

MLSC Eviction Prevention Grants



Eviction Prevention Grants Data

- Quarter 1 (July 1, 2021 September 30, 2021)
 - State eviction moratorium/defense expired August 15
 - CDC eviction moratorium/defense expired July 31, re-instated August 3, struck down by Supreme Court August 26
- Eight nonprofit civil legal aid providers
- Opened Cases: 956
- Closed Cases: 823

Case Outcomes

Major Benefit	Number of Closed Cases	Number of People Directly Benefited
Prevented eviction from public or subsidized housing	15	26
Prevented eviction from other housing	176	441
Delayed eviction, providing time to seek alternative housing	86	213
Avoided or obtained redress for illegal or unfair charges	10	21
Enforced rights to decent, habitable housing	7	14
Obtained other benefit for tenant	34	70
Obtained brief advice or counseling	440	740

Economic benefits: more than \$60,000 in lump sum awards, \$308,000 in costs saved/avoided



- Collaboration with other legal providers, rental assistance providers, county/city governments, sheriffs' offices and courts
- Review of reserved judgment cases, wait lists
- Community outreach events
- Know-your-rights tenant trainings
- Volunteer attorney recruitment/training

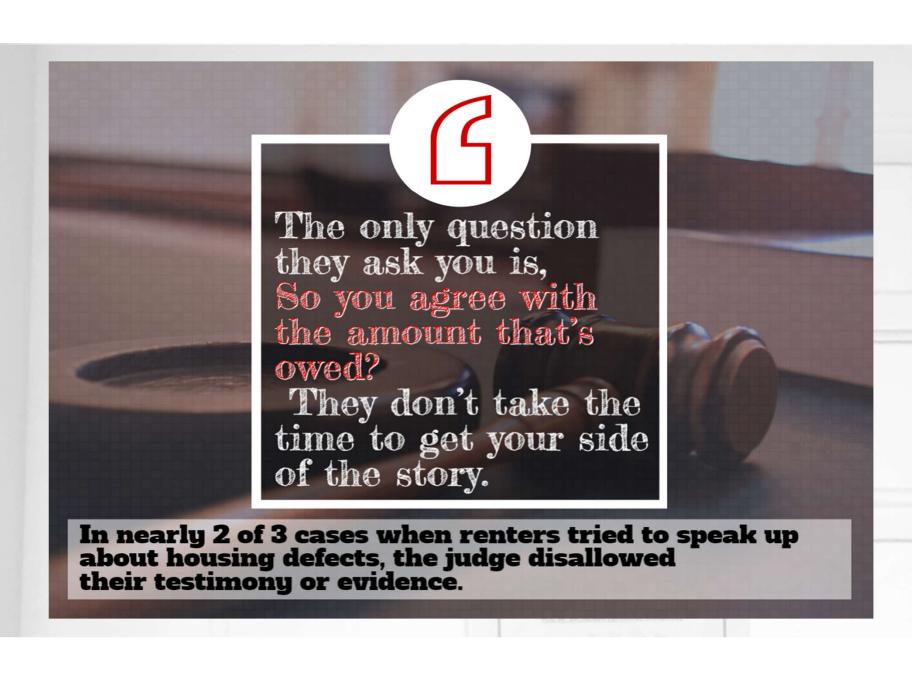


- Slow distribution of rental assistance and timing with court dates
- Increased complexity = more time required per case
- Different practices in different jurisdictions
- Varying levels of compliance with local pandemic-related laws
- Extended hiring time

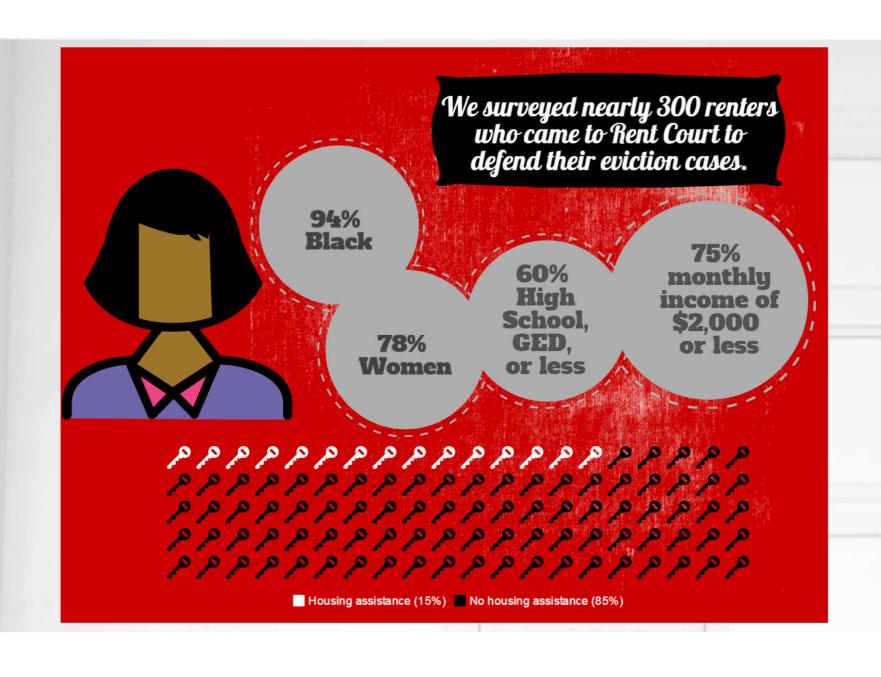
Implementing Access to Counsel in Evictions in Maryland

