

Department of Legislative Services
 Maryland General Assembly
 2021 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 910 (Senator Smith)
 Judicial Proceedings

COVID-19 Eviction and Housing Relief Act of 2021

This emergency bill makes numerous changes to and imposes various requirements relating to the eviction process in the State. Among other things, the bill (1) requires the Department of Housing and Community Development (DHCD) to compile, maintain, and publish on its website specified eviction data; (2) establishes a Maryland Rent Relief Fund to be administered by DHCD; (3) implements numerous requirements for landlords prior to initiating an eviction-related action; (4) establishes just cause eviction requirements and specified affirmative defenses; and (5) requires local sheriffs and constables that execute evictions to provide specified notice and assist with the collection and reporting of data. Although an emergency bill, numerous provisions have delayed effective dates; some are also subject to termination, as described in greater detail below.

Fiscal Summary

State Effect: General fund expenditures increase by *at least* \$302,700 in FY 2021. Future year general fund expenditures reflect annualization, ongoing costs, and \$1.0 million annually in FY 2022 through 2025 to capitalize the newly established fund. Special fund revenues and expenditures increase correspondingly. General fund revenues are not anticipated to be materially affected.

(\$ in millions)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
SF Revenue	\$0	\$1.0	\$1.0	\$1.0	\$1.0
GF Expenditure	\$0.3	\$1.4	\$1.4	\$1.4	\$1.4
SF Expenditure	\$0	\$1.0	\$1.0	\$1.0	\$1.0
Net Effect	(\$0.3)	(\$1.4)	(\$1.4)	(\$1.4)	(\$1.4)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local expenditures increase in some jurisdictions for additional staff to implement provisions required under the bill. Potential local government grant revenues and program/matching fund expenditures, as discussed below. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Meaningful.

Analysis

Bill Summary:

Data Collection and Publication (Emergency Provisions Effective upon Enactment)

DHCD, in consultation with the Judiciary and local sheriffs and constables charged with executing warrants of restitution or writs of possession, must collect, compile, maintain, and publish eviction data on DHCD's website. "Eviction data" means, in regards to specified actions, the (1) zip code and census tract of the subject premises; (2) date of execution of the warrant or writ; and (3) type of action from which the warrant or writ was issued.

DHCD must organize, format, and make the "eviction data" available for download, as specified, and must publish the monthly eviction data within 21 days following the end of each month.

A local sheriff or constable who is charged with the execution of warrants of restitution or writs of possession must (1) compile eviction data in a method and format designated by DHCD and (2) report eviction data monthly to DHCD within five business days after the end of a month.

Eviction Notice Requirement (Emergency Provisions Effective upon Enactment)

Sheriffs or constables must provide written notice of an eviction to a tenant, assignee, or subtenant at least 48 hours prior to executing a warrant of restitution for residential property by posting the notice on the front door of the premises. Notice must be provided, as specified, if the date is rescheduled. Similar provisions are established for persons residing in a mobile home or in actions relating to foreclosures.

Maryland Rent Relief Fund (Emergency Provisions Effective upon Enactment)

The bill establishes a special nonlapsing fund to be used for residential rent forgiveness and eviction prevention. The fund's purpose is to provide grants to support the residential

rent relief and eviction prevention efforts of local jurisdictions. DHCD must administer this fund. Local jurisdictions that receive grants from the fund must match the amount of the grant and either establish a residential rent forgiveness program that provides funds directly to landlords or establish an eviction prevention program that provides funds directly to renters.

Local jurisdictions that elect to provide funds directly to a landlord must reserve 10% of the program's funds for landlords that lease 10 or fewer units. However, local jurisdictions may distribute such reserved funding to a landlord that leases more than 10 units if the local jurisdiction is unable to distribute the funds to a landlord that leases 10 or fewer units.

Landlords that receive funds from the program to cover the unpaid rent of a tenant must (1) agree to forgive 20% of the past due rent owed by a tenant; (2) waive all fees and costs incurred by the tenant for failure to pay rent (including utility fees); and (3) not file for eviction as well as dismiss any complaint already filed against a tenant.

The fund consists of money appropriated in the State budget to the fund and any other money accepted for the fund's benefit. Interest earnings must be credited to the general fund. Money expended from the fund is supplemental to and not intended to take the place of funding for similar purposes that would have otherwise been appropriated.

