

MMHA - 2023 - SB 450 - limitation on public safet

Uploaded by: Aaron Greenfield

Position: FAV



Bill Title: Senate Bill 450, Real Property - Limitations on Summoning Law Enforcement or Emergency Services - Prohibition

Committee: Judicial Proceedings Committee

Date: February 15, 2023

Position: Favorable

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities. Our members house over 538,000 residents of the State of Maryland. MMHA also represents over 250 associate member companies who supply goods and services to the multi-housing industry.

This bill prohibits a landlord from using a lease or form of lease that contains a provision that prohibits, limits, or penalizes a tenant or another individual for reasonably summoning the assistance of law enforcement or emergency services. A landlord is prohibited from taking retaliatory actions because a tenant or another individual sought the assistance of law enforcement or emergency services.

Senate Bill 450 establishes minimum standards for local nuisance ordinances. Some jurisdictions have enacted laws to penalize property owners for repeated calls for police or emergency service to their property. While no one wants criminal activity, these local laws could serve as a deterrent to residents responsibly calling for police and emergency services. We should not place residents in that predicament.

For these reasons, we respectfully request a favorable report on Senate Bill 450.

Aaron J. Greenfield, MMHA Director of Government Affairs, 410.446.1992

SB0450 Limitations on Summoning Law Enforcement FA

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0450
Real Property - Limitations on Summoning Law Enforcement or Emergency Services - Prohibition

Bill Sponsor: Senator Gile

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0450 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Our members understand and appreciate that first responder units are stretched pretty thin. They don't have the bandwidth to service repeat calls from the same property. So, local governments have tried to protect their first responders by enacting laws to fine landlords and property owners for repeated calls from their property.

This has had the effect of serving as a deterrent for residents to call the police during an emergency for fear of reprisal by their landlord because landlords will usually evict the tenant after the first call for service, even if the tenant was the victim of a crime. This is not the desired outcome, if people are afraid to call for help in an emergency for fear of being evicted. Victims of domestic violence, people of color, LGBTQ+ individuals, and people with disabilities are especially at risk in these situations.

This bill would preclude landlords from putting language in rental agreements that preclude residents from calling the police or other first responders. It also precludes the landlord from taking action against the tenant.

The bill also restricts the local government from setting a threshold number of requests that can come from a single property as being a 'nuisance' and penalizes the owner or the tenant from making too many calls.

Local governments and landlords should not be able to allow a disaster to happen, or lives to be lost, because they discouraged people from reaching out for help.

We support this bill and recommend a **FAVORABLE** report in committee.

SB 450 testimony (emergency service call by the te

Uploaded by: Gregory Countess

Position: FAV



MARYLAND
LEGAL AID

Advancing
Human Rights and
Justice for All

February 13, 2023

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

Re: Maryland Legal Aid's Testimony in Support of Senate Bill 450

Dear Mr. Chair and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 450, which would prohibit calls to police or emergency service providers, whether by the tenant or others, from being the sole basis for landlords to evict tenants from their homes.

I submit this testimony on behalf of Maryland Legal Aid (MLA) at the request of Senator Dawn Gile. MLA is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. MLA handles civil legal cases involving a wide range of issues, including representing people and families struggling with housing and eviction.

The right to housing is enshrined in the Universal Declaration of Human Rights and indeed is binding on this nation and state, because its precepts have acquired the status of customary international law. One of the principal tenets of the right to housing is security of tenure. With the affordability crisis noted in Maryland by its Department of Housing and Community Development, and the corresponding threat of increased homelessness, this bill is a vital piece of the puzzle in protecting both tenants and communities from the instability which is caused by homelessness.

MLA often represents clients whose landlords threatened them with eviction because someone called the police, and the police came to their premises to investigate the complaint or to protect the tenant initiating the complaint. Sometimes the police or other emergency service providers are called by the tenant or someone in their family because the tenant is suffering a medical emergency. On occasion we have seen landlords attempt to use the peace order process to evict those who they regard as troublesome tenants. Typically, the landlord claims that the presence of the police at the property disturbs the common enjoyment of neighbors and constitutes a threat to the neighbors' life and safety.

