

SB 384 Testimony.pdf

Uploaded by: Alex Avdakov

Position: FAV



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

**STATEWIDE
ADVOCACY SUPPORT UNIT**

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March 25, 2022

The Honorable Delegate Kumar P. Barve
Environment & Transportation Committee
House Office Building
6 Bladen St.
Annapolis MD, 21401

Re: Testimony in support of Senate Bill 384 – Stay of Eviction Proceeding for
Rental Assistance Determination

Dear Chairman Barve and Members of the Committee,

Thank you for the opportunity to testify in support of 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, housing, and employment barriers. Maryland Legal Aid supports SB 384 and asks that this committee give it a favorable report.

This letter serves as notice that Alex Avdakov, Esq. will testify in support of Senate Bill 384 on behalf of MLA at the request of Delegate Vaughn M. Stewart. Rental assistance is an essential lifeline to Maryland's most vulnerable families impacted by the Covid-19 pandemic. As of December 2021, \$240 million in rental assistance has been distributed to 40,000 renters across Maryland. In February 2022, the Maryland Department of Housing and Community Development announced that an additional \$204 million would be allocated to the state's emergency rental assistance program, also known as Funding Phase II. Rental assistance is a continuing necessity in Maryland.

Meanwhile, failure to pay rent (FTPR) eviction cases continue to be heard daily in Maryland District Courts. Some opponents of this bill state that there is a months-long delay between filing an FTPR complaint and the date of the hearing, rendering this bill unnecessary. However, MLA's experience is that the time between filing the complaint and the hearing date is set within two weeks of filing in most counties. Large jurisdictions like Baltimore City, Prince George's County, and Montgomery County are the exceptions.

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In Baltimore City, before courts entered phase III operations, hearings were scheduled as soon as 30 days from the filing date. Factoring in Maryland's new 10-day notice requirement, this gives tenants 40 days to apply for and obtain rental assistance. If the tenant fails to get this assistance in time, a judgment is entered against them, leading to eviction. In the experience of MLA advocates, the typical wait period for rental assistance in Baltimore City is several months. The wait time for rental assistance in other jurisdictions is similar. Because of this wait, tenants that would otherwise qualify for and receive rental assistance are evicted. In many cases, landlords that have already agreed to accept rental assistance funds refuse to wait any longer. SB 384 gives more time for rental assistance to be awarded, preventing unnecessary evictions.

At the same time, the bill limits an eviction stay to a maximum of 35 days. This will force rental assistance agencies to continue acting quickly. This bill also forces tenants to act quickly. It limits stays to tenants that have sought rental assistance within 30 days of the Failure to Pay Rent filing. Tenants will actually receive the court summons several days after the filing.

The proposed legislation is limited to evictions in the context of a Failure to Pay Rent. It does not prevent landlords from choosing to provide proper notice to end a lease and evicting the tenant through a Tenant Holdover action. Maryland recently implemented a 60-day notice to terminate an expiring or expired lease. One month's notice was previously required. Similarly, this legislation does not impact the ability of landlords to evict tenants for severe breaches of the lease.

In sum, SB 384 is narrowly focused on getting rent money into the hands of landlords, which is what they are demanding by filing a failure to pay rent eviction. As a result, fewer Maryland families will face eviction. MLA respectfully requests that you provide a favorable report on SB 384.

Sincerely,

/s/Alex Avdakov

Alex Avdakov
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Maryland Legal Aid
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SB0384_Stay_of_Eviction_MLC_FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR HB0384
Landlord and Tenant – Stay of Eviction Proceeding for Rental Assistance
Determination

Bill Sponsor: Senator Hettleman

Committee: Environment and Transportation

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of HB0384 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state with well over 30,000 members.

Renters have been placed in a particularly untenable position since the start of the pandemic. Many renters have either lost jobs, or seen their wages reduced. Most have no desire to default on their rent, but are simply experiencing the volatility of shutdowns and sickness. We all understand that landlords have the right to collect on their rents, but we should not needlessly throw people out on the street when they are making an effort to pay.

This bill will support the many renters in the state by precluding landlords from evicting them while they are waiting for rental assistance funds. The goal should always be to keep people in their homes.

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

CDN SB384 FAVORABLE.pdf

Uploaded by: Claudia Wilson Randall

Position: FAV



Testimony SB 384
House Environmental and Transportation Committee
March 29, 2022
Position: FAVORABLE

Dear Chairman Barve and Members of the Environment and Transportation Committee:

The Community Development Network of Maryland (CDN) is the voice for Maryland's community development sector and serves nearly 200 member organizations. CDN—focuses on small affordable housing developers, housing counseling agencies and community-based non-profits across the state of Maryland. The mission of CDN is to promote, strengthen and advocate for the community development sector throughout Maryland's urban, suburban and rural communities. CDN envisions a state in which all communities are thriving and where people of all incomes have abundant opportunities for themselves and their families.

SB 384 , like the cross-file HB 674, provides that the court should pause rent-based evictions when a rental assistance application is pending. The State has \$400 million in rental assistance available, but Maryland still has nearly 700 evictions/month across the state. The Senate adopted substantial amendments in response to the landlord and property owner groups concerns.

The consequences of evictions are deep and long lasting. Racial and ethnic minorities are more likely to experience poor health outcomes as a consequence of their social determinants of health, including access to health care, education, employment, economic stability, housing, and public safety, which are deeply impacted by systemic racism. No one should be evicted in the unprecedented aftermath of a global pandemic when there is money to pay the rent. SB 384 as amended by the Senate is a reasonable compromise that gives rental assistance agencies the opportunity to be effective.

Rent court cases are delayed in some jurisdictions but not nearly as much as landlords claim. Delays vary but pausing the eviction for rental assistance makes the landlord whole and keeps families housed. A pause at court allows the rental assistance agency time to prioritize the case for payment. Court times vary depending on the type of case and county from no delay (Worcester, Wicomico, Somerset, Dorchester, Anne Arundel, Kent, Queen Anne's, Caroline, Talbot) to 4-6 months (Baltimore City, Prince George's, Montgomery)

Currently, evictions are taking place when there is a rental assistance application pending. In a 2021 survey of Maryland attorneys who practice in landlord-tenant, 73% reported that in some, most or all of their cases, renters faced eviction while waiting for rental assistance. 63% of attorneys reported that their clients faced eviction when landlords refused to cooperate with rental assistance.

Submitted by Claudia Wilson Randall, Executive Director

SB 384 Vote Written Testimony DRM FAV.pdf

Uploaded by: Cory Warren

Position: FAV



Empowerment. Integration. Equality.

1500 Union Ave., Suite 2000, Baltimore, MD 21211

Phone: 410-727-6352 | Fax: 410-727-6389

www.DisabilityRightsMD.org

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)

Disability Rights Maryland (DRM – formerly Maryland Disability Law Center) is the Protection & Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM works to increase opportunities for Marylanders with disabilities to be part of their communities and live in safe, decent, affordable and accessible housing.

SB 384 was heavily amended to address the concerns of landlords and received a unanimous favorable vote in JPR. **We urge the Committee to vote favorable on SB 384 as amended by the Senate without further weakening amendments.**

SB 384, like the cross-file HB 674, provides that the court should delay rent-based evictions when a good-faith rental assistance application is pending.

Maryland tenants have access to \$400 million in rental assistance. Despite this huge amount of emergency rental assistance funding, Maryland still has nearly 700 evictions a month.

Emergency rental assistance programs are particularly important for people with disabilities. Even prior to COVID-19, people with disabilities are overwhelmingly rent-burdened compared to their non-disabled peers and face greater housing insecurity.¹ On top of being overly rent-burdened, people with disabilities faced significant loss of income at a higher rate during the COVID-19 pandemic than their non-disabled peers.² For the disability community, accessing and utilizing rental assistance programs may be the difference between remaining independent in their own communities instead of being forced into nursing homes, state hospitals, and institutions.³

¹ The current Social Security Income payment is \$794 a month, while the average price of a 1 bedroom in Maryland is \$1247, or 157% of a disabled person's income, leaving no money for food, transportation, clothing, or other necessities. Technical Assistance Collaborative, [Priced Out: The Housing Crisis for People with Disabilities](https://www.tacinc.org/resources/priced-out/), <https://www.tacinc.org/resources/priced-out/> (2021).

² In 2020, 1 out of 5 people with disabilities lost their employment compared to 1 out of 7 people without disabilities. U.S. Bureau of Labor Statistics, [Persons with a Disability: Labor Force Characteristics Summary](https://www.bls.gov/news.release/disabl.nr0.htm), <https://www.bls.gov/news.release/disabl.nr0.htm>

³ K. C. Lakin, S. Larson, P. Salmi, and A. Webster (2010). [Residential Services for Persons with Developmental Disabilities: Status and Trends through 2009](http://rtc.umn.edu/docs/risp2009.pdf), University of Minnesota, <http://rtc.umn.edu/docs/risp2009.pdf>

The Maryland State Senate has already adopted substantial amendments in response to the landlord and property owner groups (MMHA and AOBA). These amendments:

- Limit the stay of eviction to up to 35 days;
- Restrict access to only those tenants who applied for rental assistance within 30 days of the filing for eviction;
- Strike the language that would have prohibited landlords from filing suit to collect rent after refusing rental assistance; and
- Sunset the bill in 3 years.

