



Maryland Interagency Council on Homelessness

February 2022 Meeting

Housekeeping

- This meeting is being recorded.
- All ICH Members can mute/unmute themselves at any time to participate in discussion
- Public comment will be accepted at the end of the meeting. To make a public comment, you may raise your hand and staff will call on you to speak.

Welcome! Today's Agenda:

- Approval of November 2021 Meeting Minutes
- ICH Annual Report Update
- 2022 Legislative Session – Key Bills
- Workgroup Updates and Discussion of Priorities for 2022
- ICH Member Updates
- Public Comment

November 2021 Meeting Minutes

- Any requested changes or corrections
- First motion to take a vote
- Second motion to take a vote
- Voting poll will open on your screen



ICH Annual Report Update



2022 Legislative Session – Key Bills

HB0101

Landlord and Tenant - Repossession for Failure to Pay Rent - Lead Risk Reduction Compliance

Summary

- Bill amends existing laws regarding repossession of rental units for failure to pay rent
- New requirement: If filing for failure to pay rent against a tenant, the landlord would be required to provide the court registration or licensing information for a property for which registration or licensing is required under local law and to state whether a property is an affected property under certain lead-based paint abatement laws
- New requirement: For a Baltimore City property to be repossessed by a landlord in a failure to pay rent case, the unit must comply with the registration, permit, or license requirements set forth by the Baltimore City Code and Environment Article of the Annotated Code of Maryland

HB0134

Failure to Pay Rent Proceedings - Prohibition on Rent Increases and Sealing of Court Records

Summary

- Prohibits a landlord from increasing a tenant's rent solely because a judgment was entered against the tenant in a failure to pay rent action
- If a failure to pay rent proceeding resulted in no judgment of possession and no appeal is pending, the district court must seal the court record
- Tenants with a judgment of possession for failure to pay rent can petition the court to seal their court record if the tenant demonstrates by a preponderance of the evidence that the tenant exercised the right of redemption and at least 12 months have passed since the final resolution of the proceeding that the tenant seeks to seal; or the district court determines that it is in the interest of justice that the court records relating to the failure to pay rent proceedings be sealed. **Exceptions:**
 - The tenant receives federal funds to subsidize rent required under the lease agreement and fails to pay the nonfederal portion of any rent due
- Requires the judiciary on or before October 1, 2022 to develop and publish on its website a form titled "Petition to Seal a Failure to Pay Rent Action Record"

HB0551

Real Property - Residential Leases - Rent Increase Restrictions

Summary

- Creates new definition of “**restricted rental unit**”: unit that is newly constructed before 1990; and as of January 1, 2022, rent was not more than 15% above Fair Market Rent; and the unit is occupied by a tenant that earns less than or equal to 50% AMI
- Prohibits a landlord from increasing rent on a certain restricted rental unit by more than 2% each year for a lease of a year or more, and by more than 1% every 6 months for a month-to-month lease, subject to certain exceptions;
- Restricts rent increases during and following a state of emergency; and provides that rent restrictions for restricted rental units do not apply once rent reaches at least \$2,250 each month.

HB0608

Shelter and Transitional Housing Facilities Grant Program - Mandated Funding

Summary

- Increases from \$3,000,000 to \$5,000,000, beginning in Fiscal Year 2024 and for each Fiscal Year thereafter, the amount the Governor is required to include in the annual budget bill or the capital budget bill for the Shelter and Transitional Housing Facilities Grant Program within the Department of Housing and Community Development.