Finally, evicting the tenant may be prompted by nuisance laws enacted in those jurisdictions and the landlord is attempting to protect themselves from possible sanction or loss of their property. This loophole in Maryland's nuisance law which allows these types of actions should be closed.

For these reasons—and based on the fundamental principle that no one should be evicted for trying to keep themselves safe—we ask for a favorable report on SB 450.

Sincerely,

/GC/

Gregory Countess, Esq.
Director of Advocacy for Housing and Community Economic Development
Maryland Legal Aid
410 951 7687

IL Written Testimony 2023 - SB 450 FINAL.pdf

Uploaded by: Hindley Williams

Position: FAV



SB 450: Real Property - Limitations on Summoning Law Enforcement or Emergency Services - Prohibition

Testimony of Maryland Centers for Independent Living

Senate: Judicial Proceedings, February 15, 2023

The seven Centers for Independent Living (CIL) in Maryland were established by federal law and work to ensure the civil rights and quality services of people with disabilities in Maryland. CILs are nonprofit disability resource and advocacy organizations located throughout Maryland operated by and for people with disabilities. CIL staff and Boards are at least 51% people with disabilities. We are part of a nationwide network which provides Information and Referral, Advocacy, Peer Support, Independent Living Skills training and Transition Services.

SB 450 would prohibit 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 services.

The punishment and eviction of individuals with disabilities, and their families, who use emergency public services is a civil rights issue.

In Maryland, when a person with a disability is experiencing a mental health or behavioral health crisis, such as suicide, agitation, or depression, calls 9-1-1, it is law enforcement that responds. Similarly, in incidents of domestic violence it is law enforcement that responds. As a result, the utilization of emergency services by individuals with disabilities and their families and survivors of domestic violence is used by landlords as a cause for eviction.

A few examples of individuals with disabilities, and their families, involving the use of emergency services:

- 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 law enforcement 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 law enforcement 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. Law enforcement 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. The veteran had a designated parking space that other residents were using and the management company failed to enforce the mis-use of the designated parking space. The veteran experienced a brief mental health crisis as a result of the escalating argument and was taken to a hospital by emergency services. A Notice to Vacate was waiting for her when she returned.
- A child with emotional disabilities was playing with matches in his home that created a fire that caused minor fire damage to the carpet. The mother extinguished the fire but the fire department and law enforcement came. The child was emergency petitioned by law enforcement. Despite the only minor damage to the apartment, the family was served with a Notice to Vacate and the landlord cited the arrival of law enforcement and the fire department to justify the eviction.
- A person with a physical disability was attempting to cook a meal and set off the fire alarm. The fire department came, cleared the 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 two who is blind accidentally bumped the front controls on her stove and ignited an egg carton on her stove top. She quickly extinguished the flames and placed the egg carton 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 older apartment buildings without elevators, people who use wheelchairs or have physical disabilities must call emergency services in order to enter or leave their apartment. It is not difficult to conceive the repeated use of EMS services to access a dwelling unit as a 'nuisance' to landlords or law enforcement agencies.

Finally, as the opioid crisis continues to ravage Maryland communities, SB 450 offers another important protection for persons who need urgent medical attention. Maryland has already codified protections for people from criminal prosecution for using emergency services to save lives from overdose. SB 450 would similarly protect the housing of individuals with disabilities, and their families, who call emergency services to save lives.

SB 450 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 emergency services.

We respectfully urge this committee to return a favorable report on SB450.