Matt Hill, Attorney October 22, 2021

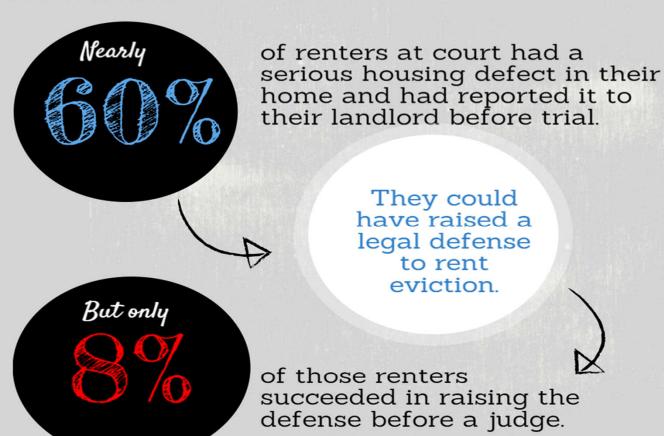


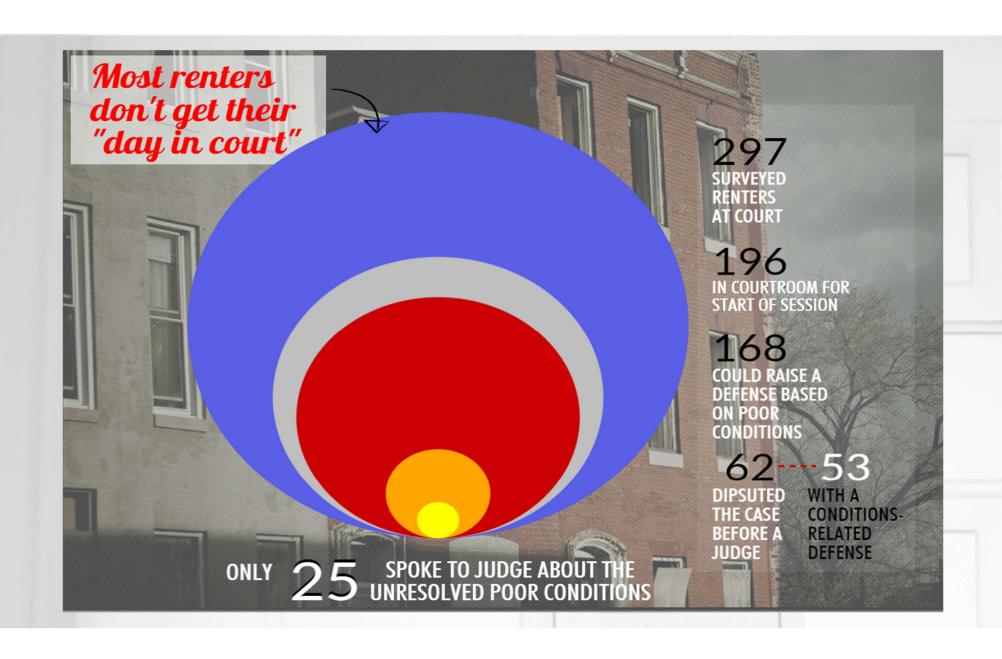






So in other words...





Why do so many folks with good defenses fail to try their cases?

- At court,
 renters are
 directed toward
 informal
 deal-making.
- 2. Then, landlords take advantage of renters' not knowing their housing rights.

of renters were pulled into a pre-trial negotiation.

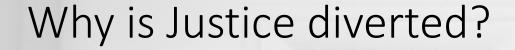
mistakenly thought it was legally required of them.

of renters who had poor housing conditions didn't know they could raise a defense based on serious defects in their homes.

By all accounts, Denise had a case to make in court to pay rent into escrow, but like so many Baltimore City residents she simply had no concept of the rent escrow law and how to use it. Instead, she tried to force improvements by withholding her \$750 in rent. She is not one to take the easy way out, she says, but she had no other option. Consequently, Denise was summoned to the Rent Court.



