cause and effect of poverty in Maryland since long before the pandemic. As Attorney General Brian Frosh recently told the *Baltimore Sun*, eviction is a “root cause” of poverty “that perpetuates a cycle that can last for generations.” See Angela Roberts, Maryland housing advocates, lawmakers discuss bills to reform eviction process, stem housing crisis” (Dec. 29, 2020), available at <https://www.baltimoresun.com/politics/bs-md-pol-eviction-process-housing-crisis-pandemic-press-conference-20201228-eabul6dwnbgzfhy12d4wqr5rbq-story.html>. As AG Frosh further explained, losing one’s home “disrupts lives in profound and irrevocable ways. It means loss not just of a home, but also of possessions, of school, of community, employment, mental and physical health and the ability to find another place to live.”

The health and safety risks to people who have no roof over their heads are always heightened, but this is even more true during the COVID-19 pandemic. The best defense against COVID-19 is to socially distance from other people. At the same time, the pandemic has disproportionately impacted the housing stability of Black and Brown communities, who already have borne the brunt of this virus, not only in sickness and death, but in causing people to lose their jobs, miss rent payments, and face eviction. How can it be seen as ethical or moral to throw them out onto the streets? It is time to do the right thing.

I support the COVID-19 Eviction and Housing Relief Act because all people in Maryland deserve the dignity and safety of a place to live - especially during a global pandemic.

It is for these reasons that I am encouraging you to vote **in support of SB910** COVID-19 Eviction and Housing Relief Act.

Thank you for your time, service, and consideration.

Sincerely,

Linda Girdner
941 Fall Ridge Way
Gambrills, MD 21054

SB 910 - COVID-19 Eviction and Housing Relief Act

Uploaded by: Hauck, Barbara

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 43. I am also a longtime member of Baltimore's vibrant theatre community, and the Artistic Director at the Fells Point Corner Theatre. I am **testifying in support of Senate Bill 910**, the COVID-19 Eviction and Housing Relief Act.



Senate Bill 910 would extend the foreclosure moratorium, prohibit rent increases and late fees during the COVID-19 pandemic, allocate adequate budget funds to landlords to allow for rent forgiveness, provide statewide distribution of Know Your Rights information to tenants, and codify federal Centers for Disease Control and Prevention guidance.

The best defense against COVID-19 is to socially distance from other people. At the same time, the pandemic has threatened the housing stability of all Americans, especially Black and Brown communities, causing people to lose their jobs, miss rent payments, and face eviction. Without a home, Maryland residents struggle to do the one thing that is proven to prevent infection: stay home. According to a recent report by WBAL, in November, 30% of Marylanders, including 36% of Black households, making less than \$50,000 per year could not afford their rent.

Housing has been a cause and effect of poverty in Maryland since long before the pandemic. As Attorney General Brian Frosh recently told the Baltimore Sun, eviction is a "root cause" of poverty "that perpetuates a cycle that can last for generations." See Angela Roberts, Maryland housing advocates, lawmakers discuss bills to reform eviction process, stem housing crisis.¹ As AG Frosh further explained, losing one's home "disrupts lives in profound and irrevocable ways. It means loss not just of a home, but also of possessions, of school, of community, employment, mental and physical health and the ability to find another place to live." The health and safety risks to people experiencing houselessness are always heightened, but this is even more true during the COVID-19 pandemic, when not having a home means not being able to socially distance from other people who might be carrying a deadly virus.

I support the COVID-19 Eviction and Housing Relief Act because all people in Maryland deserve the dignity of a safe and affordable place to live - especially during a global pandemic.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 910**. Thank you for your time, service, and consideration.

Sincerely,
Barbara Hauck (she/her/hers)
3420 Harford Road
Baltimore, MD 21218
Showing Up for Racial Justice Baltimore

¹<https://www.baltimoresun.com/politics/bs-md-pol-eviction-process-housing-crisis-pandemic-press-conference-20201228-eabul6dwnbgzfhy12d4wqr5rbq-story.html>

MAP - SB 910 - Emergency Renter Protections-SUPPOR

Uploaded by: Jefferson , Stacey

Position: FAV



Member Agencies:

Advocates for Children and Youth
Baltimore Jewish Council
Behavioral Health System Baltimore
CASH Campaign of Maryland
Catholic Charities
Episcopal Diocese of Maryland
Family League of Baltimore
Fuel Fund of Maryland
Health Care for the Homeless
Homeless Persons
Representation Project
Job Opportunities Task Force
League of Women Voters of Maryland
Loyola University Maryland
Maryland Catholic Conference
Maryland Center on Economic Policy
Maryland Community Action
Partnership
Maryland Family Network
Maryland Hunger Solutions
Paul's Place
Public Justice Center
St. Vincent de Paul of Baltimore
Welfare Advocates

Marylanders Against Poverty

Stacey Jefferson, Co-Chair
P: 410-637-1900 ext 8578
C: 443-813-9231
E: stacey.jefferson@bhsbaltimore.org

Julia Gross, Co-Chair
P: 410-528-0021x6029
E: jgross@mdhungersolutions.org

TESTIMONY IN SUPPORT OF SB 910

COVID-19 Eviction and Housing Relief Act of 2021

Senate Judicial Proceedings Committee

March 10, 2021

Submitted by Stacey Jefferson and Julia Gross, Co-Chairs

Marylanders Against Poverty (MAP) strongly supports SB 910, which will significantly extend and expand eviction protections beyond those offered by current orders.

The COVID-19 pandemic has put hundreds of thousands of Maryland households on the brink of eviction. The pandemic also highlighted the inequities that exist in our state and has exacerbated existing disparities in rental debt. 36% of Black households aren't current on their rent, compared to 14% of white households 30% of households earning less than \$50,000 are behind, compared to just 10% of those earning \$75,000 or more.

The bill provides, among other things

- Expansion and extension of the Governor Hogan/ CDC eviction orders throughout 2021;
- Financial relief for landlords through a statewide program that matches state/county funds;
- Prohibitions on lease non-renewals without a good cause. Rent delinquency and lease expiration are not good causes for lease termination; and
- Prohibition late fees, interest charges, and rent increases throughout the emergency.

We know Maryland can't recover from this pandemic if the General Assembly does not take swift action to ensure eviction prevention, to prioritize stability over displacement, and to end the disproportionate impact of eviction on Black and Brown communities. MAP appreciates your consideration and urges the committee to issue a favorable report for SB 910.

SB 910 is part of a larger package of Housing Justice bills necessary to support safe, healthy, fair, and affordable housing in Maryland. Marylanders Against Poverty proudly supports this package. For more information visit www.rentersunitedmaryland.org.

Marylanders Against Poverty (MAP) is a coalition of service providers, faith communities, and advocacy organizations advancing statewide public policies and programs necessary to alleviate the burdens faced by Marylanders living in or near poverty, and to address the underlying systemic causes of poverty.

CC - SB 910 - COVID Eviction Act - FAV.pdf

Uploaded by: Klingenmaier, Lisa

Position: FAV

Senate Bill 910
COVID-19 Eviction and Housing Relief Act of 2021

Senate Judicial Proceedings Committee
March 2, 2021

Support

Catholic Charities of Baltimore strongly supports SB 910, which requires the Department of Housing and Community Development – in consultation with the Maryland Judiciary – to collect and publish eviction data online. It also creates a Maryland Rent Relief Fund, creates a moratorium on evictions throughout 2021, prohibits non-renewals of leases without good cause, and prohibits late fees, interest charges, and rent increases throughout the public health emergency.

Inspired by the gospel to love, serve and teach, Catholic Charities provides care and services to improve the lives of Marylanders in need. As the largest human service provider in Maryland working with tens of thousands of youth, individuals, and families each year, we see the traumatic impact of eviction and housing displacement every day. Homelessness and housing instability are public health crises, and the failure of Maryland's safety net systems to assist struggling low-income renters has only been exacerbated by the pandemic. COVID-19 has laid to bare longstanding inequities in our systems, including inequitable eviction processes. We strongly support SB 910, and the examples below outline how we see this legislation benefiting those we serve:

SB 910 will reduce the incidence and burdens of homelessness. We provide homeless services across central and western Maryland, and often those we work with tell us their households spiraled into homelessness due to an eviction. The stories we hear from our clients mirror what our state data shows: as a result of COVID-19, an estimated 200,000 Maryland households were at risk of eviction at the end of 2020.¹ Stable housing is a cornerstone of stable families, and this bill has many important provisions that protect Marylanders from evictions during the public health crisis, and provides financial relief for landlords through a statewide program. Maryland renters need comprehensive protection and relief during COVID-19, like proposed in SB 910.

Strengthening and codifying eviction protections in Maryland will assist in the social and economic recovery from COVID. Tragically, during this historic public health challenge, over 115,000 failure to pay rent lawsuits were filed in Maryland from July to November. Without stable shelter, families are more susceptible to adverse childhood experiences (ACEs), hunger, behavioral health crises, and poor health - including increased risk of contracting COVID. This past year in our head start programs our caseworkers have talked to hundreds of parents that have told us they are at risk of eviction and looking for assistance. The pandemic has demonstrated the gaping holes in our safety net programs, especially for people of color. Evictions and homelessness have a disparate impact on black and brown communities. Banning evictions during the duration of the pandemic and prohibiting undue fees and non-lease renewals are tangible steps in the effort to dismantle the inequities born of structural racism and oppression in our legal and social safety net systems.

Emergency changes to our eviction process is sound fiscal policy. Evictions further entrench families into homelessness, poverty, and adverse childhood experiences, which are extraordinarily expensive to address. Maryland should be working to prevent loss of housing, especially among households with children. Safe and reliable housing provides the stability needed to secure and maintain employment, promote good health, invest in educational opportunities and ultimately saves the state resources that otherwise go to maintain shelters and state-funded safety net programs. We know our individuals and families thrive in economically secure households with stable housing, and thriving families means a thriving economy.

On behalf of the individuals and families we work with, Catholic Charities of Baltimore appreciates your consideration, and urges the committee to issue a favorable report for SB 910.

Submitted By: Lisa Klingenmaier, Assistant Director of Advocacy

¹ Stout, Risius, Ross. LLC, Estimation of Households Experiencing Rental Shortfall and Potentially Facing Eviction, <http://bit.ly/stoutevictiondata>.

MD Catholic Conference_FAV_HB0910.pdf

Uploaded by: Kraska, MJ

Position: FAV



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

March 10, 2021

**SB 910
COVID-19 Eviction and Housing Relief Act of 2021**

Senate Judicial Proceedings Committee

Position: Support

The Maryland Catholic Conference (“Conference”) represents the public-policy interests of the three Roman Catholic (arch) dioceses serving Maryland: the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington.

Senate Bill 910 requires the Department of Housing and Community Development, in consultation with the Maryland Judiciary and local sheriffs and constables, to collect, maintain, and publish on the Departments' website certain information on eviction actions; requiring certain local sheriffs and constables to compile certain information in a certain manner designated by the Department and to report the information to the Department monthly.

As a result of the COVID-19 pandemic, an estimated 109-204,000 Maryland households were at risk of eviction at the end of 2020.¹ Meanwhile, 41 percent of Maryland renter households, pre-pandemic, were cost-burdened, meaning they paid 35% or more of their income for housing costs. In FY 2019, there were 669,778 eviction cases filed in Maryland – that is 5 cases filed per cost-burdened household. The struggle to maintain a home in a crisis has become undeniable. Maryland needs a fairer “Failure to Pay Rent” eviction process, one that focuses on housing stability instead of housing loss.

Recently several bishop chairmen of the U.S. Conference of Catholic Bishops (USCCB) wrote to all members of Congress addressing housing needs during the COVID-19 pandemic stating *“Ensuring stable housing is essential, especially during a public health crisis. Emergency rental assistance that meets today’s historic need is crucial in order to avoid evictions for tens of millions of people...to keep people safely housed until they are able to access these services, it is necessary to strengthen and extend eviction and foreclosure moratoriums and establish a national utility shutoff moratorium.”*

For this reason the Conference appreciates your consideration and urges a favorable report for Senate Bill 910.

¹ Stout Risius Ross, LLC, Estimation of Households Experiencing Rental Shortfall and Potentially Facing Eviction, <http://bit.ly/stoutevictiondata> (select “Maryland” in drop-down menu).

COVID-19 Written testimony LK.pdf

Uploaded by: Kronser, Lori

Position: FAV

Dear Senator Smith, Senator Waldstreicher and members of the Judicial Proceeding Committee,

I am a resident of District 23B and a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. I am testifying in support of bill [SB0910](#), the COVID-19 Eviction and Housing Relief Act. This bill would extend the foreclosure moratorium, prohibit rent increases and late fees during the COVID-19 pandemic, allocate adequate budget funds to landlords to allow for rent forgiveness, provide statewide distribution of Know Your Rights information to tenants, and codify federal Centers for Disease Control and Prevention guidance.