No one should be evicted in the unprecedented aftermath of a global pandemic when there is money to pay the rent. SB 384 as amended by the Senate is a reasonable compromise that gives rental assistance agencies the opportunity to be effective. While DRM has reservations about requiring tenants to apply for rental assistance within 30 days of filing, our organization would much rather pass the bill as written than have no protection for our clients facing eviction.

It is important to note that Maryland is not alone in this type of legislation. At least 16 other state and local jurisdictions have enacted protections for tenants who have applied for rental assistance by temporarily staying the eviction process.⁴ Additionally, other states have issued guidance that landlords who refuse rental assistance violate the state's source of income law.

There is no reason to not take advantage of these rental assistance programs. The purpose of the CARES Act and the new rental assistance programs is to protect public health by keeping as many impacted families in their homes and off of the streets.⁵ There is no reason not to ensure that this program is used for its purpose, which is to keep families housed. However, as indicated above, tenants are still facing eviction despite this unprecedented amount of money to help prevent a public health crisis from evictions. Allowing a stay for the program to work is imperative for people with disabilities facing eviction.

For example- we have represented the following clients and situations as an organization:

- A deaf client attempted to apply for emergency rental assistance. The client does not read written English well and needed an ASL interpreter to complete the application. The navigator agency that was helping her complete the application was not providing an interpreter and so she could not understand the application to complete it. DRM represented the client day of in Court and asked for a continuance to help her get the ASL interpreter she needed to be approved for

⁴ National Low Income Housing Coalition, ([Tenant Protections and Emergency Rental Assistance during and beyond the COVID-19 Pandemic \(nlihc.org\)](https://www.nlihc.org/)) (January 24, 2022)

⁵ Sheen J, Nande A, Walters EL, et al. The effect of eviction moratoriums on the transmission of SARS-CoV-2. *medRxiv.* 2020; 10.1101/2020.10.27.20220897. Accessed November 11, 2020

rental assistance. DRM was successful in obtaining assistance for this client and preventing her from becoming homeless.

- An elderly client with intellectual and developmental disabilities appeared in Court with papers he could not read or understand. DRM helped him understand that he was being sued for rent. The client explained that he had lost income, and DRM assisted him in connecting with emergency rental assistance and giving him guidance on asking for a stay with the Court.
- Another client with intellectual and development disabilities was unaware of the emergency rental assistance, and consented to possession in less than 30 days, even though she was eligible for emergency rental assistance. A stay could have allowed this individual time to apply for rental assistance and receive assistance from counsel.

In all of these instances, representation and additional time to access important emergency rental assistance was needed to keep people housed.

Disability Rights Maryland is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on SB 384**. If you have any questions, please contact: Cory Warren, Esq at Cwarren@disabilityrightsmd.org or 410-727-6352 ext. 2472.

SB0384-ET_MACo_SUP.pdf

Uploaded by: D'Paul Nibber

Position: FAV



Senate Bill 384

Landlord and Tenant - Stay of Eviction Proceeding for Rental Assistance Determination

MACo Position: **SUPPORT**

To: Environment and Transportation
Committee

Date: March 29, 2022

From: D'Paul Nibber

The Maryland Association of Counties (MACo) **SUPPORTS** SB 384. This bill would, among other provisions, allow a tenant to stay an eviction proceeding while waiting for a determination regarding the tenant's good faith application for rental assistance. Amendments adopted by the Maryland Senate further refine the bill to limit stays for up to 35 days and require renters to apply for rental assistance within 30 days of an eviction filing.

Since the onset of the COVID-19 pandemic, there has been an unprecedented effort by Maryland to stabilize the housing market. As a result, counties have been relied upon to distribute federal emergency rental assistance to qualified tenants experiencing financial distress. County agencies have worked diligently to ensure this assistance is provided in a timely manner. A total of over 70,000 applications for rental assistance have been processed with over 40,000 households having received assistance.

Unfortunately, in the recent past, state and federal guidelines regarding payment distribution record-keeping, evidence of rental arrangements, and collection of qualifying income documentation contributed to delays in assistance payments. In recent months, counties have increased the efficiency and timeliness of their emergency rental assistance programs, yet eviction filings concerning tenants eligible for assistance persist.

County officials share the concern that many eligible tenants are not aware of, or are having difficulty applying for, emergency rental assistance. Moreover, as the pandemic subsides, recent data from district courts across the state show that evictions proceedings are beginning to be heard at near pre-pandemic rates. SB 384 is needed to ensure housing stability for vulnerable tenants. Upon eviction, these former tenants are faced with cascading negative health and economic issues including homelessness, food insecurity, and job loss—placing a substantial burden on state and county resources.

SB 384 is a narrowly tailored measure to protect vulnerable Marylanders from needless evictions and avoid a preventable drain on state and local resources. For these reasons, MACo **SUPPORTS** SB 384 and urges a **FAVORABLE** report.

sb384.pdf

Uploaded by: Gwen DuBois

Position: FAV



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

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

Position: SUPPORT (FAV)

CPSR is statewide evidenced-based, organization of 940 physicians, other health professionals and supporters, that addresses the existential public health threats: nuclear weapons, the climate crisis and the issues of pollution and toxics' effect on health as seen through the intersectional lens of environmental, social and racial justice. As an organization founded by physicians, we understand that prevention is far superior to treatment in reducing costs; death, illness, injury, and suffering.

SB 384 was heavily amended to address the concerns of landlords and received a unanimous favorable vote in JPR. **We urge the Committee to vote favorable on SB 384 as amended by the Senate without weakening amendments.**

SB 384, like the cross-file HB 674, provides that the court should hit the pause button on rent-based evictions when a good-faith rental assistance application is pending. The State/locals have \$400 million in rental assistance available, but Maryland still has nearly 700 evictions/month across the state. The Senate adopted substantial amendments in response to the landlord and property owner groups (MMHA and AOBA). These amendments:

- Limit the stay of eviction to up to 35 days;
- Restrict access to only those tenants who applied for rental assistance within 30 days of the filing for eviction;

DECEMBER 2021

105,000

MD HOUSEHOLDS
BEHIND ON RENT

The Household Pulse Survey (Week 41) estimates that **62%** of Maryland renters feel "very" or "somewhat" likely to be evicted in the next 2 months. These renters are disproportionately people of color, and the majority have children in their households. Here's what else we know about them:

97% have a household income under \$50,000

84% lost employment income in the past 4 weeks

88% borrowed from friends/family to meet spending needs in the past 7 days

14% used their Child Tax Credit payment to meet spending needs in the past 7 days

- Strike the language that would have prohibited landlords from filing suit to collect rent after refusing rental assistance; and
- Sunset the bill in 3 years.

No one should be evicted in the unprecedented aftermath of a global pandemic when there is money to pay the rent. SB 384 as amended by the Senate is a reasonable compromise that gives rental assistance agencies the opportunity to be effective. The chart below outlines arguments against the bill and responses:

MYTH	FACT
New information shows that evictions are not happening in Maryland at scale.	In Aug. 2021 – Jan. 2022, landlords evicted 4,059 families in Maryland (677/month), even though the state has over \$400 million in rental assistance available. In January alone there were 600 evictions. That is the most recent data available. No one should be evicted when there is money to pay the rent – especially during a global pandemic.
Landlords never agreed to the changes in the Senate.	In JPR, Sen. Chris West stated that the bipartisan workgroup that produced the amendments had tenant & landlord reps present and “produced a compromise that everyone agreed on.” (Mar. 17 #2 at 50:40). JPR unanimously voted favorable.
Courts are so delayed because of COVID that landlords can’t deal with further delays.	Rent court cases are delayed in some jurisdictions but not nearly as much as landlords claim. Delays vary but pausing the eviction for rental assistance makes the landlord whole and keeps families housed. A pause at court allows the rental assistance agency time to prioritize the case for payment. Court times vary depending on the type of case and county from no delay (Worcester, Wicomico, Somerset, Dorchester, Anne Arundel, Kent, Queen Anne’s, Caroline, Talbot) to 4-6 months (Balt. City, Prince George’s, Montgomery)
Anne Arundel County only had 4 evictions in January.	This is true, but it does not argue against the bill. Arundel Community Development Services, which provides back rent assistance in a very effective manner, has testified that their model is unsustainable and unless SB 384 is passed, more families with applications pending will be evicted.

The greatest myth is that evictions don’t happen when there is a rental assistance application pending. In a 2021 survey of Md. attorneys who practice in landlord-tenant, 73% reported that in some, most or all of their cases, renters faced eviction while waiting for rental assistance. 63% of attorneys reported that their clients faced eviction when landlords refused to cooperate with



73%

of surveyed pro bono attorneys in Maryland reported that in some, most, or all of their cases, **renters faced eviction while waiting** for Emergency Rental Assistance.