[SB0384](#) ([HB0674](#))

Landlord and Tenant - Stay of Eviction Proceeding for Rental Assistance Determination

Summary

- If tenant demonstrates satisfactorily to court that they have applied for rental assistance and are awaiting a determination, the court must:
 - Stay a proceeding if judgment has not been entered yet
 - Stay the execution of a warrant of restitution if a judgment in favor of landlord has already been entered until the tenant's rental assistance application and award have been determined and disbursed
- If landlord refuses to accept rental assistance funds, landlord may not obtain judicial relief or initiate any other judicial action against the tenant to collect rent

HB0367

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

Summary

- Requires a landlord to provide tenants who have been impacted financially directly or indirectly due to COVID-19 a written notice BEFORE they can file for failure to pay rent. The notice must :
 - Inform the tenant of rent relief programs for which the tenant may be eligible;
 - Provide the website address and telephone number of each rent relief program identified in the notice; and
 - provide information on how to reach 211 Maryland in order to determine the availability of other rent relief programs; and
 - Inform the tenant of the landlord's responsibilities
- Requires a landlord to apply on behalf of the tenant for rent relief within 14 days of the written notice unless the tenant:
 - Pays in full the amount of rent due
 - Enters into a payment plan for the full amount of rent due with terms mutually agreed on by the tenant and the landlord; OR
 - Informs the landlord that the tenant has applied for rental assistance
- Requires landlords to provide all information necessary for a tenant who has applied for rent relief

HB0367 - CONTINUED

A landlord may file a complaint to repossess residential property if:

1. For an initial application for rent relief, the landlord or tenant does not receive written approval from a rent relief program within 45 days after the date on which the completed application was submitted;
2. For a second or subsequent application for rent relief, the landlord or tenant does not receive written approval from a rent relief program within 14 days after the date on which the completed application was submitted;
3. After the date on which notice is provided by the landlord, the tenant refuses to:
 - a. Apply for a rent relief program; or
 - b. Provide the information necessary for the landlord to apply to a rent relief program on behalf of the tenant;
4. A tenant is ineligible to receive rental assistance from a rent relief program; OR
5. There are no remaining funds through the federal CARES Act or the American Rescue Plan of 2021 dedicated for rental assistance through rent relief programs in the State

[HB0691](#) ([SB0564](#))

Landlord and Tenant and Wrongful Detainer Actions – Eviction Prevention Services

Summary

- The District court must grant a recess for a reasonable amount of time during court proceedings to allow a tenant to receive eviction prevention services if they are available at the court building during the trial, AND
- Grant a continuance for a reasonable amount of time (no less than 5 business days) if either the landlord or tenant seeks attorney representation, needs to procure witnesses, or obtain documents.

[HB0703](#) ([SB0563](#))

Real Property – Actions to Repossess – Judgment for Tenants and Proof of Rental Licensure

Summary

- Change 1: Allows the court to enter a judgment for the tenant and award costs/expenses/attorney fees to the tenant in a breach of lease case if the court determines that a landlord asserted a breach of lease in bad faith or without substantial justification
- Change 2: For counties that require rental unit licensing:
 - Landlord must submit proof of rental unit license or proof of exemption to have get a judgment of possession. Temporary or conditional licenses are not allowed.

[HB0712](#) ([SB0521](#))

Landlord and Tenant – Access to Counsel in Evictions Special Fund – Mandatory Appropriation

Summary

- For Fiscal Year 2024 and each Fiscal Year thereafter, requires the Governor to include in the annual budget bill an appropriation to the Access To Counsel Fund an amount equal to the maximum amount of any federal rental assistance money that may be used for legal representation that is:
 - Available to the State, but unappropriated; or
 - Anticipated to be received by the State before the end of the Fiscal Year for which the appropriation is proposed.
- Beginning in Fiscal Year 2023, if the Governor appropriates federal rental assistance through a budget amendment, the maximum amount of any assistance that may be used for legal representation shall be appropriated to the Access To Counsel Fund

[SB0629](#) ([HB0824](#))

Landlord and Tenant – Eviction Data – Collection and Distribution

Summary

- Requires Maryland Judiciary to collect and submit data on warrants of restitution and writs of possession to Maryland DHCD for analysis and public posting
- Requires an annual report on evictions to be submitted to the Governor and General Assembly