These provisions remain in effect through April 30, 2025, after which time they are abrogated with no further action required by the General Assembly.

"Know Your Rights" Program

Beginning June 1, 2021, DHCD, in consultation with the Judiciary and appropriate stakeholders, must collect and compile information to help residential tenants and landlords understand their legal rights in an eviction proceeding. This includes:

- information on the legal rights of a tenant in an eviction proceeding, including that an eviction is a legal process and a landlord may not remove a tenant from the property without due process of law;
- affirmative defenses that are available to a tenant in an eviction proceeding;
- references to agency orders and executive orders currently in effect that alter the State's eviction proceedings;
- resources that are available to tenants who are facing a potential eviction;

- a sample fair and equitable payment plan for use in a failure to pay rent case; and
- additional information on the rights of tenants and landlords in eviction proceedings.

Under the bill, DHCD must:

- post the collected information on its website in English as well as other appropriate languages;
- distribute the information to stakeholders and the housing agencies of local jurisdictions;
- create a “Know Your Rights” document that summarizes the information and contains the website address to DHCD’s full collection of information; and
- update the information as needed and ensure that updated copies of the “Know Your Rights” document are distributed.

The Maryland Judiciary must post the information collected by DHCD on the Judiciary’s website in English as well as other appropriate languages.

The “Know Your Rights” document and collected information must include specific COVID-19 eviction prevention protections, including all in effect federal executive orders and agency orders (including the orders issued by the Centers for Disease Control and Prevention), and all in effect executive orders issued by the Governor of Maryland.

A landlord of residential property must (1) provide a current or prospective tenant with a “Know Your Rights” document when the landlord executes or renews a residential lease and (2) when the landlord files a complaint with the District Court seeking to evict a tenant, submit an affidavit stating that the landlord provided the tenant with a copy of the “Know Your Rights” document.

Eviction Moratorium (Emergency Provisions Effective upon Enactment)

The bill establishes a moratorium on residential evictions during the state of emergency declared by the Governor in the proclamation of March 5, 2020. “Evict” means to take any action, judicial or nonjudicial, to initiate, maintain, or enforce the removal of a tenant from residential property. The provisions are applicable only to residential leases. Pursuant to the provisions, a landlord may not evict a residential tenant during the moratorium. If the court finds that a landlord evicted a tenant in violation of the moratorium, the court may order the immediate restoration of the tenant’s quiet enjoyment of the residential property.

The provisions may not be construed as relieving any person of any obligation to make payments or to comply with any other obligation that the person may have under a lease.

These emergency provisions are effective from the date upon which the bill passes until one day after the Governor rescinds the March 5, 2020 “Declaration of State of Emergency and Existence of Catastrophic Health Emergency – COVID-19.”

Just Cause Evictions and Affirmative Defenses

The following provisions are effective upon the abrogation of the statewide eviction moratorium and remain in effect until April 30, 2022.

Just Cause Evictions: A landlord may not evict a tenant from a dwelling unit that is subject to a residential lease, written or oral, except for just cause. Just cause exists if:

- a tenant has caused a substantial breach of the lease or substantial damage to the leased premises or another area of the property and, after receiving notice to cure or correct the breach or pay the reasonable cost of repairing the damage, the tenant fails to comply;
- after receiving notice to cease, a tenant continues to engage in disorderly conduct that disturbs other tenants’ peaceful enjoyment of the premises;
- a tenant has engaged in illegal activity on the leased premises or on a public right-of-way abutting the leased premises;
- a tenant, without reasonable cause, refuses to grant the landlord access to the leased premises for the purpose of making repairs or improvements or inspecting the leased premises, or as otherwise authorized under the residential lease or applicable law;
- a landlord, in good faith, seeks to recover possession of the leased premises for use by the landlord or the landlord’s spouse, child, parent, or grandparent;
- a landlord, in good faith, seeks to permanently remove the leased premises from the rental market; or
- a landlord, after having obtained all necessary permits, seeks to undertake substantial repairs or renovations that cannot be completed while the leased premises are occupied.

