



**Bill No:** SB 384 -- Landlord and Tenant – Stay of Eviction Proceeding for Rental Assistance Determination

**Committee:** Judicial Proceedings

**Date:** 2/15/2022

**Position:** Unfavorable

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George's Counties.

Senate Bill 384 mandates a stay of an eviction proceeding or stay of the execution of a warrant of restitution until the resolution of a resident's application for rental assistance and the disbursement of funds are awarded. If the housing provider refuses to accept rental assistance from the program, the housing provider may not obtain relief or initiate an action against the resident to collect rent.

AOBA members have been working diligently with residents and various emergency rental assistance programs to support residents through a very challenging financial time. However, this bill would tie a housing provider's hands for an inordinately long period of time with no guarantee that rental assistance will ever be received.

1. AOBA opposes suspending the court proceeding until the resolution of the application. With the backlog in court hearings causing a 11–14-month lag between filing and hearing there is time for a resident with an application already in process to receive resolution on that application. Additionally, with the backlog in ERAP, getting back into court could take several months. AOBA members are still waiting for resolution on applications filed in August 2021. AOBA believes the court proceeding should continue and a judgement entered.
2. Submitting evidence that a resident has applied for rental assistance is not sufficient reason to stay the execution of the warrant. What will stop residents-- previously uncommunicative or aware that they are ineligible for assistance-- from applying for rental assistance to stay in a unit for an additional 3-6+

months? Also, halting the entire process for an unknown amount of time with no guarantee there will be a satisfactory resolution is putting the housing provider in a troubling position while unpaid rent balances continue to rise.

3. AOBA strongly opposes the provisions on page 5 lines 26-31 which require a housing provider to accept rental assistance or forgo any remedies for failure to pay rent. AOBA members consistently accept the rental assistance funds and “landlord agreement” with programs operating in Montgomery and Prince George’s County. However, the language in the bill would require a housing provider to accept any terms they are presented regardless how unbalanced.

**For these reasons AOBA requests an unfavorable report on SB 384.**

For further information contact Erin Bradley, AOBA Vice President of Government Affairs, at 301-904-0814 or [ebradley@aoba-metro.org](mailto:ebradley@aoba-metro.org)