

## Judiciary Committee

### Real Property – Limitations on Summoning Law Enforcement or Emergency Services – Prohibition

February 9, 2022

#### POSITION: SUPPORT

The undersigned individuals and organizations SUPPORT HB 323.

HB 323 prohibits the eviction of tenants for utilizing emergency public services, such as law enforcement, fire department, and emergency medical services; and prohibits local jurisdictions from passing ordinances that penalize owners and tenants of housing who utilize emergency public services.

The punishment and eviction of families who use emergency public services is a civil rights issue for families with disabilities and victims of domestic violence.<sup>1</sup>

In Maryland, when a person with a disability is experiencing a mental health or behavioral health crisis – such as suicide, agitation, and depression – and calls 9-1-1, it is police who respond.<sup>2</sup> Not surprisingly, police are more likely to respond and take enforcement action when it is a person of color with a disability who calls.<sup>3</sup> Similarly, in incidents of domestic violence it is police who respond.<sup>4</sup> As a result, we have too frequently seen the utilization of emergency services by families with disabilities and survivors of domestic violence be used as a cause for eviction.

Below are just a few examples:

- A person with a mental health disability was taken to a hospital emergency room by law enforcement four times in an approximately two month period. With the help of his family, he was able to adjust his medication to stabilize his mood. Despite this, the

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<sup>1</sup> Alisha Jarwala & Sejal Singh, “When Disability Is a Nuisance: How Chronic Nuisance Ordinances Push Residents with Disabilities Out of Their Homes,” 54 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW, 876 (2019)(identifying how Chronic Nuisance Ordinances target people with disabilities); Joseph Mead, et al., “Who is a Nuisance? Criminal Activity Nuisance Ordinances in Ohio,” *Urban Publications* (2017), available at [https://engagedscholarship.csuohio.edu/cgi/viewcontent.cgi?article=2513&context=urban\\_facpub](https://engagedscholarship.csuohio.edu/cgi/viewcontent.cgi?article=2513&context=urban_facpub) (last access Feb. 3, 2022)(explaining how other protected classes under the Fair Housing Act Amendments and survivors of domestic violence are targeted by chronic nuisance ordinances).

<sup>2</sup> Maryland Behavioral Health Advisory Council, STRATEGIC PLAN: 24/7 CRISIS WALK-IN MOBILE CRISIS TEAM SERVICES (2017), pg.46, available at <https://health.maryland.gov/bha/Documents/The%202017%20Strategic%20Plan%2024-7%20Crisis%20Walk-in%20and%20Mobile%20Crisis%20Team%20Services.pdf>.

<sup>3</sup> Data tracked from a sample of law enforcement encounters in Baltimore City show that 89% of behavioral crisis responses result in the police involuntarily committing people to hospital emergency rooms; and that of the reported behavioral calls for service involving police, 78% of the people being confronted by police are Black. *Baltimore Public Health Behavioral Health System Gaps Analysis: Final Report* (Oct. 2019), available at [Baltimore PBHS Gaps Analysis Report 191209.pdf](https://www.baltimore.gov/sites/default/files/Baltimore_PBHS_Gaps_Analysis_Report_191209.pdf) (hsri.org).

<sup>4</sup> See *Supra* Note 1, Mead, et al.

landlord still sought to evict him because of the repeated appearance of police to take him to the emergency department.

- A minor with a developmental disability was disconnected from his school support services because of Covid-19. His mother called Grassroots – the mobile crisis service provider in Howard County – on several occasions. Per Grassroots protocol, a mobile crisis team appeared with police and a clinician to help control his behaviors. The landlord cited the appearance and presence of law enforcement as a reason for their efforts to evict them.
- A woman with an intellectual disability was in an abusive relationship. She was violently beaten by her abuser in her home. Police responded and the abuser was arrested and jailed. After this incident her landlord sent her a Notice to Vacate.
- A veteran with PTSD and physical disabilities had an argument about accessible parking with her landlord – chiefly that the veteran had a designated parking space that other residents were using and the management company was not enforcing. The veteran experienced a brief crisis as a result of an escalating argument and was taken to a hospital. A Notice to Vacate was waiting for her when she returned.
- A child with emotional disabilities was playing with matches in his home and this caused some minor fire damage to the carpet. The mother extinguished the fire but the fire department and police department came. The child was emergency petitioned by police. Despite the only minor damage to the apartment, the family was served with a Notice to Vacate and the landlord cited the arrival of police and fire departments to justify the eviction.

But it is not just people who use mental health emergency services who are threatened with eviction. It is also people with physical disabilities who are threatened with eviction.

- A person with a physical disability was attempting to cook a meal for himself, and set off his fire alarm. The fire department came, cleared his apartment of smoke and left. Soon after, he received Notice to Vacate from his landlord because the fire department came to his home.
- A mother of 2 who is blind accidentally bumped the front controls on her stove and this ignited an egg carton on her stove top briefly. She quickly extinguished the flame and placed it down the garbage chute. A fire alarm was activated and the fire department arrived. There was no fire to extinguish. Nonetheless, she received a Notice to Vacate.
- In too many older elevator buildings, people who use wheelchairs or have physical disabilities must call emergency services in order to enter or leave their apartment. It is not hard for us to conceive the repeated use of EMS services to access a dwelling unit become a ‘nuisance’ to landlords or local enforcement agencies.

Finally, as the Opioid crisis continues to ravage Maryland communities, HB 323 offers an important protection for persons who need urgent medical attention. Maryland has already taken steps to protect people from criminal prosecution for using Emergency Services to save lives from overdose. HB 323 would similarly protect the housing of families who call emergency services to save lives.

HB 323 is common-sense legislation that prohibits actions by housing providers and local jurisdictions from punishing people – who are disproportionately members of protected classes under the Fair Housing Act Amendments – from using our States’ emergency services.

For these reasons we urge a favorable report on **HB 323**.

Respectfully submitted,

**Organizations**

Accessible Resources for Independence

Bazelon Center for Mental Health Law

Beyond the Boundaries

Disability Rights Maryland

Healthcare for the Homeless

Homeless Persons Representation Project

IMAGE Center

Independence Now

Intimate Health Consulting

Maryland Center on Economic Policy

National Association of Mental Illness (NAMI), Maryland

National Council on Alcoholism and Drug Dependence

Right to Housing Alliance

ROAR (Rebuild, Overcome, and Rise) Center at University of Maryland, Baltimore

Public Justice Center

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