

Know Your Rights: Housing and COVID-19

Welcome!





COVID-19, Evictions, and Tenants' Rights

MATT HILL, ATTORNEY

PUBLIC JUSTICE CENTER



CDC Eviction Order Checklist: 1



Review CDC "Halt Evictions" Order

This new order from the Center for Disease Control is in effect until December 31st, 2020. To be protected by this order and to use it as a defense against some (not all) evictions, a tenant must meet following criteria:

1.) Sought assistance, 2.) Below income limits 3.) Had finances, job, or health impacted, 4.) Making best efforts on partial payments, 5.) Faces homelessness or close quarters living if evicted

CDC Eviction Order Checklist: 2

☐ **Submit a Protection Declaration to Your Landlord**

If you meet all criteria, you will need to submit a declaration document to your landlord as soon as possible. We suggest you send one copy certified mail and one by first-class mail, or send by email with read receipt. It is important to have documentation that it was sent and received.

CDC Declaration Information at
www.publicjustice.org

CDC Eviction Order Checklist: 3



Make Partial Payments + Connect with Rental Assistance Resources

One of the criteria that you must meet before submitting the declaration is that you have sought all available government or local assistance. Contact 211-MD for available resources. Additionally, you want to pay anything that you can and document that.

CDC Eviction Order Checklist: 4



Compile Important Documents + Seek Legal Advice

In order to ensure protection under this order, you want to seek legal advice and show up for any court hearing. If possible, you will want to put together documentation of: loss of income, unemployment, medical costs, lease and rental conditions. There are free legal services that you can access for support.

If you have questions or need help with any item on this checklist, connect with the Fair Development Solidarity Hotline at 443-402-6223 or at fairdevelopmentsolidarity@gmail.com

****Credit: Adriana Foster at United Workers****

COVID-19 Voucher Protections

- Landlords in subsidized housing should allow report on income change or certification by phone. Landlords may delay income recertification if you have limited phone service or fear exposure to COVID 19.
- If income reduced, then email, text and/or leave a note for your Landlord.
- If you have a Housing Choice/Section 8 voucher, call or email the housing authority to report loss of income ASAP.

Other COVID-19 Renter Protections?

- Bans on Late Fees and Limits on Rent Increases?

Yes, Baltimore City, Howard Co., Montgomery Co., and Anne Arundel Co. have limitations (rent increase provision normally does not apply to tenant's portion of subsidized rent)

- Local Rent Assistance and Relocation Programs?

Yes, Call 211

Tenant Utility Assistance?

- Shutoff Moratorium until November 15, 2020 – unlike to be extended
- Assistance available:
<http://www.opc.Maryland.gov>

FAQ 1: What if the Police Visit?



- **Stay calm.** The best time to challenge police abuse is afterwards. Remaining calm is a favor to yourself, not to the police.
- **Pay attention.** Take detailed notes immediately after and get names and numbers of witnesses.
- **Record the incident, if you can.** You can hold your phone up, or have it recording in your pocket or hand.
- **Ask the police,** "Am I being detained or am I free to go?"
- **Do not give consent for police to search you.** Say "I don't consent to searches." They still might search you, but it makes a difference legally to say you don't consent.

FAQ 2: Retaliation?

- No landlord may increase rent, terminate periodic tenancy, or decrease services because the tenant
 1. Complained of conditions of disrepair or violations of the law/lease
 2. Testified in court or
 3. Participated in a tenants' association.
- Conditions:
 - Current on the rent or withholding for escrow
 - Alleged retaliation must be within 6 months of tenant's complaint



FAQ 3: Neighbor/Landlord Disputes

- Second Commandment: Love Your Neighbor As Yourself

- Third Commandment: **DOCUMENT**
DOCUMENT
DOCUMENT

- Fourth Commandment: Seek Help! Mediation or Legal Advice

Legal Resources

- Baltimore City:

- Public Justice Center, www.publicjustice.org, 410-625-9409
- Homeless Persons Representation Project, www.hprplaw.org 410-685-6589

- Statewide:

- Maryland Legal Aid: <https://www.mdlab.org/>
- Disability Rights Maryland, <https://disabilityrightsmd.org/> 410-727-6352 (Ext. 0)



Homeless Persons
Representation Project, Inc.