My son and his family, living in Baltimore, were fortunate to have good landlords who worked with him during a time of joblessness because of the COVID-19 pandemic. He was able to strike an agreement that he would repay back rent after he returned to work. Many people without the same circumstances will be helped by [SB0910](#).

The best defense against COVID-19 is to socially distance from other people. At the same time, the pandemic has threatened the housing stability of all Americans, especially Black and Brown communities, causing people to lose their jobs, miss rent payments, and face eviction. Without a home, Maryland residents struggle to do the one thing that is proven to prevent infection: stay home.

According to a recent report by WBAL, in November, 30% of Marylanders, including 36% of Black households, making less than \$50,000 per year could not afford their rent. <https://www.wbaltv.com/article/maryland-eviction-process-housing-advocates-seek-overhaul-legislation/35085383#>

Housing has been a cause and effect of poverty in Maryland since long before the pandemic. As Attorney General Brian Frosh recently told the Baltimore Sun, eviction is a “root cause” of poverty “that perpetuates a cycle that can last for generations.” See Angela Roberts, Maryland housing advocates, lawmakers discuss bills to reform eviction process, stem housing crisis” (Dec. 29, 2020), available at <https://www.baltimoresun.com/politics/bs-md-pol-eviction-process-housing-crisis-pandemic-press-conference-20201228-eabul6dwnbgzfhy12d4wqr5rbq-story.html>. As AG Frosh further explained, losing one’s home “disrupts lives in profound and irrevocable ways. It means loss not just of a home, but also of possessions, of school, of community, employment, mental and physical health and the ability to find another place to live.” The health and safety risks to people experiencing houselessness are always heightened, but this is even more true during the COVID-19 pandemic, when not having

a home means not being able to socially distance from other people who might be carrying a deadly virus.

I support the COVID-19 Eviction and Housing Relief Act because all people in Maryland deserve the dignity of a safe and affordable place to live - especially during a global pandemic.

It is for these reasons that I am encouraging you to vote in support of COVID-19 Eviction and Housing Relief Act.

Thank you for your time, service, and consideration.

Sincerely,
Lori Kronser
12800 Holiday Ln
Bowie, MD 20716

SB910 Written Testimony.pdf

Uploaded by: Legal Aid, Maryland

Position: FAV



**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)

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01.2021



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@mdlab.org
Tel: (410) 951-7687

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

SB910 - FAV - Dan Richman (1).pdf

Uploaded by: Lloyd, Rianna

Position: FAV

March 10, 2021

Dan Richman
Baltimore, MD 21224

TESTIMONY IN SUPPORT OF SB910/HB1312
COVID-19 Eviction and Housing Relief Act of 2021

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Dan Richman

My name is Dan Richman. I live in Baltimore in District 46. This testimony is in support of SB910/HB1312, the COVID-19 Eviction and Housing Relief Act of 2021.

From the beginning of the pandemic, I was concerned that our state's protection of my vulnerable neighbors was insufficient. I tried working with volunteers from my neighborhood association and other local groups to urge the Governor to take stronger measures for eviction prevention. But through to the present day, the measures have not been strong enough and now that the legislature is in session we need action.

In the neighborhoods of east and southeast Baltimore that I'm familiar with, the signs of housing crises and financial desperation have noticeably increased over the last few months. Furniture and other household items dumped on streets and in alleys is a sign of evictions, and I have seen more of this in the last few months than I've seen in years. Upkeep of homes and blocks has slipped as renters and homeowners struggle to make ends meet. There has been an explosion of the predatory and illegally posted "we buy houses" signs.

If these indicators of suffering seem familiar it's because they fit the pattern in Baltimore of Black livelihoods and families being destroyed and exploited, and neighborhoods collapsing, because of repeated policies of segregation, and most recently by subprime lending. This cycle will repeat if we do not protect people, especially Black and brown families, from housing-related financial ruin throughout and following this pandemic.

I respectfully urge a favorable report for SB910/HB1312.

SB910 - FAV - Michael English (1).pdf

Uploaded by: Lloyd, Rianna

Position: FAV

March 10, 2021

Michael English
Silver Spring MD, 20910

TESTIMONY IN SUPPORT OF SB910/HB1312
COVID-19 Eviction and Housing Relief Act of 2021

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Michael English

My name is Michael English. I live in Silver Spring Maryland in District 20. This testimony is in support of SB910/HB1312, COVID-19 Eviction Protection and Relief Act of 2021. SB910 would help make sure the most vulnerable among us are protected at one of the most trying times in our history. There are several reasons I support this bill, but I think telling you a bit about my own housing story could help explain why I believe it is so important.

While I was fortunate enough to buy a condo in downtown Silver Spring a little over a year ago, I rented in the area since 2012, and am no more or less a part of the community than I was when I lived a half mile down the road in a place where my name wasn't on the deed. Renters make up the lifeblood of many areas in Montgomery County and across the state, yet even before the pandemic, they face less long term stability due to rising costs over time, and more uncertainty in their living situation. While rents have settled down a bit during the pandemic, this reprieve is likely temporary and, more to the point, has been replaced with a more acute and devastating one, displacement and job loss from the crippling economic impacts of the ongoing pandemic.

Safe and stable housing has far reaching economic, health, and social benefits to individuals, families, and communities, and is key to reducing racial inequities, as the most marginalized are often the first to have their housing threatened. Renters are more likely to work the very kind of food service, customer service, retail, and other jobs that have been decimated by the COVID-19 pandemic and related closure orders. These measures are necessary from a public health standpoint, but when we don't give people the ability to earn the money needed to pay rent, we can't allow them to risk being kicked out on the street. This bill, sponsored by Senator

Smith and Delegate Wilkins, would make several important reforms to make sure people aren't left in the cold, literally and figuratively, in the middle of a pandemic.

Primarily, the bill would expand and extend upon Governor Hogan's executive order and a related CDC order to protect against people being evicted for non-payment of rent through April 2022. Failure to pay can be legitimate grounds for eviction in normal times, but these times are hardly normal. Not only are many people struggling for reasons beyond their control, making such a punishment unfair but doing so would increase their risk of transmission, and therefore the entire state's, without a place for them to safely distance from others. Obviously, throwing people out on the streets during a pandemic is a risk to their health and others with the lack of access to privacy and sanitation. Further, even if those evicted can shelter with friends or family, that is more people in a smaller space, risking further community spread of COVID. Helping them maintain current accommodations is in everyone's interest.

The bill would also helpfully ban late fees and interest from occurring during this time, which is important so that people aren't just buried under an ever increasing mountain of costs as they struggle with back rent they will still owe under this bill. It would also require renters be offered payment plans for failure to pay before being taken to court, an important incentive for compromise as an eviction can ruin people's housing prospects for years to come. While some of these measures could put some landlords in a tough spot, the bill does what I think is a good job of trying to deal with that issue, and landlords are already struggling with shortfalls that this bill could help deal with. Specifically, the bill would create a program to mandate matching state/county budget funds for landlords to provide rent forgiveness, with payments made directly to the landlord in lieu of payment from the renter.

Please do the right thing and pass this bill. **I respectfully urge a favorable report for SB910/HB1312.**

SB910 - FAV - Robert Barkin (2).pdf

Uploaded by: Lloyd, Rianna

Position: FAV

March 10, 2021

Robert Barkin
Bethesda, MD 20814

TESTIMONY IN SUPPORT OF SB910/HB1312
COVID-19 Eviction and Housing Relief Act of 2021

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Robert Barkin

My name is Robert Barkin. I live in the 16th legislative district and I am writing this testimony as a concerned citizen of the state of Maryland. I provide this personal testimony in strong support of SB910/HB1312, the COVID-19 Eviction and Housing Relief Act of 2021.

Even before the onset of the COVID-19 pandemic in 2020, our state, as well as the nation as a whole, was facing a housing crisis, which showed itself most egregiously in an epidemic of evictions. Even at a time that the economy as a whole was “booming,” the rate of eviction was proceeding at an alarming rate. According to the Eviction Lab, a database documenting the housing crisis, the national eviction rate in 2016 (the most recent data available) was 1.22%. According to the lab, the Maryland rate at that time was nearly three times the national rate, at 3.56%.¹

Even during the best of aggregate economic activity, housing instability takes an enormous toll on tenants, landlords and society as a whole. There are many hidden costs – the cost of homeless shelters, or the cost to landlords of having to find new tenants, or the costs of lifelong, disastrous educational and psychological effects on children.

During a pandemic, preventing homelessness is all the more critical to protect individuals, families, and the public at large. Despite declared moratoriums on evictions during the COVID-19 pandemic, they have continued at an alarming pace.²

To stop this from happening, evictions must cease, except in rare instances of “imminent danger,” until the public health emergency is over and due time has passed for recovery from the ongoing economic downturn, which has disproportionately impacted communities that are at risk for eviction, which are predominantly Black and brown. SB910 specifies that an eviction moratorium would exist through April 30, 2022. This would prevent eviction of tenants who are unable to pay their rent, as well as tenants whose leases have not been renewed (tenant

holding over). Rent increases, late fees and interest charges also would be prohibited during this period of economic duress. Rental assistance available to state and local governments would be implemented via a matching fund mechanism to landlords who would be required to certify that the payments relieved tenants of their rental obligations.

In summary, this legislation would protect tenants, landlords and the general public from the frightful consequences of eviction during the COVID-19 pandemic. Therefore, **I urge a favorable report for SB910/HB1312.**

¹<https://evictionlab.org/map/#/2016?geography=states&bounds=-151.85,-12.897,-45.588,52.87&type=er&locations=24,-76.04,38.013>

²<https://evictionlab.org/eviction-tracking/>

SB910 - FAV Jeffrey Rubin.docx.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

March 10, 2021

Jeffrey Rubin
Potomac, MD 20854

TESTIMONY IN SUPPORT OF SB910/HB1312
COVID-19 Eviction and Housing Relief Act of 2021

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Dr. Jeffrey Rubin, on behalf of Jews United for Justice (JUFJ)

My name is Jeffrey Rubin, I am a physician, a resident of District 15, and a Co-Chair of the JUFJ Maryland Labor and Housing Justice Team. JUFJ organizes more than 5500 people around the state in support of local social, racial, and economic justice campaigns. **I provide this testimony on behalf of JUFJ, in strong support of SB910.**

Our support for this legislation is rooted in Jewish values that recognize the fundamental importance of the home for a person's well-being and the basic obligations of landlord to tenant. The Babylonian Talmud, a sacred text dating back over 1500 years, contains specific guidelines concerning the eviction of tenants (Baba Metzia, 101b). An enduring message is that the needs of the renter must be taken into account.

In his Pulitzer Prize-winning book about eviction and poverty in America, Matthew Desmond painted a vivid picture of the harm that befalls an individual, a family and its community as a consequence of eviction. It often results in homelessness, job loss, disruption of children's education, loss of property, and severe emotional turmoil.

Preventing homelessness is all the more critical in the midst of a pandemic to protect individuals, families, and the public at large. Despite declared moratoriums on evictions, they have continued and reports suggest that they have resulted in hundreds of thousands of additional Covid cases and over ten thousand deaths.^{1,2} To stop this from happening, evictions must cease, except in rare instances of just cause, until the public health emergency is over and due time has passed for recovery from the ongoing economic downturn, which has disproportionately impacted communities that are at risk for eviction. This would prevent eviction of tenants who are unable to pay their rent, as well as tenants whose leases have not been renewed (tenant holding over), a serious loophole in current "moratoriums". Rental assistance from government resources should be provided to renters, or to landlords who

would then forgive past due rent and waive fees and other costs incurred by the tenant, as specified in the bill.

In summary, this legislation would protect tenants, landlords and the general public from the frightful consequences of eviction during the COVID-19 pandemic. Therefore, **JUFJ urges a favorable report for SB910.**

¹<https://www.cnn.com/2020/11/27/evictions-have-led-to-hundreds-of-thousands-of-extra-covid-cases-.html>

²<https://www.medrxiv.org/content/10.1101/2020.10.27.20220897v1.full-text>

SB910- FAV - Stacy Brody (1).pdf

Uploaded by: Lloyd, Rianna

Position: FAV

March 10, 2021

Stacy Brody
Bethesda, MD 20814

TESTIMONY IN SUPPORT WITH AMENDMENTS OF SB910/HB1312
COVID-19 Eviction and Housing Relief Act of 2021

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Stacy Brody

My name is Stacy Brody. I live in Bethesda in District 16. This testimony is in support of SB910/HB1312, the COVID-19 Eviction and Housing Relief Act of 2021. As a Jewish person, I hold sacred the value of *dei machsoro* - we must provide for all people resources sufficient for their needs.

We must provide all people with stable and secure housing.

Let us start with an image.