63%

of surveyed pro bono attorneys had cases in which renters **faced eviction after their landlords refused** to accept Emergency Rental Assistance.

rental assistance.

Adopting a National Best Practice of Pausing Eviction for Rental Assistance.

[At least 16 other state and local jurisdictions have enacted protections for tenants who have applied for rental assistance by temporarily staying the eviction process.](#) Additionally, some states have issued guidance that landlords who refuse rental assistance violate the state's source of income law. *No one should be evicted when there is money to pay the rent – especially during a pandemic.*

Examples of tenants evicted despite having rental assistance applications on file

- A mother and her adult daughter, as well as the adult daughter's two children, were evicted from a large apartment complex in Towson, MD, after falling behind on their rent. The family owed over \$4,000 in back rent and sought help from the Community Assistance Network, but the apartment complex refused to work with CAN to pay the amount owed. The family has been devastatingly destabilized, as they were forced to move into substandard housing, and their former landlord is now pursuing collection of the back amount.
- Albert had an open case for rental assistance and had filed a motion with help from Legal Aid to stay the eviction pending rental assistance. The Court denied this motion. The judge said that he had no authority to stay the eviction absent a medical condition. The next day, the sheriff carried out the eviction.
- A renter at a large apartment complex in Owings Mills fell three months behind on her rent because of underemployment during the pandemic. The complex would not work with rental assistance to cover the amount owed. The complex also did not renew her lease, meaning she has to find a new home regardless of whether the back amount is covered, but she will owe the complex thousands of dollars that it could have easily received from rental assistance.
- J.R. was living in a house in Germantown. She is a single mom raising two small children and fell behind on rent due to the pandemic. In August 2021, her landlord filed an action in August and received a judgment for possession against her in September, for just one month's rent. She had applied for county assistance to help her pay the nearly \$10,000 of rent that she owed, but the county did not have enough time to process her application, and she was forced to leave her unit in October. This remarkably quick eviction process left her homeless and searching for other kinds of government assistance just to find a place to live and food for her and her kids.

Chesapeake Physicians for Social Responsibility is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on SB 384.**

Gwen DuBois Md, MPH gdubois@jhsph.edu

President, Chesapeake Physicians for Social Responsibility

Crossover SB384 MCRC Testimony 2022.pdf

Uploaded by: Isadora Stern

Position: FAV

Testimony to the House Environment & Transportation Committee
SB 384: Landlord and Tenant – Stay of Eviction Proceeding for Rental Assistance Determination
Position: Favorable

March 29, 2022

The Honorable Kumar P. Barve, Chair
Environment and Transportation Committee
Room 251, HOB
Annapolis, MD 21401
cc: Members, Environment and Transportation Committee

Honorable Chair Barve and Members of the Committee:

The Maryland Consumer Rights Coalition (MCRC) is a statewide coalition of individuals and organizations that advances economic rights and financial inclusion for Maryland consumers through research, education, direct service, and advocacy. Our 8,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

We are writing today in support of SB 384. The bill was heavily amended in the Senate to address the concerns of landlords and received a unanimous favorable vote in JPR. We urge this committee to vote favorably on SB 384 as amended by the Senate without weakening amendments. SB 384, like the cross-file HB 674, provides that the court should pause rent-based evictions when a good-faith rental assistance application is pending. Maryland has \$400 million in rental assistance available to prevent evictions. Every dollar of our estimated rent debt of \$392 million (Dec. 2021) can be paid by local emergency rental assistance programs (ERAPs) that have scaled up over the past year. Yet, in the second half of 2021, there were nearly 27,000 eviction cases filed for non-payment of rent per month. In that time, 705 households were evicted per month.

No one should be evicted when there is money to pay the rent – especially during a pandemic. This bill will align the pace of rental assistance with eviction processes and incentivize landlords to accept rental assistance. Even as local rental assistance programs have worked overtime to innovate solutions that make landlords whole while keeping residents housed, they were exceedingly outpaced by eviction filings. In July 2021, the ratio of FTPR eviction filings to households served by ERAPs was nearly 9:1. Even with the incredible ramp-up effort over summer and fall, plus the implementation of new notice requirements under HB18 (Oct. 2021), that ratio was still approximately 4:1.

Numerous landlords – both large corporations and smaller operators – are refusing to accept rental assistance. Some refuse it across the board. Others pick winners and losers – accepting the rental assistance for some who they like and refusing it for others. If the landlord wants to use a state-funded judicial process to collect the rent, they should be required to accept rental assistance. This bill will ensure all eligible renters have access to rental assistance and that their landlords accept those funds. Furthermore, SB 384 would remove that incentive for landlords to aggressively pursue eviction because the Court could pause the eviction while a good faith rental assistance application is pending.

For these reasons we support this measure and urge a favorable report.

Sincerely,
Isadora Stern
Policy Associate

Takoma Park 2022 - SB 384 - Staying Eviction Renta

Uploaded by: Jamal Fox

Position: FAV



CITY OF TAKOMA PARK, MARYLAND

SB 384 Support as Amended

**House Environment & Transportation Committee
March 29, 2022**

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

**City contact: Alex Cross, Director, Housing and Community Development
Alexander.Cross@takomaparkmd.gov, 301-891-7119**

The City of Takoma Park supports and urges favorable consideration of SB 384 as amended.

Currently, there is no statutory authority for courts to pause the eviction process in failure to pay rent cases when a tenant presents satisfactory evidence that they are awaiting a determination regarding a good faith application for rental assistance. SB 384 provides a structural fix to the issue by mandating a stay on failure to pay rent proceedings until an application for relief is approved and funds disbursed to the property owner.

There is an unprecedented amount of funding to assist tenants and property owners. As a City, we know the toll that evictions place on our residents. This bill ensures that rental assistance funds can be disbursed to property owners to clear rental delinquencies and tenant accounts are brought up-to-date without the imminent threat of eviction.

At least 16 other state and local jurisdictions have enacted similar protections for tenants who have applied for rental assistance by temporarily staying the eviction process to allow for applications to be processed and payments disbursed.

The City of Takoma Park urges a favorable report on SB 384.

Health Care for the Homeless - SB 384 FAV - Stay o

Uploaded by: Joanna Diamond

Position: FAV

HEALTH CARE FOR THE HOMELESS TESTIMONY
IN SUPPORT OF
SB 384 – *Landlord and Tenant – Stay of Eviction Proceeding for
Rental Assistance Determination*

House Judiciary Committee
March 29, 2022



Health Care for the Homeless supports SB 384 as amended, which would provide for the stay of evictions for Failure To Pay Rent (FTPR) proceedings, on a case-by-case basis, if a judge determines that a good faith rental assistance application to resolve the debt is pending.

Since December 2021, 105,000 Maryland households are behind on rent and 62% of Maryland renters feel “very” or “somewhat” likely to be evicted in the next two months. There is an [estimated rent debt of \\$392 million](#). The good news is that Maryland has unprecedented eviction funding. Local emergency rental assistance programs (ERAPs) have enough money to pay the entirety of rent debt in the state. Yet, in the second half of 2021, there were nearly 27,000 eviction cases filed for non-payment of rent per month. **In that time, 705 households were evicted per month.** Evictions have hugely devastating consequences on a person’s life. It is simply commonsense that if an individual is awaiting the funding that can pay their rent and avoid eviction, our public policy should allow them to do that.

SB 384 would temporarily pause evictions, incentivize landlords to accept rental assistance, and align the pace of rental assistance with eviction processes for fairness and efficiency. While there is more than enough ERAP assistance to cover every household who is behind on rent due to FTPR, the disbursement of ERAP funding has not kept up with the pace of FTPR eviction cases. In December of 2021, over 23,000 FTPR cases were filed and over 3,000 FTPR warrants were served. However, just over 6,000 households were served with ERAP funds. SB 384 would remove that incentive for landlords to aggressively pursue eviction because the Court could pause the eviction while a good faith rental assistance application is pending. **No one should be evicted when there is money to pay the rent – especially during a pandemic.**

Health Care for the Homeless is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on SB 384.**

Renters United Maryland is a coalition of independent non-profit, legal services, and community-based organizations. In 2022, Renters United Maryland calls on the General Assembly to ensure that Maryland’s COVID recovery isn’t leaving renters behind. See Renters United Maryland’s Housing Justice plan for the 2022 legislative session here: <https://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.

BaltimoreCounty_FAV_SB0384.pdf

Uploaded by: Joel Beller

Position: FAV



JOHN A. OLSZEWSKI, JR.
County Executive

JOEL N. BELLER
Acting Director of Government Affairs

JOSHUA M. GREENBERG
Associate Director of Government Affairs

MIA R. GOGEL
Associate Director of Government Affairs

BILL NO.: **SB 384**

TITLE: **Landlord and Tenant - Stay of Eviction Proceeding for Rental Assistance Determination**

SPONSOR: **Senator Hettleman**

COMMITTEE: **Environment and Transportation**

POSITION: **SUPPORT**

DATE: **March 29, 2022**

Baltimore County **SUPPORTS** Senate Bill 384 – Landlord and Tenant - Stay of Eviction Proceeding for Rental Assistance Determination. This bill would require a court to issue a stay of eviction if the tenant is engaged in a good faith application for rental assistance.