Court Surcharge Bills

[SB0223](#) ([HB0298](#))

[HB0693](#)

- All bills increase the cap on surcharges the District court can/must charge for landlord tenant cases
- Each bill has different specifications on where funds collected must be directed and how they will be used

Other Interesting Housing Bills to Watch

- Mold Inspections: [HB0361](#) ([SB0320](#))
- Sealing of Landlord-Tenant Case Records: [HB0521](#)
- Access To Counsel Fund Appropriations From Maryland Consumer Protections Act Judgments: [HB0571](#)
- Right Of Redemption Payment Forms: [HB0932](#)



Workgroup Updates



Workgroup Planning for 2022

Homeless Services Framework

- Last update in 2019 – see page 34 in Annual Report for framework and progress updates
- Framework goals:
 - GOAL 1 – Increase the number of permanent supportive housing options available statewide to those experiencing homelessness.
 - GOAL 2 – Improve access to and quality of emergency shelter options available statewide to those experiencing homelessness.
 - GOAL 3 – Improve the emergency services network serving the homeless in order to prevent a return to hospitals or jails.
 - GOAL 4 – Ensure veterans experiencing homelessness have sustainable housing options and access to necessary supportive services where they live, to prevent a return to homelessness.
 - GOAL 5 – Ensure homeless youth 16-24 years of age have access to quality housing, education and employment options statewide.
 - GOAL 6 – Reduce or eliminate workforce barriers, increase training opportunities, sustainable employment options and earning potential to ensure those experiencing homelessness can become self-sufficient.
 - GOAL 7 – Ensure that people with lived experience have a voice and adequate representation within the Interagency Council on homelessness.

Discussion Questions

- What workgroups make sense to continue or reconvene?
- What workgroups might be missing?
- What priorities or needs might be missing from the homeless services framework?

Prior workgroups:

- Workforce development
- Youth and young adults
- Health
- Lived experience



Permanent Supportive Housing Strategy

HOME-ARP Purpose

- HOME-ARP funds must be used to primarily benefit individuals and households that meet the requirements for one or more “qualifying populations” (QPs).
- Participating jurisdictions (PJs) may use HOME-ARP funds for the following eligible activities:
 - Affordable Rental Housing (HOME-ARP Rental Housing)
 - Tenant-Based Rental Assistance (HOME-ARP TBRA)
 - Supportive Services (HOME-ARP Supportive Services)
 - Non-congregate Shelter (HOME-ARP NCS)

HOME-ARP Qualifying Populations (QPs)

- 1) Homeless (McKinney Act definition at 24 CFR 91.5)
- 2) At-risk of homelessness (McKinney Act definition at 24 CFR 91.5)
- 3) Fleeing/Attempting to Flee Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking
 - Definitions from VAWA regulation at 24 CFR 5.2003, except
 - Human trafficking definition from Trafficking Victims Protection Act of 2000
- 4) Other Populations where assistance would:
 - Prevent the family's homelessness; or
 - Serve those with the Greatest Risk of Housing Instability

Veterans and families including veteran member that meet one of preceding criteria

Maryland HOME-ARP Allocations

Jurisdiction	Allocation
Baltimore City	\$15,456,082
Anne Arundel County	\$2,800,473
Baltimore County	\$7,471,986
Harford County	\$1,821,904
Howard County	\$1,757,012
Montgomery County	\$7,310,978
Prince George's County	\$7,592,085
State of Maryland	\$23,971,559
Statewide Total	\$68,182,079

- Each jurisdiction develops its own plan and conducts its own consultations
- HOME-ARP funds can be used through September 2030

HUD Requirements

Each jurisdiction receiving HOME-ARP must develop an allocation plan that includes:

- Needs Assessment and Gap Analysis
 - Key stakeholder consultation
 - Data collection and analysis
 - Centered on needs of homeless and at-risk of homeless populations (which include DV survivors, veterans, and people with disabilities)
- HOME-ARP Activities the Jurisdiction will Undertake
- HOME-ARP Affordable Housing Production Goals
- Qualifying Population Preferences

