

SB0564_Arielle Juberg_FAV.pdf

Uploaded by: Arielle Juberg

Position: FAV

SB0564, Landlord and Tenant and Wrongful Detainer Actions – Eviction Prevention Services
Favorable Testimony

To: Chair Smith and members of the Judicial Proceedings Committee
From: Arielle Juberg, Baltimore, MD 21234

My name is Arielle Juberg. I am a resident of Baltimore County in District 8. I belong to Showing Up for Racial Justice (SURJ) in Baltimore. SURJ is working in collaboration with CASA de Maryland and Renters United. I am testifying in **support** of SB0564, Landlord and Tenant and Wrongful Detainer Actions – Eviction Prevention Services.

I care about SB0564 because evictions are weakening our communities. I've lived in Baltimore for close to ten years. In those years, I've seen 'luxury' apartment buildings muscle their way into once-affordable neighborhoods. It is rare to see affordable housing units being built. Tents with homeless individuals have become much more visible. A camping tent isn't a safe, long-term solution for housing, particularly during this cold winter. I can't pass by and pretend that a row of tents on the highway median is a normal or good situation for our city. One way to prevent and reduce homelessness is to ensure renters have access to eviction prevention services and equal footing in rental court.

SB0564 is needed so that renters can access the services they need. This bill offers both renters and landlords the power to request and receive postponement of legal proceedings while either party accesses legal counsel, calls witnesses, and/or collects documents. When eviction prevention services—which include counseling, dispute resolution, and civil legal aid—are available in the court building, judges shall allow a recess so either party can use those services.

The uncertainty of the last two years has meant many low-income renters find themselves facing eviction. Furthermore, renters are disproportionately persons of color. Even though Maryland has over \$400 million in federal rental assistance available, it takes time to gather necessary documents, apply, and process applications. Over 100,000 Maryland households are behind on rent and still struggling to access that federal money.

Our communities benefit when people are housed. With a secure home, workers can do their best work and support our economy. With a secure home, students can concentrate and learn. With a secure home, parents and children can nurture healthy relationships, avoiding tension and abuse. It is in our communities' interest to prevent evictions. Yet, in the second half of 2021, an average of 650 evictions took place each month. Let's reduce evictions and avoid them whenever possible for the good of everyone.

For all these reasons, I am encouraging you to vote **in support of SB0564**. Thank you for your time, service, and consideration.

SB 564 (1).pdf

Uploaded by: Cory Warren

Position: FAV



Empowerment. Integration. Equality.

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www.DisabilityRightsMD.org

SB 564 - Landlord and Tenant and Wrongful Detainer Actions – Eviction Prevention Services

**Hearing before the House Judiciary Committee,
Feb. 16, 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 564 would allow tenants to request a reasonable delay on day of trial to participate in the plethora of eviction prevention services that have developed during the COVID-19 pandemic. Under SB 564, “eviction prevention service provider” is defined to include legal assistance, financial assistance, mediation, and social or counseling services. It is important to note: Maryland has unprecedented funding to prevent evictions. Every dollar of our [estimated rent debt of \\$392 million](#) (Dec. 2021) can be paid by local emergency rental assistance programs (ERAPs) that have scaled up over the past year. Yet, in the second half of 2021, there were nearly 27,000 eviction cases filed for non-payment of rent per month. **In that time, 705 households were evicted per month. There are no reasons evictions should be occurring with this type of funding.**

Without SB 564, eviction prevention services are hamstrung by judges’ discretion not to delay proceedings for tenants to participate in these services. Many of these proceedings are treated as “Rocket Dockets” giving tenants only a matter of days after receiving notice to prepare for trial. Allowing additional time to participate in these programs will prevent households from being evicted.

These eviction prevention programs are 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

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).

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

Allowing access to apply in the courthouse and receive a reasonable amount of time to work with the service provider may be the difference between a person with disabilities being able to participate in an eviction prevention program and stay home or face eviction. In short, it provides an equal access to these programs for those who may not be able to apply ahead of time due to their disability. For example, an individual who is vision impaired may require someone to read out the notice and application forms for these programs out loud. This individual may not know about the assistance programs until they are in a court room being told about their options by a judge.

Not only will this allow equal access to programs, it will help ensure that the recent eviction prevention programs are compliant with Title II of the Americans with Disabilities Act- which requires protects qualified people with disabilities from discrimination on the basis of disability in service, programs, and activities provided by State and local government entities.⁴ Some individuals with disabilities may simply not have the resources or ability to apply beforehand. This bill will make a significant difference in their ability to participate in these programs equally to their non-disabled peers.

Continuances under SB 564

Foremost, this bill operationalizes tenants' access to counsel in eviction proceedings. When a self-represented litigant comes before a judge in an eviction case and requests additional time to seek attorney representation, SB 564 would require the judge to grant a delay "for a reasonable time not less than 5 business days."

This provision recognizes that while 2021's House Bill 18 established an Access to Counsel in Evictions mandate, it did not provide a procedure by which the courts would ensure that tenants who desire counsel may reliably obtain it before trial. Although legal and financial assistance information is more available than ever because of HB18, the efforts of multiple governmental agencies, and the Judiciary's Help Centers, concern remains that litigants appear in eviction actions realizing too late that they would benefit from assistance and that they need certain evidence to prove assertions about payments, notices, lease provisions, or property conditions.

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>

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

⁴ Id.

People with disabilities may not have the ability to participate in these programs prior to their trial date. They may require additional help in applying to these programs, or are simply unable to access the applications without reasonable accommodations for their disability. For example, if a person who is hard of hearing does not have access to a relay phone or computer, an in-person application may be their only option for applying for eviction prevention services. Title II of the Americans with Disabilities Act requires that governmental programs, including the Courts, provide reasonable accommodations so that people with disabilities may have equal access and use of these programs.⁵

Allowing tenants, a short delay to reach out to these services, and have access to day of court assistance in applications can be the difference between the lose of housing and independent and staying in their home. Furthermore, short delay of a few days may be the difference between Counsel being able to develop a meaningful defense and representing a tenant under-prepared.

Recesses under SB 564

This bill also recognizes that litigants need consistency in their access to the legal services, rental assistance programs, and mediation programs that are increasingly available at court during eviction dockets.

- Legal services programs are now providing day-of-trial, first-come-first-serve assistance in Anne Arundel County, Baltimore County, Baltimore City, Caroline County, Dorchester County, Montgomery County, Prince George's County, Queen Anne's County, and Wicomico County.
- The District Court Help Centers are available for in-person assistance in nine court locations (Baltimore City, Catonsville, Cambridge, Frederick, Glen Burnie, Hagerstown, Rockville, Salisbury, Upper Marlboro).
- Prior to the COVID-19 pandemic, the Office of Alternative Dispute Resolution was conducting day-of-trial mediations in eviction cases in several jurisdictions, including Baltimore City, Montgomery County, and Wicomico County.

SB 564 would require that courts provide "a reasonable amount of time" during an eviction docket to allow a requesting litigant to engage with these eviction prevention services that are available during the docket. Reliable access to a recess would reduce the need for continuances, as pro bono attorneys, mediators, and others would have more time to assist parties during their first appearance at court.

For many people with disabilities, day of access to service providers is necessary. For example, a tenant with an intellectual disability may struggle to be connected to these services prior to the Court date and be confused by a legal notice. Being given the

⁵ Americans with Disabilities Act of 1990, 42 U.S.C. § 12131-12134.

opportunity to speak with a service provider will help the service provider understand the accommodations needed for that individual and to ensure they are connected with services that can help aid them staying housed and out of institutional settings.

SB 564 is about the future of Maryland's eviction process

This bill is about providing meaningful access to the Court system and the program designed to keep people housed. Those with disabilities may not be able to access eviction prevention services until they are physically in the courthouse, allowing a short delay to connect them with these programs can be what prevents them from losing their independence and housing.

Currently, the Failure to Pay Rent procedure (Real Property § 8-401(e)(1)) allows judges the authority to continue a case for one day only. Other eviction procedures do not provide even that. While cities and states across the country have met the challenges of the COVID-19 pandemic by standing up eviction diversion initiatives, often with the leadership of their courts, Maryland has not done so. Even if the Maryland Judiciary sought [full funding for an eviction diversion initiative through the National Center for State Courts](#), for example, our courts would not be able to move forward without fundamental changes to eviction procedures, such as those set forth in SB 564.

One day is simply not enough time for a tenant to be connected with Counsel and prepare a meaningful defense, especially if a tenant has a disability that requires additional assistance in either application for eviction funds or participating in their own defense with Counsel. This bill helps address this issue by giving tenants more time.

SB 564 is the first step to any policy of using eviction trial dates to problem-solve and reach alternatives that do not place Marylanders with disabilities at risk of losing their homes and being forced into institutional settings.

Disability Rights Maryland is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on SB 691**. If you have any questions, please contact: Cory Warren, Esq at Cwarren@disabilityrightsmd.org or 410-727-6352 ext. 2472.

SB 564 - Delay Rent Court Proceedings to Access Ev

Uploaded by: Daryl Yoder

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,



This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA de Maryland and Renter's United. I am a resident of District 12 and have been both a renter and a landlord in Baltimore County. **I am testifying in support of Senate Bill 564.**

This bill offers both renters and landlords the power to request and receive postponement of legal proceedings while either party accesses legal counsel, calls witnesses, and/or collects documents. Furthermore, when eviction prevention services—which include counseling, dispute resolution, and civil legal aid—are available in the court building, judges shall allow a recess so either party can use those services.

Beyond illness itself, the pandemic has made renters' lives difficult. These lean economic times have meant thousands of low-income renters find themselves facing eviction. Furthermore, renters are disproportionately persons of color. Even though Maryland has over \$400 million in federal rental assistance available, it takes time to gather necessary documents, apply and process applications. It only makes sense that renters should attain access to these resources when it matters most, in court. Over 100,000 Maryland households are behind on rent and are still struggling to access that federal money.

Society benefits when people are housed. With a secure home, workers can do their best work and support our economy. With a secure home, students can concentrate and learn. With a secure home, parents and children can nurture healthy relationships, avoiding tension and abuse. With a secure home, people don't inadvertently spread disease. Most importantly, separating people from their homes is a cruelty so harsh that it should only be allowed when all opportunities for redress and due process have been provided to those at risk of losing everything. It is in society's interest to prevent evictions. Yet, in the second half of 2021, an average of 650 evictions took place each month. Let's reduce evictions, avoid them whenever possible, for the good of everyone.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 564.**

Thank you for your time, service, and consideration.

Sincerely,
Daryl Yoder

309 Glenmore Ave.

Catonsville, MD 21228

Showing Up for Racial Justice Baltimore

SB564_MLSC_Fav.pdf

Uploaded by: Deb Seltzer

Position: FAV



MLSC

MARYLAND LEGAL SERVICES CORPORATION

IOLTA - INTEREST ON LAWYER TRUST ACCOUNTS

Testimony Concerning SB 564
“Landlord and Tenant and Wrongful Detainer Actions – Eviction Prevention Services”
Submitted to the Senate Judicial Proceedings Committee
Hearing Date: February 22, 2022

Position: Favorable

Contact: Deb Seltzer, Executive Director, 410-576-9494 x1009, dseltzer@mlsc.org

Maryland Legal Services Corporation requests a favorable report on Senate Bill 564, enactment of which would grant parties in landlord-tenant cases time to seek civil legal aid, among other eviction prevention services.

MLSC is a legislatively created nonprofit organization with a mission to ensure low-income Marylanders have access to stable, efficient and effective civil legal assistance through the distribution of funds to nonprofit legal services organizations. The Maryland General Assembly recognized the importance of civil legal services in rent court by passing the Access to Counsel in Evictions Program during the 2021 session. When funded, the Program will provide legal representation as well as related tenant outreach and education, ensuring low-income tenants facing loss of housing know their rights and have an advocate to guide them through the court process.

As the administrator of the Access to Counsel in Evictions Program, MLSC looks forward to building on our previous eviction prevention grants to ensure the Program proceeds effectively and efficiently, once funding is provided. While one goal of the Program will be to connect as many tenants as possible with counsel before the day of their hearing, we know that some tenants will not be reached through earlier efforts and will show up to their hearing unrepresented. Connecting these tenants with counsel at that time will be vital to serve hard-to-reach eligible tenants.

