

Evictions in Montgomery County

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Summary

This Office of Legislative Oversight (OLO) report reviews the eviction process in Montgomery County and evictions data to help the County understand how it might better assist low-income households facing eviction and prevent homelessness. Overall, this report finds that the County funds several programs that assist households facing eviction, and that the Sheriff's Office's collaborates effectively with those efforts. However, this report identifies several opportunities to better help households avoid eviction and prevent homelessness.

Background

If a tenant fails to pay rent or otherwise breaches their lease, a landlord can seek a court-order to end the tenancy, evict the tenant, and regain possession of the property. This court-administered process of eviction gives tenants an opportunity to present evidence at a hearing and requires a landlord to secure a court order, executed by the Sheriff, to evict a tenant. Studies show that episodes of homelessness often begin with eviction, though most evictions do not result in homelessness.

The Eviction Process

Eviction Statutes in Maryland. Maryland's Annotated Code (Real Property Article, Section 8) and the Montgomery County Code (Chapter 29) define the rights and obligations of landlords and tenants and the requirements for ending a lease, including removal of a tenant through the eviction process. A landlord must obtain a court order, executed by the Sheriff, to evict a tenant. Eviction cases in Montgomery County are filed and heard in the District Court of Maryland (Rockville location). Three common types of actions brought by landlords to end a lease, evict a tenant, and regain possession of a rental property are:

A landlord is the owner of residential property (e.g., apartment, condominium, or house) rented to another person, called the tenant. The tenant has the right to live in and use the rental property for an agreed-upon rental amount and time period. A landlord must be licensed (County Code) and provide the tenant with written lease (a legally binding contract) detailing the property to be rented and obligations/rights of both the landlord and tenant.

- **Failure to Pay Rent** – The tenant fails to pay rent when due, as defined in the lease;
- **Tenant Holding Over** – The tenant remains on the premises after the lease expires; and
- **Breach of Lease** – The tenant breaches the lease in a way other than failing to pay rent.

Eviction for Failure to Pay Rent. Of the three types, Failure to Pay Rent actions are the most frequently filed and heard by the District Court. A failure to pay rent action is a summary ejectment proceeding, meaning it is intended to be a short and inexpensive process for the landlord to evict the tenant and regain possession of the rental property. Rent is typically due on the first of the month and is considered late on the second of the month. The rental amount and its due date are defined in the lease. Rent must be paid on-time, regardless of any breaches or omissions by the landlord. Landlords may charge a late fee if rent remains unpaid 10 days after the due date (County Code). This 10-day period is not a grace period. The late fee cannot exceed 5 percent of rent due.

Key Steps in the Eviction Process. The Montgomery County Sheriff’s Office reports that on average it takes 12-13 weeks to evict a tenant for nonpayment of rent, though the process can sometimes be significantly longer.

Initial Violation and Court Filing

- The landlord files a complaint with the District Court (Rockville) the day after rent was due and unpaid. In Montgomery County, landlords often delay filing until 10 days after rent is due, when late fees may be charged.
- The District Court Clerk schedules the hearing, usually three to four weeks after the complaint was filed.

Court Hearing and Judgment

- The District Court issues a summons to the tenant to appear at the trial date. As required by law, the Service of Process Section of the Sheriff’s Office mails and serves/posts a copy of the trial summons on the property.
- At trial, if the landlord proves that rent was due and unpaid, the District Court will enter a judgment in favor of the landlord. The tenant has four days to voluntarily leave the property.
- If the tenant fails to leave, the landlord may request that the District Court issue a Writ of Restitution, which directs the Sheriff to evict the tenant and return possession to the landlord.

Scheduling an Eviction and Executing the Eviction Order

- The Eviction Section of the Sheriff’s Office receives the signed Writ of Restitution and mails a copy to the tenant. Although not required by law, the Sheriff also posts a plain-language, bi-lingual final notice of eviction on the rental property. Organizations that assist tenants report that this notice is critical for informing tenants of the eviction and helping them to avoid it.
- The landlord must call the Sheriff’s Office to schedule the eviction. Evictions are scheduled four to five weeks from when the landlord calls.
- On the day of the eviction, Sheriff deputies enter and secure the property. The landlord’s moving crew removes the tenant’s belongings to the nearest public right-of-way. A locksmith changes the locks. Possession is returned to the landlord.

Right of Redemption. In a failure to pay rent action, the tenant may remain on the property if the tenant pays all amounts owed (i.e., rent, late fees, and court-awarded costs) before the Sheriff carries out the eviction order. This right of redemption is limited, however; it can become unavailable if: (1) three or more judgments have been entered against the tenant in the 12 months prior to the start of the pending eviction action, and (2) the landlord specifically requests that the District Court foreclose on the tenant’s right of redemption in the complaint. If the District Court grants the landlord’s request, then even if the tenant pays the amounts owed, the tenant will be evicted.

