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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,

On behalf of The Public Justice Center as a well as [Baltimore Renters United](#) please accept this written testimony. With Covid-19 numbers ravaging our city and federal funds still available to keep tenants in their homes, we are calling on Baltimore City Council with Mayor Scott, Sheriff Anderson and Administrative Judge Weinstein to suspend evictions as was done on March 12, 2020. By keeping people in their homes, not only does this curb the spread of Covid-19 but it also allows the Mayors Office of Children and Family Success (MOCFS) to make sure tenants who would be evicted but for a eviction moratorium are kept in their homes. The city has the money specifically designated to make sure tenants are not evicted. We just need to create an infrastructure so that the City can act quickly and effectively to prevent an eviction crisis.

Based on the [latest census data](#), 23,228 households in Baltimore City are facing a rent-based eviction. The average rent debt is \$2,500, for a total arrearage of \$58 million. As of two weeks ago, there were more people hospitalized in Maryland because of COVID than the previous high in January 2021.

Covid-19 and the eviction crisis has had, and will continue to have, a disparate impact on Black and Brown households without the City's involvement. This is not by happenstance. History is not something that has happened, it is currently happening. This country and this city's history of racial segregation, racist disinvestment, racist criminalization, and housing discrimination have all created the present that we live in. While persons of color comprise 52% of Maryland's population, 79% of those households impacted by the COVID eviction crisis are persons of color.

Without major changes we are looking at many citizens, the majority of whom are Black and Brown, will be on the streets even though we have the resources to stop that.

The City Council should take the following steps immediately:

- 1. Advocate to Suspend Evictions in accordance with the public health crisis of Covid-19:**
On March 12, 2020, then Mayor Young, together, with Sheriff Anderson and then Administrative Judge Waxman halted evictions citing the World Health Organization and the Centers for Disease Control declaring the COVID-19 outbreak a public health emergency. At the time, Baltimore City Health Commissioner Dr. Letitia Dzirasa was in agreement with the move stating that housing is one of the core “social determinants of health that impacts the health, safety, and well-being of all of our residents.” One of the biggest ways to make sure Covid-19 numbers remain low is to make sure people have homes to stay in. Being able to quarantine is one of the best ways to curb the spread of coronavirus. However, without a home that becomes almost impossible. As we have done before, we can do again, by working collaboratively with the Mayor, the Sheriff, and the Courts to suspend evictions during this rise of Covid-19 infections.
- 2. Advocate for the Mayor’s Office of Children and Family Success (MOCFS) To Pay Tenants Directly When Landlords Are Refusing to Cooperate with Rental Assistance:**
MOCFS has created a significant eviction prevention program from whole cloth. Creating a system that doles out funds for the purpose of curbing eviction is unprecedented and MOCFS has made great strides to make sure operations move smoothly. However, the requirement that MOCFS must pay landlords eviction prevention funds directly has kept many tenants from taking part in the program and has given landlords undue power to decide who gets to stay in their home and who does not. This was the case with a PJC client who is currently looking at eviction on January 31, 2022. The client, an after-school teacher, lost their full-time job at the beginning of the pandemic. Naturally, they fell behind on rent. They applied with MOCFS in Spring of 2021 to help pay for back rent. However, their landlord, Henderson-Webb, did not want to accept funds from MOCFS which forced MOCFS to withdraw the application. With their landlord unilaterally deciding that Client could not redeem their property as prescribed by law, they are facing eviction in 7 days. Client should not have to rely on their landlord to decide if they should be able to stay in their home if there is money to pay off their balance. MOCFS must begin paying tenants directly when landlords do not want to engage in the application process. Prince George’s County and Baltimore County make such direct-to-tenant payments with federal funds, and the Mayor’s Office previously stated that this policy would be changed by January 1, 2022. Yet, no such publicly available policy is in place.
 - a. **Policy Change Required: Pay the Tenant Directly When the Landlord Refuses.** To encourage landlords to participate in accepting funds and stopping evictions, federal regulations encourage local jurisdictions to pay tenants directly when the landlord refuses to participate in the program. This is part of the carrot-and-stick approach to ensuring landlords participate and keep people housed. MOCFS has declined to adopt this change in policy in a public manner and will not pay tenants when the landlord refuses assistance. MOCFS should change this policy and make direct-to-tenant payments available as most jurisdictions in Maryland are already doing.

3. Reiterate the need for the Sheriff's Office to post eviction complaints to doors of multi-family properties – not just the outside of the building as stated by the Attorney General:

It is incredibly important that eviction complaint notices – *i.e.*, the notice that informs you of an upcoming eviction trial date – be placed on the individual apartment door of the tenant and not just in the complex lobby or bulletin board. In accordance with the Attorney General, the correct interpretation of Real Property Code 8-401(b)(4) and Public Law Code 9-3 provides that notice of eviction must be affixed on the tenant's individual apartment. Affixing the notice on a tenant's individual unit gives them as much time as possible to make arrangements with their job or for alternative childcare so that they can come to court to challenge any eviction. Tenants need time to seek legal advice and representation when needed. It is fundamental to due process that people should be given fair notice when they are brought into court to potentially lose their home. The Sheriff used to post to the individual unit doors. They can do so again.

We cannot live in the past, where over 6,500 families each year were put out on the streets each year in Baltimore City. We have the resources to make sure that thousands of families remain in their homes.

Thank you again for the opportunity to testify. We urge the Baltimore City Council, the Sheriff, and the Mayor's Office to take action in the points stated above.

Economic and Community Development Committee
21-0036R: Informational Hearing - Avoiding an Eviction Crisis