At the onset of the COVID-19 Pandemic, County Executive Olszewski acted quickly in the face of rising rates of unemployment and growing economic insecurity to keep Baltimore County residents in their homes. The County created its first Department of Housing and Community Development, bringing its housing resources together to ensure a concerted and coordinated effort to prevent evictions throughout the pandemic and in years to come. With assistance from the State and Federal governments, and through innovative partnerships such as the STEP Program with United Way, the County has prevented thousands of resident evictions to date.

SB 384 would require a court that has not entered judgement to stay an eviction proceeding, or a warrant if judgement has been entered, if the tenant in question presents compelling evidence that they are engaged in a good faith application for rental assistance. This legislation would ensure that County residents taking active efforts to use the myriad resources available to them are not displaced from their homes in the eviction process. As the pandemic continues to keep residents in their homes, it is critical that eviction prevention resources are available at every step of the eviction process.

Accordingly, Baltimore County requests a **FAVORABLE** report on SB 384. For more information, please contact Joel Beller, Acting Director of Government Affairs at jbeller@baltimorecountymd.gov.

SB384_MD Center on Economic Policy_FAV.pdf

Uploaded by: Kali Schumitz

Position: FAV



MARCH 29, 2022

Renters Deserve a Fair Chance to Access Available Rental Assistance

Position Statement Supporting Senate Bill 384 as Amended

Given before the House Environment and Transportation Committee

Maryland has unprecedented funding to prevent evictions. Every dollar of our estimated rent debt of \$392 million can be paid by local emergency rental assistance programs that have scaled up over the past year and still have \$467 million in funding.^{i ii} Yet, in the second half of 2021, there were nearly 27,000 eviction cases filed for non-payment of rent per month. In that time, 705 households were evicted per month. **The Maryland Center on Economic Policy supports Senate Bill 384 as amended because it would help people access needed rental assistance.**

The spread of COVID-19 has resulted in substantial loss of income for many Marylanders, leaving them unable to afford their rent. Preserving housing stability is critical to set up families and communities for a strong economic recovery. Maryland families were already facing housing instability long before the pandemic. In Maryland, in average of 660,000 evictions are filed annually.

In Maryland:

- 115,000 eviction cases were filed from July to November of last year
- Over 2,500 Marylanders were evicted amid the surging public health crises from July to November of last year
- An estimated 105,000 Marylanders are currently behind on their rent
- 62% of Maryland renters feel “very” or “somewhat” likely to be evicted in the next 2 months

SB 384 was heavily amended to address the concerns of landlords and received a unanimous favorable vote in the Senate committee. **We urge the committee to vote favorable on SB 384 as amended by the Senate without weakening amendments.**

SB 384, like the cross-file HB 674, provides that the court should hit the pause button on rent-based evictions when a rental assistance application is pending. The state and local governments have \$400 million in rental assistance available, but Maryland still has nearly 700 evictions per month across the state. The Senate adopted substantial amendments in response to the concerns of landlord and property owner groups. These amendments:

- Limit the stay of eviction to up to 35 days;
- Restrict access to only those tenants who applied for rental assistance within 30 days of the filing for eviction;

- Strike the language that would have prohibited landlords from filing suit to collect rent after refusing rental assistance; and
- Sunset the bill in 3 years.

No one should be evicted in the unprecedented aftermath of a global pandemic when there is money to pay the rent. SB 384 as amended by the Senate is a reasonable compromise that gives rental assistance agencies the opportunity to be effective. At least 16 other state and local jurisdictions have enacted protections for tenants who have applied for rental assistance by temporarily staying eviction process.ⁱⁱⁱ Additionally, some states have issued guidance that landlords who refuse rental assistance violate the state’s source of income law. For these reasons, **the Maryland Center on Economic Policy respectfully requests the Environment and Transportation Committee make a favorable report on Senate Bill 384.**

Equity Impact Analysis: Senate Bill 384 (as passed the Senate)

Bill Summary

As amended in passed in the Senate, SB 384 provides authority for the court to pause the eviction process related to rent assistance, with limitations that ensure landlords can still pursue evictions for failure to pay rent.

Background

Right now, there is no statutory authority for judges to pause the eviction process related to rent assistance. 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.

Equity Implications

In Maryland:

- 115,000 eviction cases were filed from July to November of last year
- Over 2,500 Marylanders were evicted amid the surging public health crises from July to November of last year
- 105,00 Marylanders are currently behind on their rent
- 62% of Maryland renters feel “very” or “somewhat” likely to be evicted in the next 2 months

Impact

Senate Bill 384 will likely **improve racial, gender, and economic equity** in Maryland.

ⁱ National Equity Atlas (2021) *Debt in America* <https://nationalequityatlas.org/rent-debt>

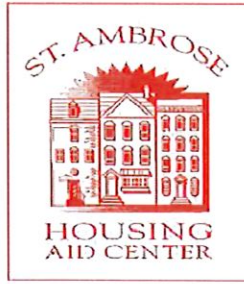
ⁱⁱ Maryland Department of Housing and Development. *Emergency Rental Assistance Program Dashboard* <https://app.powerbigov.us/view?r=eyJrJjoizDliMTA3YzUtMDBiMiooNmJlLThlZmMtYzMyMTkwZTFY2NiIiwidCI6IjdkM2I4ZDAwLWY5YmUtNDZlNy05NDYwLTRlZjJkOGY3MzEoOSJ9>

ⁱⁱⁱ National Low Income Housing Coalition. *Tenant Protections and Emergency Rental Assistance During and Beyond the Covid-19 Pandemic.* https://nlihc.org/sites/default/files/Tenant-Protections_Emergency-Rental-Assistance-during_beyond_COVID-19_Pandemic.pdf

St. Ambrose Testimony - SB384 E&T Hearing - FAV.pd

Uploaded by: Katherine Donnelly

Position: FAV



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

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

Position: SUPPORT (Favorable)

March 29, 2022

Honorable Chair Barve and Members of the Committee:

I am writing on behalf of St. Ambrose Housing Aid Center, Inc. (“St. Ambrose”) to urge the Environment and Transportation Committee to issue a favorable report on SB 384, which gives Maryland Courts the authority to pause an eviction proceeding while a tenant seeks rental assistance. SB 384 was heavily amended in the Senate to address landlord concerns and was passed unanimously by JPR.

St. Ambrose is a Baltimore based non-profit whose mission is to create, preserve, and maintain equal housing opportunities for low- and moderate-income people primarily in Baltimore City. The Legal Services Department at St. Ambrose provides pro bono legal services which help preserve housing stability for an average of 1000 residents a year. Among these are people facing the possibility of eviction for failure to pay rent. Since the beginning of 2022, our staff of four attorneys received nearly 100 calls from tenants seeking counsel.

One of our clients is a mother who had to leave her job because of medical complications during her pregnancy last fall. When she couldn’t afford her rent, she applied for Baltimore City’s emergency rental assistance program. Though she qualified for help, her landlord refused to participate. Instead, they filed multiple failure to pay rent actions against her and nearly evicted her (and her kids) twice during the first two months of 2022. Thankfully, before her most recent scheduled eviction, one of our attorneys intervened and was able to advocate for her landlord to accept rental assistance funds. Though she was not evicted, she still endured months of extreme stress, sleepless nights, and fear about finding a safe and healthy place for her kids to live. She is not alone: in a survey of pro bono attorneys across Maryland, 73% had cases where a client faced eviction while a rental assistance application was pending. Despite Maryland’s record-setting funding for eviction prevention, in the second half of 2021, there were nearly 27,000 eviction cases filed for non-payment of rent *per month*.

SB 384 would give judges discretion to stay proceedings for up to 35 days as rental assistance applications are evaluated, giving tenants time to receive these critical funds before an eviction judgment is entered. Accordingly, we ask for your favorable report on SB 384. Thank you.

Sincerely,


Gerard Joab
Executive Director
St. Ambrose Housing Aid Center

PBRC Favorable Testimony - SB 384.pdf

Uploaded by: Katie Davis

Position: FAV



SB 384: Landlord and Tenant – Stay of Proceedings for Rental Assistance Determination
HEARING BEFORE THE ENVIRONMENT & TRANSPORTATION COMMITTEE, MARCH 29, 2022 AT 1:00 PM
POSITION: SUPPORT

The Pro Bono Resource Center of Maryland (“PBRC”), an independent 501(c)(3) non-profit organization, is the statewide thought leader, coordinator and clearinghouse for volunteer civil legal services in Maryland. As the designated pro bono arm of the Maryland State Bar Association, PBRC provides training, mentorship, and pro bono service opportunities to members of the private bar. We respond to acute legal needs identified in areas across the state by piloting and operating innovative pro bono service projects targeting specific legal problems or populations.

