

April 27, 2021

Economic and Community Development Committee
100 N. Holliday Street,
Suite 400,
Baltimore, MD 21202

Re: Council Bill 21-0031 Landlord-Tenant - Lease Renewals

Thank you to the Economic and Community Development Committee for the opportunity to comment in support of the proposed ordinance regarding Landlord-Tenant - Lease Renewals. I am Bridgett Simmons, a staff attorney with the National Housing Law Project (NHLP). NHLP is a legal advocacy center focused on increasing, preserving, and improving affordable housing; expanding and enforcing the rights of low-income tenants and homeowners; and increasing housing opportunities through fair housing and civil rights laws. We provide technical assistance to attorneys representing clients who live in federally-subsidized housing, as well as policy support at the federal, state, and local levels.

The current public health pandemic has only reinforced the importance of having a place to live. Remaining housed has allowed families to practice social distancing to prevent contracting and, or spreading COVID-19.¹ The Center for Disease Control and Prevention (CDC) enacted its temporary halt on residential evictions for this reason.² The CDC found that keeping people housed helps to protect the public's health by allowing individuals to self-isolate after becoming ill, to self-isolate to prevent those who are at high-risk from becoming ill, and by decreasing the likelihood of individuals having to seek congregant housing or close quarters shelter.³ And while vaccines have become more widely available, the CDC continues to stress the importance of social distancing as a strategy to decrease the spread of COVID-19.⁴

Although the CDC order focuses on preventing evictions during the pandemic, all the described risks in the order are applicable to renters who must move due to a nonrenewal of their leases. As indicated in the CDC order, the movement of renters "leads to multiple outcomes that increase[s] the risk of COVID-19 spread."⁵ And where there has been a need for more protections, cities

¹ *Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19*, CDC.GOV (Apr. 13, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/more/pdf/CDC-Eviction-Moratorium-03292021.pdf> [hereinafter *CDC Eviction Moratorium*].

² *Id.* at 3-10, 13-15.

³ *Id.*

⁴ CDC Eviction Moratorium at 13-15.

⁵ *See* CDC Eviction Moratorium at 7.

have utilized their authority to protect the public's health and to minimize any long-lasting effects of the COVID crisis.

The proposed ordinance would provide renters with increased notice of the landlords' intent to not renew the lease. Increased notice to renters is necessary because families need the additional time to find new housing and to move. The moving process has become more tedious during the pandemic. COVID-19 mainly spreads through respiratory droplets produced when interacting with or near an infected person. In response landlords and management companies have adjusted their leasing processes, including instituting limitations on in-person showings, how applications for tenancy are accepted, and the process of signing leases. The changes in processes will cause families to need more time to find new housing. Otherwise, families are at risk of becoming homeless or seeking shelter in congregant housing.

The ability to quickly lease up is further limited by the housing opportunities available to the family. Low-income families will undoubtedly face more hurdles when trying to quickly find new housing after a non-renewal of a lease. Prior to the pandemic, the median household income in Baltimore was an estimated \$50,379 and an estimated 21.2 percent of Baltimore City's residents lived below the poverty line.⁶ For the nearly 98,093 extremely low-income renters, only 34,327 rental homes were affordable and available to families in the Baltimore-Columbia-Towson area in 2019.⁷ According to the National Low Income Housing Coalition, the Baltimore-Columbia-Towson area has a shortage of 63,766 rental homes that are affordable and available to extremely low-income renters.⁸ And the COVID-19 crisis has only exacerbated the need. According to the Household Pulse Survey, 18.8 percent of adults in Maryland expect someone in their household to lose employment income within the next month, and 24.4 percent of adults are living in households where it has been somewhat or very difficult to pay for usual household expenses throughout the pandemic.⁹

And where a family cannot quickly find alternative housing, the family will face eviction or homelessness. This will subject the family, and the public, to all the transmission risks intended to be prevented by CDC order and Governor Hogan's executive order.¹⁰ This has been proven

⁶ *Quick Facts Baltimore City, Maryland*, CENSUS.GOV, <https://www.census.gov/quickfacts/baltimorecitymaryland> (last visited Apr. 26, 2021). Median household income is in 2019 dollars. The Baltimore Neighborhood Indicators Alliance estimates the percentage of families living at or below the poverty level to be 16 percent. *Census Demographics*, BALTIMORE NEIGHBORHOOD INDICATORS ALLIANCE, <https://vital-signs-bniajfi.hub.arcgis.com/app/092d76a4310d49b8affc56a2d2c63882> (last visited Apr. 26, 2021).