Existing day-of-court services have had great success in helping tenants avoid or delay eviction. Even if a tenant doesn't have a defense, allowing them time to speak to an attorney engenders trust in the justice system. When the Program is fully funded and services are available statewide, allowing for a brief pause so that tenants can be connected with counsel will greatly improve the efficiency and effectiveness of services.

MLSC asks for favorable consideration of Senate Bill 564.

SB0564-JPR_MACo_SUP.pdf

Uploaded by: D'Paul Nibber

Position: FAV



Senate Bill 564

Landlord and Tenant and Wrongful Detainer Actions – Eviction Prevention Services

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

Date: February 22, 2022

From: D'Paul Nibber

The Maryland Association of Counties (MACo) **SUPPORTS** SB 564. This bill would grant a tenant a recess or continuance of a proceeding involving the wrongful detainer of property if the tenant is seeking eviction prevention services, including financial assistance from a county government.

Throughout the COVID-19 pandemic, and its associated economic effects, the potential for tenant evictions has threatened to compound our communities' difficulties. To stabilize the housing market, counties have been relied upon to distribute federal emergency rental assistance to qualified tenants experiencing financial distress. County agencies have worked diligently to ensure this assistance is provided in a timely manner. A total of over 70,000 applications for rental assistance have been processed with over 40,000 households having received assistance.

Unfortunately, state and federal guidelines regarding payment distribution record-keeping, evidence of rental arrangements, and collection of qualifying income documentation contributed to recent delays in assistance payments. In recent months, counties have increased the efficiency and timeliness of their emergency rental assistance programs, yet eviction filings concerning tenants eligible for assistance persist.

County officials share the concern that many eligible tenants are not aware of, or are having difficulty applying for, emergency rental assistance. SB 564 is needed to ensure housing stability for these vulnerable tenants. Upon eviction, these former tenants are faced with cascading negative health and economic issues including homelessness, food insecurity, and job loss—placing a substantial burden on state and county resources.

SB 564 would protect vulnerable Marylanders from needless evictions and by doing so, avoid the preventable drain on state and local resources. For these reasons, MACo **SUPPORTS** SB 564 and urges a **FAVORABLE** report.

SB 564 - Delay Rent Court Proceedings to Access Ev

Uploaded by: Erica Palmisano

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,



This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA de Maryland and Renter's United. I am a resident of MD District 12. **I am testifying in support of Senate Bill 564.**

This bill offers both renters and landlords the power to request and receive postponement of legal proceedings while either party accesses legal counsel, calls witnesses, and/or collects documents. Furthermore, when eviction prevention services—which include counseling, dispute resolution, and civil legal aid—are available in the court building, judges shall allow a recess so either party can use those services.

Beyond illness itself, the pandemic has made renters' lives difficult. These lean economic times have meant thousands of low-income renters find themselves facing eviction. Furthermore, renters are disproportionately persons of color. Even though Maryland has over \$400 million in federal rental assistance available, it takes time to gather necessary documents, apply and process applications. It only makes sense that renters should attain access to these resources when it matters most, in court. Over 100,000 Maryland households are behind on rent and are still struggling to access that federal money.

Society benefits when people are housed. With a secure home, workers can do their best work and support our economy. With a secure home, students can concentrate and learn. With a secure home, parents and children can nurture healthy relationships, avoiding tension and abuse. With a secure home, people don't inadvertently spread disease. Most importantly, separating people from their homes is a cruelty so harsh that it should only be allowed when all opportunities for redress and due process have been provided to those at risk of losing everything. It is in society's interest to prevent evictions. Yet, in the second half of 2021, an average of 650 evictions took place each month. Let's reduce evictions, avoid them whenever possible, for the good of everyone.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 564.**

Thank you for your time, service, and consideration.

Sincerely,
Erica Palmisano
5580 Vantage Point Rd, Apt 5, Columbia, MD
Showing Up for Racial Justice Baltimore

SB564 Final.pdf

Uploaded by: Gregory Countess

Position: FAV



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February 21, 2022

The Honorable William C. Smith, Jr.
Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, Maryland 21401

**Re: Testimony in support of Senate Bill 564: Landlord and Tenant and
Wrongful Detainer Actions– Eviction Prevention Services**

Dear Chair Smith and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 564. SB 564 would require the court to postpone hearings in Landlord Tenant and Wrongful Detainer actions at the tenant's request if certain conditions are met. Maryland Legal Aid (MLA) is a private, non-profit law firm that provides free legal services to indigent Maryland residents. From 12 offices around the state, MLA helps individuals and families in every Maryland county with many civil legal issues, including housing, consumer, public benefits, and family law matters. MLA also represents abused and neglected children and provides legal assistance to senior citizens and nursing home residents. This letter serves as notice that Gregory Countess, Esq. will testify on behalf of Maryland Legal Aid at the request of Senator Susan Lee.

The human right to housing is one of the most essential and broadly recognized human rights. It finds strong recognition in International Law, Federal Law, State Law, and case law at all levels. The Universal Declaration of Human Rights guarantees "the right to a standard of living adequate for the health and well-being of [the individual] and of his[/her] family, including food, clothing, shelter, and medical care and necessary social services." The Universal Declaration of Human Rights, G.A. Res. 217, U.N. GAOR, 3d Sess., pt. 1, U.N. Doc. A/810 (1948) (hereinafter "the Declaration"). One of the basic precepts of the right to

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01.2022



housing is that such housing should not be arbitrarily taken. Any deprivation of housing should be done lawfully, and the tribunal should be fair.¹

Last year the Maryland General Assembly passed an Access to Counsel statute. This year, pending legislation offers funding to implement the program fully. SB 564 compliments the Access to Counsel statute and is nearly as important as the funding under consideration this year. Access to counsel not only means that there may be attorneys available but that, if available, counsel can represent the tenant in the hearing. SB 564 provides an opportunity for tenants to receive much-needed legal representation. There are occasions when MLA asks potential tenant clients to ask the court to postpone their hearing so that an MLA attorney can be available to represent the tenant. When these requests are made, the court sometimes postpones the action, but in many instances, a continuance is denied, despite MLA's observations that Landlords' requests to continue are liberally granted. SB 564 remedies that issue. By extending this right to a postponement to all Landlord-Tenant/Wrongful Detainer actions, the Maryland General Assembly would truly level the playing field for tenants.

Additionally, with millions of dollars of Emergency Rental Assistance still available, efficiency dictates that postponements make sense if a government representative of the Emergency Rental Assistance Programs (ERAP) is available at the court and can verify that the tenant has applied for rental assistance. Most of the ERAP programs in Maryland prioritize getting assistance to renters in court facing immediate eviction. This provision of SB 564 will also lessen the chance that a tenant will be homeless, as - ERAP funding is available, and all the parties will be in court together and can fashion an alternative to eviction to make the Landlord whole.

Enacting this bill will move Maryland closer to fulfilling its duty to respect, protect and promote the right to housing.

For these reasons, MLA asks for a favorable report on SB 564.

Sincerely,

¹https://www.americanbar.org/content/dam/aba/events/homelessness_poverty/2013_Midyear_Meeting_Right_To_Housing/housing_as_a_right_fact_sheet.pdf

/S/

Gregory Countess

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sb0564222 testimony diversion of eviction 2022doc

Uploaded by: Gwen DuBois

Position: FAV



**SB0564 - Landlord and Tenant and Wrongful Detainer Actions – Eviction
Prevention Services**

**Hearing before the Senate Judicial Proceedings Committee,
Feb. 22, 2022**

Position: SUPPORT (FAV)

Chesapeake Physicians for Social Responsibility (CPSR) is a statewide evidence-based organization of over 940 physicians and other health professionals and supporters that addresses existential public health threats: nuclear weapons, the climate crisis, and the issues of pollution and toxic effects on health, as seen through the intersectional lens of environmental, social, and racial justice.

SB0564 would make effective use of existing eviction prevention services when they are needed most: at court, on the day of trial of an eviction case. Under SB0564, “eviction prevention service provider” is defined to include legal assistance, financial assistance, mediation, and social or counseling services. The bill targets Maryland’s rapid “summary” court procedures for evicting renters – Failure to Pay Rent, Tenant Holding Over, and Breach of Lease – as well as Wrongful Detainer, which is intended for removing guests/invitees but may sometimes involve renters.

Chesapeake PSR supports eviction prevention services because evictions cause physical and mental harm, contribute to the racial disparities in health¹, increase homelessness which in turn increases mortality. Below are some of the deleterious health effects of evictions.

Young children exposed to overcrowding and/or multiple moves in one year, were more often reported by their caregivers to have poor health, food insecurity, impaired educational, social or emotional skills, and were measured to have low weight compared to other children.² In older children and adolescents, a history of multiple moves has been associated with mental health

¹ <https://www.nejm.org/doi/full/10.1056/NEJMp2031947>

² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3134514/>

problems later in life including violence and suicide.³ In adults, eviction filings are associated with increased suicides and evictions with increased use of emergency rooms and increased all-cause mortality.⁴

The highest mortality from a study in Boston, before the pandemic, was experienced by the unsheltered homeless, having a 5-10 x higher mortality than the adult population of Massachusetts without housing problems.⁵ Evictions are an important cause of homelessness.⁶ These studies were all reported before COVID19 pandemic.

Now with the pandemic, estimates are that homeless people who become sick with COVID-19 are twice as likely to be hospitalized, two to four times as likely to require critical care, and two to three times as likely to die than the general population.⁷ One study found that policies that reduce evictions and utility shut offs were effective in reducing COVID 19 infections and deaths.⁸ During this COVID-19 pandemic, evictions have been linked to a 5-fold increase in mortality from COVID-19 in general, extending the harm to the greater community.⁹ Though during this pandemic, we all benefit when people remain housed, even after the pandemic is over, housing is health and this bill will help reduce evictions and the health consequences we have described.

In these court proceedings SB0564 would provide consistency in allowing parties' a reasonable time, through recess or continuance, to become better prepared for trial or to engage with services aimed at avoiding trial and eviction altogether. **Without SB0564, eviction prevention services are hamstrung by judges' discretion not to allow a recess/continuance and landlords' objections** to any delay of trial that benefits their tenants.

Continuances under SB0564

Foremost, this bill operationalizes tenants' access to counsel in eviction proceedings. When a self-represented litigant comes before a judge in an eviction case and requests additional time to seek attorney representation, SB0564 would require the judge to grant a delay "for a reasonable time not less than 5 business days."

This provision recognizes that while 2021's House Bill 18 established an Access to Counsel in Evictions mandate, it did not provide a procedure by which the courts would ensure that tenants who desire counsel may reliably obtain it before trial. Although legal and financial assistance information is more available than ever because of HB18, the efforts of multiple governmental agencies, and the Judiciary's Help Centers, concern remains that litigants appear in eviction

³ <https://www.sciencedirect.com/science/article/pii/S0749379716301180>

⁴ <https://www.healthaffairs.org/doi/10.1377/hpb20210315.747908/full/health-affairs-brief-appendix-eviction-health-himmelstein.pdf>

⁵ <https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/2687991>

⁶ https://www.law.nyu.edu/sites/default/files/upload_documents/evictions_collinson_reed.pdf

⁷ https://works.bepress.com/dennis_culhane/237/

⁸ https://www.nber.org/system/files/working_papers/w28394/w28394.pdf

⁹ <https://academic.oup.com/aje/article/190/12/2503/6328194>

actions realizing too late that they would benefit from assistance and that they need certain evidence to prove assertions about payments, notices, lease provisions, or property conditions. **Evidence for the effectiveness of right to counsel the first two years of New York City's RTC's five-year phase-in, 84% of the tenants who had a lawyer were not evicted. And in zip codes where right to counsel were implemented in 2017, evictions were reduced 29%. Evictions have been reduced by 41% since 2013, funding started for right to counsel. In 2019 alone, evictions in NYC were down 15%.¹⁰**

SB0564 fills an important access-to-justice gap by creating a mandatory-if-requested continuance of at least 5 workdays or longer by the judge's discretion. This continuance provision also applies to litigants who request time to bring back to court necessary evidence or witnesses or time to engage an eviction service provider such as the Office of Alternative Dispute Resolution or an Emergency Rental Assistance Program.