A landlord may file to evict a tenant only after providing the tenant with no less than 60 days' notice. Such notice must state the just cause on which the action is based and be sent by first-class mail, return receipt requested. The basis for just cause must be included in the complaint filed in the District Court. The landlord must plead and prove the specific facts that demonstrate just cause. If the court finds that a landlord has evicted a tenant in violation of these provisions, the court may order the immediate restoration of the tenant's quiet enjoyment.

Affirmative Defense: A tenant may raise substantial loss of income, as specified, as an affirmative defense in an eviction proceeding. A court may not give any judgment for possession or repossession, or warrant for restitution of possession or repossession of residential property, if the tenant can demonstrate to the court, through documentation or other objectively verifiable means, that (1) a tenant has suffered a substantial loss of income and (2) due to the substantial loss of income, the tenant is unable to pay rent or utility fees, or will be homeless if the tenant is evicted. Similar provisions are established for tenant holding over and breach of lease actions. The fact that a tenant, or any other person permissibly cohabitating with the tenant, has a confirmed case of COVID-19 may not constitute a "clear and imminent danger" under specified statutory provisions regarding a breach of lease. Except for as specifically provided in these provisions, existing statutory provisions remain in effect in accordance with their terms. The provisions may not be construed as relieving any person of any obligation to make payments or comply with any other obligation under a lease.

Additional Requirement for Failure to Pay Rent Disputes (Emergency Provisions)

The following provisions are effective from the bill's date of enactment and terminate April 30, 2022.

Threshold Amounts: A landlord may not file a complaint for failure to pay rent under a residential lease if the tenant or tenants owe less than \$600 of unpaid rent, excluding any late fees or utility bills. The bill makes conforming changes regarding information that must be stated on written complaints.

Notice Requirements: Before a landlord can file a complaint for the repossession of residential property in failure to pay rent actions, the landlord must deliver a notice to the tenant, as specified, which includes:

- the date of the notice and a description of the manner of delivery of the notice;
- a description of the past due rent the landlord claims is due and owing, including the amount of rent due to the landlord, as specified;

- a request that the tenant take the following steps within 10 days after receipt of the notice: (1) notify the landlord of any substantial loss of income resulting from COVID-19 or the Governor’s related proclamation issued March 5, 2020, including substantial loss of income due to job loss, reduction in compensated hours of work, closure of place of employment, or the need to miss work to care for a home-bound, school-age child; (2) notify the landlord of the status of any application for rental assistance that the tenant intends to use to satisfy the amount of rent due and owing to the landlord; (3) if no application for rental assistance is pending, request an appointment with the landlord for the purpose of completing a rental assistance application; and (4) if the tenant has been found ineligible for rental assistance, set an appointment with the landlord to negotiate a payment plan through a neutral third-party mediator;
- the contact information for the landlord;
- a statement that the landlord may initiate an action for repossession of the rental property in the District Court if the tenant does not respond within 10 days after delivery of the written notice and that the tenant has the legal right to dispute the charges;
- contact information for local providers of rental assistance and free civil legal services; and
- contact information for the District Court’s Alternative Dispute Resolution Office and the District Court’s help centers.

During the 10 days after the day on which the notice is delivered, the landlord must make affirmative, good-faith efforts to cure the unpaid rent, including, as applicable, initiating an application for rental assistance or cooperating with the tenant’s application for rental assistance and, if the landlord cannot secure payment of the rent through an application for rental assistance, negotiating a fair and equitable payment plan or other agreement through the District Court’s Alternative Dispute Resolution Office. The requirements are satisfied if a tenant does not respond within 10 days after delivery of the notice, fails or refuses to participate, as specified, or materially breaches the terms of a payment plan or other agreement.

When filing a complaint for the repossession of a residential property, the landlord must also complete a statement on a new form provided by the District Court that:

- affirms and states the date that the landlord delivered the required notice;

- certifies that the landlord has no knowledge of a substantial loss of income suffered by the tenant related to COVID-19 or the Governor’s proclamation issued March 5, 2020, as specified;
- states that the landlord made an affirmative, good-faith effort to resolve the landlord’s claim through the application for rental assistance or negotiation of a payment plan or other agreement and has concluded these efforts;
- states the affirmative, good-faith effort that the landlord took, and the dates these efforts were initiated and completed; and
- states that all efforts made failed to satisfy the landlord’s claim for unpaid rent.