You have finished your workout and are in desperate need of a shower before making your morning coffee. You go into the bathroom and turn the faucet left, to H. You wait a minute, undress, allowing the water to warm. You tentatively place your hand in the stream, expecting the water to be lukewarm, on the way to hot. You've come to relish almost burning showers, no matter what you've heard about the detrimental impacts on skin health.

The water is cold.

The water is ice cold.

It is winter, but you've never had a winter - a day, maybe, once, when an ice storm took your power out - without hot water, without heat.

You've never been truly cold.

Frustrated, you step into the shower anyway, rinse off for seconds, and are chilled to the bone.

You step out, towel off, put on clothes. The water will be hot in an hour. You trust that, if it's not, your landlord will respond within the same day to a service request.

The hot water is back by the time you've finished your coffee.

You'll never know what it means to be left in the cold.

No one should have to know true cold.

The pandemic has highlighted and exacerbated existing issues in our housing system. As a white, middle-class woman, I have not had the experience of homelessness. I do know that, as a Jewish person, I am called to work in partnership with God to create a world in which all have what they need - to be safe, to be healthy, and to live with dignity. Renters must be protected from rising rents and fees, unfair evictions, and being left in the cold. This bill also provides financial relief for landlords, empowering them to provide rent forgiveness. Especially during this emergency, we must ensure that all have *dei machsoro* - sufficient resources.

I write to ensure all people can stay in their homes, that all can be warm. **I respectfully urge a favorable report on SB910/HB1312.**

SB910-FAV- Savannah Parrish (1).pdf

Uploaded by: Lloyd, Rianna

Position: FAV

March 10, 2021

Savannah Parrish
Towson, MD 21204

TESTIMONY IN SUPPORT OF SB910/HB1312
COVID-19 Eviction and Housing Relief Act of 2021

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Savannah Parrish

My name is Savannah Parrish and I live in Baltimore County in District 42. I am writing in support of SB910/HB1312, the COVID-19 Eviction and Housing Relief Act of 2021. This bill would protect vulnerable Marylanders from eviction during the COVID pandemic.

I learned about the many challenges facing Maryland's renters while attending the University of Baltimore, where I interned in Baltimore City's Court working with tenants dealing with rent escrow matters. I helped them review funding waivers and tried to find them legal counsel. Most of the people I helped were living in terrible physical conditions and with significant housing insecurity. Their stories were heartbreaking and tragic.

I met one couple with two children and a baby on the way. They showed me pictures of their ceiling caving in, pipes that had burst and many other hazardous conditions. Their landlord did nothing to address their unsafe living conditions and declined to provide them with any answers. Refusing to pay rent was the only thing they could do to get their problems fixed. Another woman I tried to help had to work three jobs just to pay the rent on her substandard apartment. I routinely met people who were being taken to court by their landlords over a few hundred dollars in exchange for an awful place to live.

While it is hard to imagine things getting worse for many of the people I worked with, the COVID-19 pandemic has made renters in Maryland even more vulnerable. That is why SB910 is so important. This bill helps provide relief to landlords while also protecting families with so few options during the pandemic. It gives people peace of mind during this chaotic time that going to court will not be the first option and evictions will be last resort.

For this reason, I respectfully urge this committee to issue a favorable report on SB910/HB1312.

SB910-FAV-Broadview Apts (1).pdf

Uploaded by: Lloyd, Rianna

Position: FAV

March 10, 2021

Thomas R. Knoche, Board Member
Broadview Apartments, LLC
Baltimore, MD 21210

TESTIMONY IN SUPPORT OF SB910/HB1312
COVID-19 Eviction and Housing Relief Act of 2021

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Thomas R. Knoche, on behalf of Broadview Apartments, LLC

The Broadview Apartments, LLC family ownership Board encourages the Maryland legislature to support SB910/HB1312, COVID-19 Eviction and Housing Relief Act of 2021. The Broadview Apartments, LLC owns 500 units of rental housing on W. 39th Street in Baltimore City, where approximately 1,300 people are housed.

As a landlord, we might not be expected to support this legislation. But we do, for four reasons.

(1) We see first-hand the impact the pandemic has had on the people who rent from us. Times are tougher than many ever expected to see, and the financial hardship comes at no fault of their own.

(2) Our costs go down when turnover is reduced, so we want residents to live at our developments for as long as they can. Displacement is bad for them, and the turnover costs are bad for us.

(3) Displacement can lead to homelessness, and the latter is to be avoided at all cost. The human cost is beyond measure. The cost to society – specifically taxpayers -- can be measured. Study after study, over decades, confirm that the most cost-effective way to address homelessness is to avoid it by preventing displacement, providing sufficient affordable housing units, and preventive social services.

(4) Finally, we consider ourselves fortunate. Everyone needs a roof over their head, so most tenants see rent as a priority bill that must get paid. Consequently, our revenue has dropped by a small amount compared to what many other family-owned businesses have faced during this pandemic. Our business will survive, and so will many others that own rental property. Tragically, many other businesses will not. We can help our tenants get through this difficult time, and we should.

We consider decent housing to be a basic human right. These emergency eviction protections will increase fairness and stability in the housing market during the pandemic and the economic recovery to follow. We believe this legislation will benefit landlords, as well as renters, in the state of Maryland. **We urge timely action to pass SB910/HB1312.**

Testimony in Favor of SB 910 Emergency Renter Prot

Uploaded by: Losak, Matthew

Position: FAV



Matt Losak
1001 Spring Street
Silver Spring, Maryland 20910
In favor of SB 910, Eviction and Housing Relief Act
Judicial Proceeding Committee
Tuesday, March 2, 2021

Good afternoon Chairman Smith and Vice-Chairman Waldstreicher and committee members. My name is Matt Losak and I am a co-founder and Executive Director of the Montgomery County Renters Alliance—an alliance of more than 30 labor, community, religious, political and civic action organizations and thousands of renters. We are Maryland’s first and only regional nonprofit dedicated exclusively to renter outreach, education, organizing and advocacy. We are also a proud co-founder of Renters United Maryland.

In coming months, more than 200,000 Maryland renters risk eviction from their homes. Victor, a senior Gaithersburg retiree we have worked with, simultaneously faced heightened vulnerability to COVID-19 and the loss of housing. Victor had complained to his landlord about illegal, inaccurate late fees. When he asked to see an accounting, the landlord refused and filed for Victor’s eviction, citing “tenant holdover.” Because the court case was a “summary” proceeding, Victor had little opportunity to prove a defense that the eviction was retaliatory. Victor now lives in a motel and has been unable to find housing during the pandemic.

Countless other renters are “self evicting” after receiving threatening notices from landlords. After losing jobs and income due to the pandemic, many renters will simply leave their homes because they see no hope in repaying months of back rent or stopping repeated “failure to pay rent” actions.

The key elements of this bill establish a long overdue framework for stabilizing renters during the pandemic and beyond. It has been well documented by the Washington Post, the Baltimore Sun, Maryland Matters, The Daily Record, WYPR, WTOP regional television news, leading community organizations and many others that Maryland is well behind other states in addressing the unacceptable legal imbalance between renters and landlords.

Despite the annual propaganda presented by the multi-housing industry and their lobbyists, we know that the reasonable renter protection legislation in this bill will not destroy the rental housing industry, but will reduce substantial human and financial costs of unstable housing that we all must pay if this does not pass.

Renters, now approaching 40% of state residents, know what's at stake. Although temporary protections from evictions are helpful, they do little to change the underlying destabilization in Maryland's housing economy.

This bill provides reasonable, modern improvements to the rental housing law and helps stabilize housing during this terrible pandemic. We urge a favorable report.

Thank you.

###

SB 910 - COVID-19 Eviction and Housing Relief Act.

Uploaded by: Palmisano, Erica

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 12. I am **testifying in support of Senate Bill 910**, the COVID-19 Eviction and Housing Relief Act.



Senate Bill 910 would extend the foreclosure moratorium, prohibit rent increases and late fees during the COVID-19 pandemic, allocate adequate budget funds to landlords to allow for rent forgiveness, provide statewide distribution of Know Your Rights information to tenants, and codify federal Centers for Disease Control and Prevention guidance.

The best defense against COVID-19 is to socially distance from other people. At the same time, the pandemic has threatened the housing stability of all Americans, especially Black and Brown communities, causing people to lose their jobs, miss rent payments, and face eviction. Without a home, Maryland residents struggle to do the one thing that is proven to prevent infection: stay home. According to a recent report by WBAL, in November, 30% of Marylanders, including 36% of Black households, making less than \$50,000 per year could not afford their rent.

Housing has been a cause and effect of poverty in Maryland since long before the pandemic. As Attorney General Brian Frosh recently told the Baltimore Sun, eviction is a “root cause” of poverty “that perpetuates a cycle that can last for generations.” See Angela Roberts, Maryland housing advocates, lawmakers discuss bills to reform eviction process, stem housing crisis.”¹ As AG Frosh further explained, losing one’s home “disrupts lives in profound and irrevocable ways. It means loss not just of a home, but also of possessions, of school, of community, employment, mental and physical health and the ability to find another place to live.” The health and safety risks to people experiencing houselessness are always heightened, but this is even more true during the COVID-19 pandemic, when not having a home means not being able to socially distance from other people who might be carrying a deadly virus.

I support the COVID-19 Eviction and Housing Relief Act because all people in Maryland deserve the dignity of a safe and affordable place to live - especially during a global pandemic.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 910**. Thank you for your time, service, and consideration.

Sincerely,

Erica Palmisano

5580 Vantage Point Rd, Apt 5, Columbia, MD 21044

Showing Up for Racial Justice Baltimore

¹<https://www.baltimoresun.com/politics/bs-md-pol-eviction-process-housing-crisis-pandemic-press-conference-20201228-eabul6dwnbgzfhy12d4wqr5rbq-story.html>

SB 910 - COVID-19 Eviction and Housing Relief Act.

Uploaded by: Pereschuk, Alicia

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 43. I am **testifying in support of Senate Bill 910**, the COVID-19 Eviction and Housing Relief Act.



Senate Bill 910 would extend the foreclosure moratorium, prohibit rent increases and late fees during the COVID-19 pandemic, allocate adequate budget funds to landlords to allow for rent forgiveness, provide statewide distribution of Know Your Rights information to tenants, and codify federal Centers for Disease Control and Prevention guidance.

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I support the COVID-19 Eviction and Housing Relief Act because all people in Maryland deserve the dignity of a safe and affordable place to live - especially during a global pandemic.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 910**. Thank you for your time, service, and consideration.

Sincerely,
Alicia Pereschuk
404 W 29th St
Baltimore MD 21211
Showing Up for Racial Justice Baltimore

¹<https://www.baltimoresun.com/politics/bs-md-pol-eviction-process-housing-crisis-pandemic-press-conference-20201228-eabul6dwnbgzfhy12d4wqr5rbq-story.html>

SB0910_COVID-19_Eviction_Housing_Relief_MLC_FAV.pd

Uploaded by: Plante, Cecilia

Position: FAV



TESTIMONY FOR SB0910 COVID-19 EVICTION AND HOUSING RELIEF ACT OF 2021

Bill Sponsor: Senator Smith

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0910 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

The pandemic, and the associated economic downturn, has hit many individuals, families, and businesses very hard. Many have collapsed under the strain of having businesses forced to shut down or open at a fraction of their capacity for extended periods, loss of jobs, cuts in pay, lack of child care, and other economic fallout.

This bill will require 48 hours' notice to any tenant who is facing eviction and it prohibits eviction of any tenant who owes less than \$600 in rent. It will also allow for a grant program to be established by any local jurisdiction to establish an Eviction Prevention Program. If one is established, monies can be paid directly to landlords. If a landlord receives funds from the Eviction Prevention Program, they must forgive 20% of the past due rent owed by the tenant, waive any fees, and dismiss any eviction complaint. The Department of Community Development is also tasked with putting together information about the eviction process, rent payment plans, and available resources. This Know Your Rights information must be provided to all residential tenants.

Additionally, the bill incorporates COVID-19 relief provisions that allow for tenants to notify the landlord of lost wages due to COVID-19. The landlord would then be required to work with the tenant to set up payment plans or help the tenant apply for rental assistance before attempting any eviction proceedings.

This is exactly the relief that Marylanders need in these trying times. Allowing them a chance to get their finances back on track and not lose be evicted on top of all of their other concerns, should be a top priority for the state.

We support this bill and recommend a **FAVORABLE** report in committee.

SB 910 - COVID-19 Eviction and Housing Relief Act.

Uploaded by: Rehr, Nathan

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District **45**. I am an active member of my community association and a health professional who is interested in eliminating the health disparities that occur with racial discrimination in our society. I am **testifying in support of Senate Bill 910**, the COVID-19 Eviction and Housing Relief Act.



Senate Bill 910 would extend the foreclosure moratorium, prohibit rent increases and late fees during the COVID-19 pandemic, allocate adequate budget funds to landlords to allow for rent forgiveness, provide statewide distribution of Know Your Rights information to tenants, and codify federal Centers for Disease Control and Prevention guidance.