⁷ *The Gap—Maryland*, NATIONAL LOW INCOME HOUSING COALITION, <https://reports.nlihc.org/gap/2019/md> (last visited Apr. 26, 2021). An extremely-low income renter is a household whose income does not exceed the higher of the federal poverty guideline or 30% of the area median income. 42 U.S.C. § 1437a(b)(2)(c).

⁸ *The Gap—Maryland*, NATIONAL LOW INCOME HOUSING COALITION, <https://reports.nlihc.org/gap/2019/md> (last visited Apr. 26, 2021).

⁹ *Household Pulse Survey*, CENSUS.GOV, https://www.census.gov/data-tools/demo/hhp/#/?mapAreaSelector=st&barChartAreaSelector=st&s_state=00024 (last visited Apr. 26, 2021).

¹⁰ *Id.* at 7-10.

when reviewing Maryland’s state records. Some owners have sought to remove residents by not renewing the lease, rather than waiting to file a non-payment eviction.¹¹ To allow lease expiration evictions to proceed will permit, and encourage, landlords to skirt both the CDC order and Governor Hogan’s executive order.¹² Evictions due to lease expirations will increase in number as the pandemic continues. In October 2020, 552 evictions were filed for holdover tenancy, a 117 percent increase.¹³ Previously, these cases made up 1 to 2 percent of Maryland’s eviction cases.¹⁴ According to Eviction Lab, the state of Maryland has an estimated 12.83 evictions taking place each day.¹⁵ And according to the Household Pulse Survey, 25.4 percent of adults somewhat likely or very likely anticipate an eviction or foreclosure within the next two months.¹⁶ These types of evictions continue despite the ongoing public health crisis in Maryland. Over the past month, Maryland recorded over 37,000 new cases and over 400 deaths due to COVID.¹⁷ Currently, only an estimated 29 percent of Marylanders have been fully vaccinated.¹⁸

And while we all are eager to expeditiously get back to “normal,” the effects of this unprecedented public health crisis will continue with us even after infection rates become minimum. Baltimore can choose to use its authority to minimize or exacerbate the reverberating effects of COVID. These and other tenant protections will undoubtedly be needed as we transition out of the current public health crisis and back into “normalcy.” Baltimore city must use its authority to ensure housing stability to minimize displacement and to prevent massive homelessness. These protections are not only essential for keeping Baltimore residents housed, but to also set a firm foundation for the economic recovery ahead. NHLP is supportive of the council's efforts to ensure housing stability by instituting just cause lease renewal protections. We hope the council will continue to explore other mechanisms to expand in scope and duration tenant protections.

¹¹ Ally Schweitzer, *Landlords In Maryland Are Exploiting A Loophole To Evict Renters During The Pandemic, Advocates Say*, DCIST.COM (Mar. 11, 2021), <https://dcist.com/story/21/03/11/landlords-in-maryland-are-exploiting-a-loophole-to-evict-renters-during-the-pandemic-advocates-say/>.

¹² CDC Eviction Moratorium at 13-15; State of Maryland Executive Order NUMBER 20-12-17-02 (Dec. 17, 2020) (citing as necessary the need to limit the number of evictions “to avoid the serious health, welfare, and safety consequences that may result if Marylanders lose their housing as a result of COVID-19”).

¹³ Schweitzer, *supra* note 11.

¹⁴ *Id.*

¹⁵ *Map and Data—Maryland*, EVICTION LAB, <https://evictionlab.org/map/#/2016?geography=states&bounds=-80.67,37.655,-73.772,40.73&type=er&locations=24,-77.224,39.271> (last visited Apr. 26, 2021).

¹⁶ *Household Pulse Survey*, CENSUS.GOV, https://www.census.gov/data-tools/demo/hhp/#/?mapAreaSelector=st&barChartAreaSelector=st&s_state=00024 (last visited Apr. 26, 2021).

¹⁷ *Coronavirus Resource Center—Maryland*, JOHN HOPKINS UNIVERSITY OF MEDICINE, <https://coronavirus.jhu.edu/region/us/maryland> (last visited Apr. 26, 2021).

¹⁸ *Id.*