A tenant may challenge the contents of the statement provided by the landlord. and the court may dismiss the landlord’s complaint on a showing of sufficient cause for failure to comply. A judgment of possession issued against a tenant during the pendency of the March 5, 2020 proclamation may not be applied to the number of judgments necessary to foreclose a tenant’s right to redemption under specified provisions.

Prohibition on Rent or Fee Increases: Landlords are prohibited from increasing a tenant’s rent or charging a tenant specified fees, including late fees, during this period.

Permanent Threshold Amount Rent Requirements

Beginning May 1, 2022, a landlord may not file a complaint for failure to pay rent under a residential lease if the tenant or tenants owe less than \$600 of unpaid rent, excluding any late fees or utility bills. A landlord must state that the amount of unpaid or late rent is not less than \$600 on a complaint filed with the District Court.

Current Law: In general, a landlord seeking to evict a tenant initiates the process by filing the appropriate action (*e.g.*, failure to pay rent, breach of lease, *etc.*) in the District Court. If awarded a judgment by the court, the landlord files a warrant of restitution, which, once reviewed and signed by the court, authorizes an eviction. The warrants of restitution are forwarded to the local sheriff’s office, who is then authorized to carry out the evictions. Statute sets forth numerous specific requirements for such actions, including those related to written notice prior to filing certain actions.

In failure to pay rent actions, if judgment is in favor of the landlord and the tenant does not return the premises to the landlord or otherwise satisfy the judgment by paying the applicable rent and late fees within 4 days, as specified, the court must, at any time after 4 days have elapsed, issue a warrant of restitution. The court may, upon presentation of a

certificate signed by a physician certifying that surrendering the property within the 4-day period would endanger the health or life of the tenant or other occupant, extend the time for surrender of the premises as justice may require, up to 15 days. Statutory provisions also authorize stays of execution in other specified circumstances, such as in the event of extreme weather conditions.

If the landlord does not order a warrant of restitution within 60 days from either the date of judgment or the expiration date of any stay of execution (whichever is later), then (1) the judgment for possession must be stricken and (2) the judgment must generally count toward the threshold for the number of judgments at which a tenant no longer has the right to redemption of the leased premises, as specified.

State Expenditures: General fund expenditures increase for the Judiciary and DHCD by *at least* \$302,727 in fiscal 2021, as discussed below. General fund expenditures increase in future years to reflect continued staffing needs and costs associated with the newly established Maryland Rent Relief Fund and the associated grant program, including an estimated general fund appropriation of \$1.0 million annually through fiscal 2025 for the fund.

Department of Housing and Community Development

DHCD advises that current staff are unable to complete the requirements of the bill and that it requires additional staff to manage the monthly reporting of eviction data and to administer the new grant program and fund, along with additional contractual costs associated with the development of the database. Because the staffing needs are related to provisions that take effect immediately upon enactment, this analysis assumes that staffing is needed beginning on May 1, 2021, and that contractual costs are incurred in fiscal 2021.

Permanent Position	1.0
Contractual Position	1.0
Salaries and Fringe Benefits (including Contractual Position)	\$26,937
Other Contractual Costs for Database	75,000
Operating Expenses	<u>10,403</u>
FY 2021 DHCD Administrative General Fund Expenditures	\$112,340

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State’s implementation of the federal Patient Protection and Affordable Care Act.

In regards to expenditures associated with staffing, future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses. Future years also assume that the grant administrator position terminates April 30, 2025,

while the administrator charged with overseeing the eviction data is assumed to be a permanent position.

Although the bill does not specify a mandated appropriation or funding amount for the newly established fund, this analysis assumes that general fund expenditures increase by a minimum of \$1.0 million annually through fiscal 2025 to capitalize the special fund created by the bill in order to implement at least a modest program. Special fund expenditures increase correspondingly to reflect distributions to grant recipients (local governments). Although provisions regarding the rent relief fund are effective immediately upon enactment, this analysis assumes that funding is not provided until fiscal 2022.

