

20-0625 Landlord-Tenant - Right to Counsel in Eviction Cases - Annual Report

20-0625 Summarized

City Council Bill 20-0625 Landlord-Tenant - Right to Counsel in Eviction Cases was enacted December 2nd, 2020 and went into effect April 2, 2021, the Ordinance must be fully implemented by DHCD within four years. The legislation provides eligible tenants with access to counsel in eviction proceedings.

Implementation Design

Since enactment, DHCD has been working with legal assistance providers to design the implementation of the program, as well as create an education and outreach plan.

Currently, DHCD is working with legal assistance providers, a benefits coordinator and community advocates to design the implementation of the RTC program. We are also working to develop a "single point of entry" legal services delivery model in collaboration with Baltimore City legal providers who will provide counsel.

Implementation Considerations

It is important to note that per the legislation "Legal representation is subject to the appropriation of funds in accordance with the City Charter." Historically, a number of legal assistance providers receive Community Development Block Grants (CDBG) funds to provide legal services. We anticipate an increasing demand for the services they provide as the courts resume processing eviction cases.

Funding to Date

DHCD has allocated \$2.4M in CDBG-CV1 funds for Legal Services Eviction Prevention (LSEP). There are currently three organizations under contract for \$250,000 each and a fourth organization that will be funded at \$190,000, per the organization's request. This represents a total allocation of \$940,000 in Round 1 LSEP funding. All four contracts are working their way through the Board of Estimates (BOE). It is anticipated they will clear BOE before the end of 2021. Of note, 80% of this original allocation of CDBG-CV1 funds must be expended prior to July 1, 2023. To date, no CDBG-CV1 funds have been expended and no beneficiary data has been reported. \$1,460,000 of LSEP funds remain to be allocated.

Brandon M. Scott, Mayor • **Alice Kennedy**, Acting Housing Commissioner

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Groups receiving CDBG-CV1 funds for legal services associated with the RTC program:

1. Public Justice Center
2. Disability Rights Maryland
3. Maryland Legal Aid Bureau
4. Pro Bono Resource Center of Maryland

Right to Counsel Workgroup

In addition to identifying short term funding for the RTC program DHCD has established a Right to Counsel Work Group and sub-committees to assist with implementation & outreach. Right to Counsel Work Group members include representatives from the following organizations:

1. Public Justice Center
2. ProBono Resource Center
3. Maryland State Bar Association
4. Maryland Legal Aid Bureau
5. Disability Rights Maryland
6. Health Care for the Homeless
7. United Workers

Since the Right to Counsel (RTC) legislation went into effect, DHCD has taken several steps towards its implementation. Agency activities and reporting requirements mandated by the legislation cover the prior fiscal year (July 1, 2020, through July 1, 2021).

Workgroup Meeting Dates

1. 5/26/21- RTC Implementation Workgroup
2. 8/5/21- RTC Implementation Workgroup
3. 9/2/21 - RTC Implementation Workgroup
4. 9/30/21 – RTC Implementation Workgroup
5. 10/28/21 - RTC Implementation Workgroup

Subcommittees

The Education and Outreach Subcommittee was tasked with developing strategies, messages, and tools to increase awareness, understanding and demand for renters' rights to legal counsel as defined by the Renters' Right to Counsel initiative.

The Subcommittee members included representatives from Baltimore Renters United, the Maryland Legal Aid Bureau, Homeless Persons Representation Project, Health Care for the Homeless, ProBono Resource Center, and DHCD.

The group met weekly from April to early June 2021. During that time, we:

- Reviewed current sources of information such as the Baltimore City Sheriff's Office's *Failure to Pay Rent Notice*, Maryland Legal Aid's training materials, a Baltimore City Legal Services information sheet, and Baltimore Neighborhoods, Inc. *Evictions in Baltimore City* brochure.
- Drafted a double-sided one-paged information sheet representing currently available resources.
- Strategized on what audiences (renters, community-based organizations, neighborhood associations, housing advocates, Help Lines such as 211) we should be reaching and how to reach them most effectively.
- Decided that the initiative should consider developing materials for landlords and landlord advocacy groups to inform them of renters' rights and the city's commitment to rendering that assistance.

Beginning in June, the group postponed future meetings because of uncertainty on how the referral process would flow, the roles that different member groups would play, the extent of support members would receive to fulfill those roles, and consequently the phone numbers and website addresses we should refer people to. The members continued participating in the larger Renters' Right to Counsel meetings chaired by Acting Commissioner Alice Kennedy.

Committed Funding

CDBG-CV1 dollars – approximately \$2.4M, must be spent by July, 1, 2023.

Recommendations:

DHCD recommends the creation of an additional position within the agency to assist tenants facing eviction. Currently, much of our renter assistance is done ad-hoc by our Tax Sales Services Coordinator and the HHP division. A dedicated position to focus on tenant outreach, referral to existing programs, and liaison with organizations would be impactful in implementing this legislation geared toward supporting tenants.

Additional information:

In the past year, the Baltimore City Council and the Maryland General Assembly passed additional tenant protections. The General Assembly passed House Bill 18 which provides tenant access to counsel at the State level.

In September 2021 the Mayor Announced details of the Baltimore City Pandemic Rent Court Program, which is focused on preventing evictions by connecting people and families facing eviction with resources and support at the courthouse. The Baltimore City Pandemic Rent Court Program will allow litigants to apply for back-rent assistance on-site at rent court through Baltimore's Eviction Prevention Program, which is administered by the Baltimore City Community Action Partnership (BCCAP) in the Mayor's Office of Children and Family Success (MOCFS). The Mayor has encouraged judges to use their authority to recommend voluntary postponements of pending evictions and share eviction filing information with the administration in order to better serve Baltimoreans in need.

DHCD has been working with the District Court, the Sheriff's Office and Public Justice Center attorneys to leverage resources outside the legal system to protect Baltimore families from eviction.

To stop cases from landing in the courts, the Scott administration has brokered an agreement with the Baltimore City Sheriff's Office, which is sharing information with the City about pending evictions so that immediate action can be taken to settle debts and keep people in their homes.