Recesses under SB0564

This bill also recognizes that litigants need consistency in their access to the legal services, rental assistance programs, and mediation programs that are increasingly available at court during eviction dockets.

- Legal services programs are now providing day-of-trial, first-come-first-serve assistance in Anne Arundel County, Baltimore County, Baltimore City, Caroline County, Dorchester County, Montgomery County, Prince George's County, Queen Anne's County, and Wicomico County.
- The District Court Help Centers are available for in-person assistance in nine court locations (Baltimore City, Catonsville, Cambridge, Frederick, Glen Burnie, Hagerstown, Rockville, Salisbury, Upper Marlboro).
- Prior to the COVID-19 pandemic, the Office of Alternative Dispute Resolution was conducting day-of-trial mediations in eviction cases in several jurisdictions, including Baltimore City, Montgomery County, and Wicomico County.

SB0564 would require simply that courts provide "a reasonable amount of time" during an eviction docket to allow a requesting litigant to engage with these eviction prevention services that are available during the docket. Reliable access to a recess would reduce the need for continuances, as pro bono attorneys, mediators, and others would have more time to assist parties during their first appearance at court.

SB0564 is about the future of Maryland's eviction process

In 2021, amid pandemic-caused scheduling delays, a federal moratorium on evictions, and the unprecedented availability of emergency rent relief, Maryland saw over 355,000 evictions

¹⁰ https://www.righttocounselnyc.org/right_to_counsel_power_to_organize_campaign

actions filed – nearly a 50-percent reduction in eviction litigation compared to 2019. Actual evictions fell in 2021 by nearly 70 percent compared to 2019. A fairer, more preventative eviction procedure under SB0564 is about the future – when there will not be pandemic protocols that delay trial or hundreds of millions in federal assistance to cover rental debt.

Currently, the Failure to Pay Rent procedure (Real Property § 8-401(e)(1)) allows judges the authority to continue a case for one day only. Other eviction procedures do not provide even that. While cities and states across the country have met the challenges of the COVID-19 pandemic by standing up eviction diversion initiatives, often with the leadership of their courts, Maryland has not done so. Even if the Maryland Judiciary sought full funding for an eviction diversion initiative through the National Center for State Courts, for example, our courts would not be able to move forward without fundamental changes to eviction procedures as set forth in SB0564.¹¹ It is an important step toward a policy of using eviction trial dates to problem-solve and reach alternatives that do not place Maryland renters at risk of losing their homes and losing their mental and physical well-being.

The author of a recent article in the New England Journal of Medicine concluded that “housing is too often viewed as a commodity or a business, rather than as a social determinant of health. A national recognition of housing as a fundamental need could catalyze the changes necessary to ensure that everyone has a safe and stable home — an essential element for health.”¹² We in CPSR agree. A shortage of affordable housing driving up rental prices and low wages had left IN 2016, more than 56% of Baltimore renters “rent burdened,” paying more than 30% of their income on rent.¹³ The problem of evictions preceded the pandemic which just brought this problem to light and requires us to find solutions that extend beyond COVID-19. SB0564 represents an attempt to begin to build that solution.

Chesapeake PSR is a member of the Renters United Maryland, a statewide coalition of renters, organizers, and advocates, and **we urge the Committee’s report of Favorable on SB0564.**

Gwen L. DuBois, MD, MPH

President, Chesapeake Physicians for Social Responsibility

gdubois@jhsph.edu

¹¹ <https://www.ncsc.org/information-and-resources/improving-access-to-justice/eviction-resources/eviction-diversion-initiative-grant-program>

¹² <https://www.nejm.org/doi/full/10.1056/NEJMp2031947>

¹³ <https://www.citylab.com/equity/2016/05/in-baltimore-even-full-time-working-families-cant-afford-housing/482190/>

SB 564 - Delay Rent Court Proceedings to Access Ev

Uploaded by: Holly Powell

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,



This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA de Maryland and Renter's United. I am a resident of 46. **I am testifying in support of Senate Bill 564.**

This bill offers both renters and landlords the power to request and receive postponement of legal proceedings while either party accesses legal counsel, calls witnesses, and/or collects documents. Furthermore, when eviction prevention services—which include counseling, dispute resolution, and civil legal aid—are available in the court building, judges shall allow a recess so either party can use those services.

Beyond illness itself, the pandemic has made renters' lives difficult. These lean economic times have meant thousands of low-income renters find themselves facing eviction. Furthermore, renters are disproportionately persons of color. Even though Maryland has over \$400 million in federal rental assistance available, it takes time to gather necessary documents, apply and process applications. It only makes sense that renters should attain access to these resources when it matters most, in court. Over 100,000 Maryland households are behind on rent and are still struggling to access that federal money.

Society benefits when people are housed. With a secure home, workers can do their best work and support our economy. With a secure home, students can concentrate and learn. With a secure home, parents and children can nurture healthy relationships, avoiding tension and abuse. With a secure home, people don't inadvertently spread disease. Most importantly, separating people from their homes is a cruelty so harsh that it should only be allowed when all opportunities for redress and due process have been provided to those at risk of losing everything. It is in society's interest to prevent evictions. Yet, in the second half of 2021, an average of 650 evictions took place each month. Let's reduce evictions, avoid them whenever possible, for the good of everyone.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 564.**

Thank you for your time, service, and consideration.

Sincerely,

Holly Powell
2308 Cambridge Street
Baltimore, Maryland 21224

Brian Seel
223 S. Wolfe Street
Baltimore, Maryland 21224

Showing Up for Racial Justice Baltimore

SB564_MCRC_FAV (2022).pdf

Uploaded by: Isadora Stern

Position: FAV



Maryland Consumer Rights Coalition

Testimony to the Senate Judicial Proceedings Committee
SB 564: Landlord and Tenant and Wrongful Detainer Actions – Eviction Prevention Services
Position: Favorable

February 22, 2022

Senator Smith, Chair
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401
Cc: Members, Senate Judicial Proceedings Committee

Honorable Chair Smith and Members of the Committee:

The Maryland Consumer Rights Coalition (MCRC) is a statewide coalition of individuals and organizations that advances economic rights and financial inclusion for Maryland consumers through research, education, direct service, and advocacy. Our 8,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

We are writing today in support of SB 564.

The bill would require the court to grant a recess for wrongful detainer actions to allow tenants and landlords to obtain eviction prevention services. This requirement will grant both tenants and landlords effective methods of diverting eviction. The bill promotes alternative resolutions and use of well established resources including governmental, nonprofit, and charitable organizations that provide social work services, counseling, financial assistance for rent or relocation, alternative dispute resolution, or civil legal aid.

MCRC's Tenant Advocacy program empowers tenants to advocate for themselves by providing information about housing rights and responsibilities, legal information, mediation, and referrals to other nonprofits and legal services. The requests we have received for assistance with eviction have increased by 36% over 2020. COVID-19 has exponentially increased the housing insecurity impacting Maryland tenants.

In 2021, our Tenant Advocacy Program received 1271 complaints from Maryland residents statewide. Of those 1271, 800 were related to eviction. This bill would help direct tenants faced with eviction to services like MCRC's Tenant Advocacy Program that promotes housing stability by providing alternative resources and solutions.

Eviction prevention is an essential step in repairing Maryland's housing crisis and promoting housing stability. This bill would give service providers more time to address tenants' underlying financial challenges and keep them in their homes. Pursuing alternative resources beyond the court can help



Maryland Consumer Rights Coalition

prevent an eviction judgment from being entered on a tenant's record. For many tenants, having an eviction on their record – even if the case was ultimately dismissed or the court ruled in the tenant's favor – will adversely affect their ability to rent another property or access affordable housing opportunities in the future.

This change to the eviction process is long overdue, and carries racial justice implications as most families affected by eviction and the lack of affordable housing are non-white households. Only 17% of our 512 tenants who needed assistance with eviction in 2020 were white. In a 2020 Baltimore City eviction study it was found that the number of Black eviction removals is 3 times higher than white evictions and 46% more female headed households were removed from their homes as compared to male headed households.¹ Eviction diversion is a powerful solution that mitigates the harm of evictions and ensures that tenants are able to secure alternate housing and avoid homelessness.

For all these reasons, we support SB 564 and ask for a favorable report.

Best,

Isadora Stern
Policy Associate

¹ <https://evictions.study/maryland/report/baltimore.html>

SB 564 - Delay Rent Court Proceedings to Access Ev

Uploaded by: Jonathan Smeton

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA de Maryland and Renter's United. I am a resident of **District 40**. **I am testifying in support of Senate Bill 564.**



This bill offers both renters and landlords the power to request and receive postponement of legal proceedings while either party accesses legal counsel, calls witnesses, and/or collects documents. Furthermore, when eviction prevention services—which include counseling, dispute resolution, and civil legal aid—are available in the court building, judges shall allow a recess so either party can use those services.

Beyond illness itself, the pandemic has made renters' lives difficult. These lean economic times have meant thousands of low-income renters find themselves facing eviction. Furthermore, renters are disproportionately persons of color. Even though Maryland has over \$400 million in federal rental assistance available, it takes time to gather necessary documents, apply and process applications. It only makes sense that renters should attain access to these resources when it matters most, in court. Over 100,000 Maryland households are behind on rent and are still struggling to access that federal money.

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It is for these reasons that I am encouraging you to vote **in support of Senate Bill 564**.

Thank you for your time, service, and consideration.

Sincerely,
Jonathan Smeton
Baltimore, MD 21211
Showing Up for Racial Justice Baltimore

SB 564 - Delay Rent Court Proceedings to Access Ev

Uploaded by: Katherine Wilkins

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,



This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA de Maryland and Renter's United. I am a resident of **District 12. I am testifying in support of Senate Bill 564.**

This bill offers both renters and landlords the power to request and receive postponement of legal proceedings while either party accesses legal counsel, calls witnesses, and/or collects documents. Furthermore, when eviction prevention services—which include counseling, dispute resolution, and civil legal aid—are available in the court building, judges shall allow a recess so either party can use those services.

Beyond illness itself, the pandemic has made renters' lives difficult. These lean economic times have meant thousands of low-income renters find themselves facing eviction. Furthermore, renters are disproportionately persons of color. Even though Maryland has over \$400 million in federal rental assistance available, it takes time to gather necessary documents, apply and process applications. It only makes sense that renters should attain access to these resources when it matters most, in court. Over 100,000 Maryland households are behind on rent and are still struggling to access that federal money.

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It is for these reasons that I am encouraging you to vote **in support of Senate Bill 564.**

Thank you for your time, service, and consideration.

Sincerely,
Katherine Wilkins
10651 Gramercy PI Unit 257
Columbia MD 21044
Showing Up for Racial Justice Baltimore

SB 564 - Written Testimony - SENATE.pdf

Uploaded by: Katie Davis

Position: FAV



**SB 564: Landlord and Tenant and Wrongful Detainer Actions – Eviction Prevention Services
HEARING BEFORE THE JUDICIAL PROCEEDINGS 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 coordinator, thought leader 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 also respond to acute legal needs identified in areas across the state by piloting and operating innovative direct 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. Using both staff and volunteer attorneys, we have represented over 437 clients through this model in the last year. Tenants appearing in Rent Court often contend with difficult and unsafe living conditions, 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.

PBRC supports SB 564 because it will allow us and other legal and nonlegal services providers more meaningful opportunities to work with tenants in order to prevent evictions, homelessness and housing insecurity. This bill accomplishes this simply by creating the time to do so by requiring short recesses or postponements at court of Failure to Pay Rent Actions.