Pre-Filing Notice Requirements for Failure to Pay Rent Cases. Maryland jurisdictions, including Montgomery County, have high numbers of filings for failure to pay rent compared to other jurisdictions in the DC metro region and nationally. According to the Eviction Lab, an organization that tracks data on evictions in U.S. counties, many jurisdictions require a landlord to notify a tenant before filing a failure to pay rent action. For example, Virginia requires landlords to give a five-day notice to the tenant as early as the day after rent was due. The pre-filing notice explains that if the tenant does not pay or voluntarily move out within five days, the landlord will sue the tenant for possession and rent owed. Eviction Lab researchers state that a pre-filing notice requirement can reduce the number of filings.

Maryland has no pre-filing notice requirement for failure to pay rent actions. As a result, landlords in Maryland may use the court system as their first step in contacting the tenant to collect the rent, potentially leading to an increased number of filings. OLO emphasizes that states’ eviction processes differ in many ways, and other factors besides pre-filing notice requirements can impact filing rates. For example, landlords report that Maryland’s Right of Redemption law can increase filings if a landlord must file complaints repeatedly against the same tenant. A full comparison of states’ eviction processes was outside the scope of this report.

Causes and Consequences of Evictions

Lack of access to affordable housing is the largest driver of evictions in Montgomery County. Over 80 percent of families with incomes below 50 percent of the Area Median Income (below \$58,600 for a family of four as of June 1, 2018¹) are cost burdened (that is, they pay more than 30 percent of their income in rent), and over half of these families are extremely cost burdened (pay more than 50 percent of their income in rent). Such households face a shortage of funds to cover bills and unexpected expenses.

Consequences of Evictions

For Landlords	For Tenants
<p>The cost to evict a tenant can range from \$5,700 to \$16,600.</p> <ul style="list-style-type: none"> • Range depends on the length of the eviction process and the amount of rent owed. • Landlords are often unable to recover lost rent. • Costs and process delays discourage small-property landlords from renting out. 	<p>Evictions can have long-term negative consequences for tenants, including:</p> <ul style="list-style-type: none"> • Homelessness; • Job loss and economic instability; • Mental health problems; • Lack of adequate and safe housing; and • Increased student mobility

Data on Evictions

To better understand the impact of evictions, eviction-related cases, and opportunities to prevent them, OLO examined data on landlord-tenant cases, Writs of Restitution (eviction orders), and evictions. OLO analyzed these data alongside data on demographics, property parcels, rental licenses, and rents.

► The number of evictions decreased during fiscal years 2010-2017.

For the fiscal years 2010 through 2017, between 45,000 and 50,000 landlord-tenant cases (most of which were Failure to Pay Rent cases) were filed annually in Montgomery County. Of those annual filings, 10,000 to 12,000 cases resulted in Writs of Restitution (eviction orders) each year, and 800 to 1,100 of those Writs of Restitution resulted in evictions each year. During this overall period, landlord-tenant cases declined by 5 percent, Writs of Restitution declined by 17 percent and physical evictions declined by 19 percent -- in spite of population growth and an increase in the total number of rental units in the County.

Landlord-Tenant (L&T) Cases, Writs of Restitution and Evictions in Montgomery County, FYs 2010-2017

Fiscal Year	L&T Cases Filed	Tenant Appeared	MCSO Writs Received	Total Evictions	% of Writs Leading to Eviction
FY10	48,078	1,609	12,548	1,033	8%
FY11	50,258	1,447	13,057	1,099	8%
FY12	48,793	1,228	12,383	1,023	8%
FY13	47,612	1,286	13,395	964	7%
FY14	47,380	2,581	11,547	917	8%
FY15	44,465	1,348	10,766	890	8%
FY16	45,395	1,736	11,057	844	8%
FY17	45,827	738	10,451	836	8%

Source: District Court for Montgomery County and the County Sheriff's Office (includes both residential and commercial cases)

¹https://montgomerycountymd.gov/DHCA/Resources/Files/housing/multifamily/compliance/rent_income_limits_current.pdf

- ▶ **Available eviction data do not fully capture the number of tenants displaced by eviction proceedings.**

OLO analyzed data from the Sheriff’s Office on the outcomes of Writs of Restitution received during fiscal years 2014 through 2017. These data show that 55 percent of the Writs during this four-year period were cancelled because the tenant paid the rent (i.e., exercised their Right of Redemption), 19 percent of Writs were cancelled because the tenant moved voluntarily, 8 percent of Writs resulted in eviction, and 17 percent of Writs had an unknown outcome because the landlord did not act on the Writ. Thus, at least a quarter of all Writs (or an average of 2,900 Writs per year) during the four-year period of fiscal years 2014 through 2017 resulted in tenant displacement (either eviction or a voluntary move by tenant). However, these figures likely underestimate displacement.

- ▶ **Three of the County’s election districts have significantly more Writs of Restitution and evictions than other parts of the County: District 13 (Silver Spring & Wheaton-Glenmont), District 9 (Gaithersburg, Montgomery Village & southern Germantown) and District 5 (Burtonsville & White Oak).**

The election district that includes Burtonsville and White Oak had the highest concentration of Writs and a high concentration of evictions when comparing Writs and evictions to the number of rental housing units in that district, with 165 Writs for every 1,000 rental units and 10 evictions for every 1,000 rental units annually. The election district that includes Clarksburg and northern Germantown had relatively few rental housing units, but had the second highest concentration of Writs, with 126 Writs for every 1,000 rental units. In contrast, the Rockville election district had only 39 Writs and 4 evictions per 1,000 rental units, and the Bethesda/Glen Echo/Somerset district had only 14 Writs and 2 evictions per 1,000 rental units.