Contact Information:

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The IMAGE Center
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HPP SB 450 Testimony (JPR)- FAV.pdf

Uploaded by: Jessica Emerson

Position: FAV

Testimony of the Human Trafficking Prevention Project

BILL NO:	Senate Bill 450
TITLE:	Real Property – Limitations on Summoning Law Enforcement or Emergency Services – Prohibition
COMMITTEE:	Judicial Proceedings
HEARING DATE:	February 5, 2023
POSITION:	FAVORABLE

Senate Bill 215 would prohibit 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 these services. The Human Trafficking Prevention Project supports this bill because it will reduce the likelihood that victims of crime, including those experiencing human trafficking, will be deterred from requesting assistance in times of emergency. Additionally, reducing the likelihood of eviction for any tenant reduces their risk of becoming a victim of human trafficking, as homelessness and housing instability are direct predictors of the crime.

Several local governments in Maryland have enacted laws to penalize property owners for repeated calls for police service to their property. These local laws vary in terms of how they define a nuisance, but many are based on the number of calls for police service, where as few as two calls to the police within a month is grounds for fining the property owner. In reaction to these unwelcome financial outcomes, landlords usually choose to evict the tenant instead, even when the nuisance ordinances do not explicitly require eviction.¹ While these laws are often couched in language around reducing or eliminating criminal behavior, in practice they function as a deterrent for residents calling the police during an emergency for fear of reprisal by their landlord.

Some local ordinances specifically define “excessive” calls for police or emergency services as nuisances, even when the tenant is a victim of a crime that requires police, medical, or other emergency assistance, such as domestic violence or human trafficking.² This deters the reporting of crime and places victims of crime in heightened danger, resulting in some victims being afraid to call for help for fear of eviction. The existence of a nuisance ordinance can also deter landlords from renting to persons they believe will be a victim of crime, especially domestic violence victims,³ many of whom are also victims of human trafficking. Maryland’s own Office of Crime Control and Prevention has formally recognized the harm these ordinances can cause, listing “enforcing or promoting nuisance abatement ordinance, crime-free housing ordinances, or crime-free lease addenda” as an activity that has “been found to jeopardize victim safety, deter or prevent physical or emotional healing for victims [of crime], or allow offenders to escape responsibility for their actions.”⁴

In addition to deterring victims of crime for calling for assistance from law enforcement or emergency services, nuisance laws put these same victims at higher risk of exploitation by a trafficker. Housing instability and homelessness factor heavily into recruitment by a trafficker, who often offers safe shelter as a means of coercive recruitment, then threatens to turn the victim back out on the street as a means of control.⁵ This is particularly dangerous for youth, with 64% of youth survivors of trafficking reporting experiencing homelessness or being unstably housed when they were recruited by their trafficker.⁶ Already struggling with fewer resources,

¹ “Silencing Women’s Voices: Nuisance Property Laws and Battered Women.” G. Arnold & M. Slusser, Journal of the American Bar Foundation (2015).

² “Victims’ Dilemma: 911 Calls Can Bring Eviction.” Erik Eckholm, New York Times (2013).

³ “Silenced: How Nuisance Ordinances Punish Crime Victims in New York.” ACLU (2015).

⁴ FY 2019 Services, Training, Officers, and Prosecutors Violence Against Women Formula (STOP VAWA) Grant Program: Notice of Funding Availability. <http://goccp.maryland.gov/wp-content/uploads/FY2019-VAWA-NOFA-1.pdf>

⁵ Brittany Anthony et. al., *On-Ramps, Intersections, and Exit Routes: A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking* (2018).

⁶ *Id.*

LGBTQIA+ youth who are experiencing homelessness are 3-7 times more likely to engage in survival sex to meet their basic needs than their non-LGBTIA+ homeless peers, and are therefore put at even greater risk.⁷

SB 450 would reduce this risk for already vulnerable populations, as well as eliminate eviction as punishment for victims of crime who seek access to emergency services. For these reasons, the Human Trafficking Prevention Project at the University of Baltimore School of Law supports Senate Bill 450 and respectfully urge a favorable report.

