

Human Rights and Justice for All

BALTIMORE CITY OFFICE

Sunny K. Desai, Esq. Chief Attorney sdesai@mdlab.org

Gary S. Herwig, Esq. Supervising Attorney General Legal Services gherwig@mdlab.org

Jeffrey L. Kaplan, Esq. Supervising Attorney General Legal Services jkaplan@mdlab.org

Cindy K. Ye, Esq. Supervising Attorney General Legal Services cye@mdlab.org July 13, 2021

Economic and Community Development Committee Baltimore City Council City Hall, Room 408 100 North Holiday Street Baltimore, MD 21202

RE: 21-0036R: Informational Hearing - Avoiding an Eviction Crisis

Madame Chair and Members of the Committee:

Thank you for the opportunity to testify in the informational hearing, "Avoiding an Eviction Crisis." Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. With 12 office locations, including Baltimore City, MLA handles civil legal cases involving a wide range of issues, including family law, housing, public benefits, consumer law (e.g., bankruptcy and debt collection), and criminal record expungements.

This letter serves as notice that Douglas E. Nivens II, Esq. will be testifying on behalf of MLA at Councilmember's Ramos's request. MLA is concerned about the steady rise in residential evictions and the need for greater coordination between State and local social services, the Department of Housing & Community Development, the District Court, and the Sheriff's Office.

We are facing a critical moment in the residential rental market. We have 2 eviction moratoriums set to expire within the next 4 weeks; increases in eviction filings in District Court; and a growing demand for new housing from a limited pool of safe, affordable options. Tenants who need to move are having a harder time finding a place to live. Even though we have rental assistance programs to keep people financially afloat, State and local social services are facing greater demands on their programs, resulting in delays in getting applications approved. As a result, we have tenants facing eviction for failing to pay rent while waiting for the City or State to issue a check to their landlord.

We need greater coordination among stakeholders so that tenants and landlords have ample time to receive rental assistance payments. We also need greater public messaging about the assistance available. Often, we see tenants in dire need of help but do not know where to go.

EXECUTIVE STAFF

Wilhelm H. Joseph, Jr., Esq. Executive Director

> Stuart O. Simms, Esq. Chief Counsel

Gustava E. Taler, Esq. Chief Operating Officer

Administrative Offices 500 East Lexington Street Baltimore, MD 21202 (410) 951-7777

(410) 951-7777 (800) 999-8904 (410) 951-7778 (Fax-Main)

(410) 951-7769 (Fax-Administrative/Domestic)

> (410) 951-7768 (Fax-Housing/Consumer)

> > www.mdlab.org 03.2021





We are also concerned about the rise in evictions for case types other than Failure to Pay Rent. Pre-pandemic, Failure to Pay Rent or "Rent Court" was the most popular eviction filing because it was quick, simple, and procedurally limited. The only issue was whether rent was due and owing. Now, that action has fallen out of favor because of the eviction moratoriums and delays in the Rent Court docket. Tenant holding over, breach of lease, and wrongful detainer cases are increasing. These actions varying in procedure but they are heard sooner than Rent Court. These actions do not carry the same tenant protections, such as a two-week notice before eviction and the right to redeem property (if the tenant pays back rent, then the tenant may stay in the property). Consequently, tenants have fewer defenses and may be evicted regardless of any rental assistance paid.

We encourage this Committee to explore how we can raise awareness of State and local rental assistance programs, increase coordination among stakeholders to prevent evictions due to nonpayment of rent, and give better protection to tenants facing eviction for cases other than Failure to Pay Rent.

Yours very truly,

/s/

Douglas E. Nivens II Staff Attorney 410-951-7777 dnivens@mdlab.org