The Department of Legislative Services (DLS) advises that DHCD operates similar programs funded from various sources, including federal funds sent to the State as a result of COVID-19 relief. DHCD provided more than \$150 million in COVID-19 relief to households, businesses, and nonprofits in fiscal 2020 and 2021. Additional information concerning the funding for rental services programs and housing relief may be found in the [Fiscal 2022 DHCD Operating Budget Analysis](#). Because the bill specifies that money expended from the fund is supplemental to and not intended to take the place of funding that would otherwise be appropriated, for purposes of this fiscal and policy note, it is assumed that these programs are unaffected by the bill.

Judiciary

The Judiciary advises that additional constables (State employees who process evictions in Baltimore County only) and computer programming costs are required to implement the notice requirements as described in the bill. Accordingly general fund expenditures increase by *at least* \$190,387 in fiscal 2021 for the Judiciary to hire three constables (which assumes a start date of May 1, 2021) and for one-time start-up costs (including computer programming costs) and ongoing operating expenses. This estimate accounts for the bill's effective date.

Positions	3.0
Salaries and Fringe Benefits	\$39,753
Operating Expenses	15,604
One-time Programming Costs	<u>135,030</u>
Minimum FY 2021 Judiciary General Fund Expenditures	\$190,387

Future year administrative expenditures are estimated at a minimum of \$228,000 annually. Although the bill creates additional compliance requirements that may result in fewer cases being filed overall, the Judiciary notes that forms and procedures associated with such requirements must be reviewed by clerks and judges, likely increasing the level of effort associated with each case. The Judiciary also notes that landlord-tenant matters routinely

represent a high volume of the cases filed in the District Court each year. For example, in fiscal 2019, 669,427 failure to pay rent cases were filed in the State; that same year, 230,968 landlord-tenant cases resulted in a warrant of restitution. Workloads associated with the clerks' offices are likely particularly affected in the larger jurisdictions (Baltimore City and Montgomery and Prince George's counties) that have not yet completed integration of the Maryland Electronic Court System. Accordingly, general fund expenditures may also increase minimally (in addition to the programming and staffing costs noted above) to reflect the increased workload for the District Court. DLS notes that the notice provisions in the bill may also result in more individuals using related District Court resources, such as the Alternative Dispute Resolution Office. This estimate does not reflect any expenditures potentially associated with such an impact.

State Revenues: Any impact on the number of cases filed has a corresponding impact on general fund filing fee revenues collected by the Judiciary (as well as to special fund revenues from surcharges imposed on filing fees). General fund revenues also increase from any investment earnings of the fund. The overall impact on general fund revenues is assumed to be immaterial.

Special fund revenues increase by a minimum of \$1.0 million annually through fiscal 2025 to reflect receipt of the general fund expenditures used to capitalize the fund.

Local Fiscal Effect: Expenditures increase in some jurisdictions to hire additional sheriffs to implement the requirements of the bill. For example, Prince George's County, one of the jurisdictions with the largest number of landlord-tenant filings in the State, estimates that the county needs to hire three additional sheriffs and one administrative staff to fully implement the provisions under the bill, specifically the provisions that require the posting of notice prior to evictions and to collect and report specified eviction data. Costs associated with these positions are estimated at a minimum of \$334,000 annually.

The bill establishes that jurisdictions that elect to implement programs for rental assistance or eviction programs may receive grants from the State through fiscal 2025 (after which the fund/program terminates), but they are required to match those funds. Accordingly, local government revenues and expenditures increase for local jurisdictions that implement such programs and are awarded State funding.

Small Business Effect: Landlords are subject to more stringent requirements in failure to pay rent actions, including notice requirements and threshold amounts of past due rent required prior to filing. Landlords may also benefit to the extent that more tenants are referred to programs that facilitate rent payments or assistance.

Additional Comments: On March 5, 2020, Governor Lawrence J. Hogan, Jr., declared a state of emergency and catastrophic health emergency in an effort to control and prevent

the spread of COVID-19. The state of emergency was most recently renewed on January 21, 2021. For additional information, see the **Appendix – COVID-19**.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 1312 (Delegate Wilkins) - Judiciary and Environment and Transportation.

Information Source(s): Montgomery and Prince George's counties; City of Havre de Grace; Maryland Association of Counties; Judiciary (Administrative Office of the Courts); Department of Housing and Community Development; Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2021
an/jkb

Analysis by: Donovan A. Ham

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

Appendix – COVID-19

In December 2019, a novel strain of coronavirus known as severe acute respiratory syndrome coronavirus 2 emerged in Wuhan, China. Coronavirus disease (COVID-19) is an infectious disease caused by this virus. As the number of cases spread globally by March 2020, the World Health Organization declared COVID-19 a pandemic.