In recognition of the need for counsel in eviction matters, the Maryland General Assembly passed HB 18 in 2021, providing that all limited-income tenants “shall have access to legal representation” in legal matters where they face eviction. SB 564 provides an important step in providing this access. An estimated 92% of tenants arrive at rent court for their Failure to Pay Rent actions without representation. Many of them are in court for the first time and do not fully understand what is to take place. They do not realize that this is the only hearing they will have. Nor do they know what evidence and witnesses they should bring. They are often nervous and intimidated at the prospect of losing their housing. In contrast, most landlords are represented by attorneys or specialized agents who know court procedure and personnel very well. As providers, we work quickly to identify and assist as many tenants as possible before the dockets are called. However, even with the assistance of volunteer attorneys, we often run out of time, leaving some tenants to enter the courtroom without representation. **SB 564 would level the playing field by allowing tenants either a recess or postponement in order to work with legal services providers. If there is a provider such as PBRC present in the courthouse and available to provide same-day representation, a simple recess will be sufficient.** Although tenants are more likely to need a postponement, it is worthy of note that SB 564 covers both landlords and tenants in this respect.

PBRC and our partner organizations work together to help tenants avoid eviction and all its negative consequences, including homelessness. We can do this only if we are given the necessary time. Even with a day-of-court model, we need to have sufficient time to speak to tenants and review their documents in order to fulfill their right to counsel in a meaningful way. SB 564 would offer that. **When tenants are given a meaningful opportunity to participate in eviction prevention programs, everyone benefits.**

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 SB 564.**

Please contact Katie Davis, Director of PBRC's Courtroom Advocacy Project, with any questions.
kdavis@probonomd.org • 443-703-3049

SB 564- Written Testimony (Favorable).pdf

Uploaded by: Kayla Williams

Position: FAV



SB 564 – Landlord and Tenant and Wrongful Detainer Actions- Eviction Prevention Services

Hearing before the Judicial Proceedings Committee,

Feb. 22, 2022

Position: SUPPORT (FAVORABLE)

Community Legal Services of Prince George’s County, Inc., is a non-profit organization established to provide quality legal services to low-income residents in Prince George County. We provide representation to tenants facing eviction in both Prince George’s and Anne Arundel County.

We support SB 564 and urge the Committee to issue a favorable report.

Since 2018, I have managed our Tenant Representation Program where we provide same-day and general legal representation to tenants in eviction cases including Wrongful Detainers. In these cases, it is not uncommon for a tenant to be served a few days before their court hearing, making it difficult, if not impossible, to gather evidence and witnesses, and to obtain legal representation. Due to the complexity that Wrongful Detainer cases can entail, we are not always able to assist tenants same-day due to time constraints and additional information being needed. There is currently no express authority in the Wrongful Detainer statute that allows legal service providers to meet with clients during their hearings to prepare legal arguments.

This bill would give legal service providers the opportunity to provide more in-depth same-day representation, and if needed, it would expressly allow either party to request a brief continuance to obtain legal representation, relocation assistance, and/ or mediation.

Perhaps most significantly, and why we support this bill, is the basis in which many Wrongful Detainer cases are filed. Wrongful Detainer cases don’t just involve squatters; they are often filed by new purchasers of foreclosed properties and in some cases, against tenants who were defrauded and unknowingly entered into a lease agreement with a person who did not have actual ownership of the property. In many of these cases, the tenants were unaware that the home they were renting was being foreclosed, or that their lease was fraudulent, despite them continuing to pay their rent. The unfortunate result in many of these court hearings is the tenant’s displacement due to no fault of their own. In other cases, the parties are willing to enter into settlement and cash-for-keys negotiations but these usually require additional time outside of a court hearing.

I understand the concern with the “shall” language of this bill, and I think replacing it with “may” would still be a step in the right direction. For these reasons, **we respectfully urge the Committee**

to issue a favorable report on SB 564. If you have any questions, please contact: Kayla Williams, Supervising Attorney, Williams@clspgc.org, 240-391-6532 Ext. 2

SB 564_Consumer Protection Division_fav_2022.pdf

Uploaded by: Kira Wilpone-Welborn

Position: FAV

BRIAN E. FROSH
Attorney General

ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General



WILLIAM D. GRUHN
Chief
Consumer Protection Division

Writer's Fax No.

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

Writer's Direct Dial No.
410-576-6986
kwilponewelborn@oag.state.md.us

February 21, 2022

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

From: Kira Wilpone-Welborn, Assistant Attorney General
Consumer Protection Division

Re: Senate Bill 564 – Landlord and Tenant and Wrongful Detainer Actions – Eviction
Prevention Services (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General (the “Division”) supports Senate Bill 564 sponsored by Senators Lee, Sydnor, Smith and Hettleman. In an eviction proceeding, on the request of a party, Senate Bill 564 would require a court to grant a reasonable continuance for the requesting party to utilize on-site eviction prevention services, or a continuance of at least five (5) business days for the requesting party to obtain advice or representation of an attorney, or necessary documents.

Presently, a court’s authority to grant a continuance is limited. For example, in failure to pay rent actions, in which the parties have no opportunity to obtain discovery, a court may only stay the proceeding for one (1) day upon the request of a party to obtain necessary documents. *See* Real Property Article § 8-401(e)(1). In a tenant holding over proceeding or breach of lease proceeding, a court may only stay the proceeding if a party fails to appear. *See* Real Property Article §§ 8-402(b)(1)(iii); 8-402.1(a)(3). Senate Bill 564 would afford courts another option for granting a continuance to ensure the interests of justice for all parties to eviction proceedings.

Due to the expedited nature of eviction proceedings, tenants often are unable to quickly gather the evidence necessary to dispute erroneous allegations of arrearages and material breaches of the lease, investigate misallocations of prior payments, or develop other available defenses. Senate Bill 564 would afford tenants a reasonable amount of additional time to utilize the services of an eviction prevention services provider if available on the day of trial or to gather evidence, investigate defenses, and confer with an attorney. Senate Bill 564 would also afford landlords additional time to gather evidence to support an eviction, such as proof of a valid rental license. Authorizing a court to grant a recess to allow the requesting party to use the services of an eviction

The Honorable William C. Smith, Jr.
Senate Bill 564
February 21, 2022
Page Two

prevention services provider on the day of trial or a continuance for a reasonable amount of time not less than five (5) business days if either party wishes to seek attorney representation, or to procure necessary witnesses or documents, serves the interests of justice for all parties to eviction proceedings and would allow for more orderly proceedings before the court.

For these reasons, the Division requests that the Judicial Proceedings Committee give Senate Bill 564 a favorable report.

cc: The Honorable Susan C. Lee
The Honorable Charles E. Sydnor, III
The Honorable William C. Smith, Jr.
The Honorable Shelly Hettleman
Members, Judicial Proceedings Committee

SB 564 - Delay Rent Court Proceedings to Access Ev

Uploaded by: Lindsay Keipper

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore. We are also working in collaboration with CASA de Maryland and Renter's United. I am a resident of District 46, **and I am testifying in support of Senate Bill 564.**



This bill offers both renters and landlords the power to request and receive postponement of legal proceedings while either party accesses legal counsel, calls witnesses, and/or collects documents. Furthermore, when eviction prevention services—which include counseling, dispute resolution, and civil legal aid—are available in the court building, judges shall allow a recess so either party can use those services.

Beyond illness itself, the pandemic has made renters' lives difficult. These lean economic times have meant thousands of low-income renters find themselves facing eviction. Furthermore, renters are disproportionately persons of color. Even though Maryland has over \$400 million in federal rental assistance available, it takes time to gather necessary documents, apply and process applications. It only makes sense that renters should attain access to these resources when it matters most, in court. Over 100,000 Maryland households are behind on rent and are still struggling to access that federal money.

Society benefits when people are housed. With a secure home, workers can do their best work and support our economy. With a secure home, students can concentrate and learn. With a secure home, parents and children can nurture healthy relationships, avoiding tension and abuse. With a secure home, people don't inadvertently spread disease. Most importantly, separating people from their homes is a cruelty so harsh that it should only be allowed when all opportunities for redress and due process have been provided to those at risk of losing everything. It is in society's interest to prevent evictions. Yet, in the second half of 2021, an average of 650 evictions took place each month. Let's reduce evictions, and avoid them whenever possible, for the good of everyone.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 564.**

Thank you for your time, service, and consideration.

Sincerely,
Lindsay Keipper
2425 Fleet St.
Showing Up for Racial Justice Baltimore

Support SB 564 - Delay Rent Court Proceedings to A

Uploaded by: Linnie Girdner

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

I am a resident of District 21. I am a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. **I am testifying in support of Senate Bill 564.**

This bill offers both renters and landlords the power to request and receive postponement of legal proceedings while either party accesses legal counsel, calls witnesses, and/or collects documents. Furthermore, when eviction prevention services—which include counseling, dispute resolution, and civil legal aid—are available in the court building, judges shall allow a recess so either party can use those services. It is sensible and fair to permit people to access these services.

Beyond illness itself, the pandemic has made renters' lives difficult. These lean economic times have meant thousands of low-income renters find themselves facing eviction. Furthermore, renters are disproportionately persons of color. Even though Maryland has over \$400 million in federal rental assistance available, it takes time to gather necessary documents, apply and process applications. It only makes sense that renters should attain access to these resources when it matters most, in court. Over 100,000 Maryland households are behind on rent and are still struggling to access that federal money.

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It is for these reasons that I am encouraging you to vote **in support of Senate Bill 564.**

Thank you for your time, service, and consideration.

Sincerely,

Linda K. Girdner

941 Fall Ridge Way

Gambrills, MD 21054

SB564_MarkMartin, JUFJ_FAV.pdf

Uploaded by: Mark Martin

Position: FAV

February 22, 2022



THINK JEWISHLY. ACT LOCALLY.

Mark Martin
Baltimore, MD 21217

TESTIMONY ON SB564/HB691 – POSITION: FAVORABLE

Landlord and Tenant and Wrongful Detainer - Eviction Prevention Services

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Mark Martin, on behalf of Jews United for Justice

My name is Mark Martin and I live in Baltimore City in District 40. I am submitting this testimony on behalf of Jews United for Justice (JUFJ) in support of SB564/HB691. JUFJ organizes more than 6,000 Jewish Marylanders and allies in support of local and state campaigns for social, racial, and economic justice.

Jewish sacred texts recognize that having safe, stable housing is key to a healthy society, and that society has an obligation to ensure that people can remain in their homes, especially during a pandemic.

As a lawyer who has for years provided pro bono legal information to people caught up in rent court in the District of Columbia, I have seen first-hand the problems tenants face, most devastatingly, the fears and disruption associated with evictions. Regrettably, rent courts in Maryland are so tilted in favor of landlords that they fuel the state's unconscionably high eviction rates, with tragic consequences for those made homeless, who are disproportionately Black women, and the larger community.

Last session, the General Assembly took the important step of requiring landlords to give tenants a 10-day notice before suing for failure to pay rent, by passing HB18. But the rent court process is still far too compressed to be fair to tenants. After the notice period, tenants can be required to appear in court for trial in just five days, too soon adequately to prepare a defense. By contrast, in DC a tenant has 21 days after a case is filed to appear for an *initial* hearing, with a trial on the merits at least several weeks later. **Maryland can and must do much more to stop its rent courts from continuing to serve as an assembly line to eviction.**

SB564/HB691 furthers that goal. The straightforward, commonsense changes it proposes are designed to foster an eviction-prevention approach to resolution of landlord-tenant disputes, and thereby promote access to safe and stable housing. And the bill will also facilitate implementation of the access to counsel program established by HB18, by connecting tenants with lawyers in court and providing the time for them to receive assistance.

The bill requires courts to grant a recess on the day of trial to permit parties to access eviction prevention services such as lawyers, mediators, or rental assistance programs that are available at the courthouse. It is common in DC rent courts for tenants, on hearing day, to consult with on-site lawyers or mediators, which often leads to dismissals or mutually agreeable settlements of cases, rather than trials and judgments of eviction.

SB564/HB691 also requires courts to grant reasonable continuances of the trial date, of no fewer than five business days, for the purpose of obtaining legal representation or amassing evidence. (The law currently limits continuances to one day, which is wholly inadequate.) This change is completely workable -- the time frame is shorter than what is standard in DC -- and will give tenants a meaningful opportunity to prepare their defenses to eviction, without compromising landlords' legitimate interests.