The best defense against COVID-19 is to socially distance from other people. At the same time, the pandemic has threatened the housing stability of all Americans, especially Black and Brown communities, causing people to lose their jobs, miss rent payments, and face eviction. Without a home, Maryland residents struggle to do the one thing that is proven to prevent infection: stay home. According to a recent report by WBAL, in November, 30% of Marylanders, including 36% of Black households, making less than \$50,000 per year could not afford their rent.

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I support the COVID-19 Eviction and Housing Relief Act because all people in Maryland deserve the dignity of a safe and affordable place to live - especially during a global pandemic.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 910**. Thank you for your time, service, and consideration.

Sincerely,

Nathan Rehr

450 E. Federal Street Baltimore, MD 21202

Showing Up for Racial Justice Baltimore

¹<https://www.baltimoresun.com/politics/bs-md-pol-eviction-process-housing-crisis-pandemic-press-conference-20201228-eabul6dwnbgzfhy12d4wqr5rbq-story.html>

SB 910 - COVID-19 Eviction and Housing Relief Act.

Uploaded by: Rochkind, Jonathan

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 43. I am **testifying in support of Senate Bill 910**, the COVID-19 Eviction and Housing Relief Act.



Senate Bill 910 would extend the foreclosure moratorium, prohibit rent increases and late fees during the COVID-19 pandemic, allocate adequate budget funds to landlords to allow for rent forgiveness, provide statewide distribution of Know Your Rights information to tenants, and codify federal Centers for Disease Control and Prevention guidance.

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I support the COVID-19 Eviction and Housing Relief Act because all people in Maryland deserve the dignity of a safe and affordable place to live - especially during a global pandemic.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 910**. Thank you for your time, service, and consideration.

Sincerely,

Jonathan Rochkind
755 Melville
Baltimore MD 21218
Showing Up for Racial Justice Baltimore

¹<https://www.baltimoresun.com/politics/bs-md-pol-eviction-process-housing-crisis-pandemic-press-conference-20201228-eabul6dwnbgzfhy12d4wqr5rbq-story.html>

SB 910 - COVID-19 Eviction and Housing Relief Act

Uploaded by: Rosenthal, Anne

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 40. I am **testifying in support of Senate Bill 910**, the COVID-19 Eviction and Housing Relief Act.



Senate Bill 910 would extend the foreclosure moratorium, prohibit rent increases and late fees during the COVID-19 pandemic, allocate adequate budget funds to landlords to allow for rent forgiveness, provide statewide distribution of Know Your Rights information to tenants, and codify federal Centers for Disease Control and Prevention guidance.

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I support the COVID-19 Eviction and Housing Relief Act because all people in Maryland deserve the dignity of a safe and affordable place to live - especially during a global pandemic.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 910**. Thank you for your time, service, and consideration.

Sincerely,
Anne Rosenthal
810 Cathedral St, Baltimore, MD 21201
Showing Up for Racial Justice Baltimore

¹<https://www.baltimoresun.com/politics/bs-md-pol-eviction-process-housing-crisis-pandemic-press-conference-20201228-eabul6dwnbgzfhy12d4wqr5rbq-story.html>

SB 910 ACDS 03.02.2021 Testimony in Support - Eme

Uploaded by: Sarro, Lisa

Position: FAV



March 2, 2021

Senate Bill 910

COVID-19 Eviction and Housing Relief Act of 2021

Judiciary Committee

Position: FAVORABLE

Thank you for the opportunity to provide testimony in support of Senate Bill 910, the COVID-19 Eviction and Housing Relief Act of 2021. Arundel Community Development Services, Inc. **(ACDS) serves as Anne Arundel County’s nonprofit housing and community development agency**, helping Anne Arundel County residents and communities thrive through the provision of safe and affordable housing opportunities, programs to prevent and end homelessness, and community development initiatives. ACDS administers grants to nonprofit partners, directly develops and implements programming, and advises the County on housing and community development policy initiatives, and **ACDS administers Anne Arundel County’s Emergency Rental Assistance Program (ERAP).**

SB 910 will help ensure that use of Emergency Rental Assistance funds actually result in housing stability for financially distressed renters for the duration of the COVID-19 crisis.

1. SB 910 Closes the Tenant Holding Over (THO) Loophole.

Under current law, even if a tenant is a model tenant with rent paid in full, if the tenant is at the end of or outside their lease term, the landlord need only give notice (usually 30 days), and then the landlord may file a Tenant Holding Over action to evict – no reason for the eviction is necessary. While the CDC and State moratoria on evictions provide some limited protection from eviction for Failure to Pay Rent, **eviction moratoria provide absolutely no protection from eviction for tenants who are at the end of their lease term or who are on month-to-month tenancies.** This is referred to by many as the “Tenant Holding Over loophole” to the current moratoria

2. Current THO law is wreaking havoc on the ability of ERAPs to actually prevent evictions. SB 910 Provides a Solution.

This far into the pandemic, most renters are outside their lease terms and at the mercy of their landlords with regard to whether they can stay or must go because there is no requirement that landlords continue leases if there is no cause to evict after the initial lease term ends. **When an ERAP looks at paying money for arrears, the Program must consider whether the ERA payment is actually going to do anything to ensure housing stability for the tenant.** If the tenant is in the

middle, or even nine months into a year-long lease, ERAPs can at least rest assured that, assuming the rent remains paid and the tenant doesn't otherwise breach the lease, the ERA payment has bought the tenant at least 3 to 6 months in place. It's not a lot, but it's something beneficial for the tenant. However, once the tenant is at or near the end of their lease, ERAP's can't be assured that an ERA payment for arrears will do anything to extend the tenancy for more than the time it takes the landlord to get into court on a THO. As a result, serious consideration must be given as to whether use of ERA funds to pay arrears is actually going to enhance each tenant's housing stability.

3. Emergency Rental Assistance Payment for Arrears Does Not Result in Avoiding Eviction Since Under Current Law Tenants Can Be Evicted for THO Despite Payment of All Rent Due.

To address this issue, as ACDS and other ERAPs across the State start their new ERAPs with funds from the recent Consolidated Appropriations Act, **many Programs are requiring that landlords agree not to sue for THO for at least some period of time in exchange for payment of arrears** - ACDS is requiring three months. It's not nearly enough time to get many tenants through the current crisis, but it's something that hopefully can be considered a responsible use of ERA funds. Unfortunately, though, in our experience since the requirement has been in place, many landlords are balking at even three months. As a result, rather than simply paying a tenant's arrears with some level of assurance the payment will provide housing security for at least a few months and moving on to the next tenant in need of rental assistance, **ERAP staff have to expend limited time and resources urging, pleading and cajoling landlords for virtually every tenant in an effort to get the tenant's landlord to agree to not to sue for THO** if the landlord receives a payment for a tenant's rental arrears.

ERA funds are intended to keep rooves over the heads of financially distressed renters. Accordingly, when a landlord refuses to agree that payment for arrears will result in the continuation of a tenant's lease, in order to be good stewards of public funds, either the tenant is not eligible to participate in the ERAP, or the ERAP must shift gears entirely and focus its efforts and funds on providing relocation assistance to the tenant (if relocation funds are even available). However, the rub here is that the **relocation of tenants under these circumstances is made almost impossible** by the fact that the tenant is leaving their current tenancy with arrears owed, and they likely have taken a hit on their credit not only due to the rental arrears but likely as a result of other past due bills over the last several months. As a result, **whether rental arrears are fully paid, or not, tenants in this situation are likely to become homeless.**

4. The bottom line:

Without closing the Tenant Holding Over loophole and/or modifying the current THO law, Emergency Rental Assistance funds – regardless of amount - will be an ineffective resource for keeping people housed.

For the reasons noted above, we urge a **FAVORABLE** report on SB 910.

Lisa Marie Sarro
General Counsel

SB 910 - COVID-19 Eviction and Housing Relief Act.

Uploaded by: Schmitz, Martha

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 42B. I am **testifying in support of Senate Bill 910**, the COVID-19 Eviction and Housing Relief Act.



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I support the COVID-19 Eviction and Housing Relief Act because all people in Maryland deserve the dignity of a safe and affordable place to live - especially during a global pandemic.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 910**. Thank you for your time, service, and consideration.

Sincerely,
Martha Schmitz
14 Greentree Drive, Phoenix, MD 21131
Showing Up for Racial Justice Baltimore

¹<https://www.baltimoresun.com/politics/bs-md-pol-eviction-process-housing-crisis-pandemic-press-conference-20201228-eabul6dwnbgzfhy12d4wqr5rbq-story.html>

SB 910 - COVID-19 Eviction and Housing Relief Act

Uploaded by: Seel, Brian

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 46, and am a local community leader. I am **testifying in support of Senate Bill 910**, the COVID-19 Eviction and Housing Relief Act.



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Sincerely,

Brian Seel 223 S Wolfe St

Showing Up for Racial Justice Baltimore

¹<https://www.baltimoresun.com/politics/bs-md-pol-eviction-process-housing-crisis-pandemic-press-conference-20201228-eabul6dwnbgzfhy12d4wqr5rbq-story.html>

Public Justice Center_FAV_SB910.pdf

Uploaded by: Shah, Zafar

Position: FAV



Zafar Shah, Attorney
Public Justice Center
201 North Charles Street, Suite 1200
Baltimore, Maryland 21201
410-625-9409, ext. 237
shahz@publicjustice.org

SB 910 - COVID-19 Eviction and Housing Relief Act of 2021

In Senate Judicial Proceedings Committee on Mar. 10, 2021

Position: SUPPORT

The Public Justice Center is a not-for-profit, civil legal aid organization that serves over 700 renters each year throughout Maryland. During the COVID-19 pandemic, our paralegals and attorneys have worked at the frontline of eviction defense. We have advised countless households on changing court operations and makeshift federal, state, and local protections that impacted whether they could stay in their home amid a once-in-100-years public health crisis. By September 2020, with courts open for the business of eviction, we understood that the patchwork of eviction protections – Gov. Hogan’s Executive Orders, the CARES Act, and the CDC Order temporarily halting evictions – would be ineffective to save many of the most vulnerable Maryland households from displacement and illness.

We urge immediate passage of SB 910, the COVID-19 Eviction and Housing Relief Act, to ensure the strongest protection for Maryland during this emergency and the ensuing economic recovery.

SB 910 closes loopholes, establishing a true emergency moratorium on eviction

Maryland’s “eviction moratorium” allowed **2,571 court-ordered evictions** to occur from July 2020 through November 2020. The ersatz moratorium also allowed the filing of over **117,000 eviction cases**, mostly for non-payment of rent. Landlord were permitted to circumvent executive orders that applied to non-payment of rent actions by filing nearly 2,000 Tenant Holding Over (THO) eviction actions, based on lease expiration, from August 2020 through November 2020. These moratorium exploits amounted to an **83 percent increase** in THO cases year over year.

Currently, as the Court has reverted to limited “Phase II” operations (through March 14, 2021) due to surging COVID-19 cases and deaths, it nonetheless has left the door open for enforcement of existing eviction orders and for scheduling new “emergency” eviction

proceedings for Breach of Lease, THO, and Wrongful Detainer (wherein the “emergency” is undefined and determined before a tenant can respond to the allegation).

Actual evictions and the continuing threat of court-ordered eviction have happened despite federal aid and good intentions. Why? Because Maryland did not have a real eviction moratorium. SB 910 establishes full protection from eviction throughout the State of Emergency.

- Executive orders by Gov. Hogan and the CDC offered renters limited protections that have to be won in court and gave landlords a broad loophole to evict renters outside of court through lease non-renewals.
- Maryland prevented an eviction avalanche not through legal protections but instead because of the courts’ COVID-19 safety precautions that heavily restricted the number of persons allowed into court buildings.

Maryland households need the temporary eviction protections in SB 910

While some policymakers rest optimistically on the prospect of COVID-19 vaccines and a new round of federal aid, the weight of rental debt hangs on both low- and middle-income households. As of January 2021, **60 percent of Maryland households earning under \$75,000 believed they were “very likely” or “somewhat likely” to be evicted in the next two months** (U.S. Census Household Pulse Survey, Jan. 18, 2021). This instability is also unevenly felt by race, as **30 percent of Latino households and 23 percent of Black households were behind on rent in January, compared to just 6 percent of white households**. Inarguably, Maryland needs to take action to ensure that we have an economic recovery for everyone, without exclusions. SB 910 is a key part of that recovery.

