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HB 797 - State Court Administrator -Warrants of Restitution and Writs of Possession - Data Collection and Reporting

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Position: SUPPORT

There is no centralized source of data about evictions in Maryland. Among 24 jurisdictions, some sheriff offices maintain records of evictions while others do not. The range of information and the formats of any collected data have no consistency or uniformity. To answer the basic question *How many evictions occurred in Maryland?* requires Public Information Act requests to local agencies and possibly visits to those offices to inspect boxes of records. These obstacles cause more than inconvenience; they impede analysis of eviction and prevent solutions.

HB 797 would create a one-stop repository of data about evictions of both renters and homeowners. This vital resource will help to revamp existing eviction prevention measures, to measure the effectiveness of appropriations around eviction prevention, and will jump-start innovation in Maryland's approaches to solving housing displacement.

Maryland eviction data is insufficient and inaccessible

In 2014 Public Justice Center set out to tell the story of eviction in Baltimore City through numbers. We found, however, that the only available data on city evictions – specifically, the execution of warrants of restitution by the city sheriff – were the sheriff's handwritten tables denoting the daily number of evictions carried out or canceled. These hard-copy papers were unpublished, their existence virtually unknown outside a circle of professionals operating in the district court. But, when collected, they provided an aggregate number of evictions, by the month over a span of 4 years. From there, Public Justice Center determined Baltimore City's average number of actual evictions (6,880 per year) and its eviction rate (5.8 per 100 renters or 1 in 17).

These rudimentary statistics had not been available to the public, not through the sheriff's office nor the Maryland Judiciary. Consequently, local and state agencies did not have these figures, either. In fact, Public Justice Center found that in 2015 Baltimore City had made appropriations to financially

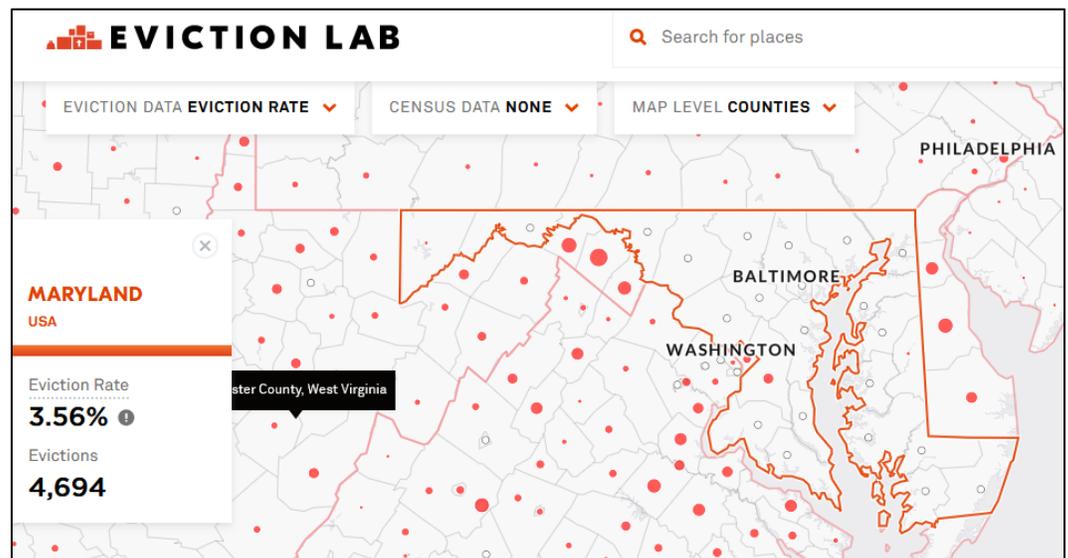
assist just 500 households facing eviction while the Maryland Department of Human Resources had budgeted for prevention of under 5,000 evictions statewide. It appeared that funding for critically needed financial assistance was “guesstimated,” unconnected to actual hard numbers about eviction.

HB 797 addresses a state and national information deficit

The lack of eviction data throughout Maryland is therefore a pressing problem, but hardly a new or uncommon one. A foundational 2003 study on eviction rates found that “we have no way of gauging even a modestly precise figure... because such data are simply not collected on a national basis or in any systematic way in most localities where evictions take place.” In 2018, Matthew Desmond described encountering the very same problem amid his ethnographic research for the Pulitzer Prize-winning book *Evicted: Poverty and Profit in the American City*:

“There were so many questions that remained unanswered after that effort. Like, literally, how many evictions happen in America every day? How many Americans are thrown out every day? We don't know where eviction is going up and down. We have no idea what this problem is doing to our families and our schools and our communities. Which laws work, which are most effective? We didn't have any answers to these questions because there's not a national database of evictions. **Imagine not knowing how many people in America get cancer every year or how many are incarcerated every year. That's where we are with the eviction crisis.** We had no idea how to answer these questions on a national scope because the data just didn't exist.”¹

This national deficit of eviction data reflects local deficits. At Princeton University, Desmond launched an ambitious project, Eviction Lab, to build a national database from 83 million eviction records. Because Maryland jurisdictions continue to produce and



Screen capture of Eviction Lab's interactive map of eviction data. Maryland shows far less data than neighboring states. Available at <https://evictionlab.org/map>

¹ Urban Institute. “The Power of Eviction Data: Putting Residential Instability Numbers into Public Hands” (April 12, 2018), available at https://youtu.be/9w4h8x_Uh_0 (last accessed Feb. 17, 2020).

intermittently maintain paper records of evictions, Eviction Lab accessed only 3 counties' data. HB 797 solves this information deficit by mandating collection and dissemination of specific data about eviction.

