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SB 384 - Landlord and Tenant – Stay of Eviction Proceeding for Rental Assistance Determination

Hearing before the Environment and Transportation Committee, March 29, 2022

Position: SUPPORT (FAV)

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.

SB 384 was heavily amended to address the concerns of landlords and received a unanimous favorable vote in JPR. **We urge the Committee to vote favorable on SB 384 as amended by the Senate without further weakening amendments.**

SB 384, like the cross-file HB 674, provides that the court should delay rent-based evictions when a good-faith rental assistance application is pending.

Maryland tenants have access to \$400 million in rental assistance. Despite this huge amount of emergency rental assistance funding, Maryland still has nearly 700 evictions a month.

Emergency rental assistance programs are particularly important for people with disabilities. Even prior to COVID-19, people with disabilities are overwhelmingly rent-burdened compared to their non-disabled peers and face greater housing insecurity.¹ On top of being overly rent-burdened, people with disabilities faced significant loss of income at a higher rate during the COVID-19 pandemic than their non-disabled peers.² For the disability community, accessing and utilizing rental assistance programs may be the difference between remaining independent in their own communities instead of being forced into nursing homes, state hospitals, and institutions.³

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).

² In 2020, 1 out of 5 people with disabilities lost their employment compared to 1 out of 7 people without disabilities. U.S. Bureau of Labor Statistics, [Persons with a Disability: Labor Force Characteristics Summary](https://www.bls.gov/news.release/disabl.nr0.htm), <https://www.bls.gov/news.release/disabl.nr0.htm>

³ K. C. Lakin, S. Larson, P. Salmi, and A. Webster (2010). [Residential Services for Persons with Developmental Disabilities: Status and Trends through 2009](http://rtc.umn.edu/docs/risp2009.pdf), University of Minnesota, <http://rtc.umn.edu/docs/risp2009.pdf>

The Maryland State Senate has already adopted substantial amendments in response to the landlord and property owner groups (MMHA and AOBA). These amendments:

- Limit the stay of eviction to up to 35 days;
- Restrict access to only those tenants who applied for rental assistance within 30 days of the filing for eviction;
- Strike the language that would have prohibited landlords from filing suit to collect rent after refusing rental assistance; and
- Sunset the bill in 3 years.

No one should be evicted in the unprecedented aftermath of a global pandemic when there is money to pay the rent. SB 384 as amended by the Senate is a reasonable compromise that gives rental assistance agencies the opportunity to be effective. While DRM has reservations about requiring tenants to apply for rental assistance within 30 days of filing, our organization would much rather pass the bill as written than have no protection for our clients facing eviction.

It is important to note that Maryland is not alone in this type of legislation. At least 16 other state and local jurisdictions have enacted protections for tenants who have applied for rental assistance by temporarily staying the eviction process.⁴ Additionally, other states have issued guidance that landlords who refuse rental assistance violate the state's source of income law.

There is no reason to not take advantage of these rental assistance programs. The purpose of the CARES Act and the new rental assistance programs is to protect public health by keeping as many impacted families in their homes and off of the streets.⁵ There is no reason not to ensure that this program is used for its purpose, which is to keep families housed. However, as indicated above, tenants are still facing eviction despite this unprecedented amount of money to help prevent a public health crisis from evictions. Allowing a stay for the program to work is imperative for people with disabilities facing eviction.

For example- we have represented the following clients and situations as an organization:

- A deaf client attempted to apply for emergency rental assistance. The client does not read written English well and needed an ASL interpreter to complete the application. The navigator agency that was helping her complete the application was not providing an interpreter and so she could not understand the application to complete it. DRM represented the client day of in Court and asked for a continuance to help her get the ASL interpreter she needed to be approved for

⁴ National Low Income Housing Coalition, ([Tenant Protections and Emergency Rental Assistance during and beyond the COVID-19 Pandemic \(nlihc.org\)](https://www.nlihc.org/)) (January 24, 2022)

⁵ Sheen J, Nande A, Walters EL, et al. The effect of eviction moratoriums on the transmission of SARS-CoV-2. *medRxiv.* 2020; 10.1101/2020.10.27.20220897. Accessed November 11, 2020

rental assistance. DRM was successful in obtaining assistance for this client and preventing her from becoming homeless.

- An elderly client with intellectual and developmental disabilities appeared in Court with papers he could not read or understand. DRM helped him understand that he was being sued for rent. The client explained that he had lost income, and DRM assisted him in connecting with emergency rental assistance and giving him guidance on asking for a stay with the Court.
- Another client with intellectual and development disabilities was unaware of the emergency rental assistance, and consented to possession in less than 30 days, even though she was eligible for emergency rental assistance. A stay could have allowed this individual time to apply for rental assistance and receive assistance from counsel.

In all of these instances, representation and additional time to access important emergency rental assistance was needed to keep people housed.

Disability Rights Maryland is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on SB 384**. If you have any questions, please contact: Cory Warren, Esq at Cwarren@disabilityrightsmd.org or 410-727-6352 ext. 2472.