Many state and local jurisdictions throughout the country have established eviction diversion programs. They work: cases are less likely to go to trial and more likely to be settled; hearings run more smoothly; landlords bring fewer non-meritorious cases, and also end up receiving payment for past-due rent while avoiding costs associated with eviction proceedings and finding new tenants -- and tenants remain in their homes, ensuring housing security and reducing potential stress on the social safety net.

Maryland should follow suit by making eviction diversion services readily available and accessible by providing reasonable time to benefit from the services. **On behalf of JUFJ, I respectfully urge the committee to return a favorable report on SB564/HB691.**

SB 564 - Delay Rent Court Proceedings to Access Ev

Uploaded by: Martha Schmitz

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA de Maryland and Renter's United. I am a resident of **Maryland District 42B. I am testifying in support of Senate Bill 564.**



This bill offers both renters and landlords the power to request and receive postponement of legal proceedings while either party accesses legal counsel, calls witnesses, and/or collects documents. Furthermore, when eviction prevention services—which include counseling, dispute resolution, and civil legal aid—are available in the court building, judges shall allow a recess so either party can use those services.

Beyond illness itself, the pandemic has made renters' lives difficult. These lean economic times have meant thousands of low-income renters find themselves facing eviction. Furthermore, renters are disproportionately persons of color. Even though Maryland has over \$400 million in federal rental assistance available, it takes time to gather necessary documents, apply and process applications. It only makes sense that renters should attain access to these resources when it matters most, in court. Over 100,000 Maryland households are behind on rent and are still struggling to access that federal money.

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It is for these reasons that I am encouraging you to vote **in support of Senate Bill 564.**

Thank you for your time, service, and consideration.

Sincerely,
Martha Schmitz
14 Greentree Drive
Phoenix, MD 21131
Showing Up for Racial Justice Baltimore

Badeker SB 564 - Delay Rent Court Proceedings to A

Uploaded by: Melissa Badeker

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA de Maryland and Renter's United. I am a resident of District 8. **I am testifying in support of Senate Bill 564.**



This bill offers both renters and landlords the power to request and receive postponement of legal proceedings while either party accesses legal counsel, calls witnesses, and/or collects documents. Furthermore, when eviction prevention services—which include counseling, dispute resolution, and civil legal aid—are available in the court building, judges shall allow a recess so either party can use those services.

Beyond illness itself, the pandemic has made renters' lives difficult. These lean economic times have meant thousands of low-income renters find themselves facing eviction. Furthermore, renters are disproportionately persons of color. Even though Maryland has over \$400 million in federal rental assistance available, it takes time to gather necessary documents, apply and process applications. It only makes sense that renters should attain access to these resources when it matters most, in court. Over 100,000 Maryland households are behind on rent and are still struggling to access that federal money.

Society benefits when people are housed. With a secure home, workers can do their best work and support our economy. With a secure home, students can concentrate and learn. With a secure home, parents and children can nurture healthy relationships, avoiding tension and abuse. With a secure home, people don't inadvertently spread disease. Most importantly, separating people from their homes is a cruelty so harsh that it should only be allowed when all opportunities for redress and due process have been provided to those at risk of losing everything. It is in society's interest to prevent evictions. Yet, in the second half of 2021, an average of 650 evictions took place each month. Let's reduce evictions, avoid them whenever possible, for the good of everyone.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 564.**

Thank you for your time, service, and consideration.

Melissa Badeker
3020 Linwood Avenue, Parkville MD 21234
Showing Up for Racial Justice Baltimore

SB 564_JPR_Fav Mid-Shore Pro Bono Written Testimon

Uploaded by: Meredith Lathbury Girard

Position: FAV



*Connecting Low-Income
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WWW.MIDSHOREPROBONO.ORG

February 21, 2022

BILL NO: SB564 – Landlord and Tenant and Wrongful Detainer Action
– Eviction Prevention Services

COMMITTEE: Judicial Proceedings

FROM: Mid-Shore Pro Bono, Inc.

POSITION: SUPPORT

Mid-Shore Pro Bono (MSPB) recommends a favorable report on SB564. By removing barriers to accessing legal counsel and other services, tenants have a greater opportunity to work with landlords to resolve issues and avoid eviction.

Mid-Shore Pro Bono, Inc. is a Maryland nonprofit that connects people on the Eastern Shore with limited financial means to legal representation and throughout essential community resources. Each year, MSPB helps over 3,000 of our community's most vulnerable people access the legal system in times of need. Our network of volunteer lawyers provides free legal services on elder law, family law, landlord/tenant, mortgage foreclosure, and consumer debt. These services help families gain financial and housing stability and create safe, secure home environments for children, which is especially important in times of crisis.

During the pandemic, MSPB responded to the dramatically increased need for representation in landlord tenant cases by providing in-court legal assistance, including day of court representation, in Eastern Shore courthouses. Our experience is that when tenants have access to legal representation, the outcomes are better for the tenant in nearly every circumstance. However, tenants face a multitude of barriers to accessing legal counsel prior to their court date including lack of technology or transportation, not enough time after receiving the court notice to obtain counsel through free and low-cost services organizations, or challenges connecting with legal service providers due to work schedules. It takes Mid-Shore Pro Bono 7 to 10 days for a case to be placed through our network of volunteers.

Same day representation provided by legal services organizations, like Mid-Shore Pro Bono, is often the tenant's first opportunity to learn their rights and understand their defenses. This bill would allow tenants to have time to meet with an attorney to understand their rights and potential defenses, and to accommodate requests for a continuance when more time is needed to gather evidence and documents. Many courts are accustomed to moving quickly through the landlord tenant docket, especially those with a high volume of cases. If a tenant is not inside the courtroom when their case is called, the tenant may be deprived them of the opportunity to present a defense or request more time. A judgment for failure to pay rent or wrongful detainer can have many negative impacts, including leading to eviction, and prevent the tenant from securing housing in the future. Mid-Shore Pro Bono works with the clerks and members of the judiciary

For these reasons, Mid-Shore Pro Bono urges the Committee's support for SB564. If you have any questions regarding our position on this bill, please contact Meredith Lathbury Girard, Esq., executive director, at 410-690-8128 or mgirard@midshoreprobono.org.

SB 564 Mediation Clinic University of Maryland Tes

Uploaded by: Michelle Lim

Position: FAV

Testimony in Support of SB 564 – FAVORABLE
Landlord and Tenant and Wrongful Detainer Actions – Eviction Prevention Services

Before the Judicial Proceedings Committee – February 22, 2022

To: Chairman William C. Smith, Vice Chair Jeff Waldstreicher, and Members of the Committee

Position: Favorable

Senate Bill 564, cross-filed as House Bill 691, creates a consistent time and space for landlords and tenants to take advantage of court-based and other necessary resources to prevent eviction. The pandemic has exacerbated the long-lasting and significant impacts on individuals and families that are evicted. This bill connects available alternative dispute resolution resources with landlords and at-risk tenants, at a time when both parties need the resources the most and where they would be most impactful.

Senate Bill 564 recognizes the value of alternative dispute resolution on the day of trial and outside the courtroom. The bill grants a party requesting alternative dispute resolution services if such a provider is available at the time of trial. Additionally, the bill gives the court discretion to grant a continuance under limited circumstances to preserve access to justice.

Eviction Has Long-Lasting and Significant Health Impacts on Individuals, Families, and Communities

Housing is a “social determinant of health,”¹ meaning where you live plays a role in your health and longevity. Adults who face eviction are more likely to report symptoms of poor health, such as high blood pressure, depression, anxiety, and psychological distress.² Children in families that encounter eviction are also more likely to experience poor health, a higher prevalence of food insecurity, and worse educational outcomes than other low-income children.³ Eviction also directly impacts the health and

social connectedness of communities—frequent moves cause individuals to feel less invested in their communities, homes, and social relationships.⁴

The ramifications of an eviction continue over time and into all aspects of an individual's life.⁵ An eviction record can create economic hardships, health problems, employment challenges, and long-term housing instability.⁶ Families often end up moving to lower-quality homes, unsafe conditions, and into neighborhoods with higher rates of poverty and crime.⁶

Nationwide, Black and Hispanic renters in general, and women in particular, are disproportionately threatened with eviction and evicted from their homes.⁷ The pandemic has only heightened these disparities: As the Attorney General's COVID-19 Access to Justice Task Force Report highlights, 17% of tenants nationally is currently behind on rent, but these rates are substantially higher for Black renters (31%) and multiracial renters (25%).¹⁸ Consequently eviction should be avoided whenever there are other viable options.

Mediation Has Proven Successful

Mediation is a viable solution to landlord-tenant disputes because its voluntary nature promotes creative, self-determined, cost-effective, and individualized solutions. The court's resources are freed up when landlords and tenants reach their own agreements. Eviction can be expensive for tenants and landlords alike and most times they both want the same thing, a resolution.⁸ A 2018 study in Montgomery County, found that the costs to landlords associated with eviction could range from \$5,700 to \$16,600.⁹ More recently, a best practices analysis of eviction prevention and diversion programs found that 70% of landlords surveyed would be inclined to address issues of non-payment out of court.¹⁰

Increasingly states and courts are turning to eviction prevention interventions, including alternative dispute resolution. Since the start of the pandemic, at least 12 programs have been started around the country, bringing the number of court-based prevention programs to 47.¹¹ These programs have proven effective. In St. Louis City and County, 16,000 eviction lawsuits were filed in 2019, with an average of 43 eviction cases per day.¹² According to the St. Louis Mediation Project which provides mediation on the day of trial, 71% of the *pro-se* landlord-tenant cases resulted in settlement in 2018.

Where mediation was attempted, 53% of cases resulted in dismissals. St. Louis judges now refer more cases to alternative dispute resolution as a result.

Senate Bill 564 Requires no Additional Resources

Senate Bill 564 would utilize alternative dispute resolution services already established within the courts. The bill, as written would expand the opportunities for conflict resolution in rent matters by using the existing infrastructure to create numerous pathways to access mediation and other forms of dispute resolution. Per SB 564's Fiscal and Policy Note, "[a]ny potential minimal increase in workload for the District Court is anticipated to be absorbable within existing budgeted resources."

Alternative dispute resolution for failure to pay rent cases is available on a limited basis in two jurisdictions and only on the day of trial.¹³ Services are provided at no charge to the litigants. The Mediation Clinic at Maryland Carey Law has provided pre-trial and day of trial mediation in the District Court for Baltimore City since the 1990's and currently partners with the District Court ADR Office. This legislation capitalizes on the existing infrastructure of partnerships with ADR organizations (such as the Mediation Clinic and Community Mediation Maryland) and creates the time necessary to conduct mediation.

Senate Bill 564 Improves the Efficiency of the Courts and Access to Justice

Each year, over 655,000 eviction cases are filed in Maryland, with only about 855,000 renter households.¹⁴ Tenants often lack representation and have little to no time to mount a meaningful defense. By allowing a judge to grant a recess and a continuance, tenants and landlords may be afforded the opportunity to settle their dispute the day of trial. Given the success of the Maryland District Court pilot program, the burden placed on the courts by landlord-tenant disputes may be eased. While not every dispute will be settled in mediation, the opportunity for landlords and tenants to work together to find an equitable solution is in the interest of justice.

This testimony is submitted on behalf of the Mediation Clinic at the University of Maryland Cary School of Law and not by the School of Law, University of Maryland, Baltimore, or the University of Maryland system.

