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**TESTIMONY - INFORMATIONAL HEARING - AVOIDING AN EVICTION CRISIS  
COUNCIL BILL 21-0036R**

**TO:** Chair Middleton & members of the Economic and Community Development Committee

**FROM:** Molly Amster on behalf of Jews United for Justice (JUFJ)  
City Council Bill 21-0036R – Informational Hearing – Avoiding an Eviction Crisis

Jews United for Justice organizes more than 1,600 people in the city to support local social, racial, and economic justice issues. We are a member organization of the Baltimore Renters United coalition. According to Maimonides (one of the most prolific and influential Torah scholars of the Middle Ages), a landlord must give a tenant sufficient notice before terminating a lease “so that [the tenant] can look for another place and will not be abandoned in the street” (Mishneh Torah, Hilkhoh S’khirut 6:7). Jewish tradition further forbids landlords from evicting tenants during times of general hardship, such as the winter months, when new housing will be hard to find. A pandemic would certainly be categorized as a time of general hardship.

Yet right now, Baltimore is facing an imminent flood of evictions as the Center for Disease Control and local temporary moratoriums on evictions come to an end. Evictions undermine family and neighborhood stability and threaten the health and education of children – and, in Baltimore, hit people of color hardest. Moreover, evictions cost the City substantial amounts of money, as dispossessed tenants are forced to draw more heavily on public services.

We appreciate all that the City has done to try to prevent evictions associated with the COVID-19 crisis. But, now, further steps are needed to ensure that City residents remain in their homes and to strengthen protections for tenants more generally. Specifically:

1. **City agencies must furnish every tenant with timely, written notice that an application for eviction prevention funds has been approved – or of the current status of the application or pending payment.** Typically, applications for eviction prevention funds have remained pending for some three to five months, which leaves tenants in an uncertain state while facing the threat of eviction. Fairness and common sense

demand that tenants be provided with transparent, easily understandable information about their rental assistance applications in order to avoid evictions when possible.

2. **The City should facilitate the creation of an eviction diversion program in the local district court as soon as possible.** Such an alternative dispute resolution system would enable a landlord and tenant to arrive at an agreement that works for both parties, without having to go through the court process. Among other things, an eviction diversion program would help tenants identify emergency rental assistance (or other funds) available to them and to access those resources before an eviction for non-payment occurs. No such process for lining up rental assistance with the timing of the adjudication of eviction cases now exists, leading to missed opportunities and needless evictions. And the eviction prevention services at court currently do not have rental assistance funds to provide people facing eviction - the Mayor's Office of Children & Family Success do, but they are not currently at court. A diversion program in court would both help tenants to stay in their homes and landlords to avoid vacancies and unit turnover costs.
3. **The City should immediately fund the right to counsel created by City Council Bill 20-465.** Baltimore took a great step forward when it joined numerous other jurisdictions by providing a framework for tenants to obtain access to counsel in eviction cases. Affording such legal representation is an established, cost-effective way to redress the gross power imbalance between landlords (almost all of whom are represented) and tenants (very few of whom have counsel). Without lawyers, most tenants are denied any meaningful opportunity to present their defenses to eviction. But one study has estimated that if Baltimore City tenants had lawyers in rent court, some 92% of them would avoid evictions and the associated disruptions to their lives and communities. At the same time, providing counsel will generate substantial savings for the City (and the State), as the cost of the increased public services used by evicted tenants far exceeds the cost of providing lawyers.

But for the promise of Council Bill 20-465 to be realized, funding must be provided. To this end, we recommend that the City allocate 10% of Emergency Rental Assistance Program 1 & 2 funds, approximately \$10 million, and \$11 million from the Coronavirus Local Fiscal Recovery Fund, \$21 million in total, toward implementation of the Right to Counsel law during FY 2022 - FY 2025. Ensuring that tenants' right of access to lawyers is real, not just theoretical, is a crucial piece in the effort to prevent evictions.

4. **The City must ensure that tenants cannot be displaced during and after the COVID-19 state of emergency simply by virtue of landlords' refusing to renew**

**their leases.** Despite state and federal policies that restrict landlords' ability to evict tenants during the health crisis, landlords are exploiting a loophole that permits them to dispossess a tenant by simply deciding not to renew a lease upon its expiration (and filing a "tenant holding over action" if the tenant has not vacated at lease end). Indeed, tenant holding over actions increased by 115% between September 2020 and March 2021, as compared with the same period a year before – and hundreds of tenants currently remain at risk of eviction by virtue of such complaints. This loophole is rooted in an outmoded law that leaves tenants vulnerable to losing their homes through no fault of their own.

City Council Bill 21-0031 redresses this problem in connection with the COVID-19 health emergency. It temporarily requires landlords to give tenants the right to renew a lease upon the lease's expiration, while including several exceptions that safeguard the interests of landlords. By so doing, the bill will facilitate access to stable housing and all the individual and societal benefits associated with it. The Mayor must sign this bill into law and City Council should pass a resolution calling upon the Maryland General Assembly to pass legislation enabling local jurisdictions to enact just cause eviction legislation.

Each of these measures, and all of them together, should serve to reduce evictions and avoid the crushing effects they produce for individual tenants and the wider Baltimore community. We hope to see our city government act swiftly to ramp up the response to this worsening crisis.