The critical eviction protections provided in this bill are set forth in 3 sections, as follows:

- Sec. 4 - SB 910 prohibits all proceedings for eviction, no matter the type, during the State of Emergency.
- Sec. 6 - After the State of Emergency is rescinded and through April 2022, SB 910 also provides affirmative defenses to eviction for non-payment of rent, Breach of Lease, and Tenant Holding Over where the tenant can show that their rent delinquency, lease violation, or holdover is caused by a substantial loss of income resulting from the pandemic.
- Sec. 7 - Through April 2022, SB 910 also requires key pre-conditions to filing an eviction action for non-payment of rent and prohibit the foreclosure of a tenant’s right to redeem (right to “pay to stay”) possession based on judgments entered during the COVID-19 emergency. The bill requires a housing provider to attempt, before filing an eviction case, to resolve rental debt through application for rental assistance and, if needed, through a repayment plan negotiated with the tenant via the Judiciary’s Office of Alternative

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

Dispute Resolution. Virginia enacted a similar provision in November 2020. Other pre-conditions to filing an eviction case include a threshold amount of \$600 in arrears and delivery of a 10-day “Notice of Delinquency and Legal Rights” to the tenant.

SB 910 mandates broad access to eviction data

This bill also recognizes the pressing need for data on displacement and loss of housing in Maryland. SB 910 creates a one-stop repository of data about evictions and foreclosures in multiple formats that allow for geospatial and other types of analysis. Currently, the Maryland Judiciary provides numerical data about eviction filings, by case type, and aggregate numbers for warrants of restitution and actual evictions.

SB 910 mandates the Department of Housing and Community Development to collaborate with local sheriffs and the Maryland Judiciary on the collection and release of anonymized data about actual evictions, including the type of action, the date of occurrence, ZIP code, and census tract. These data will open the gateway to evaluating the effectiveness of emergency eviction prevention measures and to innovating new solutions to housing displacement.

Now is the moment for the General Assembly to respond to the emergency, to establish strong protections and close existing loopholes. SB 910 will give certainty to people's right to keep safe at home and to utilize financial assistance effectively. This bill is the solution for compensating housing providers while preventing loss of housing – during the pandemic and in the economic recovery that will follow.

Please issue a report of FAVORABLE on SB 910. If you have any questions, please contact Zafar Shah, shahz@publicjustice.org, (410) 625-9409 Ext. 237.

Renters United Maryland_FAV_SB910.pdf

Uploaded by: Shah, Zafar

Position: FAV



Senate Bill 910
COVID-19 Eviction and Housing Relief Act
Before the Senate Judicial Proceedings Committee
March 10, 2021

Position: SUPPORT

Renters United Maryland (RUM) is a statewide coalition of renters, organizers, and advocates for safe, stable housing. We stand on the principle that housing is a human right that is critical to an individual's quality of life, the health of families, and the prosperity of communities. The undersigned members of Renters United Maryland urge a FAVORABLE report on SB 910, the COVID-19 Eviction and Housing Relief Act of 2021.

The COVID-19 pandemic has put hundreds of thousands of Maryland households on the brink. **Over 2,500 Marylanders have been evicted** since July 2020 as landlords have been able to use loopholes in current restrictions to file more than **117,000 eviction cases**, primarily for non-payment of rent. Without immediate and meaningful action from the Maryland General Assembly during this legislative session, communities throughout the state will face an unprecedented level of displacement. As Attorney General Brian Frosh recently wrote, "Eviction... means loss, not just of a home, but also of possessions, school, community, employment, mental and physical health, and the ability to find another place to live." The risks to individuals and communities increase dramatically as COVID-19 cases surge. Loss of home is a public health risk and can be a death sentence.

The COVID-19 Eviction Relief Act of 2021 does **5 critical things** to support renters and landlords in Maryland during the ongoing pandemic:

1. Establishes a true emergency moratorium on eviction that prohibits lease non-renewals during the emergency.
2. Extends Gov. Hogan's "substantial loss of income" trial defense against eviction through April 2022 and expands the defense to include Tenant Holding Over evictions (based on lease non-renewal).
3. Prohibits late fees and rent increases throughout the emergency.
4. Requires landlords to attempt to use rent relief and repayment plans before they can file for eviction in court and sets forth a statewide rent relief fund that matches state funds to county funds and
5. Mandates the Department of Housing and Community Development's collection and sharing of anonymized, mappable eviction data.

Current eviction protections, both at the state and federal levels, are limited, subject to change, and proven to be insufficient to keep Marylanders stable and housed. Gov. Hogan's Executive Order is a trial defense, not a ban on evictions. If a renter proves "substantial loss of income" related to COVID-19 at trial, then the judge delays eviction until after the State of Emergency. The CDC Order is similar in process but delays eviction until March 31, 2021. Neither order

<https://rentersunitedmaryland.org>

Contact: Zafar Shah, (410) 625-9409 or at shahz@publicjustice.org

protects against lease non-renewals. Some localities have also enacted emergency prohibitions on rent increases and late fees while many others have not. This patchwork approach to ensuring the safety and wellbeing of Maryland residents is not working.

Throughout the emergency, renters and tenant advocates have found that many housing providers prioritized lease non-renewal and eviction actions instead of rental assistance. Increasingly, we are seeing that even when landlords have availed themselves to rent relief and cleared their balance sheets, they are continuing with their threats of eviction, including their pending lawsuits. Because Maryland does not obligate landlords to utilize emergency rental assistance as a pre-condition to filing an eviction action, and because landlords are permitted legally to evict their tenants after having received rental assistance funds, millions in taxpayer dollars are being wasted. Emergency assistance should keep Maryland families housed. SB 910 provides the accountability measures to ensure that rent relief serves its purpose.

It is time for the Maryland General Assembly to establish strong protections for renters, provide desperately needed relief for tenants and landlords, and close loopholes that allow for continued filing of eviction cases during this emergency and throughout the ensuing economic recovery.

As members of Renters United Maryland, **we urge a FAVORABLE report from this committee on the COVID-19 Eviction and Housing Relief Act (SB 910).**

CASA
NAACP Maryland State Conference
Montgomery County Renters Alliance
Right to Housing Alliance
Strong Future Maryland
Maryland Legislative Coalition
Our Revolution Maryland
Disability Rights Maryland
Homeless Persons Representation Project
Public Justice Center
Santoni Vocci & Ortega, LLC
Maryland Consumer Rights Coalition
Maryland Access to Justice Commission
Maryland Center on Economic Policy
Health Care for the Homeless
Chesapeake Physicians for Social Responsibility
Catholic Charities
Jews United for Justice
Beyond Boundaries
Communities United
University of Baltimore School of Law Civil Advocacy Clinic

<https://rentersunitedmaryland.org>

Contact: Zafar Shah, (410) 625-9409 or at shahz@publicjustice.org

Renters United MD - Tenant Holding Over Loophole F

Uploaded by: Shah, Zafar

Position: FAV



COVID-19 Evictions:

What is the Tenant Holding Over Loophole?

What Does “Tenant Holding Over” Mean? There are multiple legal means by which a landlord can evict a tenant. The most common is by filing a failure to pay rent (FTPR) suit. Another kind of lawsuit is called tenant holding over (THO), in which the lease has expired and not been renewed. In Maryland law, it is legal – and quite common – for tenants to remain in rental units on a month-to-month basis without a lease after the term of the last lease expires. The landlord may then terminate the month-to-month tenancy with a 30-day or 60-day “Notice to Vacate.” Because the current State and federal moratoria against evictions only apply to FTPR cases, landlords have dramatically increased their use of THO lawsuits in order to evict tenants, even when the tenants have a valid defense related to loss of income due to the pandemic.

Don’t the State and federal eviction moratoria protect against evictions? Current eviction protections, both at the state and federal levels, are limited, subject to change, and proven to be insufficient to keep Marylanders stable and housed. Governor Hogan’s Executive Order is a trial defense, not a ban on evictions. If a renter proves “substantial loss of income” related to COVID-19 at trial, then the judge delays eviction until after the State of Emergency. The CDC Order is similar in process but delays eviction until March 31, 2021. Neither order protects against lease non-renewals.

What is the evidence that landlords are using THO suits as a way around the moratoria? The latest data of the Maryland Judiciary show that, in August to November 2020, the number of THO claims filed in Maryland increased by 84% year over year (with 100+% increases in September and October, prior to the courts’ partial closure in November). Because there are executive orders that apply to FTPR cases, landlords are using THO actions instead.

Does emergency rental assistance help prevent evictions in these cases? Providers of emergency rental assistance cannot require landlords to make a “no eviction” guarantee. Some landlords will take the federal rent relief and continue to pursue evicting tenants whose incomes have been dramatically decreased because of the pandemic. So while landlords are made financially whole, tenants still face housing instability and eviction.

What can be done to solve this problem?

Pass HB 1312/SB 910, the COVID-19 Eviction and Housing Relief Act of 2021. The legislation requires landlords to use rental assistance and repayment plans before they can resort to the court process. These bills also close the loophole that allows landlords to evict tenants during the emergency based on lease expiration or lease non-renewal.



The Tenant Holding Over Loophole hurts renters, wastes rent relief

Melinda is a nurse who lost work due to multiple coronavirus exposures. When she fell behind on rent in July 2020, she communicated frequently with her "small landlord" who would not accept partial payments. In a November Failure to Pay Rent (FTPR) eviction case, Melinda had an attorney and raised a defense under Gov. Hogan's executive order, showing substantial loss of income due to the pandemic. This resulted effectively in a stay of eviction until after the state of emergency. In the meantime, Melinda applied for the newly opened Emergency Rental Assistance Program (ERAP), but her landlord terminated their month-to-month lease with a Notice to Vacate and filed a THO action. The landlord refused to rescind the Notice given the pending ERAP application and refused to allow Melinda to stay in the home for 6 additional months after ERAP's payment -- unless she agreed to a \$200/mo. rent increase and to make 2 immediate full rent payments. Neither Gov. Hogan's executive order nor the CDC Order could help Melinda, who is moving out now even though the landlord received \$6,000 in rent relief.

Victor is a renter and the father of three children. He had been renting on a one-year lease starting in 2019. Then his partner left him, and he lost his job with a ride-sharing service shortly after the pandemic began. Victor quickly fell behind on the rent. His landlord filed a FTPR action against him, but Victor had a defense under the CDC Order and the Governor's Order. In response, the landlord sent Victor a 60-day Notice to Vacate, and when Victor was unable to find alternative housing, the landlord filed a THO action. At the first hearing in early November 2020, Victor was able to secure a continuance with the aid of an attorney, who then also helped to expedite Victor's application for rental assistance. The local ERAP awarded \$7,400 in rent relief directly to the landlord. However, the landlord refused to drop the THO case, which is now pending a March trial date. Because of the THO loophole, the rental assistance has become a bailout to the landlord without actually helping Victor obtain stable housing. He has no defense to eviction during the ongoing pandemic.

Joyce was a nursing assistant that lost her job during the pandemic because of her high-risk status. Once she notified her landlord of this and that she would be applying for rental assistance, her landlord began contacting her night and day with repeated voicemails and text messages telling her to "just leave my property." The court granted a judgment in favor of Joyce in a FTPR eviction case filed by the landlord. Yet, the landlord has continued every effort to evict Joyce, refusing to participate in the local ERAP and, instead, sending Joyce a Notice to Vacate. She now faces a THO eviction action. Because Maryland does not require the landlord to use rent relief money in lieu of eviction, and because executive orders do not apply to THO actions, Joyce has little recourse to stop the THO eviction.

John is a father of 2 renting at Prince George's County apartment complex. He lost income during the pandemic and struggled to access his full unemployment benefits. As he fell behind on rent, his landlord refused to make critical repairs to the unit and would not accept a repayment plan. John received a notice that his lease will not be renewed in April. He is terrified that he is going to be evicted through a THO action because there is no defense under existing executive orders. John and his children have nowhere to go.

SB 910 - COVID-19 Eviction and Housing Relief Act-

Uploaded by: Shillenn, Rebecca

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 43. I am **testifying in support of Senate Bill 910**, the COVID-19 Eviction and Housing Relief Act.



Senate Bill 910 would extend the foreclosure moratorium, prohibit rent increases and late fees during the COVID-19 pandemic, allocate adequate budget funds to landlords to allow for rent forgiveness, provide statewide distribution of Know Your Rights information to tenants, and codify federal Centers for Disease Control and Prevention guidance.

The best defense against COVID-19 is to socially distance from other people. At the same time, the pandemic has threatened the housing stability of all Americans, especially Black and Brown communities, causing people to lose their jobs, miss rent payments, and face eviction. Without a home, Maryland residents struggle to do the one thing that is proven to prevent infection: stay home. According to a recent report by WBAL, in November, 30% of Marylanders, including 36% of Black households, making less than \$50,000 per year could not afford their rent.

Housing has been a cause and effect of poverty in Maryland since long before the pandemic. As Attorney General Brian Frosh recently told the Baltimore Sun, eviction is a “root cause” of poverty “that perpetuates a cycle that can last for generations.” See Angela Roberts, Maryland housing advocates, lawmakers discuss bills to reform eviction process, stem housing crisis.”¹ As AG Frosh further explained, losing one’s home “disrupts lives in profound and irrevocable ways. It means loss not just of a home, but also of possessions, of school, of community, employment, mental and physical health and the ability to find another place to live.” The health and safety risks to people experiencing homelessness are always heightened, but this is even more true during the COVID-19 pandemic, when not having a home means not being able to socially distance from other people who might be carrying a deadly virus.

