



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