Testing, Cases, and Deaths in Maryland

Maryland's first three confirmed cases of COVID-19 were recorded on March 6, 2020, with the first two deaths occurring March 16, 2020. As of January 27, 2021, Maryland reported a total of 346,559 confirmed cases, 31,468 individuals ever hospitalized, and 6,821 confirmed deaths. The jurisdictions with the highest number of cases have been Prince George's, Montgomery, and Baltimore counties and Baltimore City. Statewide, 8.4% of cases (28,954) and 45.9% of COVID-19 deaths (3,130) occurred in congregate living settings (*i.e.*, nursing homes, assisted living, and group homes). Updated data on COVID-19 in Maryland is available on the Maryland Department of Health (MDH) dashboard: <https://coronavirus.maryland.gov>.

Vaccines

In December 2020, the U.S. Food and Drug Administration approved both Pfizer-BioNTech and Moderna's COVID-19 vaccines for emergency use. Due to limited quantities, distribution began with priority groups as determined by states. Maryland began distribution in January 2021 with Phase 1A, which includes health care workers, residents and staff of nursing homes, first responders, public safety, corrections staff, and front-line Judiciary staff. Phase 1B began January 18, 2021, and includes residents of assisted living facilities and other congregate settings, adults age 75 and older, staff of K-12 schools and child care facilities, high-risk incarcerated individuals, and those involved in continuity of government. As of January 27, 2020, the State is in Phase 1C, which includes adults aged 65 and older, additional public safety and public health workers, and essential workers in food/agriculture, manufacturing, public transit, and the postal service. Phase 2 will include individuals aged 16 to 64 at increased risk of severe illness, incarcerated adults, and remaining essential workers. Phase 3 will include the general public. As of January 27, 2021, 852,625 doses of the vaccine have been distributed, and 419,579 doses have been administered (363,282 first doses and 56,297 second doses). Updated data is available on the MDH dashboard: coronavirus.maryland.gov/#Vaccine.

Declaration of a State of Emergency and Initial Executive Orders

On March 5, 2020, Governor Lawrence J. Hogan, Jr. declared a state of emergency and the existence of a catastrophic health emergency to deploy resources and implement the emergency powers of the Governor to control and prevent the spread of COVID-19. The declaration, which has been renewed several times (most recently January 21, 2021), initiated a series of executive actions, including moving the Maryland Emergency Management Agency to its highest activation level, activating the National Guard, and closing all public schools. The Governor then ordered the closure of in-house dining at bars and restaurants and banned mass gatherings of more than 50 people. This action was followed by a more extensive stay-at-home order on March 30, 2020, requiring closure of all nonessential businesses. This order remained in effect until May 15, 2020.

Emergency Legislation

Chapters 13 and 14 of 2020 (the COVID-19 Public Health Emergency Protection Act of 2020) authorized the Governor, for the duration of the emergency, to take actions relating to health insurance, Medicaid, retailer profits, employer actions, and personnel at State health care facilities as a result of the state of emergency and catastrophic health emergency. The Acts also authorize the Secretary of Labor to determine certain individuals eligible for unemployment insurance (UI) benefits due to COVID-19. The Acts terminate April 30, 2021.

Subsequent Executive Orders and Advisories

Since March 2020, the Governor has issued numerous executive orders relating to COVID-19, including (1) closing Maryland ports and harbors to passenger vessels; (2) expanding child care access; (3) expanding the scope of practice for health care practitioners, activating the Maryland Responds Medical Reserve Corps, controlling and restricting elective medical procedures, closing adult day care centers, and providing additional health care regulatory flexibility; (4) augmenting emergency medical services; (5) prohibiting price gouging; (6) fast tracking lab testing processes; (7) authorizing expanded telehealth services; (8) delegating authority to local health officials to control and close unsafe facilities; (9) extending certain licenses, permits, and registrations; (10) authorizing remote notarizations; (11) prohibiting evictions of tenants suffering substantial loss of income due to COVID-19, additionally prohibiting certain repossessions, restricting initiation of residential mortgage foreclosures, and prohibiting commercial evictions; (12) regulating certain businesses and facilities and generally requiring the use of face coverings; (13) establishing alternate health care sites and authorizing regulation of patient care space in health care facilities; and (14) implementing alternative correctional detention and supervision.