I support the COVID-19 Eviction and Housing Relief Act because all people in Maryland deserve the dignity of a safe and affordable place to live - especially during a global pandemic.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 910**. Thank you for your time, service, and consideration.

Sincerely,
Rebecca Shillenn
5401 Elsrode Ave. Baltimore 21214
Showing Up for Racial Justice Baltimore

¹<https://www.baltimoresun.com/politics/bs-md-pol-eviction-process-housing-crisis-pandemic-press-conference-20201228-eabul6dwnbgzfhy12d4wqr5rbq-story.html>

SB 910 - COVID-19 Eviction and Housing Relief Act.

Uploaded by: Smeton, Jonathan

Position: FAV

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It is for these reasons that I am encouraging you to vote **in support of Senate Bill 910**. Thank you for your time, service, and consideration.

Sincerely,
Jonathan Smeton
3140 Ellerslie Avenue, Baltimore, MD 21218
Showing Up for Racial Justice Baltimore

¹<https://www.baltimoresun.com/politics/bs-md-pol-eviction-process-housing-crisis-pandemic-press-conference-20201228-eabul6dwnbgzfhy12d4wqr5rbq-story.html>

SB 910 - COVID-19 Eviction and Housing Relief Act.

Uploaded by: Todd, Tamara

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 10. I am **testifying in support of Senate Bill 910**, the COVID-19 Eviction and Housing Relief Act.



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I support the COVID-19 Eviction and Housing Relief Act because all people in Maryland deserve the dignity of a safe and affordable place to live - especially during a global pandemic.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 910**. Thank you for your time, service, and consideration.

Sincerely,
Tamara Todd
221 Northway Rd, Reisterstown, MD 21136
Showing Up for Racial Justice Baltimore

¹<https://www.baltimoresun.com/politics/bs-md-pol-eviction-process-housing-crisis-pandemic-press-conference-20201228-eabul6dwnbgzfhy12d4wqr5rbq-story.html>

SB 910 Support Letter (2021)(FINAL).pdf

Uploaded by: Wilpone-Welborn, Kira

Position: FAV

BRIAN E. FROSH
Attorney General

ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General



WILLIAM D. GRUHN
Chief
Consumer Protection Division

Writer's Fax No.

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

Writer's Direct Dial No.
410-576-6986
kwilponewelborn@oag.state.md.us

February 26, 2021

To: The Honorable William C. Smith Jr.
Chair, Judicial Proceedings Committee

From: Kira Wilpone-Welborn
Consumer Protection Division

Re: Senate Bill 910 – COVID-19 Eviction and Housing Relief Act of 2021 (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General supports Chairman Smith's Senate Bill 910. The Attorney General's Access to Justice Commission ("Task Force") sought to ensure Marylanders are housed, economically secure, healthy with enough to eat, and have access to the civil justice system. Senate Bill 910 seeks to achieve many of the Task Force's stated recommendations¹ and will combat the economic and housing instability exacerbated by the COVID-19 Pandemic.

Eviction Process Reforms and Data Collection:

The Task Force reported that "[a]cross Maryland, people cannot afford their rent. An estimated 160,000 to 240,000 renter households in Maryland could be unable to pay rent and are at risk of eviction by January 2021. That number could reach 320,000 by the end of 2021." (Report at 18). As a result, among the Task Force's central recommendations to ensure Marylanders remain housed during the Pandemic and as the world recovers was the institution of several reforms in the eviction process to allow tenants to (i) receive advanced notice of debt, (ii) connect to state and local resources, and (iii) ultimately cure the debt before the filing of an eviction action. To address these needed process reforms, Senate Bill 910 provides that before pursuing a Failure to Pay Rent Action a landlord must first provide the tenant a ten-day notice with the alleged rent due and the period of time the delinquency occurred. The ten-day notice requirements of this bill also require landlords to provide tenants with information on COVID-19 related eviction protections, rental assistance programs, and the potential for a negotiated payment plan. Senate

¹ See "Access to Justice Commission Final Report"

https://www.marylandattorneygeneral.gov/A2JC%20Documents1/AG_Covid_A2J_TF_Report.pdf

The Honorable William C. Smith, Jr.
SB 910
February 26, 2021
Page Two

Bill's 910 proposed alterations to section 8-401 directly addresses the recommendations of the Task Force's final report and provides opportunities for tenants to obtain rental assistance or negotiate payment plans to remain securely housed.

In addition to process reforms, the Task Force also recognized the need of robust data reporting to allow for "targeted intervention for eviction prevention and diversion efforts." (Report at 30). Senate Bill 910 seeks to achieve these recommendations by collecting state-wide eviction data on the location, type of eviction action, and the date a warrant of restitution is executed. This data will allow the state to target communities most at risk of eviction and housing instability for additional supports and diversion programs.

Failure to Pay Rental Arrearage Threshold:

Section 8-401 of the Real Property Article currently allows landlords to file summary ejectment actions as soon as the landlord has not received a tenant's full rental payment, and landlords may file cases for any alleged arrearage amount. As a result, landlords use the failure to pay rent proceedings as a collection tool for small debts that are often paid prior to trial. Due to this serial filing process that is overburdening the court system, the Task Force recommended that these actions should not be permitted for debts less than \$600. Senate Bill 910 seeks to prohibit the filing of a failure to pay rent action for amounts less than \$600.

Eviction Relief Fund:

Finally, the Task Force reported that "[t]o prevent mass displacement, new support is needed to identify and connect families to rental assistance programs." (Report at 18). And, as a result, recommended that that State develop a non-lapsing fund for rental assistance and rehousing programs to prevent housing instability due to loss of income and other financial distress. Senate Bill 910 creates a non-lapsing fund to assist Marylanders with rental assistance. This fund will be dedicated to rental assistance and rental forgiveness to ensure that tenants in need of assistance are able to access the funds that will keep them housed.

For these reasons, the Consumer Protection Division recommends a favorable report form the Judiciary Committee on Senate Bill 910.

cc: The Honorable William C. Smith, Jr.
Members, Judicial Proceedings Committee

SB 910 - COVID-19 Eviction and Housing Relief Act

Uploaded by: Yoder, Daryl

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 12. I am **testifying in support of Senate Bill 910**, the COVID-19 Eviction and Housing Relief Act.



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The best defense against COVID-19 is to socially distance from other people. At the same time, the pandemic has threatened the housing stability of all Americans, especially Black and Brown communities, causing people to lose their jobs, miss rent payments, and face eviction. Without a home, Maryland residents struggle to do the one thing that is proven to prevent infection: stay home. According to a recent report by WBAL, in November, 30% of Marylanders, including 36% of Black households, making less than \$50,000 per year could not afford their rent.

Housing has been a cause and effect of poverty in Maryland since long before the pandemic. As Attorney General Brian Frosh recently told the Baltimore Sun, eviction is a “root cause” of poverty “that perpetuates a cycle that can last for generations.” See Angela Roberts, Maryland housing advocates, lawmakers discuss bills to reform eviction process, stem housing crisis.”¹ As AG Frosh further explained, losing one’s home “disrupts lives in profound and irrevocable ways. It means loss not just of a home, but also of possessions, of school, of community, employment, mental and physical health and the ability to find another place to live.” The health and safety risks to people experiencing houselessness are always heightened, but this is even more true during the COVID-19 pandemic, when not having a home means not being able to socially distance from other people who might be carrying a deadly virus.

I support the COVID-19 Eviction and Housing Relief Act because all people in Maryland deserve the dignity of a safe and affordable place to live - especially during a global pandemic.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 910**. Thank you for your time, service, and consideration.

Sincerely,
Daryl Yoder
309 Glenmore Ave.
Catonsville, MD 21228
Showing Up for Racial Justice Baltimore

¹<https://www.baltimoresun.com/politics/bs-md-pol-eviction-process-housing-crisis-pandemic-press-conference-20201228-eabul6dwnbgzfhy12d4wqr5rbq-story.html>

Testimony in SUPPORT of Senate Bill 910.pdf

Uploaded by: Dalrymple, Ann

Position: FWA

Testimony in SUPPORT of [SB0910](#): The Covid-19 Eviction and Housing Relief Act

Position: FAVORABLE with amendment

Maryland has been in a housing crisis for a long time, and there is a tsunami of evictions on the horizon due to the effects of the COVID-19 pandemic and the end of the eviction moratorium. An estimated 150,000 Maryland households were at risk of eviction at the end of 2020.¹ Research shows that expiring eviction bans across the country led to hundreds of thousands of additional Coronavirus cases.² Given that evictions accelerate COVID-19 transmission by increasing household crowding and decreasing individuals' ability to comply with social distancing directives, it is essential that Maryland pass legislation to ensure renters are not evicted through no fault of their own. Maintaining people in their homes, especially during the Covid-19 crisis, saves lives.

SB0910 provides the relief Maryland tenants desperately need to maintain a home. It establishes the Maryland Rental Relief Fund, providing financial relief for both landlords and tenants. The Act also extends and expands the current eviction moratorium in place for renters. It also prohibits rent increases and late fees, requires landlords to work with tenants prior to starting eviction proceedings, provides tenants an affirmative defense in evictions due to a substantial loss of income, and creates essential systems to ensure renters know their legal rights. Maryland tenants desperately need these protections. It would also be helpful to consider **amending the bill** to add protection for renters being evicted for modifications, so that landlords provide comparable alternate accommodations and moving expenses.

The Maryland legislature must act now. SB0910 will ensure Maryland renters maintain their homes during this crisis, will increase housing stability. As Pope Francis made clear during his visit to Washington DC in 2015, "There is no social or moral justification, no justification whatsoever, for the lack of housing." Now is the time to fix Maryland's eviction system. **We urge the Committee's FAVORABLE report on SB0910**

¹ Stout Risius Ross, LLC, Estimation of Households Experiencing Rental Shortfall and Potentially Facing Eviction, <http://bit.ly/stoutevictiondata> (select "Maryland" in drop-down menu).

² <https://www.cnbc.com/2020/11/27/evictions-have-led-to-hundreds-of-thousands-of-extra-covid-cases-.html>

SB0910-JPR_MACo_SWA.pdf

Uploaded by: Sanderson, Michael

Position: FWA



Senate Bill 910

COVID-19 Eviction and Housing Relief Act of 2021

MACo Position: **SUPPORT**
with AMENDMENTS

To: Judicial Proceedings Committee

Date: March 10, 2021

From: Michael Sanderson

The Maryland Association of Counties (MACo) **SUPPORTS** SB 910 **with AMENDMENTS**. The bill's multiple provisions seek to prevent an untoward wave of tenant evictions in the wake of the health pandemic.

MACo's position on this bill is in two parts – recognizing its far reach. Components of the bill supporting local efforts to stem the effects of eviction moratorium may prove to be a productive framework for the use of appropriate federal or state funds, but some implementation responsibilities upon Sheriffs are likely misplaced or unwise.

The Rent Relief Fund envisioned by the bill's new Subtitle 8 is formed to help support local efforts to stem evictions and support rental property owners. Such efforts advance a reasonable policy goal of suspending major economic shocks during an unusually distorted economy, brought about by the health pandemic. Multiple Maryland jurisdictions have launched various programs toward this end, and the bill creates a framework to supplement, and encourage, those local efforts. This general direction is a promising potential use for either state funds, or future federal support to the State of Maryland.

Other implementing components of SB 910 raise administration and safety concerns, and should be reevaluated.

The bill's broad data collection requirements are placed onto the Sheriff and constables (who carry out evictions) and may oblige a meaningful increase in staff time committed to these ancillary functions. Further, specific parts of the notice provisions may have multiple undesired effects – costly and staff-intensive in their requirements, and potentially creating a more dangerous environment at the scheduled time of eviction for tenants who feel unjustly targeted.

Accordingly, MACo requests the Committee consider elements of SB 910 as a potential framework for supporting eviction prevention. Multiple notice and reporting requirements, however, should be redirected or re-examined. Accordingly, MACo urges a **FAVORABLE with AMENDMENTS** report on SB 910, to craft a more suitable set of next steps to stave off an unwelcome wave of tenant evictions.

MD Judiciary - Testimony SB 910.pdf

Uploaded by: Elalamy, Sara

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 910
COVID-19 Eviction and Housing Relief Act of 2021
DATE: February 10, 2021
(3/10)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 910. This bill requires the Department of Housing and Community Development (DHCD), in consultation with the Maryland Judiciary and local sheriffs and constables, to collect, maintain, and publish on the Department's website certain information on eviction actions. It also requires certain local sheriffs and constables to compile certain information in a certain manner designated by the Department and to report the information to the Department monthly.

