



Testimony in SUPPORT of HB 52: Real Property – Alterations in Actions for Repossession and Establishment of Eviction Diversion Program

Mary Bradford on behalf of Beyond the Boundaries

Position: FAVORABLE

Beyond the Boundaries is an Archdiocese of Baltimore program with members from churches throughout Maryland. We recognize the need for Catholic organizations to advocate for social justice, especially as it relates to stable and permanent housing. The United States Conference of Catholic Bishops has repeatedly stated that to effectively love our neighbor, we must care for the conditions in which they live, and we must acknowledge decent housing as a human right.¹ “Since decent housing is a human right, its provision involves a public responsibility.”² Such public responsibility includes providing Maryland tenants an eviction process that promotes fairness and housing stability. HB 52 does just that. Therefore, we urge the committee to vote favorably.

Maryland is in a housing crisis, and there is a tsunami of evictions on the horizon after the moratorium is lifted.³ As a result of the COVID-19 pandemic, an estimated 109-204,000 Maryland households were at risk of eviction at the end of 2020.⁴ Meanwhile, 41 percent of Maryland renter households, pre-pandemic, were cost-burdened, meaning they paid 35% or more of their income for housing costs. In FY 2019, there were 669,778 eviction cases filed in Maryland – that is 5 cases filed per cost-burdened household. The struggle to maintain a home in a crisis has become undeniable. Maryland needs a fairer “Failure to Pay Rent” eviction process, one that focuses on housing stability instead of housing loss. We urge the Committee’s favorable report on this bill.

HB 52 brings 3 greatly needed procedural changes to Maryland’s high-volume “Failure to Pay Rent” (“FTPR”) eviction dockets.

- It establishes a 10-day notice period before a FTPR eviction can be filed and requires landlords to attempt alternative resolutions (rental assistance, mediated payment plans) as preconditions to bringing their eviction case.

- It creates a 2-part court process:

¹ <https://www.usccb.org/resources/right-decent-home-pastoral-response-crisis-housing>

² <https://www.usccb.org/resources/right-decent-home-pastoral-response-crisis-housing>

³ https://www.marylandattorneygeneral.gov/A2JC%20Documents1/AG_Covid_A2J_TF_Report.pdf (pgs 17-18)
<https://nlihc.org/coronavirus-and-housing-homelessness/eviction-update> (click Maryland)

⁴ Stout Risius Ross, LLC, Estimation of Households Experiencing Rental Shortfall and Potentially Facing Eviction, <http://bit.ly/stoutevictiondata> (select “Maryland” in drop-down menu).

- It uses a status conference, before any trial date, to engage litigants in an Eviction Diversion Program (involving mediation, legal assistance, and rental assistance) and
 - If a trial is needed, the bill gives tenants a formal time in the court process to assert their defense and request documents that will be used against them at trial.
- It provides judges discretionary power to stay evictions in emergency circumstances.

Overall, HB 52 emphasizes up-stream methods of diverting parties from eviction. The bill promotes early engagement, alternative resolutions, and effective use of public resources – including both rental assistance and free legal services. It also strengthens the fairness of the FTPR eviction process without unduly delaying landlords’ right to repossess a property through the courts. A [2015 study](#) of one of Maryland’s high-volume “rent courts” found that almost 60% of surveyed renters who appeared at their FTPR trial had a valid defense against their case based on having notified their landlords about severe, continuing housing defects. But about two-thirds of these defendants did not know about habitability-based defenses, namely, rent escrow and implied warranty of habitability defenses. Moreover, the court process itself did not avail these renters a meaningful opportunity to be heard:

At the outset, 168 surveyed renter-defendants appeared at the court building having complained to their landlords about one or more existing threats to health and safety. Instead of bringing forward 168 prima facie implied warranty or rent escrow defenses, these renters were largely diverted to other outcomes. Barely a third of them attempted their available defenses, and only 13 succeeded – yielding an abysmal eight-percent success rate.⁵

We know that evictions and housing instability have lasting impact on Marylanders. In a 2019 assessment on homelessness in Baltimore City, 22% of people surveyed reported evictions as the primary cause for their current homelessness.⁶ According to a report from the Aspen Institute, “children who switch schools frequently due to instability or homelessness are more likely to struggle academically and display behavioral problems, less likely to graduate from high school, and earn less than their peers as adults.”⁷ Furthermore, in 2019 nearly 10 percent of youth entered foster care due to their families experiencing housing instability.⁸ Fixing Maryland’s eviction system to allow for early engagement with tenants, alternative resolution to disputes, and effective use of rental and legal resources will lead to reduced evictions and greater housing stability. As Pope Francis made clear during his visit to Washington DC in 2015, “There is no social or moral justification, no justification whatsoever, for the lack of housing.”

Now is the time to fix Maryland’s massive eviction system. HB 52 is part of that fix, creating a paradigm shift in the state’s massive eviction dockets. **We urge the Committee’s FAVORABLE report on HB 52.**

⁵ Public Justice Center, *Justice Diverted: How Renters Are Processed in the Baltimore City Rent Court* 36 (2015), <https://abell.org/sites/default/files/files/cd-justicediverted216.pdf>.

⁶ https://homeless.baltimorecity.gov/sites/default/files/PIT%20Report%20Draft%202019_Update%208.30.19_Update.pdf

⁷ <http://www.aspenepic.org/wp-content/uploads/2019/05/Housing-Affordability-and-Stability-An-EPIC-Challenge.pdf>

⁸ https://abell.org/sites/default/files/files/Baltimore%20RTC%20Report_FINAL_5_8_2020.pdf