Writs of Restitution and Evictions in Montgomery County Election Districts, FY14-FY17

District No.	Places in Election District	Writs of Restitution		Evictions		Occupied Rental Housing Units	Poverty Rate
		Annual Avg	Per 1,000 Units	Annual Avg	Per 1,000 Units		
13	Silver Spring & Wheaton-Glenmont	3,861	96	245	6	40,109	9%
9	Gaith., Mont. Vill. & South Germtwn	2,564	95	259	10	27,011	9%
5	Burtonsville and White Oak	2,447	165	155	10	14,810	7%
4	Rockville	802	39	78	4	20,486	7%
2	Clarksburg & north Germantown*	608	126	50	10	4,827	6%
7	Bethesda, Glen Echo & Somerset	166	14	25	2	11,922	3%
6	Darnestown & North Potomac	160	70	15	7	2,276	4%

Source: OLO analysis of 2016 American Community Survey Five-Year Estimates and Eviction Editor data

- ▶ **Writs of Restitution and evictions are concentrated in low-rent garden-style apartment buildings.**

OLO’s analysis of data on Writs of Restitution received by the Sheriff’s Office during the four-year period of fiscal years 2014 through 2017 found that a relatively small number of properties, typically garden-style apartment buildings, accounted for most Writs and evictions in the County. Moreover, OLO found that Writs and evictions occurred most often in buildings with relatively low rents. The median rent in Montgomery County for a two-bedroom apartment was \$1,624 in 2017. However, the median two-bedroom rent was \$1,459 (or 10 percent below the median) in high-Writ and high-eviction properties with at least 10 housing units.

Emergency Financial Assistance

Emergency financial assistance programs aim to prevent housing-related emergencies by providing short-term financial assistance to cover back rent or utility bills or to secure new housing if an eviction cannot be prevented. Research demonstrates that emergency financial assistance programs are effective in preventing homelessness, but some programs could be more cost-effective if they more narrowly targeted households at the greatest risk of homelessness.

Existing County Government Programs and Funding. County emergency financial assistance programs prioritize assistance to households that can avoid eviction with one-time financial assistance. The County Government funded nearly \$7 million in fiscal year 2018 in emergency financial assistance. DHHS and DHCA each operate separate programs that provide emergency financial assistance to households facing eviction and other housing-related emergencies. The County Council and the County Executive also fund grants to community-based organizations that provide emergency financial assistance.

County Government Budgeted Expenditures on Emergency Financial Assistance Programs, FY18

Category	FY18 Budget
DHHS Homelessness Prevention Services (incl. personnel and operating expenses)	\$6,197,456
DHCA Homelessness Prevention and Relocation Assistance Program*	\$286,400
Grants to Community Organizations for Emergency Financial Assistance	\$429,123
Council Grants	\$211,800
County Executive Community Grants	\$115,000
Non-Competitive Awards	\$102,323
Total	\$6,912,979

*Includes budget for client expenditures only

Inability to Assess Effectiveness of County Government Programs. OLO could not assess the effectiveness of DHHS's emergency financial assistance program in reaching its targeted population or serving its intended purpose because DHHS does not track demographic data on program beneficiaries. In contrast, the City of Rockville produces quarterly demographic reports for the Rockville Emergency Assistance Program that include data on the gender, race, and income of grant recipients as well as the number of times the individual received assistance. Collecting similar data for DHHS's program could help policymakers to understand several issues:

- Whether the program is serving its intended purpose of providing one-time emergency assistance rather than repeated assistance to the same households each year;
- Whether the program is serving households at the highest risk of homelessness (e.g., the households with the lowest incomes); and
- How grant recipients are geographically distributed so as to identify whether certain communities may lack awareness of the program.

Court-Based Eviction Prevention Programs

In Montgomery County and nationally, most landlords are represented in eviction proceedings by an attorney, while most tenants face eviction proceedings without legal representation. This imbalance can disadvantage a tenant in a legal process where knowledge and familiarity of the law and court procedures can impact case outcomes. To address these imbalances and increase procedural fairness, other jurisdictions are implementing court-based eviction prevention programs that leverage housing courts as partners and provide on-site legal services. OLO identified three types of court-based programs where the type of assistance and level of legal support provided increases as tenants progress through the eviction process.

Program Type	Description	Program Impact
Tenant Education	Programs help tenants become familiar with eviction prevention services and the legal process. Outreach may be targeted as part of community programming or through documents provided at lease signing.	Evidence is limited that tenant education reduces the number of evictions; however, these programs address judicial imbalances by increasing tenants' understanding of their rights and the legality of landlord actions.
Court Guidance	Programs use supervised (non-attorney) volunteers to assist unrepresented tenants navigate the court process (e.g., completing and filing forms).	Assisted tenants were more likely than unassisted litigants to present their side of the case in court and assert defenses.
Legal Representation	Programs provide tenants with limited legal representation (time-limited and for specific tasks) or full legal representation (prior to and during the hearing and post-judgment) by licensed attorneys.	Tenants with full legal representation are more likely to retain current housing and negotiate more favorable settlement agreements to avoid an eviction judgment.