In May 2017, with a grant from the Maryland Judiciary’s Access to Justice Department, PBRC launched the **Tenant Volunteer Lawyer of the Day Program (TVLD Program)** in Baltimore City Rent Court to provide day-of-court legal representation to tenants who appear unrepresented for their proceedings. Since that time we have expanded to provide day-of-court services in Baltimore County as well as extended representation services in both jurisdictions for clients in tenant holding over, breach of lease and escrow actions. **Based upon our expertise working with these tenants, PBRC supports SB 384 because it will prevent unnecessary judgments and evictions, encourage landlords to accept rental assistance funds and bring Maryland in line with other states that have already adopted similar best practices of pausing eviction proceedings based upon the availability of rental assistance.**

PBRC supports SB 384 because it will keep tenants housed by giving them a meaningful opportunity to access Rental Assistance *before* they have a judgment or eviction date. SB 384, like the cross-file HB 674, allows the court to hit the pause button on rent-based evictions when a good-faith rental assistance application is pending. **Despite having \$400 million in rental assistance available, Maryland has nearly 700 evictions each month across the state.** The Senate adopted substantial amendments in response to landlord and property owner groups, including limiting the stay of eviction to up to 35 days, restricting access to certain tenants, and sunseting the bill in three years. These amendments represent a reasonable compromise. As amended SB 384 will help families stay housed by increasing access to rental assistance funds.

SB 384 as currently written would have prevented the eviction of Ms. Jones, a kind 74-year-old-woman who fell behind on her rent after helping support her granddaughter, who lost her job due to COVID. Ms. Jones called PBRC’s tenant hotline after missing her Failure to Pay Rent hearing due to lack of transportation. She had applied for rental assistance months earlier and was told that she qualified. Nonetheless her landlord secured a judgment for \$650.00 and proceeded with eviction.

In November, our staff attorney was speaking to Ms. Jones when she overheard a loud pounding on the door followed by the sheriff and landlord telling Ms. Jones that she was being evicted and had 15 minutes to gather her things.

Our staff attorney could only listen as Ms. Jones ran up and down the stairs gathering her documents, her wallet and a few sentimental items and then as she frantically looked for her inhaler when her asthma made it difficult to breath. The sheriff refused to accept a payment of \$500.00 in cash to stay the eviction and refused our attorney's request for an emergency stay based upon either the pending rental assistance or lack of licensure. Ms. Jones was clearly frightened but sadly there was not much else we could do at this stage to help.

A stay of proceedings prior to judgment or even a stay of the eviction for a short time based upon the valid rental assistance application would have prevented this eviction. With a stay in place, the landlord could have received all the back rent owed and Ms. Jones could have remained in her home. Instead, the landlord received no payments and Ms. Jones lost most of her possessions and was rendered homeless at 74 – during a pandemic.

The House of Delegates can make sure no one is evicted while waiting for rental assistance. Please pass HB 674/SB 384.

For the above reasons, **PBRC urges a FAVORABLE report on SB 384.**

Please contact Katie Davis, Director of PBRC's Courtroom Advocacy Project, with any questions.

kdavis@probonomd.org • 443-703-3049

SB 384 in ET -- Pause Eviction for Rental Assist .

Uploaded by: Kayla Williams

Position: FAV



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)

SB 384 was heavily amended to address the concerns of landlords and received a unanimous favorable vote in JPR. **We urge the Committee to vote favorable on SB 384 as amended by the Senate without weakening amendments.**

SB 384, like the cross-file HB 674, provides that the court should hit the pause button on rent-based evictions when a good-faith rental assistance application is pending. The State/locals have \$400 million in rental assistance available, but Maryland still has nearly 700 evictions/month across the state. The Senate adopted substantial amendments in response to the landlord and property owner groups (MMHA and AOBA). These amendments:

- Limit the stay of eviction to up to 35 days;
- Restrict access to only those tenants who applied for rental assistance within 30 days of the filing for eviction;
- Strike the language that would have prohibited landlords from filing suit to collect rent after refusing rental assistance; and
- Sunset the bill in 3 years.

No one should be evicted in the unprecedented aftermath of a global pandemic when there is money to pay the rent. SB 384 as amended by the Senate is a reasonable compromise that gives rental assistance agencies the opportunity to be effective. The chart below outlines arguments against the bill and responses:



The Household Pulse Survey (Week 41) estimates that **62% of Maryland renters feel "very" or "somewhat" likely to be evicted in the next 2 months.** These renters are disproportionately people of color, and the majority have children in their households. Here's what else we know about them:

- 97%** have a household income under \$50,000
- 84%** lost employment income in the past 4 weeks
- 88%** borrowed from friends/family to meet spending needs in the past 7 days
- 14%** used their Child Tax Credit payment to meet spending needs in the past 7 days

MYTH	FACT
New information shows that evictions are not happening in Maryland at scale.	In Aug. 2021 – Jan. 2022, landlords evicted 4,059 families in Maryland (677/month), even though the state has over \$400 million in rental assistance available. In January alone there were 600 evictions. That is the most recent data available. No one should be evicted when there is money to pay the rent – especially during a global pandemic.

Landlords never agreed to the changes in the Senate.	In JPR, Sen. Chris West stated that the bipartisan workgroup that produced the amendments had tenant & landlord reps present and “produced a compromise that everyone agreed on.” (Mar. 17 #2 at 50:40). JPR unanimously voted favorable.
Courts are so delayed because of COVID that landlords can’t deal with further delays.	Rent court cases are delayed in some jurisdictions but not nearly as much as landlords claim. Delays vary but pausing the eviction for rental assistance makes the landlord whole and keeps families housed. A pause at court allows the rental assistance agency time to prioritize the case for payment. Court times vary depending on the type of case and county from no delay (Worcester, Wicomico, Somerset, Dorchester, Anne Arundel, Kent, Queen Anne’s, Caroline, Talbot) to 4-6 months (Balt. City, Prince George’s, Montgomery)
Anne Arundel County only had 4 evictions in January.	This is true, but it does not argue against the bill. Arundel Community Development Services, which provides back rent assistance in a very effective manner, has testified that their model is unsustainable and unless SB 384 is passed, more families with applications pending will be evicted.

The greatest myth is that evictions don’t happen when there is a rental assistance application pending. In a 2021 survey of Md. attorneys who practice in landlord-tenant, 73% reported that in some, most or all of their cases, renters faced eviction while waiting for rental assistance. 63% of attorneys reported that their clients faced eviction when landlords refused to cooperate with rental assistance.



73%

of surveyed pro bono attorneys in Maryland reported that in some, most, or all of their cases, **renters faced eviction while waiting** for Emergency Rental Assistance.

63%

of surveyed pro bono attorneys had cases in which renters **faced eviction after their landlords refused** to accept Emergency Rental Assistance.

Adopting a National Best Practice of Pausing Eviction for Rental Assistance.

[At least 16 other state and local jurisdictions have enacted protections for tenants who have applied for rental assistance by temporarily staying the eviction process.](#) Additionally, some states have issued guidance that landlords who refuse rental assistance violate the state’s source of income law. *No one should be evicted when there is money to pay the rent – especially during a pandemic.*

Examples of tenants evicted despite having rental assistance applications on file

- A mother and her adult daughter, as well as the adult daughter’s two children, were evicted from a large apartment complex in Towson, MD, after falling behind on their rent. The family owed over \$4,000 in back rent and sought help from the Community Assistance Network, but the apartment complex refused to work with CAN to pay the amount owed. The family has been devastatingly destabilized, as they were forced to move into

substandard housing, and their former landlord is now pursuing collection of the back amount.

- Albert had an open case for rental assistance and had filed a motion with help from Legal Aid to stay the eviction pending rental assistance. The Court denied this motion. The judge said that he had no authority to stay the eviction absent a medical condition. The next day, the sheriff carried out the eviction.
- A renter at a large apartment complex in Owings Mills fell three months behind on her rent because of underemployment during the pandemic. The complex would not work with rental assistance to cover the amount owed. The complex also did not renew her lease, meaning she has to find a new home regardless of whether the back amount is covered, but she will owe the complex thousands of dollars that it could have easily received from rental assistance.
- J.R. was living in a house in Germantown. She is a single mom raising two small children and fell behind on rent due to the pandemic. In August 2021, her landlord filed an action in August and received a judgment for possession against her in September, for just one month's rent. She had applied for county assistance to help her pay the nearly \$10,000 of rent that she owed, but the county did not have enough time to process her application, and she was forced to leave her unit in October. This remarkably quick eviction process left her homeless and searching for other kinds of government assistance just to find a place to live and food for her and her kids.

Community Legal Services of Prince George's County, Inc., a member of the Renters United Maryland coalition, is a non-profit organization established to provide quality legal services to low-income residents in Prince George County. We provide representation to tenants facing eviction in both Prince George's and Anne Arundel County.

Throughout the pandemic, we represented numerous tenants who applied for rental assistance and had pending applications on the date of their hearing. Many of these tenants suffered from financial hardship as a result of the pandemic and found it impossible to get caught up. Unfortunately, the landlord/ tenant statutes, as they are currently written, do not allow the court much, if any, discretion, to delay an eviction where a tenant has applied for rental assistance and has done their due diligence to obtain financial support. As a result, many tenants have received judgments and/ or have been evicted while their rental assistance applications were pending.

