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Re: 21-0083R Investigative Hearing - Baltimore City Sheriff's Office - Eviction Procedures

Dear Vice President Middleton & Members of the Economic and Community Development,

My name is Carisa Hatfield and I am a staff attorney at the Homeless Persons Representation Project, Inc. ("HPRP"). HPRP is a non-profit civil legal aid organization that provides free legal representation to people who are homeless or at risk of homelessness on legal issues that will lead to an end to homelessness. HPRP regularly represents tenants in failure to pay rent cases and other landlord-tenant matters in Baltimore City.

HPRP has worked with many Baltimore tenants who are vulnerable to eviction over the course of the pandemic. Many of these tenants have either lost their employment or had their employment hour severely reduced as a result of the pandemic; others have had to cut back on hours to care for dependent children who have been in virtual learning or family members who have contracted COVID-19 and continue to experience symptoms of long COVID. Still others have contracted COVID-19 themselves.

The Omicron variant of COVID-19 has proved to be extremely contagious, outpacing positivity rates from even the beginning of the pandemic. According to the Johns Hopkins University COVID-19 Resource Center, the average testing positivity rate in Maryland has been 24.67%, peaking at 50.36% between December 27, 2021 and January 2, 2022. In comparison, the average testing positivity rate in Maryland in the two weeks after March 27, 2020 (when the CARES Act eviction moratorium began) averaged around 16.7%, peaking at 20% on April 8 and 9, 2020.

At the beginning of the pandemic, Baltimore City officials, including the Mayor's Office, the courts, and the Baltimore City, worked together to put an eviction moratorium into place; yet now, when the rates have been significantly higher, these entities are unwilling to work together to stop evictions from taking place. The courts have stopped hearing failure to pay rent cases until at least early March. Despite this fact, evictions continue to take place in Baltimore City, even as the pandemic rages on.

Eviction, particularly during a pandemic, is a public health crisis. After an eviction, tenants have limited options: move into communal emergency shelter spaces where COVID spread has historically been high; move in with family or friends, increasing the number of individuals per household and reducing the ability to quarantine if one becomes sick with the virus; or to move to a homeless encampment or otherwise be unstably housed. All of these options increase the likelihood that an individual will contract the virus.

Efforts have been made through the Eviction Prevention Program of the Baltimore City Community Action Partnership (BCCAP) and the Mayor's Office of Children and Family Success (MOCFS) to prevent evictions through rental assistance funding. So far, MOCFS and BCCAP have distributed \$24.1 million dollars, with another \$3 million pending.¹ However, rental assistance funding has been slow to reach tenants, with 23,000 rental households in Baltimore City still behind on the rent. Some tenants being approved for rental assistance after they have already been evicted from their homes. Other tenants apply for rental assistance and find out that their landlord refuses to cooperate with rental assistance programs, resulting in an eviction on their record when tenants are acting in good faith.

One method of handling this backup and overcoming the hurdles of landlords who refuse to receive rental assistance is to provide tenants with the rental assistance payments directly. And while tenants in one district of Baltimore City can receive payments directly from MOCFS and BCCAP, tenants in every other district cannot. This means that these tenants are left to fend for themselves and try to pay and avoid eviction against an ever-growing back balance.

HPRP asks that the committee work with the Mayor's Office, the courts, and the Baltimore City sheriff to stop evictions until this latest wave of the pandemic has subsided. Additionally, the council should ask MOCFS and BCCAP to ramp up payments to tenants directly to help them avoid eviction.

HPRP requests a favorable report on City Council Bill 21-0083R and urge the Baltimore City Council as well as the Mayor's Office to take action on evictions.

Sincerely,

Carisa A. Hatfield

Carisa A. Hatfield, Esq.
HPRP

¹ <https://dhcd.maryland.gov/>