Legal Assistance in Montgomery County. Recent research on failure to pay rent cases in Maryland revealed that tenants often lack legal representation and fail to effectively represent themselves. OLO found that existing legal assistance programs in the County: are not available onsite at the District Court; serve limited populations (e.g., tenants living in subsidized housing or whose income is below 125% of the federal poverty guidelines); or only address specific case issues (e.g., illegal evictions or utility shut-offs). As a result, most tenants have no access to legal assistance.

Baltimore City – The Maryland Judiciary and area universities have expanded legal assistance for self-represented tenants, including creation of a Self-Help Resource Center staffed by full-time attorneys inside the District Court; a Court Navigator Program to assist tenants with court procedures and forms; a volunteer lawyer program providing limited legal assistance; and law school clinics providing full legal representation to tenants.

Evictions Prevention in Subsidized Housing

Evidence suggests that subsidized housing providers can reduce evictions and lower their operating costs by offering eviction prevention programming to tenants. The Housing Opportunities Commission of Montgomery County (HOC) works to prevent eviction among HOC households through two efforts: (1) HOC's Customer Service Centers are staffed with workers who administer DHHS Homelessness Prevention Services grants. The workers assess HOC households' need and eligibility for DHHS grants that assist with rent and utility arrearages; and (2) HOC's Resident Services Division provides eviction prevention programming and other services to help HOC households succeed.

Recommended Discussion Issues and Recommendations

Discussion Issues

1. Discuss with relevant stakeholders in the County the benefits and drawbacks of establishing a pre-filing notice requirement for failure to pay rent actions. If the Council determines that such notice requirements should be established, it could work with State legislators and other stakeholders to establish requirements within State law.
2. Discuss with Executive Branch staff opportunities to enhance promotion of existing assistance available through DHCA and DHHS earlier in the eviction process when eviction can more easily be prevented.
3. Discuss with relevant stakeholders the feasibility of working in partnership with the District Court to provide legal assistance for more tenants facing eviction.

Recommendations

1. Request that the Executive revise the County's plain-language lease summary to more clearly define a tenant's rent obligations and to provide contact information for eviction assistance programs.
2. Request that the Executive report to the Council on opportunities to work with the landlords of high-writ, high-eviction multi-family properties to develop strategies to reduce evictions.
3. Request that the Executive collect and report data on emergency financial assistance grant recipients including: zip code, gender, race, household income, and repeated use of the program.

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Introduction

An eviction is the final step in a legal process initiated by a landlord to regain possession of rental property through a court-ordered removal of a tenant. In fiscal year 2017, 45,800 landlord-tenant cases were filed in Montgomery County, the Montgomery County Sheriff's Office received 10,500 Writs of Restitution, and 836 evictions were carried out. While most eviction-related court cases do not result in eviction, each case carries costs and impacts for both landlords and tenants and may result in the tenant being displaced, even if they are not evicted. This Office of Legislative Oversight (OLO) report reviews the eviction process in Montgomery County and evictions data to help the County understand how it might better assist households facing eviction. In particular, this report:

- Provides an overview of the causes and consequences of evictions;
- Summarizes key concepts in landlord-tenant law and maps the eviction process as governed in State law;
- Presents data from fiscal years 2010-2017 on trends and outcomes for eviction cases;
- Examines characteristics of properties where evictions occur and presents a geographic analysis of evictions in Montgomery County; and
- Describes program components, targeted populations, and outcomes of eviction prevention programs, focusing on subsidized housing, emergency financial assistance, and court-based programs.

OLO staff members Stephanie Bryant, Natalia Carrizosa, and Kelli Robinson conducted this study, with assistance from Tori Hall and Jenna Bauer. OLO gathered information through interviews with County stakeholders, document reviews, and analyses of court and eviction data. OLO received a high level of cooperation from everyone involved in this study and appreciates the information and insights shared by all who participated:

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Anne Arundel County Sheriff's Office

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Fairfax County Sheriff's Office

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Community Organizations

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Other Stakeholders

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Public Justice Center

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United Way of Central Maryland

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Chapter 1. A Primer in Landlord-Tenant Law

Evictions stem from problems between landlords and tenants. To understand why evictions occur, this chapter explores key concepts in landlord-tenant law, including landlords' and tenants' rights and obligations, lease agreements, and dispute resolution. These concepts establish the basis for claims brought by a landlord to evict a tenant in court (discussed in Chapter 2). Contract and property law form the legal basis for landlord-tenant law, with the rental of residential property (e.g., apartments, condominiums, and single-family homes) governed by Maryland's Annotated Code, Real Property Article, Section 8, and the Montgomery County Code, Chapter 29. This chapter is organized as follows:

- **Section A**, reviews key concepts and laws governing the landlord-tenant relationship; and
- **Section B**, summarizes non-judicial and judicial remedies for addressing violations of rights afforded by State and County landlord-tenant laws.