At court, however, these hopes were dashed. As Denise stumbled over her words, the judge interrupted: "This is not a hearing – we are only here to discuss the amount of money you owe."



In part: Landlords are represented but tenants are not







410



To Whom It May Concert

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PLC.W. SA.52.000 (Criminal Trespass)

More Than Rent Assistance Post-COVID-19

- Landlords that want to take the federal money and still evict
- Illegal fees
- Landlords refuse rental assistance discriminating based on the tenant's source of income
- Uninhabitable conditions of disrepair
- Navigate glitches and hurdles in rent relief system to benefit both parties
- Unmet need for legal services: In Q3 PJC closed 206 eviction cases for low-income tenants, but only able to represent in 33% of those cases.

Vision for HB 18 Implementation

- 1. Commitment to Race Equity = Centering Respect for Tenants
- 2. Early outreach to tenants more time the better see 10-day notice
- Coordinated, easy access to counsel for tenants not complicated and piecemeal
- 4. Uniform, coordinated process at court to allow time and space for representation and litigation
- 5. Institutionalize best practices around integrating legal, rental, and social assistance

Report Resources

- Justice Diverted, https://abell.org/sites/default/files/files/cd-justicediverted216.pdf (2015)
- The Economic Impact of an Eviction Right to Counsel In Baltimore City, <u>https://bmorerentersunited.org/rtc/stoutreport/</u> (2020)





Access to Counsel in Evictions Program in Maryland





Anne Arundel County Eviction Prevention Legal Program

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Current Landscape:

An Advocate's Perspective



Courthouse Observations

♦ The Long Line

- Tenants line up, are interviewed by the agent, advised they can leave
- No opportunity to speak to counsel

The Rocket Docket

- When tenants do choose to stay, they are utterly confused by the process
- Burden shifts to the tenant to prove the DON'T owe
- When tenants aren't there -
 - LL's attorneys/ agents complete the disposition
 - No oversight of accuracy

Ledgers and witnesses rare

- Agents equipped with a list do not generally have a ledger or someone with knowledge
- Cases filed and dismissed prior to hearing lead to monthly legal fees
- Fees conflated with Rent on ledgers and included in the bottom line



Commonly Overlooked Issues In Failure to Pay Rent Cases

- ➤ No licensure information.
- > No lead certification.
- > Incorrect monthly rental amount.
 - Conflation of rent and other charges
- Subsidized property not identified.
- > Multiple filings for the same month.
- ➤ No military affidavit.



Commonly Overlooked Issues: Takeaways

- Complaint form is straightforward.
- Requirements are not window dressing.
- If errors and inconsistencies are not raised, consequences for families can be catastrophic.
- Attorneys handling eviction cases need training and mentoring to ensure tenant. rights are protected.



Access to Counsel in Anne Arundel County

- Partnership between Community Legal Services and Arundel Community Development Services is reaping huge benefits in Anne Arundel County in eviction prevention.
- Secret to our success:
 - Collaboration
 - Flexibility





Avenues of Tenant Access

- Warm referrals from ACDS Eviction Prevention
- Courthouse presence daily
- Court referrals –in court by judges/ calls from clerk
- Sheriff referrals eviction prevention
- Other agency referrals CAA, Lighthouse Shelter
- On-line in take
- ♦ E-mail
- Phone



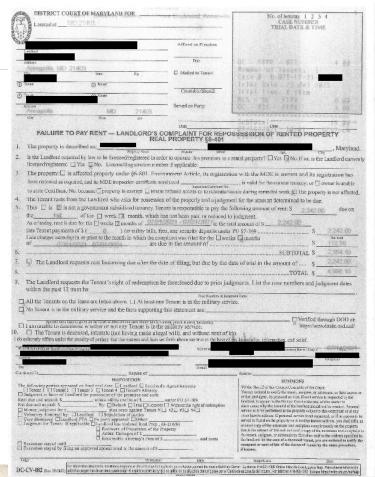
Cooperation – It Takes a Village

- Renters
- Arundel Community Development Services (ERAP fund disbursement)
 - Contract with legal services to support tenants at risk of eviction
- Community Legal Services (Legal Services Provider)
 - Accepts warm referrals to assist tenants in at risk of eviction
- Anne Arundel County District Court Clerks (Court system)
 - Provide critical information Daily dockets/# of cases
- Anne Arundel County Sheriff's Department (Eviction enforcement)
 - Provide eviction list
- Landlord Agents/ Attorneys/ Property Managers
- Other service providers