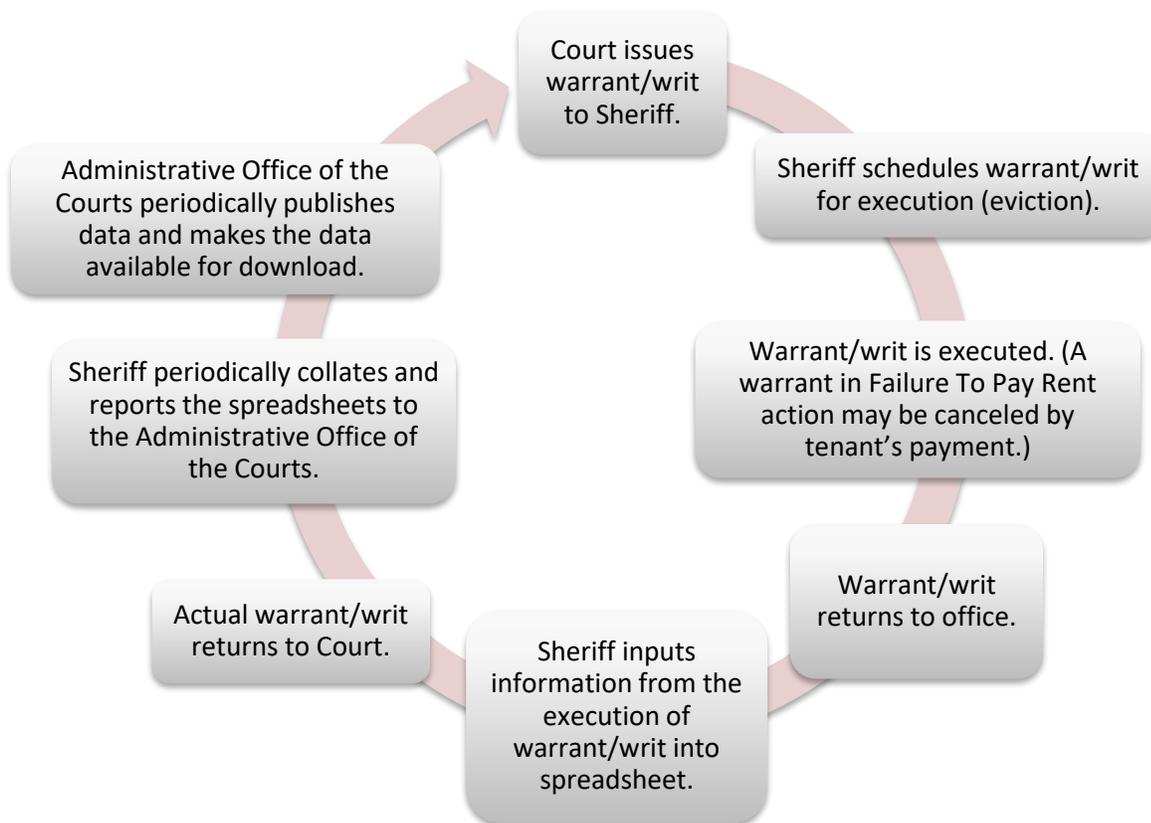
HB 797 focuses on the essential data about eviction

This bill mandates reporting of data about warrants of restitution and writs of possession issued in each jurisdiction. Specifically, the bill targets "landlord-tenant" actions for possession (Failure to Pay Rent, Breach of Lease, Tenant Holdover) and foreclosures. It requires the reporting of these data:

- Type of action
- Address of property
- Date of execution (or cancelation)
- Type of property (residential or commercial)
- Presence of occupant(s) at time of eviction

Notably, HB 797 does not contemplate the collection of any personal identifiers about the defendants in these actions (homeowner or tenant) nor even the case numbers of the actions.

In practice, HB 797 calls for the Judiciary and the 24 sheriff offices to collaborate in the following process of data reporting, collection, and dissemination:



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This bill builds on improving practices already demonstrated in Baltimore City and Montgomery County. Since 2018, the Sheriff of Baltimore City has begun to input daily information about the execution of warrants into spreadsheet format, capturing all the data points mandated under HB 797. The Sheriff of Montgomery County worked with the County's Office of Legislative Oversight in 2018 to deliver a comprehensive statistical study of evictions, including a geospatial analysis.

Open data will open pathways to anti-displacement innovations

Open eviction data will provide all stakeholders a vital new perspective on the prevalence, concentrations, and temporal shifts in eviction at every level of interest. Data should be the driver behind appropriations and distribution of financial assistance to prevent evictions. It should illuminate intersections between displacement and health, education, and voting power. It should help to measure whether a civil right to counsel in eviction cases would effectively save cities revenue compared to post-eviction interventions.

While the already-available numbers about Maryland court filings tells us that cases predominate in Prince George's County, Baltimore County, and Baltimore City, geocodable eviction data would provide stakeholders a detailed and comparative picture of evictions by city, ZIP, census tract, neighborhood, legislative district, and so on. HB 797 can lead to concrete demonstrations of how eviction impacts discrete communities. The data can help mobilize those communities and open new avenues to policy change – not only in housing and community development, but in adjacent arenas.

Please issue a report of FAVORABLE on HB 797. If you have any questions, please contact Zafar Shah, shahz@publicjustice.org, (410) 625-9409 Ext. 237.