

IN THE HOUSE – APPROPRIATIONS COMMITTEE**April 4, 2023****SB 756 – ACCESS TO COUNSEL IN EVICTIONS FUNDING****Position: SUPPORT**

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 advocates for the rights of people with disabilities to be part of their communities, including access to safe, decent, affordable, and accessible housing.

DRM supports SB756 which will support implementation of Maryland’s Access to Counsel legislation.

People with disabilities are more likely than their non-disabled peers to experience unemployment and poverty,¹ and nationwide, about 4.1 million people with disabilities spend more than half of their income on rent.² In Maryland, more than half of all people with disabilities had annual household incomes below \$15,000 in 2016.³ While many people with disabilities receive monthly Supplemental Security Income (SSI) benefits, SSI payments alone are usually not enough to afford market rate housing. In 2022, the average monthly rent of a one-bedroom apartment in Maryland was \$1,111, while monthly SSI payments were just \$841.⁴ Consequently, many people with disabilities are forced into homelessness, nursing homes, State hospitals, emergency rooms, and Maryland’s jails and prisons. One stop gap is federal rental subsidies which allows a person to limit their rent to 30% of their income and the remaining rent is paid by the federal government. For some individuals living on a fixed income, a rental subsidy is the only opportunity to maintain safe, independent living.

DRM provides representation to persons with disabilities facing eviction pursuant to Maryland’s Access to Counsel legislation. A majority of our housing clients are recipients of a rental subsidy which makes our cases more complex than cases without a rental subsidy. These cases require expertise not only in Maryland landlord-tenant law, but also federal law and regulatory requirements for deeply affordable housing. While we are working to prevent an eviction, we are also focused on preventing the temporary or permanent loss of subsidy. Oftentimes, the eviction

¹ Debra L. Brucker et al., *Health and Health Services Access Among Adults with Disabilities Who Receive Federal Housing Assistance*, HOUSING POLICY DEBATE, Aug. 29, 2017, at 1.

² About 4.1 million people with disabilities nationwide pay more than half of their income on rent. CENTER ON BUDGET AND POLICY PRIORITIES, UNITED STATES FEDERAL RENTAL ASSISTANCE FACT SHEET (2021), <https://www.cbpp.org/sites/default/files/atoms/files/12-10-19hou-factsheet-us.pdf>.

³ MD. DEP’T OF HEALTH, BRFSS BRIEF: DISABILITY AND HEALTH AMONG MARYLAND ADULTS (August 2018), https://health.maryland.gov/bhm/DHIP/Documents/BRFSS_BRIEF_2018-08_Disability.pdf.

⁴ TECHNICAL ASSISTANCE COLLABORATIVE, PRICED OUT: THE HOUSING CRISIS FOR PEOPLE WITH DISABILITIES (2021), <http://www.tacinc.org/knowledge-resources/priced-out-v2/>. Maximum SSI payments increased to \$794/month in 2021.

case is separate from the potential subsidy loss and requires significant time and effort to address both issues concurrently. If a subsidy is terminated, it is likely permanent or if not permanent, could take years to obtain a subsidy again. Practically, this means our clients will be forced into far more expensive institutional settings at significant cost to the State.⁵

Here are a few examples of the kinds of cases where we are providing representation:

- A person with a tenant-based voucher received a Failure to Pay Rent (FTPR) complaint for the full market rent despite only being required to pay 30% of income. This individual was at risk of being evicted and losing her rental subsidy. Through access to counsel, the FTPR complaint was dismissed, client's rental ledger was adjusted to reflect correct rent share, client avoided eviction, and remains a recipient of a rental subsidy.
- A person living with a mental health disability temporarily lost his Section 8 voucher after his Landlord filed a Breach of Lease complaint and the court entered a judgment in favor of the Landlord. Not only did this individual face eviction, but also the loss of his voucher. More than six months later, the client entered into a Memorandum of Understanding with the Housing Authority and his voucher was reissued. If this individual did not have access to counsel, he would have likely lost his voucher.
- 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 landlord still sought to evict him because of the repeated appearance of police to take him to the emergency department. Client lived in a Rental Assistance Demonstration Building (RAD) in Baltimore City and his rent was subsidized. In addition to facing the threat of eviction, he was at risk of losing his rental subsidy. DRM submitted a Reasonable Accommodation request and successfully defending the lease termination action. Client was not evicted and maintained his rental subsidy.

Representation in eviction prevents the unnecessary institutionalization of people with disabilities and furthers community integration.

For these reasons, we urge a favorable report on SB 756. Please do not hesitate to contact Kane Levings at kanel@disabilityrightsmd.org at 443-692-2501.

⁵ The Economic Impact of an Eviction Right to Counsel in Baltimore City, May 8, 2020, *available at* https://abell.org/wp-content/uploads/2022/02/Baltimore20RTC20Report_FINAL_5_8_2020.pdf.