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The Honorable Luke Clippinger
Chairman of the Judiciary Committee
House Office Building
Annapolis, Maryland 21401

**RE: Maryland Legal Aid Written Testimony in Support of HB 1312 – COVID-19
Eviction and Housing Relief Act of 2021**

Dear Mr. Chairman and Members of Committee:

Thank you for the opportunity to testify in support of HB 1312. Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. 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 to remove child custody barriers, a driver's license, and employment. Maryland Legal Aid supports House Bill 1312 and asks that this committee give it a favorable report.

This letter serves as notice that Harrison Mont, Esq. will testify in support of House Bill 1312 on behalf of MLA at Delegate Wanika B. Fisher's request. This bill seeks to protect and promote Maryland families' housing stability during the COVID-19 global pandemic and any future events that cause a state of emergency. This bill prohibits charging late fees on rent for tenants impacted by an event that results in the declaration of a state of emergency. This law would provide families facing hardship with immediate relief from late fees and provide a recovery path after the emergency period has ended. It would also protect the human right to safe and secure housing as outlined in the International Covenant on Economic, Social, and Cultural Rights.

In 2019 alone, MLA represented clients in over 4,000 Maryland housing cases, many of which had eviction prevention as the central issue. While these pre-pandemic numbers are dire, when courts resume full operations, a more significant eviction filings surge is feared. HB 1312 will serve to lessen that flood of evictions and ensure better protection for tenants' rights.

Having the data regarding evictions is a vital tool in ameliorating the eviction crisis. Currently, Maryland's data regarding eviction is notably lacking. In tracking evictions nationwide, Princeton's Eviction Lab only found complete data for Garrett, Caroline, and Prince George's counties.¹ This is in stark comparison to the multitude of states

¹ Eviction Lab, Eviction Map, <https://evictionlab.org/>

where the Eviction Lab found accurate and complete eviction data. Before the pandemic, studies carried out by the Public Justice Center concluded that, in Baltimore City alone, over 6,000 evictions occur every year. Due to the pandemic's economic devastation, MLA expects a substantial increase in the number of evictions unless action is taken. Housing advocates need the data on evictions that HB 1312 will provide to create solutions to evictions challenges caused by this pandemic and beyond.

The price of eviction is high, on both the individual and on society as a whole. Without a home, it is hard for an individual to stay employed, it is hard for a student to succeed in school, and it may be impossible for a family to stay safe and warm. Housing instability destroys communities, removing long-standing neighbors and changing the culture of an area. Ultimately, the cost of this devastation is borne by the state, which must provide shelter and aid to homeless families.

HB 1312 decreases the costs of eviction and seeks to maintain stability for Maryland communities. This bill requires the sheriff to give tenants 48-hours' notice, allowing tenants to either prepare themselves for evictions, pay off the outstanding balance, or redeem before eviction. As the law currently stands, there is no notice requirement, leaving tenants unsure when they will be kicked out of their homes and lose their possessions. HB 1312 provides a rent relief fund, creating more avenues for the tenant to pay and the landlord to receive rent. Also, by setting the minimum amount of rent due to \$600, HB 1312 ensures that individuals and the state do not bear these costs unless there is a severe issue of late payment of rent. These provisions help avoid the extreme act of eviction.

This bill also extends the affirmative defense for failure to pay rent established by the Governor's order. The order currently allows a tenant to prevent an eviction during the state of emergency by proving a substantial loss of income due to COVID. Ensuring that tenants already financially damaged by COVID are not further devastated by eviction. However, many landlords have found a way around this protection of tenants by pursuing tenant holding over actions. These actions are intended to occur when a tenant stays beyond the term of their lease. However, because many tenants have month-to-month tenancies, landlords can use tenant holding over actions to evict tenants unable to pay rent due to COVID. District Courts are currently hearing tenant holding over cases throughout Maryland. HB 1312 corrects this issue, closing a loophole in the moratorium.

Housing is a human right. Article 25 of the Universal Declaration of Human Rights declares that “[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including...housing”.² HB 1312 takes steps necessary to provide housing stability and prevent furthering the eviction crisis during a pandemic.

Thank you for your consideration of this written testimony. MLA urges a favorable report on HB 1312.

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² Committee on Economic, Social, and Cultural Rights, General Comment 4 , U.N. Doc. E/1992/23 (1991)