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- ¹ Centers for Disease Control and Prevention, *Social Determinants of Health: Know What Affects Health*, <https://www.cdc.gov/socialdeterminants/index.htm>.
- ² Allison Bovell-Amman, *The Hidden Health Crisis of Eviction*, BOSTON UNIV. SCHOOL OF PUB. HEALTH (Oct. 5, 2018), <https://www.bu.edu/sph/news/articles/2018/the-hidden-health-crisis-of-eviction/>.
- ³ Gracie Himmelstein & Matthew Desmond, *Eviction and Health: A Vicious Cycle Exacerbated By A Pandemic*, HEALTH AFFAIRS (Apr. 1, 2021), <https://www.healthaffairs.org/doi/10.1377/hpb20210315.747908/full/>.
- ⁴ Katie Moran-McCabe & Scott Burris, *Eviction and the Necessary Conditions for Health*, NEW ENGLAND J. OF MED. (Oct. 14, 2021), <https://www.nejm.org/doi/full/10.1056/NEJMp2031947>.
- ⁵ Kristin Ginger, *Eviction Filings Hurt Tenants, Even If They Win*, SHELTER FORCE (July 30, 2018), <https://shelterforce.org/2018/07/30/eviction-filings-hurt-tenants-even-if-they-win/>.
1. ⁶ Heidi Schultheis & Caitlin Rooney, *A Right to Counsel is a Right to a Fighting Chance*, CTR. AM. PROGRESS (Oct. 2, 2019), <https://www.americanprogress.org/article/right-counsel-right-fighting-chance/>.
- ⁷ Peter Hepburn, Renee Louis, and Matthew Desmond, *Racial and Gender Disparities Among Evicted Americans*, Eviction Lab (Dec. 16, 2020), <https://evictionlab.org/demographics-of-eviction/>.
- ⁸ Phillip Garboden, *Serial Filing: How Landlords Use the Threat of Eviction*, Am. Sociological Assn. (last visited Feb. 11, 2022), <https://www.asanet.org/serial-filing-how-landlords-use-threat-eviction>.
- ⁹ These costs include lost rent, vacancy, and turnover. Stephanie Bryant, *Eviction in Montgomery County*, Office of Legislative Oversight (last visited Feb. 11, 2022), https://www.montgomerycountymd.gov/OLO/Resources/Files/2018%20Reports/2018_10EvictionsMontgomeryCounty.pdf.
- ¹⁰ Deanna Pantin Parrish, *Designing for Housing Stability: Best Practices for Court-Based and Court-Adjacent Eviction Prevention and/or Diversion Programs*, American Bar Association & Harvard University (last visited Feb. 11, 2022), https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls-covid19-dpp-best-practices.pdf.
- ¹¹ Mark Trekson, Solomon Greene, Olivia Fiol & Anne Junod, *Eviction Prevention and Diversion Programs, Early Lessons From the Pandemic*, The Urban Institute (2021), <https://www.urban.org/sites/default/files/publication/104148/eviction-prevention-and-diversion-programs-early-lessons-from-the-pandemic.pdf>.
- ¹² Tokarz, Karen Louise and Stragand, Sam and Geigerman, Michael and Smith, Wolf, *Addressing the Eviction Crisis and Housing Instability Through Mediation* (April 27, 2020). 63 Wash. U. J. L. & Pol'y 243, Washington University in St. Louis Legal Studies Research Paper No. 20-04-03, Available at SSRN: <https://ssrn.com/abstract=3586620>
- ¹³ ADR is available on the failure to pay rent dockets in Baltimore City and Howard County. See <https://www.mdcourts.gov/sites/default/files/import/district/adr/when.pdf>.
- ¹⁴ *Report of the Access to Counsel in Evictions Task Force*, Md.Att'y Gen. (2022), https://www.marylandattorneygeneral.gov/A2C_Docs/ATC_Task_Force_Report.pdf

SB0564-JPR-FAV.pdf

Uploaded by: Natasha Mehu

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB 564

February 22, 2022

TO: Members of the Senate Judicial Proceedings Committee

FROM: Natasha Mehu, Director, Office of Government Relations

RE: Senate Bill 564 – Landlord and Tenant and Wrongful Detainer Actions – Eviction Prevention Services

POSITION: SUPPORT

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 564.

A history of structural racism and concentrated poverty made housing instability a reality in Baltimore City long before COVID-19. In March 2020, 1 in 10 Baltimore tenants was behind on rent. Within a month of the onset of the pandemic, that rate doubled to 1 in 5. By June 2020, it was 1 in 3.

Much like jurisdictions across the country, in June 2020, Baltimore established a temporary rent support program – a short-term initiative with limited reach administered by the City's Department of Housing and Community Development (DHCD). By November 2020, with the influx of local, federal, and state resources, we established the Eviction Prevention program now administered by the Mayor's Office of Children and Family Success with support from DHCD, the Mayor's Office of Homeless Services, and key partners like the United Way.

As of January 21, 2022, the Baltimore City Community Action Partnership centers team has received more than 27,000 applications for rental assistance; and we have over 5,000 remaining in our queue.

This legislation would instruct courts to provide a recess on the trial date of a residential eviction so that a renter may access legal services or rental assistance programs. Allowing additional opportunities for tenants to access resources the City has available through its eviction

prevention efforts could prevent evictions from happening unnecessarily on the day of the trial when resources are available to address the need.

Instructing courts to provide a recess on the trial date of an eviction case so that a renter may access rental assistance programs or legal services, will allow the City of Baltimore to continue to direct its eviction prevention efforts where needed – and prevent more families from becoming unhoused. Moreover, it will allow our team the ability to connect tenants and landlords to resources for resolving existing rental debts, tenant-landlord mediation, legal support, and as needed, relocation support.

It is our goal to prevent as many evictions as possible and allowing opportunity for tenants to access resources when it matters most – at court – will help keep people housed and limit the devastating effects of the national housing crisis.

The BCA respectfully requests a **favorable report** on SB 564.

SB 564 - Delay Rent Court Proceedings to Access Ev

Uploaded by: Nathan Rehr

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,



This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA de Maryland and Renter's United. I am a resident of MD District 45. I am an active member of my community association and a health professional who is interested in eliminating the health disparities that occur with racial discrimination in our society. **I am testifying in support of Senate Bill 564.**

This bill offers both renters and landlords the power to request and receive postponement of legal proceedings while either party accesses legal counsel, calls witnesses, and/or collects documents. Furthermore, when eviction prevention services—which include counseling, dispute resolution, and civil legal aid—are available in the court building, judges shall allow a recess so either party can use those services.

Beyond illness itself, the pandemic has made renters' lives difficult. These lean economic times have meant thousands of low-income renters find themselves facing eviction. Furthermore, renters are disproportionately persons of color. Even though Maryland has over \$400 million in federal rental assistance available, it takes time to gather necessary documents, apply and process applications. It only makes sense that renters should attain access to these resources when it matters most, in court. Over 100,000 Maryland households are behind on rent and are still struggling to access that federal money.

Society benefits when people are housed. With a secure home, workers can do their best work and support our economy. With a secure home, students can concentrate and learn. With a secure home, parents and children can nurture healthy relationships, avoiding tension and abuse. With a secure home, people don't inadvertently spread disease. Most importantly, separating people from their homes is a cruelty so harsh that it should only be allowed when all opportunities for redress and due process have been provided to those at risk of losing everything. It is in society's interest to prevent evictions. Yet, in the second half of 2021, an average of 650 evictions took place each month. Let's reduce evictions, avoid them whenever possible, for the good of everyone.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 564.**

Thank you for your time, service, and consideration.

Sincerely,
Nathan Rehr
450 E. Federal Street Baltimore, MD 21202
Showing Up for Racial Justice Baltimore

2022.02.07 - A2JC Written Testimony - SB564.pdf

Uploaded by: Reena Shah

Position: FAV

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STAFF
Reena K. Shah
Executive Director

SB564

Landlord and Tenant and Wrongful Detainer Actions - Eviction Prevention Services

Senate Judicial Proceedings Committee

SUPPORT

The Maryland Access to Justice Commission (A2JC) is an independent entity supported by the Maryland State Bar Association (MSBA) that unites leaders to drive reforms and innovations to make the civil justice system accessible, fair and equitable for all Marylanders. Prominent leaders from different segments of the legal community in Maryland – including the deans of the two law schools, the attorney general, law firm partners, heads of the legal services providers and funders, corporate counsel, academics, legislators, the state bar and judiciary comprise the A2JC.

The Access to Justice Commission supports the ability of tenants to get the legal help they need to prevent evictions.

Last year, the Maryland General Assembly passed HB18, creating a statewide Access to Counsel in Eviction Program. The bill became law, effective October 1, 2021. The law mandated that there be an [Access to Counsel in Evictions Task Force](#) (TF). The leadership of the Task Force was primarily composed of A2J Commissioners. The TF started its work on October 1, 2021 and delivered its [final report](#) on January 1, 2022. The TF studied and made recommendations on effective implementation of the Access to Counsel in Evictions Program.

One of the key components for effective implementation is effective outreach.

The Executive Director of the Access to Justice Commission served as the Chair of the Outreach and Assessment Committee for the TF. The Committee studied best practices and recommended that early outreach about the Access to Counsel Program would be critical to the Program's success:

For the Program to create the benefits described above, services must be available and accessible to eligible tenants. Because tenants at risk of eviction are already in crisis and eviction proceedings move quickly by

design, early and ongoing outreach and education about the Program is critically important.

However, in our discussions, we acknowledged the challenge doing early outreach and given the large number of eviction filings (over 650,000 pre-pandemic); the fact that only a very small percentage of litigants (approximately 5%) of tenants come to court at present; and the fact that most connections to legal services in the eviction context happen in court, on the day of trial.

SB564 Ensures a Pathway to Operationalize the Access to Counsel Program

SB564 operationalizes tenants' access to counsel in eviction proceedings. When a self-represented litigant comes before a judge in an eviction case and requests additional time to seek attorney representation, SB564 would require the judge to grant a delay "for a reasonable time not less than 5 business days." **Without SB564, eviction prevention services are hamstrung by judges' discretion not to allow a recess/continuance and landlords' objections** to any delay of trial that benefits their tenants.

This provision recognizes that while 2021's House Bill 18 established an Access to Counsel in Evictions mandate, it did not provide a procedure by which the courts would ensure that tenants who desire counsel may reliably obtain it before trial. Although legal and financial assistance information is more available than ever because of HB18, the efforts of multiple governmental agencies, and the Judiciary's Help Centers, concern remains that litigants appear in eviction actions realizing too late that they would benefit from assistance and that they need certain evidence to prove assertions about payments, notices, lease provisions, or property conditions.

SB564 fills an important access-to-justice gap by creating a mandatory-if-requested continuance of at least 5 work days or longer by the judge's discretion. This continuance provision also applies to litigants who request time to bring back to court necessary evidence or witnesses or time to engage an eviction service provider such as the Office of Alternative Dispute Resolution or an Emergency Rental Assistance Program.

Recesses under SB564

This bill also recognizes that litigants need consistency in their access to the legal services, rental assistance programs, and mediation programs that are increasingly available at court during eviction dockets.

- Legal services programs are now providing day-of-trial, first-come-first-serve assistance in Anne Arundel County, Baltimore County, Baltimore City, Caroline County, Dorchester County, Montgomery County, Prince George's County, Queen Anne's County, and Wicomico County.

- The District Court Help Centers are available for in-person assistance in nine court locations (Baltimore City, Catonsville, Cambridge, Frederick, Glen Burnie, Hagerstown, Rockville, Salisbury, Upper Marlboro).
- Prior to the COVID-19 pandemic, the Office of Alternative Dispute Resolution was conducting day-of-trial mediations in eviction cases in several jurisdictions, including Baltimore City, Montgomery County, and Wicomico County.

SB564 would require simply that courts provide “a reasonable amount of time” during an eviction docket to allow a requesting litigant to engage with these eviction prevention services that are available during the docket. Reliable access to a recess would reduce the need for continuances, as pro bono attorneys, mediators, and others would have more time to assist parties during their first appearance at court.

SB564 is about the future of Maryland’s eviction process

In 2021, amid pandemic-caused scheduling delays, a federal moratorium on evictions, and the unprecedented availability of emergency rent relief, Maryland saw over 355,000 evictions actions filed – nearly a 50-percent reduction in eviction litigation compared to 2019. Actual evictions fell in 2021 by nearly 70 percent compared to 2019. So why require a fairer, more preventative eviction procedure under SB564? SB564 is about the future – when there will not be pandemic protocols that delay trial or hundreds of millions in federal assistance to cover rental debt.