A. Foundation of the Landlord-Tenant Relationship

A landlord is the owner of a residential property (e.g., a house, apartment, or condominium) rented to another person, called the tenant. The tenant has the right to live in and use the rental property for an agreed-upon period.¹ This creates a tenancy referring to the tenant's possession of the property they are renting. This section discusses rights and obligations, residential lease agreements, and requirements for ending the tenancy.

1. Tenancy Created by a Lease Agreement

A common way to create a tenancy, and thus a landlord-tenant relationship, is through a lease agreement (hereinafter "lease").² A lease is a legal, binding contract outlining the terms under which a landlord agrees to rent property to a tenant. A landlord must provide a written lease if the rental period is at least one year and/or the landlord owns five or more rental units.³ State and County laws establish specific obligations and rights of tenants and landlords. For example, the tenant has the right to possess the property and restrict access by others, including the landlord, to the rental property. This report is focused on tenancy created by a lease, and the rights and obligations associated with this type of tenancy.

Montgomery County Rental License Requirement. To become a landlord, a property owner must first obtain a rental housing license from the Montgomery County Department of Housing and Community Affairs (DHCA). DHCA issues rental housing licenses for condominiums, accessory apartments, single-family properties, and multi-family properties. The cost of a license ranges from \$44 per unit for multi-family properties to \$101 per unit for single-family properties. Rental licenses are good for one year (July 1st to June 30th) and must be renewed each year the property is rented. An unlicensed landlord may be subject to a civil citation and cannot pursue legal action against a tenant for rent due.⁴ A complete review of legal remedies available to unlicensed landlords was outside the scope of this report.

¹ Legal Information Institute, Cornell Law School, "WEX: Landlord-Tenant Law," available at https://www.law.cornell.edu/wex/landlord-tenant_law.

² A tenancy created without a lease is known as a tenancy at will or a tenancy at sufferance. The People's Law Library of Maryland, "Guidance and Resources if You are Thinking About Becoming a Landlord in Maryland," available at <https://www.peoples-law.org/guidance-and-resources-if-you-are-thinking-becoming-landlord-maryland>.

³ *Ibid.*; MD Code, Real Property, §8-208; Department of Housing and Community Affairs (DHCA), Landlord-Tenant Handbook, November 2017, available at <https://www.montgomerycountymd.gov/DHCA>, p. 12.

⁴ *Katie McDaniel v. Tom Baranowski*, No. 64, Sept. Term 2010.

2. Rights and Obligations of the Landlord and Tenant

State and County Codes define the rights and obligations of landlords and tenants. Two essential obligations/rights protected in law ensure that a landlord maintains the rental property and that a tenant can use the rental property without undue interference by the landlord.

- **Warranty of Habitability.** A landlord must comply with building/housing codes and repair any defects in the rental property. The Montgomery County Code conveys an expressed Warranty of Habitability, specifically requiring the landlord to make necessary repairs. Under the County Code, the lease that conveys the tenancy must reference: Chapter 8, “Buildings”; Chapter 22, “Fire Safety Code”; Chapter 26, “Housing and Building Maintenance Standards”; and Chapter 59, “Zoning.” A Warranty of Habitability cannot be waived by the tenant.⁵
- **Implied Covenant of Quiet Enjoyment.** An implied Covenant of Quiet Enjoyment prevents the landlord from disturbing a tenant’s possession of the premises (e.g., the landlord must provide the tenant with access to the rental property at the start of the lease and must provide notice before entering the rental property).⁶

DHCA publishes the Montgomery County Landlord-Tenant Handbook, which summarizes a landlord's and tenant's respective responsibilities. Table 1 lists key responsibilities.

Table 1. Major Responsibilities of Landlords and Tenants

Landlord	Tenant
<ul style="list-style-type: none"> • Provide for the maintenance of the health, safety and welfare of tenants; • Comply with Federal, State and local laws relating to rental property; • Keep all common areas in a multi-family rental property in a clean and safe condition; • Maintain the property in a habitable condition in compliance with all applicable housing codes, and make repairs as needed; • Maintain electrical, plumbing and other equipment in good working condition; and • Comply with all provisions in the lease. 	<ul style="list-style-type: none"> • Pay rent timely in accordance with the lease; • Keep the rental property clean and sanitary; • Keep plumbing fixtures clean and sanitary and operate all electrical and plumbing fixtures properly; • Inform the landlord promptly of any defects/problems at the rental property; and • Not damage or permit anyone else to damage the rental property.

Source: DHCA, Landlord-Tenant Handbook, pp. 1-2.

⁵ Legal Information Institute, WEX: Landlord-Tenant Law.; DHCA, Landlord-Tenant Handbook, p. 13.

⁶ Md. Code, Real Property, §§ 2-115, 8-204; The People’s Law Library of Maryland, “Quiet Enjoyment and Constructive Eviction,” available at <https://www.peoples-law.org/quiet-enjoyment-and-constructive-eviction>.

