



**HB 674: Landlord and Tenant – Stay of Eviction Proceeding for Rental Assistance Determination
HEARING BEFORE THE ENVIRONMENT & TRANSPORTATION COMMITTEE, FEBRUARY 22, 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 and now offer clinics every day of the week as well as extended representation services in both jurisdictions for clients in tenant holding over, breach of lease and escrow actions. Often among the poorest residents of Baltimore City and Baltimore County, tenants appearing in Rent Court are nearly always unrepresented and are often unaware of the judicial process or their rights as renters. PBRC has stepped in to fill that void in order to help tenants stay housed. **Based upon our expertise working with these tenants, PBRC supports HB 674 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 additionally supports sponsor amendments that conform to the cross-filed SB 384.**

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

PBRC supports HB 674 because it will keep tenants housed by giving them a meaningful opportunity to access Rental Assistance *before* they have a judgment or eviction date. In 2021, Congress passed the Consolidated Appropriations Act, 2021 (Division N of P.L. 116-260) and the American Rescue Plan Act of 2021 (P.L. 117-2), in part to prevent evictions by providing financial assistance to landlords and tenants when the tenant has fallen behind on rent due to economic hardship related to the Coronavirus pandemic. However, these funds cannot fulfill their purpose of preventing evictions and making landlords whole if landlords are permitted to proceed with the eviction process when there is federal money available to pay the rent. HB 674 will help ensure access to these funds by mandating a stay to a Failure to Pay Rent proceeding if a judge determines that a good faith rental assistance application is pending.

HB 674 is vital to prevent tenants from suffering the negative effects of Rent Court judgments when there are funds available to make the landlord whole. Even if a tenant is not ultimately evicted, the judgment itself can negatively impact a tenant’s ability to stay housed in the long term. After receiving as few as three

judgments a tenant can lose the right to redeem - to avoid an eviction by paying the amount owed on a judgment. In addition, judgments are public records which impair a tenant's ability to find future housing, impact their credit report and potentially diminish their ability to secure employment. **Allowing multiple judgements when rental assistance funds are available unnecessarily contributes to housing instability and homelessness statewide.**

At our TVLD clinics, we have seen countless judgments entered against tenants although they have applications pending with Rental Assistance, creating unnecessary strain on the Court, law enforcement, legal services providers, and the tenants themselves. Recently a PBRC Staff Attorney received a call from a tenant in great distress, desperate to learn if there was anything she could do to stop an eviction scheduled in three days. The tenant had already applied to Rental Assistance but had not received any funds. The Staff Attorney coordinated with Rental Assistance to expedite her application, and Rental Assistance staff hand-delivered a promissory note to the landlord on Saturday morning, avoiding the Monday morning eviction. This story is one of many where the strain on the Court, law enforcement, legal services providers, and the tenant herself could have been prevented if HB 674's mandatory stay provisions had been in effect. In a recent survey 73% of pro bono attorneys in Maryland reported that in some, most, or all of their cases, renters faced eviction while waiting for rental assistance funds.

There can be no doubt that the COVID-19 pandemic has affected us all, but its effects have been particularly damaging to low-income Maryland tenants. Congress threw them a lifeline through Rental Assistance, and it is of great importance that they be permitted to grab it. **HB 674 will help tenants stay in their homes while ensuring that landlords are made whole financially.**

PBRC is a member of the Renters United Maryland, a statewide coalition of renters, organizers, and advocates.

For the above reasons, **PBRC urges a FAVORABLE report on HB 674.**

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

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