We urge the Committee to **issue a FAVORABLE report on SB 384**. If you have any questions, please contact: Kayla Williams, Supervising Attorney, Williams@clspgc.org, 240-391-6532.

SB 384_Crossover_Consumer Protection Division_fav_

Uploaded by: Kira Wilpone-Welborn

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

March 25, 2022

To: The Honorable Kumar Barve
Chair, Environment and Transportation Committee

From: Kira Wilpone-Welborn, Assistant Attorney General
Consumer Protection Division

Re: Senate Bill 384 – Landlord and Tenant - Stay of Eviction Proceeding for Rental
Assistance Determination (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General (the “Division”) supports Senate Bill 384 sponsored by Senator Shelly Hettleman, which would assist the collective efforts of state and federal leaders to stymie the disruptive impacts of the COVID-19 pandemic on renter households.

The COVID-19 pandemic continues to financially impact renters resulting in housing instability for renter households across Maryland. Through the CARES Act and the American Rescue Plan, the federal government has awarded Maryland over \$250 million dollars in rental assistance and eviction prevention funds.¹ Notwithstanding, the Division has received repeated complaints from consumers, advocates, and rental assistance program administrators that many Maryland landlords are refusing to provide the information necessary for tenants to complete applications for rental relief assistance or to accept rental assistance funds awarded to eligible renters. Instead, many Maryland landlords are filing failure to pay rent actions seeking to evict vulnerable renters who have been negatively impacted by the COVID-19 pandemic from their housing. Senate Bill 384 will assist rental relief assistance providers in successfully distributing Maryland’s share of the federal rental assistance funds and bolster housing stability for Maryland renter households as the COVID-19 pandemic’s deleterious effects persist.

Accordingly, the Division requests that the Environment and Transportation Committee give Senate Bill 384 a favorable report.

cc: The Honorable Shelly Hettleman
Members, Environment and Transportation Committee

¹See <https://governor.maryland.gov/2021/03/17/governor-hogan-submits-1-08-billion-supplemental-budget-focused-on-rental-assistance-higher-education-and-transportation/>.

SB0384 Crossfile Hearing_CC_Klingenmaier_FAV.docx.

Uploaded by: Lisa Klingenmaier

Position: FAV

Senate Bill 384
Landlord and Tenant – Stay of Eviction Proceeding for Rental Assistance

House Environment and Transportation Committee

March 29, 2022

Support

Catholic Charities of Baltimore strongly supports SB 384, which as amended by the Senate, allows tenants to present in eviction proceedings evidence that they are awaiting a determination in a good-faith application for rental assistance that was applied for within 30 days of receiving an eviction notice, and if the evidence is satisfactory, the court can stay the proceedings for up to 35 days for the application to be processed and any funds awarded.

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 384, and the examples below outline how we see this legislation benefiting those we serve.

SB 384 will reduce the incidence of homelessness by granting tenants the necessary time it takes to access critical eviction assistance. 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 they faced without support. The stories we hear mirror what Census shows: in January 2022, just under 150,000 Maryland households are at risk of eviction.¹ Stable housing is a cornerstone of stable families, and there is historic levels of funding available for emergency rental assistance programs (ERAP), but accessing these dollars takes time. Unfortunately, the court does not currently have the authority to temporarily pause eviction proceedings so that tenants can complete their application process, creating a frantic race between organizations facilitating ERAP distribution and the eviction process. No one should be evicted – especially in an ongoing pandemic – when there are dedicated funding sources available to pay for unmet rent.

Temporarily pausing eviction proceedings for rental assistance determination assists in the social and economic recovery from COVID. Without stable shelter, families are more susceptible to adverse childhood experiences (ACEs), hunger, behavioral health crises, and poor health. These past two years 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. Ensuring that emergency rental assistance is accessible and functional improves the socioeconomic outlook of low-income families at risk of eviction, and is a national best practice followed by 16 other states.

Changing our eviction process is sound fiscal policy. Evictions further entrench families into homelessness, poverty, and ACEs, 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 384.

Submitted By: Lisa Kligenmaier, Assistant Director of Advocacy

¹ US Census. 2022. Census Household Pulse Survey Data. <https://www.census.gov/data/tables/2021/demo/hhp/hhp41.html>

SB 384 - ACDS 2022 Support for Cross Over to E&T -

Uploaded by: Lisa Sarro

Position: FAV



**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.

SB 384 PJC Testimony in ET FAV.pdf

Uploaded by: Matt Hill

Position: FAV



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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)

Public Justice Center supports SB 384. SB 384 was heavily amended to address the concerns of landlords and received a unanimous favorable vote in JPR. **We urge the Committee to vote favorable on SB 384 as amended by the Senate without weakening amendments.**

SB 384, like cross-file HB 674, provides that the court should hit the pause button on rent-based evictions when a good-faith rental assistance application is pending. The State/locals have \$400 million in rental assistance available, but Maryland still has nearly 700 evictions/month. The Senate adopted substantial amendments in response to the landlord and property owner groups (MMHA and AOBA). These amendments:

- Limit the stay of eviction to up to 35 days;
- Restrict access to only those tenants who applied for rental assistance within 30 days of the filing for eviction;
- Strike the language that would have prohibited landlords from filing suit to collect rent after refusing rental assistance; and
- Sunset the bill in 3 years.

No one should be evicted in the aftermath of a global pandemic when there is money to pay the rent. SB 384 as amended by the Senate is a reasonable compromise that gives rental assistance agencies the opportunity to be effective. The chart below outlines arguments against the bill and responses:

DECEMBER 2021
105,000
 MD HOUSEHOLDS
 BEHIND ON RENT

The Household Pulse Survey (Week 41) estimates that **62% of Maryland renters feel "very" or "somewhat" likely to be evicted** in the next 2 months. These renters are disproportionately people of color, and the majority have children in their households. Here's what else we know about them:

- 97%** have a household income under \$50,000
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MYTH

FACT

<p>New information shows that evictions are not happening in Maryland at scale.</p>	<p>In Aug. 2021 – Jan. 2022, landlords evicted 4,059 families in Maryland (677/month), even though the state has over \$400 million in rental assistance available. In January alone there were 600 evictions. That is the most recent data available. No one should be evicted when there is money to pay the rent – especially during a global pandemic.</p>
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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.

Landlords never agreed to the changes in the Senate.	In JPR, Sen. Chris West stated that the bipartisan workgroup that produced the amendments had tenant & landlord reps present and “produced a compromise that everyone agreed on.” (Mar. 17 #2 at 50:40). JPR unanimously voted favorable.
Courts are so delayed because of COVID that landlords can’t deal with further delays.	Rent court cases are delayed in some jurisdictions but not nearly as much as landlords claim. Delays vary but pausing the eviction for rental assistance makes the landlord whole and keeps families housed. A pause at court allows the rental assistance agency time to prioritize the case for payment. Court times vary depending on the type of case and county from no delay (Worcester, Wicomico, Somerset, Dorchester, Anne Arundel, Kent, Queen Anne’s, Caroline, Talbot) to 4-6 months (Balt. City, Prince George’s, Montgomery)
Anne Arundel County only had 4 evictions in January.	This is true, but it does not argue against the bill. Arundel Community Development Services, which provides back rent assistance in a very effective manner, has testified that their model is unsustainable and unless SB 384 is passed, more families with applications pending will be evicted.

The greatest myth is that evictions don’t happen when there is a rental assistance application pending. In a 2021 survey of Md. attorneys who practice in landlord-tenant, 73% reported that in some, most or all of their cases, renters faced eviction while waiting for rental assistance. 63% of attorneys reported that their clients faced eviction when landlords refused to cooperate with rental assistance.



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Adopting a National Best Practice of Pausing Eviction for Rental Assistance.

[At least 16 other state and local jurisdictions have enacted protections for tenants who have applied for rental assistance by temporarily staying the eviction process.](#) Additionally, some states have issued guidance that landlords who refuse rental assistance violate the state’s source of income law. *No one should be evicted when there is money to pay the rent – especially during a pandemic.*

Examples of tenants evicted despite having rental assistance applications on file

- A mother and her adult daughter, as well as the adult daughter’s two children, were evicted from a large apartment complex in Towson, MD, after falling behind on their rent. The family owed over \$4,000 in back rent and sought help from the Community Assistance Network, but the apartment complex refused to work with CAN to pay the amount owed. The family has

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been devastatingly destabilized, as they were forced to move into substandard housing, and their former landlord is now pursuing collection of the back amount.

- Albert had an open case for rental assistance and had filed a motion with help from Legal Aid to stay the eviction pending rental assistance. The Court denied this motion. The judge said that he had no authority to stay the eviction absent a medical condition. The next day, the sheriff carried out the eviction.
- A renter at a large apartment complex in Owings Mills fell three months behind on her rent because of underemployment during the pandemic. The complex would not work with rental assistance to cover the amount owed. The complex also did not renew her lease, meaning she has to find a new home regardless of whether the back amount is covered, but she will owe the complex thousands of dollars that it could have easily received from rental assistance.
- J.R. was living in a house in Germantown. She is a single mom raising two small children and fell behind on rent due to the pandemic. In August 2021, her landlord filed an action in August and received a judgment for possession against her in September, for just one month's rent. She had applied for county assistance to help her pay the nearly \$10,000 of rent that she owed, but the county did not have enough time to process her application, and she was forced to leave her unit in October. This remarkably quick eviction process left her homeless and searching for other kinds of government assistance just to find a place to live and food for her and her kids.