Know Your Rights - Evictions, Unsafe Conditions, and Discrimination

Carisa Hatfield (she/her), chatfield@hprplaw.org

HPRP - What We Do

HPRP's mission is to end homelessness in Maryland.

HPRP is Maryland's only legal services and advocacy organization dedicated to eliminating homelessness. Our staff and volunteers provide free legal services, including advice, counsel, education, representation and advocacy, for low-income persons who are homeless or at risk of homelessness. Pursuing systemic solutions to homelessness is also a critical part of HPRP's work.



In our community-based legal program, HPRP's staff and volunteers deliver legal services through outreach in shelters, soup kitchens, welfare offices, community centers, and the street.

Evictions

- ▶ There is no such thing as a landlord “self-help” eviction in Maryland.
 - ▶ Your landlord cannot just change the locks on their own. They must obtain a judgment from the court and schedule the eviction with the Sheriff’s Office.
 - ▶ Your landlord cannot shut off gas or electric service to try and force you to move out.
 - ▶ There are civil and criminal penalties for illegal eviction and shutting off utilities in Maryland
 - ▶ If you believe you are being illegally evicted, call the police FIRST.
 - ▶ After the emergency is handled, contact a civil legal aid organization or a private attorney for further legal advice.

Evictions (cont.)

- ▶ If you receive a court notice for an eviction case (Failure to Pay Rent, Breach of Lease, Tenant Holding Over), go to court!
 - ▶ You can represent yourself or seek legal representation.
 - ▶ If you do not go to court, the court will automatically rule in favor of the landlord, so it is very important that you go to court to contest the eviction!

Unsafe Conditions (Rent Escrow)

- ▶ Maryland law requires your landlord to repair and eliminate conditions that are a substantial and serious threat to the life, health, or safety of occupants. Examples of substantial and serious threats are:
 - ▶ No electricity, heat, light, or water
 - ▶ Inadequate sewage disposal
 - ▶ Rodent infestation
 - ▶ Water intrusion (water where it shouldn't be)
 - ▶ Lead paint hazards (peeling/flaking paint);
 - ▶ Structural defects (roof/ceiling/foundation);
 - ▶ Fire hazards (electrical problems, exposed wires, sparking plugs, etc.)

Unsafe Conditions (Rent Escrow) Cont.

- ▶ You must give your landlord notice of the conditions that need to be repaired and a reasonable time in which to make the repairs before you can go to court.
 - ▶ The best way to give notice is in writing—email, text, letter
 - ▶ But any notice is good—just document if you call or go in person!
 - ▶ Usually “reasonable time” is 30 days, unless it’s an emergency
- ▶ If your landlord fails to make repairs after you give them notice and time to fix it, you can pay your rent into an escrow account established at District Court.

Unsafe Conditions (Rent Escrow) Cont.

- ▶ Two ways to file rent escrow:
 - ▶ File the complaint yourself with the court and pay \$36 filing fee*
 - ▶ Raise it as a defense if your landlord takes you to rent court
- ▶ Once the case is filed, you will be required to call to schedule an inspection.
- ▶ After the inspection, the court will hold a hearing and decide if your rent should be paid into escrow.
- ▶ The court would order you to pay into an escrow account at the courthouse.
- ▶ The court holds the money until the repairs are made or the judge decides that the landlord is refusing to repair.
- ▶ After that, a judge holds a hearing and makes a decision about how the money would get paid back.
- ▶ You may get back all, some, or none of the rent paid into escrow.

*unless fee is waived by court

Unsafe Conditions (Rent Escrow) Cont.