State Consultation & Public Participation

Stakeholder Consultation

- CoC(s) serving the jurisdiction's geographic area*
- Homeless and domestic violence service providers*
- Veterans' groups*
- Public housing agencies (PHAs) serving the jurisdiction's geographic area*
- Public agencies that address the needs of the qualifying populations*
- Public or private organizations that address fair housing, civil rights, and the needs of persons with disabilities*
- **People with lived experience**
- **Philanthropic partners, housing advocates, affordable housing developers**

Public Participation

- Public hearings during and after development of plan
- Public comment and posting of draft plan

*HUD Requirement for Consultation

State Plan Development Timeline

February- Listening Sessions, Data Collection, & Surveys

- Continuums of Care, Community Action Agencies and Direct Service Providers - Monday, February 7 · 3:00 – 4:00pm
- Interagency Council on Homelessness Meeting - Thursday, February 17 · 1:00 – 3:00pm
- Affordable Housing Developers and Funders, Fair Housing Advocates, and Community Development Organizations - Friday, February 18 · 12:00 – 1:00pm
- Local Government Housing Agencies and Housing Authorities - Thursday, February 24 · 1:00 – 2:00pm
- First Public Hearing (2022 Annual Action Plan & HOME-ARP) - Monday, February 14 · 11:30 am – 12:30 pm
- Second Public Hearing (2022 Annual Action Plan & HOME-ARP) - Tuesday, February 15 · 6:00 pm – 7:00 pm

March – Draft Plan Created

Late March/Early April – Draft Plan Posted, Additional Public Hearings

May – Submission to HUD



Member Announcements

DHCD Updates

- PIT Count
- YouthREACH Count
- FY2023 Homelessness Solutions Program Budget

ERAP Update – Assistance through December 2021

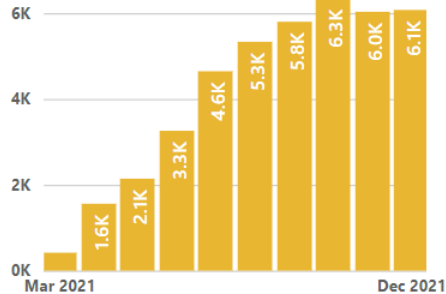
Total Applications Received*

72,450

Total Households Assisted*

40,095

Households Served by Month



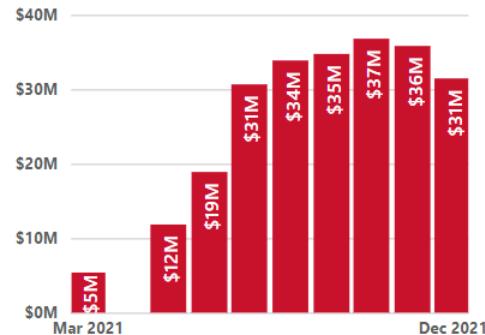
Total Financial Assistance Distributed

\$249.1M

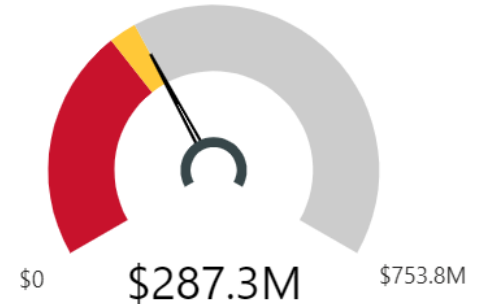
Payments in Progress at End of Month

\$30.7M

Assistance Distributed by Month



Total ERAP Spending Progress



Expenditures to Date + **Payments in Progress**
(Includes Services & Admin Costs)



Public Comment



Adjournment

2022 ICH Meeting Schedule

May 26, 2022 – 1-3pm

August 25, 2022 – 1-3pm

December 8, 2022 – 1-3pm