*For more information, please contact:
Jessica Emerson, LMSW, Esq.
Director, Human Trafficking Prevention Project
jemerson@ubalt.edu*

⁷ See generally Shahera Hyatt, *Struggling to Survive: Lesbian, Gay, Bisexual, Transgender, and Queer/Questioning Youth on the Streets of California* (2011), <https://lgbtqcaucus.legislature.ca.gov/sites/lgbtcaucus.legislature.ca.gov/files/PDF/LGBTQ%20Homeless%20Youth%20in%20California.pdf>

SB 450_MNADV_FAV.pdf

Uploaded by: Melanie Shapiro

Position: FAV



BILL NO: Senate Bill 450
TITLE: Real Property - Limitations on Summoning Law Enforcement or
Emergency Services – Prohibition
COMMITTEE: Judicial Proceedings
HEARING DATE: February 15, 2023
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 450.**

Senate Bill 450 prohibits a landlord from using a lease or form of lease that contains provisions that limits a tenant’s ability to summons police. It further prevents a landlord from penalizing or taking retaliatory action against a tenant or another individual solely for summoning the assistance of law enforcement or emergency services. SB 450 also prohibits a local jurisdiction from enacting laws or ordinances known as nuisance laws, that establishes a threshold of requests to summons law enforcement or emergency services or penalizes for summoning law enforcement or emergency services.

Nuisance laws negatively impact victims of domestic violence. These laws both deter victims from contacting police if they need protection or their assistance and cause homelessness or housing instability. Victims of domestic violence already experience housing obstacles with 38% of victims of domestic violence experiencing homelessness at some point in their lives.¹ One of the many reasons that a victim may not leave an abusive situation is due to their lack of economic security and inability to obtain safe and affordable housing. In addition, an abuser can use the nuisance laws to threaten a victim into silence by stating that they will be evicted or fined if they call the police.

The Fair Housing Act and Violence Against Women Act both extend housing protections to victims of domestic violence. Nuisance laws undermine those protections by subjecting victims to

¹ Charlene K. Baker, Cook, Sarah L., Norris, Fran H., “Domestic Violence and Housing Problems: A Contextual Analysis of Women's Help-seeking, Received Informal Support, and Formal System Response,” Violence Against Women 9, no. 7 (2003): 754-783.



eviction or fines for contacting law enforcement. Concerns have been raised nationally regarding the application and use of these laws on already marginalized communities due to the selective enforcement of the nuisance laws.

For the above stated reasons, the **Maryland Network Against Domestic Violence** urges a **favorable report on SB 450**.

For further information contact Melanie Shapiro ■ Public Policy Director ■ 301-852-3930 ■ mshapiro@mnadv.org

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Tel: 301-429-3601 ■ E-mail: info@mnadv.org ■ Website: www.mnadv.org

MCPA-MSA_ SB 450-Limitations on Summoning Law Enfo

Uploaded by: Natasha Mehu

Position: FAV



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William Smith, Jr., Chair and
Members of the Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 15, 2023

RE: **SB 450** – Real Property - Limitations on Summoning Law Enforcement or Emergency
Services - Prohibition

POSITION: **SUPPORT**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 450**. This bill prohibits landlords and local governments from limiting or prohibiting a tenants' ability to summons law enforcement and emergency services for assistance and prohibits them for penalizing or retaliating against tenants for doing so.

SB 450 addresses important public policy and public safety concerns by prohibiting actions that could put residents, their guests, and neighbors at risk. It is impossible to predetermine what counts as an emergency and impractical to limit or deter someone from contacting law enforcement or emergency services when they believe they need emergency assistance. A tenant who unfortunately finds themselves in genuine need of assistance should not hesitate to summon police, fire, or EMS simply because they've requested assistance before. They certainly should not be put in a situation where their housing or fines are threatened for making such calls. To allow this to happen is bad public policy and could irresponsibly put some of our most vulnerable residents in a position to experience abuse or housing insecurity.

The protections in this bill align with other lease provisions that are prohibited under law in the interest of protecting residents against abusive practices. It's important to note that landlords and governments may still address actual nuisance actions and problematic tenants. The bill simply makes clear that solely summoning law enforcement or emergency services to the property cannot be used to take certain actions against tenants.