3. Key Components of Residential Leases

DHCA publishes standard leases for single-family homes, apartments, and condominiums.⁷ Leases detail the property to be rented, rental amount, rent due date, and the duration of the tenancy (year-to-year, month-to-month, week-to-week). Table 2 outlines required and prohibited lease terms.

Table 2. Required and Prohibited Lease Terms in Residential Leases

Required Provisions in Residential Leases
<ul style="list-style-type: none"> • Offer the tenant an initial term of two-years and a two-year term at each renewal, unless the landlord has reasonable cause to offer a shorter term; • Outline notice requirements, including required written notice to vacate and a 60 days’ written notice of the landlord’s intention to terminate the tenancy at the expiration of the lease; • Provide the tenant with a plain language summary of the lease (See Appendix A); • Outline responsibilities of landlord in repair and maintenance of the rental property; • Outline rent terms, including late fees and rent increases; • Provide the tenant with written receipts; • Permit the landlord to access the property after proper notice to make proper repairs or comply with County inspection laws; • Permit the tenant to sublease the rental property with written permission; • Permit the tenant to terminate the lease with notice; and • Provide the tenant with general information and assistance regarding evictions available with DHCA.
Prohibited Provisions in Residential Lease
<ul style="list-style-type: none"> • Require the tenant to agree to a confessed judgment – where the tenant admits liability and agrees to amount to be paid prior to any court action; • Require the tenant to waive any rights afforded in the County Code; • Authorize the landlord to take control of the tenant’s personal property or rental property without a court order; • Deny the tenant the right to a jury trial; • Require the tenant to pay any legal fees other than those awarded by a court; and • Allow the landlord to increase the rent more than once in a 12-month period.

Source: DHCA, Landlord-Tenant Handbook, pp. 13-14.

Rent. Rent is compensation paid by the tenant, in an amount defined by the lease, to the landlord for the use of the rental property. Rent is legally due on the date specified in the lease and must be paid on time, regardless of any breaches or omissions made by the landlord. Rent is typically due on the first of the month and considered late on the second of the month.⁸ If rent remains unpaid 10 days after the due date, the landlord

⁷ DHCA, “Landlord-Tenant > Publications and Forms,” available at http://montgomerycountymd.gov/DHCA/housing/landlordtenant/publications_forms.html#Landlord-Tenant%20Handbook

⁸ Douglas M. Bregman, *Maryland Landlord-Tenant Law: Practice and Procedures*, 4th Ed., LexisNexis, 2009; The Honorable Patrick L Woodward, Circuit Court (Montgomery County) and The Honorable Neil Edward Axel, District Court (Howard County), *Landlord-Tenant Law: The Basics for the Bench*, available at the Circuit Court Law Library, Rockville, Md.

can charge the tenant a late fee not to exceed 5 percent of the total rent due.⁹ The 10-day timeframe is not a grace period affording the tenant extra time to pay; rather, a limitation on when the landlord may charge late fees. The law allows a landlord to sue a tenant for rent if it is not paid by the due date.

Security Deposits. A security deposit is any money, including a pet deposit or payment of the last month's rent, taken by the landlord in advance. A security deposit protects a landlord against damage caused by tenants/guests/pets, non-payment of rent, or damages incurred if the tenant breaches the lease. The security deposit cannot exceed the equivalent of two month's rent. State law outlines requirements for depositing and returning the deposit.¹⁰

4. Ending the Tenancy

The tenancy ends on the date agreed upon in the lease. Prior to the end date of the lease, the landlord or tenant must provide a vacate notice before rent is due. If the tenant does not vacate the property by the stated date, the landlord can seek a court order to remove the tenant (See tenant holding over action, page 12).¹¹

Ending the Tenancy before the Lease Expires (Early Termination). Both landlords and tenants may end the tenancy before the lease expires. Early termination is considered a breach of contract, and the tenant may be liable for money damages (e.g., lost rent or cost to find a new tenant). The money owed and the notifications required depend on whether the cause of the early termination was within the tenant's control.¹²

- **Cause for early termination *beyond* the tenant's control.** A tenant may need to end a lease early due to an involuntary change in circumstances, including employment outside of the Washington Metropolitan area, death of a major wage earner, victimization from domestic violence, etc. The tenant must provide the landlord 30 days' notice and is liable for a maximum of one month's rent or actual damages.
- **Cause for early termination *within* the tenant's control.** A tenant can voluntarily choose to end a lease (e.g., buying a house). When circumstances are within the tenant's control, the tenant must pay rent through the end of the lease term. However, the tenant is not obligated to pay the remaining months' rent if the tenant subleases the rental property or the landlord can re-rent the rental property. In a sublease, the tenant transfers possession and certain rights of the property for the remaining term on the lease to another tenant.
- **Cause for early termination due to a breach of the lease by the tenant.** A landlord can end a tenancy early if the tenant substantially breaches the lease or if the tenant demonstrates clear and imminent danger to the tenant, landlord, or other tenants. A breach of lease action requires the landlord to seek a court order to remove the tenant from the rental property (see page 12).¹³

⁹ 10-Day Requirement, Montgomery County Code §29-27(l). Maximum late fee, MD Real Property Art. §8-208(c)(3).

