



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

**STATEWIDE
ADVOCACY SUPPORT UNIT**

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February 15, 2022

The Honorable Senator William C. Smith Jr.
Judicial Proceedings Committee
Miller Senate Office Building, 2 East Wing
11 Bladen St.
Annapolis MD, 21401

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

Dear Chairman Smith 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 Maryland Legal Aid at the request of Senator Shelly Hettleman. Rental assistance has been an essential lifeline to Maryland's most vulnerable families impacted by Covid-19. 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 reality in Maryland.

Meanwhile, failure to pay rent eviction cases continue to be heard daily in Maryland District Courts. In Baltimore City, prior to courts entering 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. Because

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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.

This bill also prevents unnecessary evictions by requiring landlords to accept rental assistance. When filing a failure to pay rent eviction, a landlord demands that the tenant pay the amount owed or be put out of their home. Currently, if a tenant were to independently attempt to pay the rent owed and the landlord refused, the landlord has a legal duty to accept it. However, at this time landlords are not required to accept rental assistance money after filing for a failure to pay rent eviction.

While many landlords are willing to accept rental assistance, some landlords refuse. These landlords often claim that they are subject to limitations on their ability to evict tenants in the future. Most rental assistance agreements include a landlord's commitment not to evict the tenant for 90 days following the monetary award date. The proposed legislation is limited to failure to pay rent evictions. This legislation 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. Further, under the proposed legislation, rent remains due following the receipt of rental assistance, and landlords retain the ability to seek out compensation for rent that is not paid during this 90-period.

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 Avdako

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