Public Justice Center is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on SB 384**. If you have any questions, please contact: Matt Hill, hillm@publicjustice.org 410-625-9409, ext. 229.

RA Written in Favor SB 384 in ET -- Pause Eviction

Uploaded by: Matthew Losak

Position: FAV



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)

SB 384 was heavily amended to address the concerns of landlords and received a unanimous favorable vote in JPR. **We urge the Committee to vote favorable on SB 384 as amended by the Senate without weakening amendments.**

SB 384, like the cross-file HB 674, provides that the court should hit the pause button on rent-based evictions when a good-faith rental assistance application is pending. The State/locals have \$400 million in rental assistance available, but Maryland still has nearly 700 evictions/month across the state. The Senate adopted substantial amendments in response to the landlord and property owner groups (MMHA and AOBA). These amendments:

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Landlords never agreed to the changes in the Senate.	In JPR, Sen. Chris West stated that the bipartisan workgroup that produced the amendments had tenant & landlord reps present and “produced a compromise that everyone agreed on.” (Mar. 17 #2 at 50:40). JPR unanimously voted favorable.
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The Renters Alliance is a co-founder and member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on SB 384**. If you have any questions, please contact: Matt Losak, 301-588-3987

SB 384 Mike English Favorable.pdf

Uploaded by: Michael English

Position: FAV

March 25, 2022

Michael English
Silver Spring, MD, 20910

TESTIMONY ON SB0384- POSITION: FAVORABLE

Landlord and Tenant, Stay of Eviction Proceeding for Rental Assistance Determination

TO: Chair Barve, Vice Chair Stein and members of the Environment and Transportation Committee

FROM: Michael English

My name is Michael English, and I live in downtown Silver Spring, part of Maryland District 20. I am writing this testimony in support of SB0384, Landlord and Tenant, Stay of Eviction Proceeding for Rental Assistance Determination. The bill essentially holds that the court should hit the pause button when a good faith rental assistance application is pending, and with \$400 million in rental assistance available, this makes sense. No one should want to evict someone who is only weeks away from getting the help they need to stay in their home.

As happy as I was to see this bill make it through the Senate, it has already been heavily amended to address the concerns of landlords. This isn't inherently bad, but I believe that this fact, along with the unanimously favorable vote it received in Senate JPR, chaired by my own Senator Smith of D20. Accordingly, I strongly urge the committee to vote favorable on SB384 as amended by the Senate without any further weakening amendments. Accordingly, I respectfully urge this committee to return a favorable report on SB0662.

SB384_FAV_Molly Amster, JUFJ.pdf

Uploaded by: Molly Amster

Position: FAV

March 29, 2022



THINK JEWISHLY. ACT LOCALLY.

Molly Amster
Baltimore, MD 21218

TESTIMONY ON SB 384 - POSITION: FAVORABLE

Landlord and Tenant - Stay of Eviction Proceeding for Rental Assistance Determination

TO: Chair Barve, Vice Chair Stein, and members of the Environment & Transportation Committee

FROM: Molly Amster, on behalf of Jews United for Justice

My name is Molly Amster. I live in District 43, and I am the Maryland Policy Director & Baltimore Director of Jews United for Justice (JUFJ). I am submitting this testimony in support of SB 384, Landlord and Tenant - Stay of Eviction Proceeding for Rental Assistance Determination, on behalf of JUFJ. JUFJ organizes 6,000 Jews and allies from across Maryland in support of state and local social, racial, and economic justice campaigns, inspired by our Jewish values.

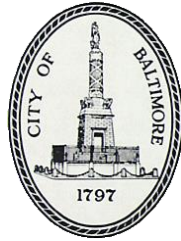
Jewish texts are full of conversation, laws and traditions about the obligations of landlords and tenants, about building homes safely and about making sure people can remain housed. For example, the Talmud teaches that a landlord cannot evict a tenant during the rainy season - surely a pandemic would be a similarly important time to protect against homelessness. The Gemara in Bava Kamma teaches that, in response to a plague, we have an obligation to stay in our homes as much as possible. It is unjust and cruel, and contrary to Jewish values, to rush toward eviction where there is a less drastic alternative which could avoid eviction altogether. And there is - **Maryland has \$400 million in rental assistance to keep families housed. Surely it's good policymaking to ensure that money has the time needed to have the intended impact.**

SB 384, like the cross-file HB 674, provides that the court should hit the pause button on rent-based evictions when a good-faith rental assistance application is pending. Despite ample rental assistance funds, Maryland still has nearly 700 evictions/month across the state. The Senate adopted substantial amendments in response to the landlord and property owner groups (MMHA and AOBA) and received a unanimous favorable vote in the Judicial Proceedings Committee. **We urge the Committee to vote favorable on SB 384 as amended by the Senate without weakening amendments.**

SB0384-ET-FAV.pdf

Uploaded by: Natasha Mehu

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB 384

March 29, 2022

TO: Members of the House Environment and Transportation Committee

FROM: Natasha Mehu, Director, Office of Government Relations

RE: Senate Bill 384 - Landlord and Tenant – Stay of Eviction Proceeding for Rental Assistance Determination

POSITION: Support

Chair Barve, Vice Chair Stein, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 384.

The US was facing a housing crisis long before the COVID-19 pandemic - fueled by the lack of affordable housing, specifically affordable rental units, lack of wage growth, and historic racial inequities embedded in our housing system. It is estimated that pre-pandemic 1 in every 20 households in the US owed rental arrears. In Baltimore, pre-pandemic our rental crisis was above the national average. Pre-pandemic, 1 out of every 10 renters in Baltimore owed rental arrearages.

The pandemic and its disproportionate impact on low income Black and Latinx households quickly exacerbated the housing crisis:

- By April 2020, 1 in every 5 Baltimore households owed rental arrears
- By June 2020, nearly 1 in 3 households in the city owed rental arrears
- DHCD estimates that the number of households owing rental arrears in Baltimore doubled due to the pandemic.

Much like jurisdictions across the country, in June 2020 Baltimore established a temporary rent support program – a short-term initiative with limited reach administered by DHCD. By November 2020, with the influx of local, federal, and state resources, we established the Eviction Prevention program now administered by the Mayor’s Office of Children and Family Success

with support from DHCD, the Mayor's Office of Homeless Services, and key partners like the United Way.

As of January 21, 2022, the Baltimore City Community Action Partnership centers team has received more than 27,000 applications for rental assistance; and we have over 5,000 remaining in our queue. As the pandemic rages on and continues to have devastating health and economic impacts on mostly low-wage, front-line workers, timely rental assistance remains critical. Given the sheer demand for assistance and the large need that exists in Baltimore, we prioritize the households most at risk of eviction. To support these households, we have expanded our partnerships to include a partnership with the Courts and the Sheriff's office – to avert pending evictions.

Staying evictions in cases where tenants are awaiting a decision on their rental assistance application will allow the City of Baltimore to expedite much-needed support to tenants facing immediate eviction. Moreover, it will allow our team the ability to connect tenants and landlords to resources for resolving existing rental debts, tenant-landlord mediation, legal support, and as needed, relocation support.

It is our goal to prevent as many evictions as possible, but the extreme impact of the pandemic has overloaded our systems and extended the processing times for applications. Staying evictions for residents seeking rental assistance is just, humane, and the right thing to do to limit the devastating effects of the national housing crisis.

We respectfully request a **favorable** report on SB 384.

SB 384- Landlord and Tenant - Stay of Eviction Pro

Uploaded by: Robin McKinney

Position: FAV



SB 384 - Landlord and Tenant - Stay of Eviction Proceeding for Rental Assistance Determination
House Environment and Transportation Committee
March 29, 2022
SUPPORT

Chair Barve, Vice-Chair, and members of the committee, thank you for the opportunity to submit testimony in support of Senate Bill 384. This bill will protect renters from evictions.