Currently, the Failure to Pay Rent procedure (Real Property § 8-401(e)(1)) allows judges the authority to continue a case for one day only. Other eviction procedures do not provide even that. While cities and states across the country have met the challenges of the COVID-19 pandemic by standing up eviction diversion initiatives, often with the leadership of their courts, Maryland has not done so. Even if the Maryland Judiciary sought [full funding for an eviction diversion initiative through the National Center for State Courts](#), for example, our courts would not be able to move forward without fundamental changes to eviction procedures as set forth in SB564.

SB564 is the first step to any policy of using eviction trial dates to problem-solve and reach alternatives that do not place Maryland renters at risk of losing their homes.

For the reasons stated, the Maryland Access to Justice Commission requests the Senate Judicial Proceedings Committee to issue a FAVORABLE report on SB564. For more information, please contact Reena K. Shah, Executive Director of the Maryland Access to Justice Commission, at reena@msba.org.

SB 564 - Delay Rent Court Proceedings to Access Ev

Uploaded by: Sam Chan

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA de Maryland and Renter's United. I am a resident of **District 43**. **I am testifying in support of Senate Bill 564.**



This bill offers both renters and landlords the power to request and receive postponement of legal proceedings while either party accesses legal counsel, calls witnesses, and/or collects documents. Furthermore, when eviction prevention services—which include counseling, dispute resolution, and civil legal aid—are available in the court building, judges shall allow a recess so either party can use those services.

Beyond illness itself, the pandemic has made renters' lives difficult. These lean economic times have meant thousands of low-income renters find themselves facing eviction. Furthermore, renters are disproportionately persons of color. Even though Maryland has over \$400 million in federal rental assistance available, it takes time to gather necessary documents, apply and process applications. It only makes sense that renters should attain access to these resources when it matters most, in court. Over 100,000 Maryland households are behind on rent and are still struggling to access that federal money.

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It is for these reasons that I am encouraging you to vote **in support of Senate Bill 564**.

Thank you for your time, service, and consideration.

Sincerely,
Sam Chan
38 E 26th St Baltimore MD 21218
Showing Up for Racial Justice Baltimore

SB 564 - Delay Rent Court Proceedings to Access Ev

Uploaded by: Sarah Johnson

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA de Maryland and Renter's United. I am a resident of District 41 in Baltimore City. **I am testifying in support of Senate Bill 564.**



This bill offers both renters and landlords the power to request and receive postponement of legal proceedings while either party accesses legal counsel, calls witnesses, and/or collects documents. Furthermore, when eviction prevention services—which include counseling, dispute resolution, and civil legal aid—are available in the court building, judges shall allow a recess so either party can use those services.

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It is for these reasons that I am encouraging you to vote **in support of Senate Bill 564.**

Thank you for your time, service, and consideration.

Sincerely,

Sarah Johnson
1 Merryman Court
Baltimore, MD 21210
Showing Up for Racial Justice Baltimore

MAP_SB 564_Eviction Prevention Services_FAV.pdf

Uploaded by: Stacey Jefferson

Position: FAV



Member Agencies:

211 Maryland

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Maryland Community Action
Partnership

Maryland Family Network

Maryland Food Bank

Maryland Hunger Solutions

Paul's Place

St. Vincent de Paul of Baltimore

Welfare Advocates

Marylanders Against Poverty

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TESTIMONY IN SUPPORT OF SB 564

Landlord and Tenant and Wrongful Detainer Actions – Eviction Prevention Services

Senate Judicial Proceedings Committee

February 22, 2022

Submitted by Julia Gross and Kali Schumitz, Co-Chairs

Marylanders Against Poverty (MAP) strongly supports SB 564, which aims to require courts to grant a recess on the trial date of any residential eviction case for purposes such as accessing legal services or rental assistance programs that are on site and available to help.

Even with COVID-19 legal protections in place, over 2,500 renter families were evicted during COVID-19 in MD. Eviction laws and protections are only as good as their enforcement, and increasing access to counsel and rental assistance programs will lay the foundation for more equitable, sustainable housing in Maryland as we recover.

This bill will level the playing field for tenants in rent court. In a January 2022 **survey of 30 pro bono housing attorneys** from 12 offices operating in 15 Maryland jurisdictions, only 17% of attorneys reported local courts in all or most cases **postpone** trials to allow tenants to come back with necessary evidence or witnesses in all or most cases - compared to **50%** for landlords.

In addition to benefiting Maryland renters, having access to counsel in eviction cases will provides significant social and economic benefits to the State. A [recent report](#) by Stout shows reported savings or benefits including costs related to homeless shelters, Medicaid spending in hospitals, homeless student transportation, and foster care costs.

By implementing the changes outlined in HB 691, eviction dates can be used to problem-solve and reach alternatives that do not force Marylanders, particularly vulnerable and low-income Marylanders, to lose their homes

MAP appreciates your consideration and urges the committee to issue a favorable report for SB 564.

Marylanders Against Poverty (MAP) is a coalition of service providers, faith communities, and advocacy organizations advancing statewide public policies and programs necessary to alleviate the burdens faced by Marylanders living in or near poverty, and to address the underlying systemic causes of poverty.

SB564_FAV_Lee_2022.pdf

Uploaded by: Susan Lee

Position: FAV

SUSAN C. LEE
Legislative District 16
Montgomery County

MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on
Cybersecurity, Information Technology,
and Biotechnology

Chair Emeritus
Maryland Legislative Asian American
and Pacific Islander Caucus

President Emeritus
Women Legislators of the
Maryland General Assembly, Inc.



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 22, 2022

Senate Judicial Proceedings Committee

SB 564 – Favorable – Landlord and Tenant and Wrongful Detainer Actions –
Eviction Prevention Services

Senate Bill 564 aims to connect tenants with counsel at the time of the hearing if they failed to connect before. Allowing the time to speak to an attorney builds trust in the system of justice itself. The brief pause to connect with counsel will significantly improve the effectiveness of services as well as the efficiency of the model itself as many people may procrastinate or fret when they are facing a crisis. Foreclosures, evictions and defaults are lagging indicators of the economic chaos brought on from COVID 19. There are over 100,000 Maryland households that are behind on rent, and the federal funds are running out. This is a minor pause to provide services to those who need them most, for a fundamental need, housing.

Marylanders deserve security in their homes to foster stable atmospheres to raise children. We should engage with all reasonable actions to avoid separating a person, and especially families from their homes. For Marylanders to fully avail themselves to federal rental assistance, they need time to gather their documents and process the applications. The access to these resources should be allowed when we are at the crucial juncture when a person is perhaps made homeless.

For these reasons, I respectfully request a favorable report on SB 564.

SB 564 - Delay Rent Court Proceedings to Access Ev

Uploaded by: Tamara Todd

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,



This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA de Maryland and Renter's United. I am a resident of **District 10. I am testifying in support of Senate Bill 564.**

This bill offers both renters and landlords the power to request and receive postponement of legal proceedings while either party accesses legal counsel, calls witnesses, and/or collects documents. Furthermore, when eviction prevention services—which include counseling, dispute resolution, and civil legal aid—are available in the court building, judges shall allow a recess so either party can use those services.

Beyond illness itself, the pandemic has made renters' lives difficult. These lean economic times have meant thousands of low-income renters find themselves facing eviction. Furthermore, renters are disproportionately persons of color. Even though Maryland has over \$400 million in federal rental assistance available, it takes time to gather necessary documents, apply and process applications. It only makes sense that renters should attain access to these resources when it matters most, in court. Over 100,000 Maryland households are behind on rent and are still struggling to access that federal money.

Society benefits when people are housed. With a secure home, workers can do their best work and support our economy. With a secure home, students can concentrate and learn. With a secure home, parents and children can nurture healthy relationships, avoiding tension and abuse. With a secure home, people don't inadvertently spread disease. Most importantly, separating people from their homes is a cruelty so harsh that it should only be allowed when all opportunities for redress and due process have been provided to those at risk of losing everything. It is in society's interest to prevent evictions. Yet, in the second half of 2021, an average of 650 evictions took place each month. Let's reduce evictions, avoid them whenever possible, for the good of everyone.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 564.**

Thank you for your time, service, and consideration.

Sincerely,
Tamara Todd
221 Northway Rd, Reisterstown, MD 21136
Showing Up for Racial Justice Baltimore

A2C Task Force - SB 564 (Support).docx.pdf

Uploaded by: Vicki Schultz

Position: FAV



ACCESS TO COUNSEL IN EVICTIONS TASK FORCE



February 22, 2022

To: The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee

From: Vicki Schultz
Chair, Access to Counsel in Evictions Task Force

Re: Senate Bill 564 – Landlord and Tenant and Wrongful Detainer Actions – Eviction
Prevention Services (SUPPORT)

The Maryland Access to Counsel in Evictions Task Force supports Senate Bill 564, which would require courts to provide a recess or continuance for a reasonable amount of time to allow a party in an eviction proceeding to access eviction prevention resources, including legal representation.

There was broad consensus among Task Force members that connecting tenants who are facing eviction with resources—including financial assistance, social services, and legal assistance—is critically important to help prevent unnecessary evictions and promote housing stability. Because the Task Force is responsible for, among other things, making recommendations to improve the implementation of the Access to Counsel in Evictions Program, our work focused in particular on how best to connect income-eligible tenants to legal counsel. Senate Bill 564 would codify one of the Task Force’s recommendations, that eligible tenants have meaningful access to counsel by providing a continuance to allow a party to obtain and/or consult with legal counsel.

The Task Force recognized that connecting eligible tenants with legal assistance as early as possible should be a goal of the Program. However, invariably some tenants will be unaware of the availability of counsel in evictions and will come to court without having had the opportunity to connect with an attorney. As a result, the Task Force recommended that the court inform tenants that they may be entitled to free legal representation through the Program, and, when needed, offer a continuance to allow the tenant to meaningfully access the assistance of legal counsel and prepare a defense.

Such an approach is consistent with other right-to-counsel programs across the country. For example, both Washington State and New York City courts grant automatic continuances to ensure that eligible tenants can access counsel and receive effective legal representation. Based on the experience of other jurisdictions that have implemented right-to-counsel programs, the



ACCESS TO COUNSEL IN EVICTIONS TASK FORCE



Task Force concluded that implementing these changes can have significant benefits and improve access to justice within our courts. Not only are these changes likely to make eviction proceedings in Maryland more fair and balanced, they have been shown to help the court operate more efficiently and effectively.¹

Finally, by requiring a continuance for a reasonable amount of time, Senate Bill 564 addresses the concern raised by landlord representatives on the Task Force that providing a continuance as-of-right would prejudice landlords by unduly delaying eviction proceedings.

For all of the foregoing reasons, the Task Force requests that the Judicial Proceedings Committee favorably report Senate Bill 564.

¹ See Report of the Access to Counsel in Evictions Task Force, at 20-21 (Jan. 2022), *available at* https://www.marylandattorneygeneral.gov/A2C_Docs/ATC_Task_Force_Report.pdf.

SB0564 - FAV - Public Justice Center.pdf

Uploaded by: Zafar Shah

Position: FAV



Zafar Shah
Attorney
Public Justice Center
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SB0564 – Landlord and Tenant and Wrongful Detainer Actions – Eviction Prevention Services

**Hearing before the Senate Judicial Proceedings Committee,
Feb. 22, 2022**

Position: SUPPORT (FAV)

Public Justice Center (PJC) is a nonprofit public interest law firm that serves over 600 renters each year. We stand with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing. PJC seeks the Committee's Favorable report on SB0564.

SB0564 would make effective use of existing eviction prevention services when they are needed most: at court, on the day of trial of an eviction case. Under SB0564, "eviction prevention service provider" is defined to include legal assistance, financial assistance, mediation, and social or counseling services. The bill targets Maryland's rapid "summary" court procedures for evicting renters – Failure to Pay Rent, Tenant Holding Over, and Breach of Lease – as well as Wrongful Detainer, which is intended for removing guests/invitees but may sometimes involve renters.

In these court proceedings, SB0564 would provide parties predictable access to eviction prevention supports via a recess or continuance, which would allow them to become better prepared for trial or to engage with mediation or rental assistance programs that could avoid trial and eviction altogether.