Federal Legislation Regarding COVID-19

Five federal emergency bills have been enacted to address the COVID-19 pandemic:

- the **Coronavirus Preparedness and Response Supplemental Appropriations Act**, which provided \$8.3 billion in emergency funds for federal agencies (including \$950 million through the U.S. Centers for Disease Control and Prevention for state and local response);
- the **Families First Coronavirus Response Act**, which addressed emergency family and medical leave and paid sick leave, specified insurance coverage of COVID-19 testing, and provided additional funding for nutrition assistance programs and unemployment benefits;
- the **Coronavirus Aid, Relief, and Economic Security (CARES) Act**, which included a Coronavirus Relief Fund for state and local governments; an Education Stabilization Fund for states, school districts, and institutions of higher education; a Disaster Relief Fund for state and local governments; additional funding for public health agencies to prevent, prepare for, and respond to COVID-19; funding for transit systems; an expansion and extension of eligibility for UI benefits, and additional temporary unemployment compensation of \$600 per week; \$349 billion for the establishment of the Paycheck Protection Program (PPP); a \$500 billion lending fund for businesses, cities, and states; and Economic Impact Payments to American households of up to \$1,200 per adult and \$500 per child;
- the **Paycheck Protection Program and Health Care Enhancement Act**, which provided an additional \$310 billion to PPP, \$75 billion for health care providers, \$60 billion for small business disaster loans, and \$25 billion for increased testing capacity; and
- the **Consolidated Appropriations Act, 2021, and Other Extensions Act**, which included \$908 billion in relief, including another \$284 billion for PPP, \$82 billion for schools, \$45 billion for transportation, \$25 billion in emergency assistance to renters, \$20 billion for vaccine distribution, \$13 billion for a major expansion in Supplemental Nutrition Assistance benefits, \$13 billion for agriculture and rural programs, \$10 billion for child care assistance, extended federal unemployment benefits of up to \$300 per week, extended the federal moratorium on evictions through January 31, 2021, and provided a second stimulus payment of up to \$600 per person.

Federal Funding for Maryland to Address COVID-19

The CARES Act and the Families First Coronavirus Response Act provided Maryland with a significant amount of federal aid. More than \$6 billion in assistance has been made available to the State and local governments, including an enhanced federal matching rate for Medicaid. More than \$900 million was directly provided to local governments. The largest and most flexible portion of CARES Act funding is the Coronavirus Relief Fund, which totals \$2.3 billion, \$691 million of which was allocated directly to Baltimore City and Anne Arundel, Baltimore, Montgomery, and Prince George's counties.

CARES Act funding also included \$800 million for the Disaster Recovery Fund; \$696 million for transit grants; \$575 million in enhanced Medicaid matching funds (through December 2020); \$239 million in CDC grants; \$108 million for airports; \$74 million for community development block grants; \$50 million for homelessness assistance; \$46 million for grants for local education agencies and higher education institutions; \$46 million for child care and development block grants; \$36 million for public housing and rental assistance grants; \$24 million for community health centers; \$20 million for senior nutrition; \$19 million for energy assistance; \$18 million for justice assistance grants; \$17 million for administration of the UI program; \$14 million for community service block grants; \$13 million for emergency food assistance; \$8 million for Head Start; \$8 million for the Women, Infants, and Children program; and \$7 million for election security.

The Consolidated Appropriations Act is estimated to provide Maryland with \$1.2 billion for education (including \$869 million for K-12 education, \$306 million for higher education, and \$57.7 million for the Governor's Fund); \$1.1 billion for transportation (including \$830.3 million for transit in the Washington, DC area, \$149.3 million for highways, \$76.2 million for transit in Baltimore, \$22.5 million for airports, and \$9.1 million for rural area grants); more than \$475 million for health (including \$335.6 million for testing, \$75.3 million for vaccines, \$32.6 million for mental health assistance, and \$31.9 million for substance use assistance); \$402.4 million for rental assistance; and \$140.6 million for human services (including \$130.4 million for child care).