It is impossible to compile an exhaustive list of emergency events for which a tenant or individual could need assistance. The only way to protect the health and safety of tenants and their guests is to prohibit such punitive clauses in leases or in local ordinances. For these reasons, MCPA and MSA **SUPPORT SB 450** and urge a **FAVORABLE** Committee report.

SB450.DD Council.Support.pdf

Uploaded by: Rachel London

Position: FAV



Maryland Developmental Disabilities Council

CREATING CHANGE • IMPROVING LIVES

Senate Judicial Proceedings Committee

February 15, 2023

SB 450: Real Property - Limitations on Summoning Law Enforcement or Emergency Services - Prohibition

Position: **Support**

The Maryland Developmental Disabilities Council (Council) is an independent, public policy organization that creates changes to make it possible for people with developmental disabilities to live the lives they want with the support they need. Our vision is that people with and without disabilities in Maryland live, learn, work, and play together. SB 450 is an important step to ensure fair treatment of people with disabilities where they live.

WHAT does this legislation do?

- This bill prohibits landlords from using a lease with provisions that limit a tenant's ability to call law enforcement or emergency services. This prohibition prevents leases that allow eviction if the tenant, or someone else on the property, calls law enforcement or emergency services.
- This bill also prohibits local jurisdictions from passing local laws and ordinances, known as nuisance laws, that impose a penalty or limit the number of calls to emergency services from the property.

WHY is this legislation important?

- This bill protects people with disabilities. One in five Marylanders over 18 identifies as having a disability. People with disabilities are disproportionately impacted under nuisance laws and leases with nuisance provisions. One study found that at least 25 percent of nuisance enforcement actions were the result of disability.¹ **This bill defends the civil rights of people with disabilities to live in the community independently and without fear of retaliation for accessing emergency services.**
- This bill protects people in crisis. For people experiencing a mental or behavioral crisis, if they have an unexpected crisis and call 9-1-1, the police respond. This bill prohibits landlords from using this as a reason to evict a tenant.
- This bill protects people with urgent health care needs. For individuals with substance abuse disorder or families with members who have special health care needs, calling 9-1-1 may serve as a life saving tool on a more regular occasion compared to others. This bill prohibits landlords from using this as a reason to evict a tenant.

It is critical that people with disabilities have full access to police and emergency services where they live. This bill is an important step to ensure people with disabilities can live where and how they want and still receive the emergency services they need. For these reasons, the Council supports SB 450.

Contact: Rachel London, Executive Director: RLondon@md-council.org

¹ <https://harvardcrcl.org/wp-content/uploads/sites/10/2019/07/54.2-Jarwala-Singh.pdf>

SB 450-AOBA--FAV.pdf

Uploaded by: Ryan Washington

Position: FAV



Bill No: SB 450— Real Property - Limitations on Summoning Law Enforcement or Emergency Services - Prohibition

Committee: Judicial Proceedings

Date: 02/15/2023

Position: Favorable

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

Senate Bill 450 would prohibit a housing provider from using a lease or lease that contains a provision that restricts, limits, or penalizes a resident or another individual for reasonably summoning the assistance of law enforcement. The bill would also prohibit local governments from establishing a threshold of requests to summon law enforcement or emergency services on a residential property.

AOBA supports the intent of this legislation to prevent residents from being deterred from accessing law enforcement and emergency services. This bill seeks to protect residents who utilize law enforcement services responsibly during an emergency and prevent housing providers from being penalized for the action.

For these reasons, AOBA requests a favorable report on SB 450. For further information, contact Ryan Washington, AOBA’s Government Affairs Manager, at 202-770-7713 or email rwashington@aoba-metro.org.

SB 450_DRM_Support.pdf

Uploaded by: Samuela Ansah

Position: FAV

Senate-Judicial Proceedings Committee

SB 450-Real Property – Limitations on Summoning Law Enforcement or Emergency Services – Prohibition

January 25, 2023

POSITION: SUPPORT

The undersigned individuals and organizations **SUPPORT** SB 450.

