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HB 176 Courts – Service of Process – Fees Collected by Sheriff

**Hearing before the House Judiciary Committee,
February 2, 2022**

Position: OPPOSE

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.

House Bill 176 will raise the fee for obtaining a warrant from the Sheriff from \$40 to \$60. This includes raising the fee for obtaining a warrant of restitution in failure-to-pay-rent evictions from \$40 to \$60. Renters must pay this additional warrant fee in order to “pay and stay” and avoid eviction. Because this increase will fall squarely on the shoulders of renting families who can least afford to pay an additional fee as they try to avoid homelessness, we oppose HB 176.

Prior to the reduced volume of cases precipitated by COVID-19, sheriffs in Maryland issued over 230,000 warrants of restitution in eviction actions each year. Assuming that warrants return to near pre-pandemic levels, this would result in a fee increase of \$4,600,000 that families would have to pay in order to avoid eviction.

While a \$20 increase may seem like a nominal increase; for people with disabilities even this amount is significant. People with disabilities face greater rent burdens and housing insecurity than their non-disabled peers.¹ This additional charge passed to tenants with disabilities means greater housing insecurity for people with disabilities, which means more people with disabilities on the streets, emergency rooms, state hospitals, and jails and prisons.

Additionally, the vast majority of warrants of restitution in eviction cases are never executed by the sheriff. Pre-pandemic, only approximately 10% of warrants were executed by the sheriff at the direction of landlords. In all other cases, while the sheriff charges and collects the warrant fee, the sheriff is not required to do anything to execute on the warrant – normally because the tenant pays and stays in the property.

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).

A fee increase of \$4,600,000 on the backs of limited-income tenants desperately trying to avoid eviction will only increase the number of evictions in Maryland. Particularly in the middle of an ongoing pandemic, this fee increase will further destabilize families who are still reeling from the economic effects of COVID-19.

We would not oppose a bill that excludes warrants of restitution in eviction cases from the fee increase.

Disability Rights is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of UNFAVORABLE on HB176**. If you have any questions, please contact:

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