



Empowerment. Integration. Equality.

1500 Union Ave., Suite 2000, Baltimore, MD 21211

Phone: 410-727-6352 | Fax: 410-727-6389

www.DisabilityRightsMD.org

HB0367 - Landlord and Tenant – Repossession for Failure to Pay Rent- Rental Assistance Programs

**Hearing before the House Environmental and Transportation Committee,
Feb. 8, 2022**

Position: SUPPORT (FAV)

Disability Rights Maryland (DRM – formerly Maryland Disability Law Center) is the Protection & Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM works to increase opportunities for Marylanders with disabilities to be part of their communities and to live in safe, decent, affordable and accessible housing.

DRM supports HB0367, the purpose of which is to intervene and assist Maryland renters who have been financially impacted during the COVID-19 pandemic. HB0367 provides a mechanism which strives to prevent unnecessary evictions and displacement of families by directing tenants and landlords to rental assistance programs, which the federal government has allocated for this very purpose. In addition, HB0367 would reduce the filing of complaints under § 8-401, and judgments entered both of which can have negative consequences for tenants regardless of whether the rent is ultimately paid. Limiting the use of the court system when rental assistance is available, and judicial intervention is not needed, is another clear benefit of this bill.

The Maryland Department of Housing and Community Development announced on December 1, 2021, the Emergency Rental Assistance Program had approved \$178.1 million to assist nearly 28,000 renter households affected by the COVID-19 pandemic as of October 31. This was approximately 37% of the funds the federal government provided to keep Marylanders in their homes. There is no reason for landlords to use § 8-401 – the summary ejectment statute for Failure to Pay Rent, as a first step in collecting rent, given the availability of these funds for numerous tenants impacted by COVID-19.¹

Especially for renters with disabilities, it is imperative that landlords' direct tenants to

¹ MD DHCD, [Maryland Department of Housing and Community Development Announces 178.1 Million in Rental Assistance Funding](https://news.maryland.gov/dhcd/2021/12/01/maryland-department-of-housing-and-community-development-announces-178-1-million-in-emergency-rental-assistance-funding-provided-for-tenants-and-landlords-affected-by-covid-19-pandemic/), <https://news.maryland.gov/dhcd/2021/12/01/maryland-department-of-housing-and-community-development-announces-178-1-million-in-emergency-rental-assistance-funding-provided-for-tenants-and-landlords-affected-by-covid-19-pandemic/> (noting specific local programs were not included in these numbers)

rental assistance programs which can help ensure that people with disabilities maintain housing in the community, and are not forced into institutional settings – such as nursing homes, state hospitals, jails or prisons – as a result of being evicted for failure to pay rent. Persons with disabilities are overwhelmingly rent-burdened compared to their non-disabled peers and face greater housing insecurity.² People with disabilities also faced significant loss of income at a higher rate during the COVID-19 pandemic than their abled peers.³ For the disability community, accessing and utilizing rental assistance programs may be the difference between remaining independent in their own communities or being institutionalized.⁴

HB0367 Requires Information About Rental Assistance Programs Be Part of Any Notice to Evict for Failure to Pay Rent

Maryland law requires that, before filing a Complaint under § 8-401, a landlord must provide to the tenant a written notice of intent to file a summary ejectment action under § 8-401, if the tenant does not cure within ten days of the landlord providing the notice. This bill would require landlords to inform their tenants on how to apply to rental assistance programs as part of the notice – an efficient use of the ten-day notice period, it also ensures that landlords learn about these programs, if they're not currently aware of them. This essential information would be a lifeline to families potentially facing a loss of housing.

HB0367 Requires the Landlord to Participate in the Rental Assistance Program

Under this bill, if the landlord does not receive notice that the tenant has applied for the Rental Assistance Program, then the Landlord is required to apply for a rental assistance program after 14 days. The landlord is then required to wait until 45 days after the application to see if they have been approved, until they may file a complaint with the Court. This bill requires landlords to participate in the program and prioritizes tenants staying in their homes, while eliminating the current option pattern of filing summary ejectment cases as a matter of course.

There have been cases of landlords refusing to accept money from the rental

² The current Social Security Income payment is \$794 a month, while the average price of a 1 bedroom in Maryland is \$1247, or 157% of a disabled person's income, leaving no money for food, transportation, clothing, or other necessities. Technical Assistance Collaborative, [Priced Out: The Housing Crisis for People with Disabilities](https://www.tacinc.org/resources/priced-out/), <https://www.tacinc.org/resources/priced-out/> (2021).

³ In 2020, 1 out of 5 people with disabilities lost their employment compared to 1 out of 7 people without disabilities. U.S. Bureau of Labor Statistics, [Persons with a Disability: Labor Force Characteristics Summary](https://www.bls.gov/news.release/disabl.nr0.htm), <https://www.bls.gov/news.release/disabl.nr0.htm>

⁴ K. C. Lakin, S. Larson, P. Salmi, and A. Webster (2010). [Residential Services for Persons with Developmental Disabilities: Status and Trends through 2009](http://rtc.umn.edu/docs/risp2009.pdf), University of Minnesota, <http://rtc.umn.edu/docs/risp2009.pdf>

assistance program, thus, forcing tenants out of their homes simply because they have been financially impacted by the COVID-19 pandemic. The purpose of the CARES Act and the new rental assistance programs is to protect public health by keeping impacted families in their homes and off of the streets.⁵ There is no reason not to ensure that this program is used for its purpose, which is to keep families housed.

Disability Rights Maryland is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE on HB0367**. If you have any questions, please contact:

Corinne “Cory” Warren, Esq.
Disability Rights Maryland
1500 Union Ave
Suite 2000
Baltimore, MD 21211
410-727-6352
Cwarren@disabilityrightsmd.org

⁵ Sheen J, Nande A, Walters EL, et al. The effect of eviction moratoriums on the transmission of SARS-CoV-2. *medRxiv*. 2020; 10.1101/2020.10.27.20220897. Accessed November 11, 2020