¹⁰ MD Real Property Art. §8-203; DHCA, Landlord-Tenant Handbook pp. 15-18.

¹¹ *Ibid.*, The People's Law Library of Maryland, "Termination and Modification of Tenancy," available at <https://www.peoples-law.org/termination-and-modification-tenancy>.

¹² DHCA, Landlord-Tenant Handbook, pp. 21.23.

¹³ The People's Law Library of Maryland, "Breach of the Lease," available at <https://www.peoples-law.org/breach-lease>.

B. Landlord-Tenant Disputes and Remedies

Disputes between landlords and tenants arise when either party fails to uphold obligations or interferes with rights outlined in the lease. This section examines non-judicial and judicial remedies available to landlords and tenants in Montgomery County. While a landlord and tenant may attempt to resolve issues privately, a landlord or tenant cannot take any action he/she desires (Table 3). State and County laws outline specific courses of action to resolve disputes.

Table 3. Remedies Prohibited by State Law

- A landlord cannot force a tenant to comply with the lease or move by changing locks, shutting off or disconnecting the utilities, or failing to make necessary repairs (Constructive Eviction);
- A landlord cannot remove a tenant without a court order (Self-Help Eviction); and
- A tenant cannot withhold rent for repairs without following specific legal procedures.

Source: MD Real Property Art. §§8-206, 8-208, 8-216. DHCA, Landlord-Tenant Handbook, p. 26.

1. Seeking a Non-Judicial Remedy for a Landlord-Tenant Dispute in Montgomery County.

Landlords and tenants in Montgomery County may file a complaint with DHCA's Office of Landlord Tenant Affairs or with DHCA's Housing Code Enforcement Section.

Filing a Complaint with the Office of Landlord-Tenant Affairs. A landlord or tenant may file a complaint with the Office of Landlord-Tenant Affairs. A DHCA investigator reviews each complaint, decides whether a legal violation occurred, and identifies a solution through mediation. In fiscal year 2017, DHCA mediated 649 landlord-tenant cases.¹⁴ If parties cannot resolve the dispute through mediation, DHCA refers the case to the Commission on Landlord-Tenant Affairs (COLTA), a quasi-judicial body that issues legal decisions enforceable in court. Table 4 lists the remedies available to COLTA.¹⁵

¹⁴ CountyStat, Department of Housing and Community Affairs, available at <https://reports.data.montgomerycountymd.gov/en/stat/goals/single/ipuz-7mzn>.

¹⁵ A landlord or tenant may proceed directly to District Court to resolve landlord-tenant disputes. Filing in District Court provides either party with legal remedies not afforded by a COLTA decision, including returning possession to the landlord as well as past rent or damages that exceed \$2,500. Also for cases where the tenant owes rent (failure to pay actions), landlords and tenants are not required to be represented by an attorney. Department of Housing and Community Affairs, Commission on Landlord-Tenant Affairs (COLTA), available at <http://montgomerycountymd.gov/DHCA/housing/landlordtenant/colta/index.html>.

Table 4. Remedies Available to COLTA

If the Landlord Created a Defective Tenancy, then COLTA may:	If the Tenant Created a Defective Tenancy, then COLTA may:
<ul style="list-style-type: none"> • Terminate the lease; • Return to the tenant all or part of the security deposit; • Return to the tenant all or part of rent paid to the landlord; • Award the tenant up to \$2,500 for damage or loss; • Award the tenant a reasonable amount for temporary housing; and • Award the tenant attorney’s fees up to \$1,000 when appropriate. 	<ul style="list-style-type: none"> • Terminate the lease immediately and return possession to the landlord; and • Award the landlord up to \$2,500 for damage or loss.

Source: Department of Housing and Community Affairs, Commission on Landlord-Tenant Affairs (COLTA).

Filing a Complaint with DHCA Housing Code Enforcement. DHCA’s Housing Code Enforcement Section is responsible for administering the sections of the County Code that relate to housing and building maintenance standards, solid waste, and weeds. An inspection may be triggered by complaints, referrals, or requirements in the County Code. For example, the County Code requires DHCA to inspect a sample of rental units in multi-family properties once every three years.¹⁶ If the DHCA inspector finds a violation, the inspector will issue the property owner a notice identifying the violation, the required corrective action, and a deadline by which to correct the violation. After the deadline, the inspector will reinspect the property. If the property owner has not corrected the violation, the inspector will issue a civil citation ranging from \$100 to \$500 depending on the severity of the violation. The inspector can also request a court order (an abatement order) to correct the violations within a timeframe set by a judge which permits DHCA to make the repairs and charge the owner for the cost.¹⁷

2. Seeking a Judicial Remedy for a Landlord-Tenant Dispute in the Maryland Court System

The District Court of Maryland is a state-wide court headquartered in Annapolis, with 34 locations across 12 districts, including two in Montgomery County (Rockville and Silver Spring). The judicial process for landlord-tenant cases begins in the District Court.¹⁸

Judicial Remedies Available to Tenants. A tenant may file a complaint and seek a court-ordered remedy if a landlord breaches the law or lease. If a breach occurred, the Court typically awards money damages to be paid by the landlord to the tenant (e.g., return of rent paid, attorney’s fees, moving expenses, etc.) and may terminate the lease.