- ▶ If this is happening to you, get legal representation for rent escrow!
 - ▶ Homeless Persons Representation Project, Inc. @ 410-685-6589
 - ▶ Public Justice Center @ 410-625-9409
 - ▶ Maryland Legal Aid Bureau - check number for local office @ www.mdlab.org

Housing Discrimination (Federal & Statewide)

- ▶ The Fair Housing Act prohibits discrimination in the sale, rental, and financing of housing based on:
 - ▶ Race
 - ▶ Color
 - ▶ National origin
 - ▶ Religion
 - ▶ Sex
 - ▶ Familial status
 - ▶ Disability
- ▶ State law also prohibits housing discrimination based on:
 - ▶ Marital status
 - ▶ Sexual orientation
 - ▶ Gender identity

Housing Discrimination (Counties)

- ▶ Baltimore City also prohibits housing discrimination based on:
 - ▶ Age
 - ▶ Ancestry
- ▶ Anne Arundel County also prohibits housing discrimination based on:
 - ▶ Ancestry
 - ▶ Citizenship
 - ▶ Occupation.
- ▶ Howard County also prohibits discrimination based on:
 - ▶ Age
 - ▶ Personal appearance
 - ▶ Occupation.
- ▶ Baltimore County and Harford County also prohibits housing discrimination based on:
 - ▶ Age

What to Do If You Suspect Discrimination

- ▶ Document, document, document!
 - ▶ Write down anytime you interact with the landlord/property manager in a notebook or keep notes on your phone
 - ▶ Keep any documents (advertisements, pamphlets, etc.) about the property you're living in or trying to rent
 - ▶ Keep documents together in a safe location

What to Do If You Suspect Discrimination (Cont.) - Federal/State Reporting

- ▶ Housing & Urban Development (HUD): Region III
 - ▶ (888) 799-2085
 - ▶ ComplaintsOffice03@hud.gov
- ▶ Statewide: Contact the Maryland Commission on Civil Rights
 - ▶ 410-767-8600
 - ▶ mccr@maryland.gov

What to Do If You Suspect Discrimination (Cont.) - Reporting by County

- ▶ Anne Arundel County: Anne Arundel County Human Relations Commission
 - ▶ 410-222-1234
- ▶ Baltimore City: Baltimore Community Relations Commission
 - ▶ 410-396-3143
 - ▶ crcintake@baltimorecity.gov
- ▶ Baltimore County: Baltimore County Human Relations Commission
 - ▶ 410-887-5917
- ▶ Harford County:
 - ▶ Harford County Dept. of Housing and Community Development: 410-638-3045
 - ▶ Contact the Harford County Human Relations Commission: 410-638-4739
- ▶ Howard County: Howard County Office of Human Rights
 - ▶ 410-313-6430

Source of Income Discrimination

- ▶ As of October 1, 2020 the HOME Act (state law) will prohibit discrimination on the basis of a person's source of income.
- ▶ This means a landlord may not discriminate against you for participating in BRHP's voucher program to help pay your rent.
- ▶ It also prevents a landlord from discriminating against you if you pay your rent from benefits such as SSI, Veteran's Benefits, child support, or TCA.
- ▶ The only exception to this is if your landlord lives on the property where your unit is located (ex. You rent a room in your landlord's house)
- ▶ Some counties have already passed laws prohibiting source of income discrimination, including Anne Arundel County, Baltimore City, Baltimore County, and Howard County.

If You Suspect Source of Income Discrimination...

- ▶ Document, document, document!
 - ▶ Write down anytime you interact with the landlord/property manager in a notebook or keep notes on your phone
 - ▶ Keep any documents (advertisements, pamphlets, etc.) about the property you're living in or trying to rent
 - ▶ Keep documents together in a safe location

If You Suspect Source of Income Discrimination... (Cont.)

- ▶ Statewide: Contact the Maryland Commission on Civil Rights
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QUESTIONS?

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Questions?



Thank you for joining us!

BRHP Hotline: 667-207-2100