The Judiciary opposes the requirement that the Judiciary post the information collected and compiled by the Department of Housing and Community Development, pursuant to Real Property § 8-407(a), on the Judiciary's website. The Maryland Judiciary currently publishes data on evictions, so this requirement is unnecessary. See: <https://www.courts.state.md.us/sites/default/files/import/district/statistics/2019/Calendar19.pdf>

In Baltimore County (only), constables, rather than sheriffs, process evictions. The constables in Baltimore County are employees of the Judiciary. The bill requires these constables to post a notice of the eviction 48 hours prior to the eviction. Currently, the practice in Baltimore County is that the constables request the landlords to notify the tenants of the eviction date and the constables report good compliance with such practice by the landlords. If this bill is adopted, three (3) additional constables and the related funding would be necessary. Without these positions and funding, this bill will impose an operational burden on the District Court.

This bill also requires the Judiciary to publish on its website certain information about tenant's rights under the law as prepared by DHCD. The Maryland Judiciary currently provides information for tenants and landlords alike about the rent court process. That information is available on the Judiciary website at

www.mdcourts.gov/legalhelp/housing. Basic legal information and forms are available through the [Language Portals](#) in Chinese, French, Korean, Russian, and Spanish.

In addition, at Housing and Community Development § 12-802(e), the bill provides that if the landlord receives funds under a local government’s rent relief program to “waive all fees and costs incurred by the tenant for failure to pay rent” and “not file for eviction[.]” The bill, however, does not give any time limitation for those provisions so courts will have insufficient detail when attempting to correctly apply the statute.

The bill also at Real Property Article, § 8-401(b-2)(3) and (6), requires landlords to notify tenants, before initiating a failure to pay rent case, of a right to request mediation through the District Court Alternative Dispute Resolution (ADR) office and, if the tenant requests such mediation, negotiate a payment plan in good faith if the tenant requests mediation. The Judiciary is concerned that, due to the high volume of failure to pay rent cases heard by the District Court throughout the State, the burden on the District Court ADR office in attempting to carry out such mediations would be overwhelming.

Further, the bill’s requirement that the tenant owe at least \$600 before the landlord may file (Real Property § 8-401(a)(2)) raises due process and Article 19 concerns.

Finally, the bill creates a moratorium on evictions during the period of the Governor’s declared state of emergency. The District Court is already applying the Governor’s current eviction order as well as the CDC Agency Order. Both orders provide an affirmative defense to qualifying individuals who have suffered losses due to COVID. An absolute moratorium as provided in the bill would likely cause a flood of cases filed with the court once such moratorium was lifted.

cc. Hon. William Smith
Judicial Council
Legislative Committee
Kelley O’Connor

MMHA - 2021 - SB 910 - COVID - 19 Housing Relief A

Uploaded by: Greenfield, Aaron

Position: UNF



Bill Title: Senate Bill 910, COVID-19 Eviction and Housing Relief Act of 2021

Committee: Judicial Proceedings

Date: March 10, 2021

Position: Unfavorable

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities. Our members house over 538,000 residents of the State of Maryland. MMHA also represents over 250 associate member companies who supply goods and services to the multi-housing industry.

Senate Bill 910, designed to be “an emergency measure necessary to the immediate preservation of public health or safety”, creates a special non lapsing Maryland Rent Relief Fund through the State budget, administered by the Department of Housing and Community Development (DHCD) to provide local jurisdictions with grants to support local rent relief efforts, it also requires DHCD, the Judiciary, as well as Sheriffs and Constables around the State to, upon enactment, compile and report statewide eviction data on a monthly basis and provide that information, as well as particular types of notices to tenants, on their websites. The Bill proposes new changes to procedures for collection of delinquent residential and mobile home rents, as well as mortgages. The Bill is most impactful on Maryland’s Rental Housing Providers as it eviscerates Maryland’s well-established leasing, rent collection, and lease termination procedures, by drastically altering the rules established by this Legislature over the last 40 years to the detriment of both Housing Providers and the Tenants they serve.

MMHA OPPOSES this Bill because, although it may be a well-intentioned “Emergency Act”, the procedures it mandates and the alterations it makes to Maryland Landlord Tenant laws are cumbersome, duplicative of current law, potentially interfere with many well-established and trusted programs currently working in the eviction prevention space, ignores local laws governing current practices of housing providers and tenants, establishes potentially unconstitutional barriers to the courts for litigants and, simply put, the Bill is completely unworkable.

I. Background

Maryland’s Landlord -Tenant statute is found in Maryland Real Property Code Annotated, Section 8. The rules and procedures found in that Article were established through the recommendations of two Gubernatorial Landlord-Tenant Commissions composed of members of the Legislature, the Judiciary and stakeholder communities. Together those Commissions created a system of laws and procedures designed to balance and protect the interests of both Landlords and Tenants- i.e. providing safe and affordable rental housing to tenants with the expectation that



the landlord will receive timely compensation for having provided that service- which this Legislature has reviewed and approved of for over 40 years. This balance has stood the test of time, however, SB 1312, which is motivated by the recent unprecedented, yet temporary, circumstances presented by the Global Pandemic, proposes sweeping and significant changes to this carefully legislated statutory architecture, which, though it is written to be “temporary”, will have devastating and long-lasting negative impacts on rental housing providers and tenants alike. Details regarding the Bill’s issues are as follows:

II. SB 910’s establishment, on pages 6-7, of a “Rent Relief Fund” which differentiates distribution of rent relief funds to aid tenants based upon the number of units a rental housing provider leases is at best unfair and at worst potentially discriminatory and carries significant long term risk to Maryland’s affordable housing stock.

The underpinning of this proposal erroneously implies that because multifamily housing providers manage properties with over 10 rental units, they are invulnerable to the harsh economic realities that all rental housing providers are experiencing during this unprecedented time. Nothing could be further from reality. MMHA members managing affordable units report that their delinquency rates have risen from 10% in June 2020 to a current rate of between 30-35%. Add to this that expenses are soaring because more tenants and their families remain at home, tenant employment remains unstable and rental assistance funds are stymied by bureaucratic red tape and the result is that these property owners and managers have lost and will continue to lose millions of dollars. This is unsustainable and will result in the loss of affordable housing units in this state making this Bill’s differentiation between winners and losers for Rental Assistance funds based upon number of units inexplicable.

III. There is no data at this time to support the Bill’s sweeping changes to Maryland Landlord Tenant law.

This Legislature has always taken a measured approach to the regulation of rental property, seeking input from all stakeholders-the Judiciary, the Sheriff’s and Constables offices, DHCD, local housing authorities and other local government representatives, rental housing providers and the trade groups representing them as well as tenants and the consumer and tenant advocacy groups that represent them- in order to fairly balance the needs of both landlords and tenants. The provisions of this Bill on pages 3-4 and 8-10 clearly indicate that this Legislature is utilizing this Bill to OBTAIN information that it DOES NOT have at this time, while simultaneously legislating changes to established law WITHOUT needed SUPPORTING DATA. To legislate massive changes under these circumstances, even on a temporary basis, without reliable data or any in depth vetting by the stakeholders who must live with them, risks doing irreparable harm to both rental housing providers and tenants alike.



For example see:

a. Eviction Notices- Pg. 4 -5. The new 48-hour notices to be provided in all jurisdictions by the Sherriff or Constable regarding the scheduling of evictions ignores and upends current local practices such as the decade long practice in Baltimore City requiring a minimum of 2 notices of an eviction date 2 weeks before the scheduled eviction.

b. Mandated Payment Plans-Pages 8, lines 26-29 and pg. 9 lines 12-13. This provision requires that DHCD, the Judiciary and “appropriate stakeholders” create a “sample fair and equitable payment plan for use in a Failure to Pay rent case (FTPR)”. This provision subverts the Judiciary’s role of an unbiased decision maker and makes it into an advocate for a particular outcome by having them design pre-existing “form” settlement agreements for Landlords and Tenants. Further it creates an unrealistic goal for DHCD since each settlement agreement made must reflect the unique situation of the Tenant and Landlord.

c. Eviction Moratorium -Pg. 10, lines 9- 18. This provision bans all evictions and as such invades the province of the Judicial Branch by countermanding the Court of Appeals Orders regarding the closure and reopening of the courts during the pandemic. This Section of this Bill attempts to prevent the Court from hearing even emergency Breach of Lease and Tenant Holding Over cases, as well as Wrongful Detainer cases now and to continue to do so if the Court begins to hear such cases again, until April 30, 2022. This is a blatant interference with the Judicial branch of Government. This puts renters and their housing providers at risk since the moratorium will prevent the eviction of dangerous tenants, those whose leases have ended, and persons who have no legal right to possess rental property for at least another year.

d. Restoration of Evicted Tenant-Pg.10, lines 19-21. This provision newly requires landlords to restore an evicted tenant to the unit from which they were evicted. It presumes that all evictions are unlawful, which is not the case. If this provision were passed and a tenant is or has been evicted under what is now the lawful Court of Appeals Order, returning the tenant to that unit will endanger tenants and housing providers alike. Moreover, this provision ignores the fact that if an eviction is unlawfully performed the tenant has civil legal remedies that they can pursue for monetary compensation.

e. Just Cause Eviction-Pg. 10, lines 25 -31 through Pg. 11, lines 1-31. Aside from being unworkable, this provision is likely to be an unconstitutional incursion into the province of the Maryland Judiciary and is duplicative of and destructive to current Maryland law. This section of the Bill curtails housing providers from ending a lease at the end of its term unless they can demonstrate “just cause”, thereby leaving housing providers and tenants in a virtually endless contract. By doing so the Bill annihilates the current Tenant Holding Over statute-RP Section 8-402 which outlines the judicial remedy where a tenant retains possession after having been duly notified by the housing provider that their lease term has ended. Moreover, since this provision extends until April 30, 2022, it again tramples on the independence of the Judiciary by attempting to abrogate their determination regarding reopening of the courts for hearing such cases.



f. COVID Affirmative Defense-Pages 11, lines 32 through pages 12 and 13. This provision duplicates Judicial orders already in effect that state that a COVID related issue is an affirmative defense in Current Landlord -Tenant cases, but again invades the independence of the Judiciary by mandating that “a court may not give any judgment for possession, or repossession or warrant of restitution” in any case where this affirmative defense is raised and further that this Legislative mandate will remain in place beyond any declared end of the pandemic emergency which may be made prior to April 30, 2022.

g. Barring Landlord Access to Court by creating a monetary threshold in Summary Ejectment actions -Page 13 lines 11-34 through Page 18, line 23 and permanent Codification of the Threshold- Pg. 18, Lines 32 through pg. 20, Line 13. By stating that a housing provider cannot file a FTPR case for any amount of unpaid rent less than \$600 these provisions drastically alter Maryland’s FTPR statute obliterating the balance that this Legislature has thoughtfully maintained for over 40 years without any explanation or input from stakeholders. The codification of this threshold making it permanent as of May 11, 2022 sets the stage for dangerous ramifications to the relationships of both housing providers and their tenants. Setting an amount that cannot be collected by through the orderly, balanced and expeditious FTPR process means that Landlords will have nothing but bad choices for recouping their unpaid rent. They will have to either file a civil collection action to collect this threshold which will become a permanent part of a tenant’s credit report or wait to file for multiple month’s rent putting the tenant’s right to redeem out of reach. Neither of these choices helps either the housing provider or the tenant and in fact opens the door for frustrated landlords to re-engage in “self-help” eviction, something this Legislature designed the Summary Ejectment statute to prevent.

h. Requiring that a Lead Inspection Certificate be attached to an FTPR case is not practical in Maryland’s larger jurisdictions which do not yet have MDEC electronic filing in rent court. It will hinder processing by court clerks, open the possibility of lost documents and thwart the first class mailing of these cases under the law since Sheriff ‘s and Constable’s offices have limited mailing machine capacities.

i. Mandating that Housing Providers send billing notices requesting that the tenant seek rental assistance, utilize a third party to produce a payment plan between the provider and their tenant, send these and other notices and post them to tenant doors and make “good faith attempts to cure the unpaid rent by securing an application for rental assistance FOR THE TENANT is duplicative of current efforts these housing providers have been making since March 2020 to assist their tenants in getting rental assistance. It slows down the only process which a provider can legally use to recoup unpaid rent which for the last year has been out of reach for these housing providers and continues to force them to face mounting delinquencies without recourse until April, 30, 2022. Moreover, mandating that the Courts to provide an additional statement for a Landlord to sign regarding the above efforts as well as mandating that any FTPR judgments made from the date the Court resumes hearing these cases until April 30, 2022 is another incursion of the Legislature into the realm of the Courts.



j. Rent Control and Ban on Late Fees-Pg.18, lines24-28- This provision which extends until April 30, 2022 is duplicative of local laws enacted by several municipalities and counties in Maryland. This will cause confusion for both housing providers and their tenants. It is also unduly punitive to housing providers whose essential businesses are threatened by the simultaneous hardships of skyrocketing expenses and rent delinquencies.