SB 450 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.¹

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.² Not surprisingly, police are more likely to respond and take enforcement action when it is a person of color with a disability who calls.³ Similarly, in incidents of domestic violence it is police who respond.⁴ 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

¹ 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 (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).

² 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>.

³ 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 \(hsri.org\)](https://www.hsri.org/Baltimore-PBHS-Gaps-Analysis-Report-191209.pdf).

⁴ 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, SB 450 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. SB 450 would similarly protect the housing of families who call emergency services to save lives.

SB 450 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 **SB 450**.

Respectfully submitted,

Organizations

Accessible Resources for Independence

Bazelon Center for Mental Health Law

Beyond the Barriers

Beyond the Boundaries

Brain Injury Association of Maryland

Disability Rights Maryland

Healthcare for the Homeless

Homeless Persons Representation Project

IMAGE Center

Independence Now

Intimate Health Consulting

Maryland Center for Developmental Disabilities at Kennedy Krieger Institute

Maryland Center on Economic Policy

National Association of Mental Illness (NAMI), Maryland

National Council on Alcoholism and Drug Dependence

National Federation of the Blind of Maryland

Patient Providers, LLC

People on the Go

Pro Bono Resource Center

Public Justice Center

Right to Housing Alliance

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

Shared Support Maryland

The Arc Baltimore

The Arc Maryland

The Coordinating Center

The Freedom Center

The League for People with Disabilities

The Maryland Down Syndrome Advocacy Coalition

Indiviudals

Kelci Reiss,

Mark Sine, MSW/Social Worker

Lydia X.Z. Brown,

e.v. Yost,

Eryn Ainsley,

Alex Wilson,

Mary Kathleen Haber, FNP-C, Co-Founder Charm City Wellness Collaborative

Elizabeth Spradley,

Stephanie Knight, Ph.D

Esta Glazer, Sharon Krumm, Ph.D., RN

Jessica Salmond,

Sue Kim

SB0450-JPR_MACo_SUP.pdf

Uploaded by: Sarah Sample

Position: FAV



Senate Bill 450

Real Property - Limitations on Summoning Law Enforcement or Emergency Services - Prohibition

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

Date: February 15, 2023

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS** SB 450. This bill would, among other provisions, prevent local governments from enacting laws establishing a threshold on requests for law enforcement or emergency services to visit a residential property resulting in said property being designated a nuisance, or otherwise penalizing someone for summoning the assistance of law enforcement or emergency services.

No individual in immediate need for assistance from law enforcement or emergency services should be deterred from accessing these vital county services. SB 450 understandably seeks to protect individuals experiencing domestic abuse, sexual assault, and many other serious life-threatening offenses, by shielding them from potential repercussions by property owners arising from these police calls.

Through carefully constructed amendments proposed by the bill sponsor and adopted by the Maryland House of Delegates for the 2022 version of this bill (HB 323), the scope of SB 450 ensures it does not extend to certain situations in which individuals repeatedly request assistance with parking or when neighbors retaliate against one another by summoning law enforcement. MACo had previously expressed concerns that these scenarios could potentially result in much needed and overextended public safety resources being diverted to situations not warranting them.

SB 450 preserves some county autonomy regarding the dispatch of public safety resources, while ensuring individuals facing potentially life-threatening situations are not deterred from summoning law enforcement. For these reasons, MACo urges a **FAVORABLE** report for SB 450.

DG_Final Written Testimony_SB450.pdf

Uploaded by: Senator Gile

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of SB450
Real Property - Limitations on Summoning Law Enforcement or Emergency
Services - Prohibition**

Every Marylander should be able to summon police or medical services during an emergency. However, “nuisance laws” enacted by some local governments threaten the ability of a resident to get help when they need it for fear of losing their home.