Without SB0564, eviction prevention services are hamstrung by judges' discretion not to allow a recess/continuance and landlords' objections to any delay of trial that benefits their tenants.

SB0564 addresses rampant inconsistency among Maryland judges in allowing tenants time to engage eviction prevention services on day of trial.

In January 2022, Public Justice Center surveyed 30 pro bono housing attorneys from 12 offices operating in 15 Maryland jurisdictions. Attorneys were asked about how their local court treats continuance requests in most or all cases:

- Less than **30%** of attorneys reported that they could rely on their local courts in all or most cases to continue an eviction proceeding so that the tenant could seek representation from their pro bono program.

- Only **17%** of attorneys said that their local courts mostly or always continue trial to allow a tenant to come back with necessary evidence or witnesses.
- In contrast, **50%** of attorneys reported that the courts mostly or always grant continuances to allow landlords to obtain necessary evidence or witnesses.

Additionally, 24 attorneys who provide free legal services at court concurrently with eviction dockets were asked about the need for a recess:

- **29 percent** said they have sufficient time in most or all cases to interview tenants for representation purposes before the start of the docket.
- **33 percent** said they have sufficient time in most or all cases to interview tenants for representation purposes *during* the docket.
- **54 percent** reported feeling rushed when providing legal assistance at the start of or during the docket.

This limited sampling points to simple fact: district court **judges grant continuances or recesses sometimes, but they do not grant them all the time.** This leaves litigants, especially tenants, unsure how to proceed on day of trial. Unpredictable access to these services limits the effectiveness of already funded, staffed, and available eviction prevention efforts.

Continuances under SB0564

Foremost, the continuance provision in this bill operationalizes tenants' access to counsel in eviction proceedings. When a self-represented litigant comes before a judge in an eviction case and requests additional time to seek attorney representation, SB0564 would require the judge to grant a delay "for a reasonable time not less than 5 business days."

This provision recognizes that while 2021's House Bill 18 established an Access to Counsel in Evictions mandate, it did not provide a procedure by which the courts would ensure that tenants who desire counsel may reliably obtain it before trial. Although legal and financial assistance information is more available than ever because of HB18, the efforts of multiple governmental agencies, and the Judiciary's Help Centers, concern remains that litigants appear in eviction actions realizing too late that they would benefit from assistance and that they need certain evidence to prove assertions about payments, notices, lease provisions, or property conditions.

SB0564 fills an important access-to-justice gap by creating a mandatory-if-requested continuance of at least 5 workdays or longer by the judge's discretion. This continuance provision also applies to litigants who request time to bring back to court necessary evidence or witnesses or time to engage an eviction service provider such as the Office of Alternative Dispute Resolution or an Emergency Rental Assistance Program.

Recesses under SB0564

This bill also recognizes that litigants need consistency in their access to the legal services, rental assistance programs, and mediation programs that are increasingly available at court during eviction dockets.

- Legal services programs are now providing day-of-trial, first-come-first-serve assistance in Anne Arundel County, Baltimore County, Baltimore City, Caroline County, Dorchester County, Montgomery County, Prince George’s County, Queen Anne’s County, and Wicomico County.
- The District Court Help Centers are available for in-person assistance in nine court locations (Baltimore City, Catonsville, Cambridge, Frederick, Glen Burnie, Hagerstown, Rockville, Salisbury, Upper Marlboro).
- Prior to the COVID-19 pandemic, the Office of Alternative Dispute Resolution was conducting day-of-trial mediations in eviction cases in several jurisdictions, including Baltimore City, Montgomery County, and Wicomico County.

SB0564 would require simply that courts provide “a reasonable amount of time” during an eviction docket to allow a requesting litigant to engage with these eviction prevention services that are available during the docket. Reliable access to a recess would reduce the need for continuances, as pro bono attorneys, mediators, and others would have more time to assist parties during their first appearance at court.

SB0564 is about the future of Maryland’s eviction process.

While cities and states across the country have met the challenges of the COVID-19 pandemic by standing up **eviction diversion initiatives**, often with the leadership of their courts, Maryland has not kept up. Even if the Maryland Judiciary sought [full funding for an eviction diversion initiative through the National Center for State Courts](#), for example, our courts would falter because of how fundamentally limited our eviction procedures currently are. For instance, the Failure to Pay Rent procedure (Real Property § 8-401(e)(1)) allows judges the authority to continue a trial proceeding for one day only, to allow a party to procure a witness. Other eviction procedures do not provide even that.

SB0564 provides the building blocks for a fairer, more preventative eviction court procedure. This bill looks to the future – when there will not be pandemic protocols that delay trial or hundreds of millions in federal assistance to cover rental debt.

Public Justice Center is a member of the Renters United Maryland coalition and asks that the Committee **issue a FAVORABLE report on SB0564**. If you have any questions, please contact Zafar Shah, shahz@publicjustice.org, (410) 625-9409 Ext. 237.

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

SB 564--AOBA Statement--UNF.pdf

Uploaded by: Erin Bradley

Position: UNF



Bill No: SB 564-- Landlord and Tenant and Wrongful Detainer Actions – Eviction Prevention Services

Committee: Judicial Proceedings

Date: 2/22/22

Position: Oppose

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.

This bill mandates that during an eviction proceedings or wrongful detainer proceeding, upon request, Court shall grant a recess for a “reasonable amount of time” to allow the requestor to access eviction prevention services if the services are available at the courthouse during the scheduled trial. The Court shall also grant a continuance of not less than 5 business days if either party seeks an attorney; to procure witnesses, documents, or proof; or a party demonstrates that the interest of justice will be better served by referring the parties to an eviction prevention services provider.

In current practice, a resident is given ample notice of a court date; that notice lists legal services available to assist a resident in advance of going to court. The State has also created a robust Access to Counsel program and should be emphasizing the need to seek counsel prior to entering court on the day of the hearing. Allowing a continuance during the proceeding incentivizes a resident to do nothing in advance of their court date. If passed, rather than take any action prior to a hearing, residents will be rewarded for inaction by a delay in the court action.

AOBA members do not take lightly the consequences of an eviction. However, there is ample opportunity to seek eviction prevention assistance prior to a court hearing. There is also time after the court judgement is entered to seek social work services. Courts are experiencing an extreme backlog in all types of actions. We do not believe there is need to add to the backlog by granting continuances and recesses for residents that are well apprised of free services available to them.

For these reasons AOBA requests an unfavorable report on SB 564.

For further information contact Erin Bradley, AOBA Vice President of Government Affairs, at 301-904-0814 or er Bradley@ooba-metro.org.

MMHA - 2022 - SB 564 - Unfavorable.pdf

Uploaded by: Grason Wiggins

Position: UNF



Senate Bill 564

Committee: Judicial Proceedings
Date: February 22, 2022
Position: Unfavorable

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members house more than 538,000 residents of the State of Maryland.

I. Summary

Senate Bill 564 (“SB 564”) applies to nonpayment of rent, tenant holdover, breach of lease, and unlawful detainer cases. SB 564 creates two separate mandatory pauses within a historically delayed court system. The first mandatory pause would halt proceedings on the day of trial if service providers are available. The second mandatory pause would require that judges stay the proceedings for no less than 5 days if either party requests an attorney, requests time to obtain documents, or a party demonstrates that the interests of justice would be better served with the referral of the parties to an eviction services provider.

II. Bill Impact

SB 564 adds additional time to what is already a historically delayed rent court process. To be clear, MMHA has seen courts closed for non-payment of rent cases since late December 2021, and nonpayment of rent cases will be paused in courts until March 7, 2022, at the earliest. Due to court closures and court scheduling processes, jurisdictions across the state are experiencing significant delays between a court filing and a court hearing. MMHA’s members have seen the time between a court filing and a court hearing for non-payment of rent cases extend to 6 months, 8 months, and even more than a year in some jurisdictions. Maryland’s housing providers simply cannot afford additional delays to an already excessively slow process.

During the 2021 legislative session, the Maryland General Assembly passed a 10-day notice law for nonpayment of rent cases that provides Maryland’s residents with one of the longest grace periods in the country, and extended the notice period for the end of leases by 30 days. MMHA is concerned that SB 564 is now attempting to extend repossession processes that were just significantly extended last session. Further, the nonpayment notice that went into effect on October 1, 2021 provides direct contact information for attorneys to residents, which accomplishes the goal of SB 564.

At a time when housing providers have bills, taxes, and loans to pay, residents in Maryland currently have months to prepare for a court hearing. MMHA’s members have been informed by judges in the District Court to expect continued delays in the rent court process. Housing court will no longer resemble anything close to expeditious. As such, MMHA is concerned that SB 564 creates unnecessary, mandatory pauses that unintentionally incentivizes parties to wait until a first appearance before communicating or preparing for a hearing. **For the aforementioned reasons, MMHA respectfully requests an unfavorable report from the committee.**

Grason Wiggins, MMHA Senior Manager of Government Affairs, 912.687.5745

MBIA Letter of Opposition SB 564.pdf

Uploaded by: Lori Graf

Position: UNF

February 22, 2022

The Honorable Paul G. Pinsky
Senate Education, Health & Environmental Affairs Committee
Miller Senate Office Building,
2 West Wing 11 Bladen St.,
Annapolis, MD, 21401

RE: Oppositions SB 564 Landlord and Tenant and Wrongful Detainer Actions – Eviction Prevention Services

Dear Chairman Pinsky:

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **SB 564 Landlord and Tenant and Wrongful Detainer Actions – Eviction Prevention Services**. MBIA **Opposes** the Act in its current version.

This bill would require the courts to grant a continuance to allow for tenants to take advantage of eviction prevention services. MBIA respectfully opposes this measure. The bill stipulates that the courts should delay ongoing legal proceedings for tenants to consult with eviction prevention organizations. MBIA respectfully submits that this should take place before and legal procedure gets to the court. This bill would delay the exercise of a landlord's legal rights in order to provide time for tenants to take measure that should have been taken long before a case reaches the court.

For these reasons, MBIA respectfully requests the Committee give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the Senate Education, Health & Environmental Affairs Committee

hb564.pdf

Uploaded by: Sara Elalamy

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 564
Family Law – Child Custody and Visitation – Disease or Illness
DATE: February 9, 2022
(2/24)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 564. This bill prohibits the court from considering a disease or an illness of a party that has not required hospitalization when denying child custody or visitation in any custody or visitation proceeding.

This bill would limit judicial discretion in custody and visitation cases. Specifically, it would interfere with a judge's ability to consider each family's unique facts and circumstances in determining what is in a child's best interest. In addition, this bill is unnecessary.

cc. Hon. Daniel Cox
Judicial Council
Legislative Committee
Kelley O'Connor

SB 564_realtors_unf.pdf

Uploaded by: William Castelli

Position: UNF



Senate Bill 564 – Landlord and Tenant and Wrongful Detainer Actions – Eviction Prevention Services

Position: Unfavorable

The Maryland REALTORS® opposes SB 564 which would delay wrongful detainer actions. Wrongful detainer actions are filed against persons holding possession of property for which they have no legal claim. In the rental of property, a wrongful detainer action can be used against a squatter who claims a forged lease as evidence of their right to occupy the property or it may be used against a guest of a tenant who refuses to leave.

SB 564 would allow a court to grant a continuance of up to 5 days for a wrongful detainer action when requested by a party. Last year, the Legislature granted an additional 5 days to a tenant before a landlord could file for eviction when the tenant failed to pay. This is a very different situation than a wrongful detainer case. In a normal eviction case, the tenant had -- at one time -- an actual legal right to occupy that property. That is not true in wrongful detainer actions.

In the case of single-family properties which most of our members manage, wrongful detainer actions are often taken against squatters. These are individuals who illegally entered onto property, often breaking into a locked house. When the police are ultimately called, the squatter produces a fake lease. At that point, the police typically inform the owner that the illegal occupation is now a matter for the court to decide. Now, an owner must hire an attorney to reclaim control of their own property. SB 564 would make this situation even worse by providing further delay and possible legal help to the squatter.

For these reasons, the REALTORS® recommend an unfavorable report.

For more information contact bill.castelli@mdrealtor.org