



February 9, 2022

## **Senate Bill 347**

Anne Arundel County - Landlord and Tenant - Procedures for Failure to Pay Rent

Judicial Proceedings Committee

### **Position: Favorable**

Thank you for the opportunity to provide this testimony in support of Senate Bill 347. Arundel Community Development Services, Inc. (ACDS) serves as Anne Arundel County's nonprofit housing and community development agency, helping Anne Arundel County residents and communities thrive through the provision of safe and affordable housing opportunities, programs to prevent and end homelessness, and community development initiatives. In fulfilling this role, ACDS administers grants to nonprofit partners, directly develops and implements programming, and advises the County on housing and community development policy initiatives.

ACDS administers Anne Arundel County's Emergency Rental Assistance Program. In that role we deal with many, many tenants facing imminent eviction literally on a daily basis. We work closely with the Sheriff's Department, our legal services partner, Community Legal Services, and local landlords and property managers with a goal of preventing as many evictions as possible by getting landlords paid. Unfortunately, we often have little to no notice as to who is scheduled for eviction, and often tenants who are scheduled don't even know they are scheduled. We end up in a mad scramble trying to confirm with the Sheriff and property managers whether the eviction of specific tenants is actually scheduled, process applications, connect the tenant with legal counsel to try to delay the eviction, pleading with property managers to delay evictions so we have time to arrange payment – all of this happens in the span of a couple of days, if that. By requiring reasonable advance notice to tenants of their imminent eviction, this bill would address that issue and several others.

This bill is particularly important in Anne Arundel County, where the eviction process is far faster than in any other jurisdiction in the state. Judges in Anne Arundel County proudly point out that Anne Arundel County is the only county in which the failure to pay rent (FTPR) statute is actually followed with regard to the time allowed between filing and the trial. The statute mandates that the FTPR trial take place within FIVE DAYS of filing, and that's generally what happens in Anne Arundel County. Because the timing is so short, tenants frequently don't get notice of the hearing before it takes place, and if they do get notice, it's only a day or two in advance. Judgments are entered if the tenant does not attend, and often even if they do attend. The landlord can get a warrant for possession four days after the judgment is entered, and schedule the eviction immediately thereafter. We have seen tenants in Anne Arundel County scheduled for eviction within weeks after the failure to pay rent case was filed against them. In contrast, FTPR cases in

neighboring jurisdictions like Prince George's, Baltimore City, Baltimore County and Montgomery County are scheduled 60 to 90 *or more* days after the case is filed. In other words, it takes longer just to get to trial in those jurisdictions than it takes to file, have a trial and actually evict a tenant in Anne Arundel County. The little bit of advance notice of eviction this bill provides makes up - a little - for that difference.

While Anne Arundel County Sheriffs generally provide advance notice of evictions to tenants *even though it is not required by law*, we have found that for large complexes where multiple evictions are scheduled at once, they often rely on landlords for filling out the notice forms and doing the posting. This results in some tenants getting notice, other tenants not getting notice, and still other tenants getting notice that is just plain wrong. This is not a shortcoming on the Sheriffs' part. We understand their time is limited and they are doing more than is required by law as a courtesy to the residents of our County. Indeed, the Anne Arundel County Sheriff's Department is a valuable and valued partner to our Eviction Prevention Program. This bill would officially relieve them of the obligation to provide notices to landlords and would instead place that obligation on the landlords. There would be a specific schedule for when and how the required notice would get to all tenants and that notice would include exactly what each tenant needs to know about their scheduled eviction before it takes place. This bill doesn't add a burden on the landlord since, in theory, they are already giving notice of eviction to their tenants at the Sheriff's request. It just ensures that notice is actually given, given to all, and includes accurate information.

Another thing this bill does that is really needed is require that the notice of eviction list the case number for the judgment on which the warrant was issued. Whether by accident or for more nefarious reasons, we are finding that landlords are routinely using warrants for possession to schedule evictions on judgments that have already been paid – often by our rental assistance program! If the tenant can demonstrate that the judgment on which the warrant was issued has been paid, the warrant is no longer valid for eviction. However, especially now when tenants have multiple judgments entered against them, many of which may have been paid, whether by the tenant or our rental assistance program, it is virtually impossible for a tenant to know on what judgment they are being evicted. As a result, they are not able to show that the warrant is invalid and may be evicted even though their rent for the month in question has been paid. (Unfortunately, trying to find any of this information online is fruitless.)

Yet another reason this bill is necessary is so programs such as ours can confirm who is and, as importantly for our rental assistance program, who is *not* scheduled for eviction. By way of background, although we have access to the Sheriffs' eviction calendar and we know *where* evictions are going to take place, when more than one tenant is scheduled for eviction at a single property, we don't know *who* is scheduled for eviction. As a result, our staff has to contact each property where evictions are scheduled to try to identify those tenants they plan to evict. Because we prioritize tenants who are scheduled for eviction, with more and more frequency, some properties are telling us they are evicting tenants for whom they do not have an active writ and who are not actually scheduled for eviction in order to get their tenants bumped to the front of the line for processing. With mandatory notices, we would be able to rely on copies of the mandatory notices (with the landlord's certification as to accuracy) to confirm specific tenants are or not scheduled.

There are several additional positive parts to this bill, and taken in combination with those noted above, this bill would add a realistic opportunity for tenants in Anne Arundel County to take steps to avoid their eviction by arranging payment to the landlord or to otherwise plan for vacating the property and provides a necessary layer of protection for Anne Arundel County tenants facing the loss of their home.

**For the reasons noted above, we urge a FAVORABLE report on SB 347.**