As background, a handful of local jurisdictions have enacted well-intentioned laws to penalize property owners for repeated calls for police service to their property. These laws subject the landlord or property owner to a fine and possible loss of their rental license if the police are called out to a property more than a certain number of times within a specified timeframe—*e.g.*, two times within 30 days. To avoid such penalties, some landlords will evict the tenant after the first call for service—regardless of the reason for the call. Indeed, evictions can occur even when the tenant did nothing wrong or even was the victim of a crime.

Some local ordinances specifically define “excessive” calls for police or emergency services as nuisances, even when the tenant is a victim of domestic violence, stalking, or another crime that requires police, medical, or other emergency assistance.¹ This deters the reporting of crime and places victims of crime in heightened danger, resulting in some victims being afraid to call for help for fear of eviction. The existence of a nuisance ordinance can also deter landlords from renting to persons they believe will be a victim of crime, especially domestic violence victims. The outcome is that some of our most vulnerable Marylanders may fear contacting emergency services due to the risk of being evicted.

Maryland in Context

In Maryland, nine municipalities and five counties have enacted nuisance laws.² These local laws vary in terms of how they define a nuisance, but most are based on documented criminal activity, such as a police report or arrests. However, some of these laws are based on the number of calls for police service.³ Among the jurisdictions with such laws, as few as two calls for police service within a month can be grounds for fining a property owner.

¹ “Victims’ Dilemma: 911 Calls Can Bring Eviction.” Erik Eckholm, *New York Times* (2013).

² Anne Arundel, Baltimore City, Baltimore County, Prince George’s County, Brunswick, College Park, Hampstead, Manchester, Union Bridge, and Westminster.

³ Anne Arundel and Harford Counties, Frederick, Hagerstown, and Smithsburg.

Local laws also vary in the types of calls for service that can be counted towards the designation of a nuisance property. In most Maryland jurisdictions, minor infractions such as littering, alcohol violations, and noise violations are sufficient grounds under local law to initiate penalties, which can result in the eviction of the tenant.

What This Bill Does

This bill would ensure the right of residents to get help from police and EMS by barring local “nuisance laws” from penalizing landlords and tenants for solely summoning assistance. It would prohibit local governments from enacting nuisance laws that punish landlords and tenants for the summoning of police or emergency services, specifically using the number of calls for police or emergency service as part of their definition of a nuisance property. Nine other states have passed similar legislation.⁴

The bill would also prohibit a landlord from evicting or threatening to evict a tenant solely based on the summoning of police or emergency assistance. Additionally, this bill prohibits residential lease provisions that limit the ability of tenants to seek police or emergency assistance. Eleven other states plus the District of Columbia have passed laws to mandate protections in rental agreements that ensure tenants have the right to call for emergency services.⁵

⁴ California, Illinois, Indiana, Iowa, Louisiana, Pennsylvania, Nevada, Utah, and Wisconsin.

⁵ Arizona, Arkansas, California, Colorado, Iowa, Louisiana, Minnesota, New York, South Dakota, Texas, and Utah.

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Uploaded by: William Castelli

Position: FAV



Senate Bill 450 – Real Property – Limitations on Summoning Law Enforcement or Emergency Services - Prohibition

Position: Favorable

Maryland REALTORS® support SB 450 which seeks to prohibit local laws that limit the ability of a tenant to summon emergency services like law enforcement.

Maryland REALTORS® have property managers and landlords that are familiar with local laws like Hagerstown which penalizes property owners when a tenant calls for emergency services more than 2-3 times per unit or capped at up to 6 complaints for a unit in an apartment complex of more than 24 units. If a property is considered a nuisance, the owner of the property may be fined hundreds of dollars.

While the intent of these laws is to deter individuals who abuse local emergency services for non-emergency situations, there are many reasons that an individual may call emergency services multiple times. If a tenant, for example, has an abusive, former partner that visits despite the tenant's resistance. In cases like this, the victim and their landlord should not be further victimized by such a law that penalizes them for circumstances outside of their control.

SB 450 will ensure that tenants are not disincentivized to call emergency services when needed and landlords won't be fined indiscriminately.

For these reasons, the Maryland REALTORS® encourage a favorable report.

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