



**SB 384 - Landlord and Tenant – Stay of Eviction Proceeding for Rental Assistance
Determination**

Hearing before the Environment and Transportation Committee, March 29, 2022

Position: SUPPORT (FAV)

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. In fulfilling this role, ACDS administers grants to nonprofit partners, directly develops and implements programming, and advises the County on housing and community development policy initiatives. **ACDS administers Anne Arundel County’s Emergency Rental Assistance Program (ERAP) by operating its own tenant-based rental assistance program and by working with sub-grantees who also distribute the County’s ERAP funds.**

We urge the Committee to issue a favorable report on SB 384.

Throughout the pandemic, Anne Arundel County, through the work of ACDS and its partner agencies, has been largely successful in preventing evictions for failure to pay rent by distributing payment of rental assistance funds on behalf of Anne Arundel County tenants. However, especially when it comes to the prevention of scheduled evictions, our success has come at a significant cost in terms of funding and human resources at multiple county and other local agencies. This bill presents a reasonable way to alleviate that cost to some extent by helping rental assistance programs be both efficient and effective at preventing evictions. The bill helps by:

1. Aligning the Pace of Eviction Processes with the Ability of ERAPs to Process Applications and Issue Payments.

Virtually all emergency rental assistance programs prioritize and rush the processing of applications for tenants who are scheduled for eviction. However, *finding out who is going to be evicted, and when, a reasonable amount of time before the eviction actually takes place is like trying to finding the proverbial needle in a haystack.* It is

nearly impossible to prepare in advance to deal in with scheduled evictions, so *each scheduled eviction must be handled on an emergency basis, most often with only a few days' notice.*

Every jurisdiction handles evictions differently, and information available to try to sleuth out the when, where and who of evictions is completely inconsistent across jurisdictions. Failure to pay rent cases are largely paper based files, so online access to eviction information that would allow ERAPs to plan ahead is non-existent. As a result, in order to make use of available rental assistance funds to prevent scheduled evictions, many ERAPs, including ACDS, have had to come up with elaborate, pieced-together methods for dealing with emergencies, involving local Sheriffs or constables, court clerks, judges, property managers, tenants and ERAP staff and legal services providers who are *constantly in emergency-mode* to prevent evictions often with a few days' advance notice, or less.

The ACDS rental assistance program now has access to the Sheriff's eviction calendar so **we can learn where and when** evictions are scheduled to take place, *but we often have no idea who* is scheduled to be evicted without incredibly labor-intensive staff activity contacting all the locations where evictions are scheduled so we can determine if tenants with rental assistance applications are scheduled. Other jurisdictions have access to warrants for possession issued by the courts, so *they know who* is at risk of eviction, *but they have no idea when* those evictions will be scheduled to take place, so they are tasked with locating all those tenants who have applications for rental assistance pending in a race to beat the eviction date. Still others don't have access to any hints regarding upcoming evictions, so their first notice is a panicked call from someone who has been told they are scheduled for eviction.

Once tenants with evictions are scheduled are identified, all chaos breaks loose. Staff are pulled off processing non-emergency applications to process the emergency application, tenants are connected with legal services to have emergency motions for stays filed with the court, court clerks are asked to rush the motions to a judge for emergency review and ruling, judges have to rule on an emergency basis, and the Sheriff has to be brought into the loop so they know whether or not the court has stopped a scheduled eviction or the rental assistance program has worked out an arrangement with the landlord to cancel the eviction. **This bill would slow down the process so everyone can breathe, so disruption to several agencies can be avoided, so extreme distress to tenants can be avoided, and so funds can still be paid to landlords in a reasonable amount of time** so ERAP-eligible tenants can remain housed.

2. Reducing Unfairness to Landlords in the Distribution of Rental Assistance Funding by Eliminating the Incentive for Landlords to Sue Tenants and Schedule Evictions.

As noted, virtually all emergency rental assistance programs prioritize and rush the processing of applications for tenants scheduled for eviction. Many landlords cooperate with their tenants and our rental assistance program so that rental assistance applications can be processed and landlords can be paid without the involvement of the court process. Similarly, even if they have a judgment for eviction, many landlords will hold off on evicting tenants so rental assistance can be processed. However, our rental assistance program has noticed a pattern with certain landlords in Anne Arundel County – less than ten or so – that routinely schedule evictions for the sole purpose of getting their tenants’ applications prioritized and bumped to the front of the line for processing. This results in delays to the processing of applications from tenants with reasonable, cooperative landlords in favor of landlords who have manipulated the system to “jump the line.” This is unfair to both landlords awaiting payments and their tenants. The reasonable delay provided in this bill before eviction can take place would **eliminate unfairness by eliminating the ability of landlords to jump to the front of the line by scheduling their tenants’ evictions.**

3. Providing the Court Authority to Temporarily Pause the Eviction Process.

Right now, there is no statutory authority for the Court to pause the eviction process related to rent assistance. This sets up a nightmarish race between the ERAP agency/tenant and the eviction process. SB 384 mandates a stay on Failure to Pay Rent proceedings, on a case-by-case basis, if a judge determines that a good faith rental assistance application to resolve the debt is pending. The time can then be used to complete processing of rental assistance applications so that *tenants will not be evicted when there is money to pay the rent.*

For the reasons noted above, we urge a FAVORABLE report on SB 384.