In short, most of the provisions of SB 910 are not only unworkable but more importantly destroy the balance that this Legislature has sought to strike between the interests of Maryland's Rental Housing Providers and Tenants.

For these reasons, MMHA respectfully request an unfavorable report on Senate Bill 910.

Aaron J. Greenfield, MMHA Director of Government Affairs, 410.446.1992

MCPA-MSA_SB 910 COVID-Eviction _Oppose.pdf

Uploaded by: Mansfield, Andrea

Position: UNF



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith Jr., Chairman and
Members of the Judicial Proceedings Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 2, 2021

RE: **SB 910 COVID-19 Eviction and Housing Relief Act of 2021**

POSITION: **OPPOSE**

The Maryland Sheriffs' Association (MSA) and the Maryland Chiefs of Police Association (MCPA) **OPPOSE SB 910**. Although the purpose of the bill in its entirety is to help residential tenants who have faced economic hardship particularly as a result of COVID-19, the requirements directed to the Maryland Sheriffs are unreasonable, cost prohibitive, and put the Deputies safety at risk.

The specific requirements of SB 910 for the Sheriff's Offices of providing notice to potential persons to be evicted of the exact date in writing at least 48 hours in advance, is an officer safety concern that some tenants might choose to arm themselves or refuse access to the properties, encouraging possible confrontations. The Bill also requires the Sheriff to report eviction data monthly in a system to be created by the Department of Housing and Community Development, which would allow for automated searching, spatial analysis, visualization, and processing. Many of the Sheriffs' Offices Statewide, do not have records management systems or the existing resources to provide this data on a continual and ongoing basis without additional funding. The Bill also requires multiple posting and notification requirements, due to any type of rescheduling of the eviction. As it is not unusual for evictions to become rescheduled due to weather, landlord considerations or other factors, this duplication in services, is both resource demanding and fiscally prohibitive.

As stated earlier, although the Maryland Sheriffs understand the financial difficulties of certain tenants, especially during this challenging period of a public health crisis, the specific requirements of this bill that apply directly to the duties and responsibilities of the Sheriffs, are of significant concern. MSA and MCPA are willing to work with the sponsor on other options. However, as introduced, MSA and MCPA **OPPOSE SB 910** and urge an UNFAVORABLE report.

Opposition to HB 1312 2.pdf

Uploaded by: McLaughlin, Darlyn

Position: UNF

The Law Offices of Darlyn R. McLaughlin

Client-Centered Legal Representation

P.O. Box 96
Westminster, MD 21158
Office: 443.896.6543
Facsimile: 888.398.1436

Darlyn R. McLaughlin
Attorney at Law
darlyn@mdlpractice.com

February 15, 2021

Opposition to SB 910/ HB 1312

Unless one has been in the trenches with the landlords, property managers and/or the attorneys that represent these parties, one cannot fully understand the negative impact and unintended consequences of this bill.

First, the costs inherent in managing a rental property, whether by an individual or a company, far exceed what is paid at the time of filing and owed in unpaid rent and utilities. Legal fees and loss time at work compounded by the acrimonious relationships that are likely to develop just in seeking unpaid rent, utilities and/or repossession of the property. This often results in retaliatory actions by the tenants through destruction of property. The eviction moratorium is the precursor to even greater hardships for all involved. Landlords cannot repair the property as needed, as no rent has been collected. Tenants cause violations for failure to maintain the yard or maintain lids on trash cans without considering the consequences to the health and safety of the community, as passive aggressive behavior in defiance for requests for unpaid rent and/or utility bills. Violations go unpaid too and rapidly escalate as the fines are doubled, and then doubled again for lack of payment and the cycle goes on. For many landlords, their work is being a landlord. That is their nest egg, their income and or the future of their ability to maintain the mortgage until the obligation is paid or even their own household. What of their plight? Many of the offending tenants have owed money since BEFORE March 2020 and the promulgations of eviction moratoriums.

Second, the programs that were initiated last year to assist tenants in the payment of their rent were mismanaged at best and not insolvent rapidly. Monies were paid to Tenants in huge sums and many landlords were snubbed receiving none of the distributions. Instead, tenants texted their landlords saying "I just got \$7500 from the County, but I'm not giving it to you.... I'm buying a car." Monies considered for distribution toward rent forgiveness at 80% of the amount owed to landlords should be made out to the landlords on the condition that within a set time, say 10 days, the landlord must upload a rent ledger showing the balance owed, how the monies were applied and provide same to the tenant by email, first class mail and/or posting on the rental property.

Finally, though this in no way covers all the flaws and horrific financial ruin for the small landlord property owner, utilities cannot not be a forgiven amount on the bill. Many tenants owe thousands in water bills from years of none payment long before COVID. This is simply unconscionable.

Be careful what you ask for. Landlords provide homes to those who need homes. Most are responsible persons doing the best they can to maintain relationships with their tenants while striving to maintain safe living conditions. Property managers and landlords alike are threatened regularly with harm to their property or loss of income, due to tenants who simply do not have the social skills to get along with others, especially those who are in some way in authority over their way of life. Many property owners are curtailing offerings of rental properties and seeking to sell. The properties will be boarded up or sold for much less than they are worth and the cycle will continue. Taxes won't be collected on the income and crime will go up as abandoned properties will become a haven for criminal/drug activities.

As to the "Just cause" provision, just cause is often impossible to prove, such as subletting rooms or portions of the rental to transients and others at the detriment of the landlords' properties and posing a risk for many who are in unsafe living conditions in basements, crowded and unsanitary residences while housed in close quarters with others. The tenants merely deny any such activities and easily hide or explain away the evidence until the inspector is gone.

Those who work and don't pay rent are flaunting their disdain for their landlords, protected by the unjust moratorium as the unpaid rent and utilities totals soar out of control. Eviction procedures are deterrence to tenants, enforcing the rule of law to pay rental obligations. Remove the deterrence, they feel little to no obligation. Provide legal protection to landlords and tenants alike. FURTHER DELAYS caused by lengthy paperwork and cumbersome mediation processes only compound the problem.

PLEASE OPPOSE SB910 cross filed as HB1312.

Respectfully Submitted,

Darlyn R. McLaughlin

SB 910--AOBA Statement--UNF.pdf

Uploaded by: Washington, Ryan

Position: UNF



Bill No: SB 910-- COVID-19 Eviction and Housing Relief Act of 2021

Committee: Judicial Proceedings

Date: 3/10/2021

Position: Oppose

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George's Counties. AOBA members are very familiar with the impact COVID-19 has had on households as they see firsthand the financial impact to working Marylanders. Many AOBA members own or operate Class B and C properties which predominately house low and moderate-income households that have been disproportionately affected by the pandemic.

This bill substantially alters the existing eviction process for a specified period; makes permanent a minimum amount of rent delinquency for a failure to pay rent action; prohibits rent increases; establishes the Maryland Rent Relief Fund and requirements for the fund; requires "Just Eviction" standards across the State; and requires certain notices and reporting on the Department of Housing and Community Development. This bill is exceptionally broad and attempts to create or modify several substantial sections of the real property article and landlord-tenant law. Additionally, the bill is duplicative of many state and local actions already enacted and/or creates a different standard from legislation currently governing emergency protections for residents in response to COVID-19. For instance, the State has already created COVID-19 related affirmative defenses for Failure to Pay Rent—AOBA submits there is no need to duplicate those orders in this legislation.

AOBA members support the intent behind the creation of the "Maryland Rent Relief Fund" to provide rental assistance into early-2025. Rental assistance is the best way to prevent evictions of vulnerable Marylanders and will also help maintain the rental housing industry as a viable provider of affordable housing in the State. However, this bill treats small and large housing providers differently when both are suffering tremendous financial losses.

This legislation would also establish a "just cause" eviction requirement effective from the end of the COVID-19 state of emergency until April 30, 2022. AOBA has long opposed just cause eviction because it requires a housing provider to house and renew a

resident's lease unless the provider can prove in court the existence of one of eight "just causes" for eviction or non-renewal. During a time when people are increasingly confined to their homes, this section of the bill would make it significantly more difficult to remove a nuisance tenant by requiring a housing provider to prove in court their lease was not renewed for "just cause". This may require residents to be dragged into court to testify against a problematic neighbor--often neighboring residents will not testify for fear of retribution from the problem tenant. However, if the housing provider cannot document and prove the offending behavior, the nuisance tenant will not be removed, and the good tenants will suffer. In a larger sense, "Just Cause" completely undermines the current Tenant Holding Over statute which provides a fair, judicial, remedy for both housing provider and resident when a resident remains in a unit after their tenancy has expired.

This bill prohibits rent increases or charging fees for non-payment of rent or late fees until April 30, 2022. Many jurisdictions in the State—City of Annapolis, Anne Arundel Co., Baltimore City, Baltimore Co., City of Frederick, Howard Co., Montgomery Co., Prince George's Co., and the City of Salisbury to name a few—have all weighed in on the issue and passed local ordinances in accordance with the need of their jurisdictions. All these local ordinances extend protection beyond the duration of the state of emergency but remain tied to the state of emergency. AOBA submits that these ordinances should prevail.

Further, this bill establishes several prerequisites to filing a failure to pay rent (FTPR) case. Effective until April 30, 2022, a housing provider wishing to file a failure to pay rent case must first (1) provide written notice to a resident that includes a description of the past due rent; (2) a request that the tenant take a number of actions within 10 days of notice to correct the past due rent including seeking rental assistance or negotiating a payment plan through third party mediator; (3) provide a resident information about free legal services, rental assistance and the District Court's Alternative Dispute Resolution Office. This notice must be delivered by first-class mail and affixed to the resident's door. If the tenant does not respond within 10 days, only then may a housing provider file for repossession of the unit. During the 10 period a housing provider is required to make "good-faith efforts to cure the unpaid rent".

By establishing prerequisite procedures which must be completed before a repossession case may be filed this bill needlessly upends the current FTPR process designed by the Legislature to create balanced protections for the rights of both tenants and housing providers in failure to pay rent cases. When the housing provider ultimately files an FTPR complaint they must certify how they satisfied the prerequisites; these prerequisites now become another element of the provider's case which must be proven and determined by the Judge in every case. In practice, since March 2020, AOBA members have supported residents in seeking rental assistance and offered residents a variety of creative payment plans during the COVID-19 pandemic. These payment plans offered to forgive percentages of outstanding rent, extend 18 months, or numerous other provisions to help tenants-yet less than 5% of tenants were interested in these plans. Now this bill attempts to mandate payment plan negotiation for housing providers and residents alike. Additionally, a resident's material breach of a term of the payment plan agreement

allows the housing provider to file its FTPR case, however the bill is silent regarding how long the provider must wait for this to occur before it can exercise that right.

Although adding a 10-day prerequisite period before the filing of a failure to pay rent action seems like a modest concession it adds to an already lengthy court process. In Montgomery and Prince George's Counties, prior to the COVID pandemic, it consistently took 3-4 weeks after filing to get to the District Court for a FTPR hearing. It also consistently took 6-8 weeks for an eviction in Prince George's County and longer in Montgomery County. Housing providers can count on it taking a minimum of 9-12 weeks for any legal remedy for failure to pay rent—during which time the outstanding rent balance continues to grow. Housing providers almost never see these balances repaid. An additional 10 days, while seemingly inconsequential, will deepen that outstanding rent balance at a time when class C properties are already seeing 30% delinquencies in rent payments.

Another way this bill seeks to alter the current eviction process, both immediately and permanently is to modify section 8-401 of the Real Property Article to mandate that a housing provider may not file a failure to pay rent complaint if a resident owes less than \$600 of unpaid rent. It has been said that housing providers are too quick to file a failure to pay rent claim in court and use the court system as a collection agency. However, housing providers must file failure to pay rent cases in court because there is no other legal way to collect unpaid rent in Maryland. Part of the legal failure to pay rent process also establishes a resident's right to redeem which allows a tenant to avoid eviction by paying outstanding costs at any time before the eviction is enforced. Unfortunately, creating a \$600 threshold to file in court may ultimately increase the number of physical evictions as residents would be forced to pay a much larger, possibly prohibitive, outstanding rent balance to utilize their right of redemption. Finally, this threshold serves as another barrier to keeping housing providers out of court and from exercising their legal rights. Should that happen, providers may potentially file for civil collections, but that will also jeopardize a resident's credit history.

AOBA members believe this bill is well intentioned and also want to protect vulnerable tenants. However the economic realities of this pandemic also impact rental housing providers and swinging the balance too far in the direction of the tenant challenges the sustainability of the industry as a whole, and thus affordable housing in Maryland.

For these reasons AOBA requests an unfavorable report on SB 910.

For further information contact Erin Bradley, AOBA Vice President of Government Affairs, at 301-904-0814 or eradley@aoba-metro.org.