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program ‘VITA’, offering free financial education and coaching, and engaging in policy research and advocacy. **Almost 4,000 of CASH’s tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.**

Maryland has unprecedented funding to prevent evictions. Every dollar of our [estimated rent debt of \\$392 million](#) (Dec. 2021) can be paid by local emergency rental assistance programs (ERAPs) that have scaled up over the past year and still have [\\$466.5 million in funding](#). Yet, in the second half of 2021, there were nearly 27,000 eviction cases filed for non-payment of rent per month. **In that time, 705 households were evicted per month.**

SB 384 provides a structural fix by:

- 1. 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. *No one should be evicted when there is money to pay the rent – especially during a pandemic.*

- 2. Incentivizing Landlords to Accept Rental Assistance.** Numerous landlords – both large corporations and smaller operators – are refusing to accept rental assistance. Some refuse it across the board. Others pick winners and losers – accepting the rental assistance for some who they like and refusing it for others. If the landlord wants to use a state-funded judicial process to collect the rent, they should be required to accept rental assistance. *No one should be evicted when there is money to pay the rent – especially during a pandemic.*



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DECEMBER 2021

105,000

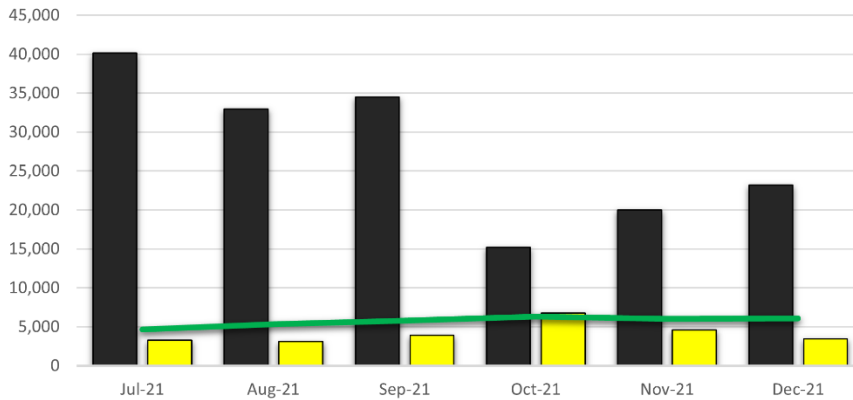
**MD HOUSEHOLDS
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Court filings for FTPR evictions far exceed ERAP capacity



	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21
FTPRs Filed	40,172	32,978	34,525	15,234	20,029	23,183
Est. FTPR Warrants*	3,269	3,125	3,895	6,741	4,582	3,440
ERAP Households Served	4,646	5,333	5,800	6,343	6,032	6,075

■ FTPRs Filed ■ Est. FTPR Warrants* — ERAP Households Served

3. Aligning The Pace of Rental Assistance With Eviction Processes For Fairness and Efficiency. Even as local rental assistance programs have worked overtime to innovate solutions that make landlords whole while keeping residents housed, they were exceedingly outpaced by eviction filings. In July 2021, the ratio of FTPR eviction filings to households served by ERAPs was nearly **9:1**. Even with the incredible ramp-up effort over summer and fall, plus the implementation of new notice requirements under HB18 (Oct. 2021), that ratio was still approximately **4:1**.

Amid this tide of eviction litigation, ERAP programs have had to prioritize applications in which tenants face pending evictions. They have collaborated with local sheriffs to identify addresses slated for eviction. The work of distributing federal relief funds broadly has become the urgent triaging of scheduled evictions. The cost of this dynamic has been to place timely applications on hold, to have tenants waiting months for assistance, until they are on the brink of losing their home. This is not fair or efficient. It rewards landlords who aggressively pursue eviction by pushing them to the front of the line while leaving behind those landlords who are cooperating with ERAP programs. SB 384 would remove that incentive for landlords to aggressively pursue eviction because the Court could pause the eviction while a good faith rental assistance application is pending. *No one should be evicted when there is money to pay the rent – especially during a pandemic.*

4. Adopting a National Best Practice of Pausing Eviction for Rental Assistance.

HB 674/SB 384 adopts a best practice learned in the wake of COVID-19 that has been adopted in some form by at least **16 other states**. "Eviction stays are a critical intervention that delay final judgment and give renters the opportunity to apply for ERA and avoid evictions." - **National Low Income Housing Coalition**

[At least 16 other state and local jurisdictions have enacted protections for tenants who have applied for rental assistance by temporarily staying the eviction process.](#) Additionally, some states have issued guidance that landlords who refuse rental assistance violate the state’s source of income law. *No one should be evicted when there is money to pay the rent – especially during a pandemic.*

For these reasons, we encourage a favorable report on SB 384.

SB384_FAV_Hettleman.pdf

Uploaded by: Shelly Hettleman

Position: FAV

SHELLY HETTLEMAN
Legislative District 11
Baltimore County

Judicial Proceedings Committee

Joint Committee on Children, Youth,
and Families

Joint Committee on the Chesapeake
and Atlantic Coastal Bays Critical Area



James Senate Office Building
11 Bladen Street, Room 203
Annapolis, Maryland 21401
410-841-3131 • 301-858-3131
800-492-7122 Ext. 3131
Shelly.Hettleman@senate.state.md.us

The Senate of Maryland ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SENATOR SHELLY HETTLEMAN

SB384 Landlord and Tenant - Stay of Eviction Proceeding for Rental Assistance Determination

SB 384 requires judges to pause eviction proceedings when the tenant provides evidence that a request for rental assistance is pending. In the face of COVID-19, thousands of Maryland renters have struggled and continue to struggle to meet their rental obligations as they faced illness, were laid off as businesses closed, juggled child care demands and limited school operating hours, or lost their jobs. The federal government responded to the need by creating the Emergency Rental Assistance Program that has provided the state with nearly \$750 million to assist renters who have experienced COVID-related challenges paying their rent.

It has taken a long time for our local governments to scale up efforts to distribute this unprecedented amount of aid. Local jurisdictions each took different approaches to addressing their community's needs and there were many delays as counties stood up their newly funded programs.

The amount of aid Maryland has received is more than sufficient to meet the hundreds of thousands of dollars of rental debt. Yet, thousands of failure to pay rent motions were filed with the courts. And even if these motions were dismissed, as many were, they still have a negative impact on the tenant that can haunt them for years.

Landlords filed nearly 345,000 eviction motions for Failure to Pay Rent over the past year and judges had no authority to delay proceedings, even when they were presented with evidence that an application for Emergency Rental Assistance was pending or if a landlord refused to accept a rental assistance check.

SB 384 provides authority for the court to press pause on eviction proceedings until such time as the county processes the rental assistance application and it protects renters from the potentially catastrophic consequences of having an eviction proceeding on their credit record.

The Department of Housing and Community Development's data dashboard shows the inequities of eviction. Of the over 72,000 applications for rental assistance received, 70% are from Black and Brown people, 70% are women, and just under half of people applying have been unemployed for over three months. The average rental debt owed is \$4,614. A targeted bill like this will help protect families who have been left behind in the post-pandemic recovery. It is important to remember that this money does not go to the tenants. This money goes to landlords, but it keeps people in their homes and connected to their communities. Thank you.

sb384amend.pdf

Uploaded by: Sara Elalamy

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Environment and Transportation Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 384
Landlord and Tenant – Stay of Eviction Proceeding for Rental
Assistance Determination
DATE: March 23, 2022
(3/29)
POSITION: Oppose

The Maryland Judiciary continues to oppose Senate Bill 384 as amended.

The Judiciary has no position on the intent of the legislation but opposes the provision which makes the stay mandatory rather than discretionary by the court. The bill mandates that the court “shall” stay the proceeding or the warrant of restitution. Changing this to “may” would restore the court’s ability to exercise discretion in determining whether to grant a stay.

Also, as a condition of accepting rental assistance, landlords are oft times required to enter into rental assistance agreements with other conditions attached. For instance, in addition to dismissing the complaint for failure to pay rent, landlords are often requested to dismiss pending tenant holding over, breach of lease actions, and delay filing additional failure to pay rent cases.

cc. Hon. Shelly Hettleman
Judicial Council
Legislative Committee
Kelley O’Connor

SB 384 X_realtors_unf.pdf

Uploaded by: William Castelli

Position: UNF



Senate Bill 384 – Landlord and Tenant – Stay of Eviction Proceeding for Rental Assistance Determination

Position: Unfavorable

The Maryland REALTORS® appreciates the considerable changes the Senate made to SB 384 which prohibits a landlord from evicting a tenant for nonpayment of rent if the tenant is waiting for rental assistance. Nevertheless, the REALTORS® still oppose the legislation given that the cap on the length of the eviction stay is 35 days which we believe pushes landlords (particularly small landlords) into a potentially new month of missed rental and mortgage payments. We believe a 21-day time period makes more sense.

The Maryland REALTORS® represents approximately 30,000 real estate licensees statewide. About 30% of our members own rental property or act as property managers for owners of real estate. On average, our members own/manage 3.5 properties.

While the Emergency Rental Assistance Programs (ERAP) have helped many tenants and landlords, these programs are not perfect. It is not uncommon for the rental assistance payments to be delayed by months even after a tenant has been approved for CARES money. A small investor who misses months of payments may not be able to continue the mortgage payments on the rental property which is why limiting the cap on the stay to less than a month would assist small owners. Moreover, small owners face late payment penalties that can be 5% of the mortgage payment.

With the vast uncertainty in the rental market over the last 2 years, and the continued strong sales market, our property managers report that 3-21% of their rental property portfolios are being sold. We appreciate that changes to SB 384 bring more balance to the current bill but believe a 21-day period provides important help to small landlords.

**For more information contact bill.castelli@mdrealtor.org,
susan.mitchell@mdrealtor.org, theresa.kuhns@mdrealtor.org;
lisa.may@mdrealtor.org**