Case Example #1 – Warm referral from ACDS

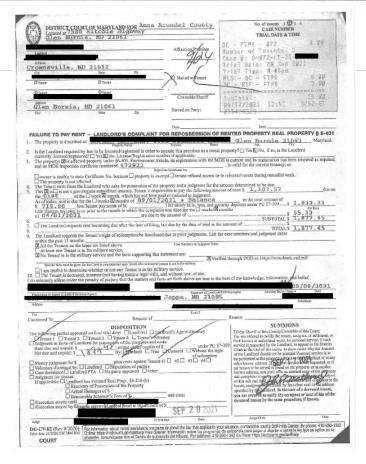
- Client has terminal illness
- Sheriff \rightarrow ACDS \rightarrow CLS
- Immediate client contact by CLS
- Representation in Court the following day
- Raised numerous objections/ case dismissed
- Judge carefully reviewing all 160 filings by the same property that day and dismissed all.
- Strain on judiciary, court personnel and sheriff's office.
- Client received Eviction Prevention funds and remains housed.





Case Example #2 - HCV

- Approached advocate in courthouse after sitting through a L&T docket
 - Importance of Courthouse presence
- Reviewed facts of recent FTPR judgment w/ client
- Pulled Disposition in clerks office
 - WOR status unclear needs investigation – improve tracking system
- Numerous errors
 - Active HCV but charged PHA portion
 - Charged utilities
 - Numbers don't add up
 - Sued for September + balance
 - No ledger, no witness
 - Client asked by the court "Do you owe?"
- What is an advocate to do?





Thoughts for successful implementation of ACEP:

- Space for advocates in the courthouse.
- ♦ Timing of L & T Docket.
- Announcement prior to L & T Docket of availability of counsel and/or signage to alert tenants of the availability of counsel.
- Diversion programs.
- Ready resources.
- Reliable Tracking of Warrants of Restitution.
- Reliable Tracking of FTPR cases- conundrum.



Main Takeaways

- Tenants need multiple avenues of access.
- Attorneys handling eviction cases need. training and mentoring to ensure tenant rights are protected.
- Daily presence of advocates in the courthouse, Space in the Courthouse/ Signage directing tenants to advocates is critical.
- Better tracking systems so that advocates can access case status in real time.
- Timing. Consider shifting FTPR to an afternoon docket to allow advocates morning hours to meet with clients.





Many Thanks for Your Time and Attention!

Kathleen M. Hughes, Esq. hughes@clspgc.org





Access to Counsel Implementation

Presented by the Pro Bono Resource Center of Maryland Courtroom Advocacy Project
Katie Davis, Director, Courtroom Advocacy Project

PBRC Tenant Volunteer Lawyer of the Day clinics

Baltimore City District Court

- 501 E. Fayette Steet, Courtroom 2
 - Monday and Tuesday 8:30 am 12:00 pm
 - Wednesday and Thursday 1:00 pm 4:00 pm

Baltimore County District Courts

- Towson District Court:
 - Friday 8:30 am 12:00 pm.
- Essex District Court:
 - Monday 8:30 am 12:00 pm.



Last year, by the numbers...

6,654
PEOPLE IMPACTED

2,977
VOLUNTEER HOURS

1,003
PARTICIPANTS TRAINED

\$566,100
VALUE OF DONATED LEGAL SERVICES

40
PARTNERS

\$1,301,938
COST SAVINGS TO CLIENTS

Day of Court
Representation
by the
numbers:

Over 1,500 tenants served in Baltimore City by Staff and Volunteer Attorneys

 Dockets staffed by PRBC, PJC, HPRP and Legal Aid of Maryland

Weekly FRPR dockets in Baltimore County: 18

• FTPR Dockets staffed by PBRC: 4

Hotline Calls: 25-30 each day and rising

What is at stake for Tenants:

- Loss of housing
- Loss of income due to multiple appearances at court
- Multiple judgements leading to loss of right to redeem
- Disruptions to Employment, Education, Childcare, Community...
- Difficulty finding subsequent housing

Imbalance of Power:

- Landlords' Agents and Attorneys are in court regularly
- Many Tenants are arriving for the first time
- To a Tenant, the role of the Agents can be unclear
- Tenants are nervous, scared and looking for help
- Defending a FTPR is deceptively complicated

Failure to pay rent defenses: Contained within the Complaint

Correct Names and Parties

License and MDE Numbers

Specific Months Due and Owing

Correct Amount Due:
Rent and Late Fees
Only (fees no greater
than 5% of monthly
rent)

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Effective
Implementation of
State-wide Access
to Counsel



Early outreach and education for Tenants



Coordination with Judiciary



Coordinated Access for Legal Providers



Coordination among legal, social and financial providers

Take-aways:

- Effective Access to Counsel is happening in small doses across the state.
- Legal, social and financial organizations are cooperating to keep people housed and ensure landlords receive funds they deserve.
- Where Access to Counsel is available, tenants, landlords, the courts and government wins.
- Effective Access to Counsel CAN happen on a wider scale.



Thank you

Katie Davis, Director, Courtroom Advocacy Project