¹⁶ Montgomery County Code §29-22. Department of Housing and Community Affairs, “Changes Required by Bill 19-15 (Landlord-Tenant Relations), available at

https://montgomerycountymd.gov/DHCA/Resources/Files/housing/landlordtenant/19-15_changes_to_29.pdf.

¹⁷ Department of Housing and Community Affairs, Housing Code Enforcement Handbook, March 2017, available at

<http://www.montgomerycountymd.gov/DHCA/community/code/index.html>.

¹⁸ District Court of Maryland, “About District Court,” available at <https://www.courts.state.md.us/district/about>. The District Court does not conduct jury trials; if a party to a case is entitled to and requests a jury trial, the case is moved to Circuit Court. Maryland Courts & Judicial Proceedings Code, Ann., 4-401(4).

Table 5. Common Judicial Remedies Available to Tenants

Action that Triggers Legal Action	Md. Code Ann. Real Prop. Art.	Type of Complaint	Possible Remedies
Landlord fails to correct an issue that seriously interferes with the tenant’s use of the rental property	§§2-115, 8-211	Action for Breach of Covenant of Quiet Enjoyment	<ul style="list-style-type: none"> • Money damages paid to tenant • Moving expenses, attorney’s fees, or other expenses paid to tenant • Termination of the lease
Landlord fails to repair serious conditions to rental property (e.g., heat and electricity, structural defects, etc.) after reasonable time (30 days) from receipt of notice.	§8-211	Rent Escrow Action (Warranty of Habitability)	<ul style="list-style-type: none"> • Order landlord to make repairs • Termination of the lease • Money Damages • All or a portion of rent paid into escrow account, depending on conditions and time to remedy
The tenant disagrees with the statement of damages or does not receive a written statement of damages	§8-203	Action for Wrongfully Withholding Security Deposit	<ul style="list-style-type: none"> • Money Damages • Security deposit plus interest • Up to three times the amount of the security deposit withheld, plus reasonable attorney fees
A landlord evicts a tenant in response to filing a complaint or membership in a tenant’s rights organization	§8-206	Retaliation Action	<ul style="list-style-type: none"> • Money Damages • Up to three months in rent • Reasonable attorney fees • Pursuant to local authority, injunctive and equitable relief

Source: OLO Stakeholder Interviews. The People’s Law Library of Maryland, “Landlord and Tenant Causes of Action: ‘When Things Go Wrong,’” available at <https://www.peoples-law.org/landlord-and-tenant-causes-action-when-things-go-wrong>.

Judicial Remedies Available to Landlords. If a tenant fails to pay rent, breaches the lease, or otherwise violates the law, a landlord may file a complaint and seek a court-ordered remedy. When filing such a complaint, the landlord may request that the court terminate the lease, return possession of the rental property, and/or award money damages. The most common types of actions brought by landlords to end tenancy and regain possession of rental property are: failure to pay rent, tenant holding over, and breach of lease actions. (See Chapter 2).

Table 6. Common Judicial Remedies Available to Landlords

Action that Triggers Legal Remedy	Md. Code Ann. Real Prop. Art.	Type of Complaint	Possible Remedies
Tenant fails to pay rent	§8-401	Failure to Pay Rent Action	<ul style="list-style-type: none"> • Possession of the premises • Unpaid rent for period when tenant occupied the premises if the tenant remains on the premises
Tenant stays on the premises after lease expires or tenancy terminates and upon proper notice	§8-402	Tenant Holding Over Action	<ul style="list-style-type: none"> • Possession of the premises • Unpaid rent for period when tenant occupied premises • Damages caused by holding over • Money judgment is awarded only if there has been personal service on the tenant
Tenant breaches the lease in a way other than by failing to pay rent and after notice refuses to comply	§8-402.1	Action for Breach of Lease	<ul style="list-style-type: none"> • Possession of the premises
Tenant fails to pay rent, more than three months	§§8-301 - 8-332	Action for Distress of Rent	<ul style="list-style-type: none"> • Possession of the premises • Levy on and sale of goods on premises • Deficiency money judgment • Money judgment is awarded only if there has been personal service on the tenant
Tenant materially breaches the lease	Common Law	Action for Breach of Contract	<ul style="list-style-type: none"> • Unpaid rent for period when tenant occupied premises • Unpaid rent for period after tenant vacated premise • Money judgment is awarded only if there has been personal service on the tenant • Termination of the lease • Other damages caused by breach of lease

Source: OLO Stakeholder Interviews. *Amber Ben-Davies v. Blibaum & Associates, P.A.*; *Bryione K. Moore v. Blibaum & Associates, P.A.*, Misc. No. 4, September Term, 2017. The People’s Law Library of Maryland, “Landlord and Tenant Causes of Action: ‘When Things Go Wrong.’”

Just Cause Eviction Ordinances

Many cities, including Washington, D.C., Seattle, and 15 cities in California, have enacted “Just Cause Eviction” ordinances.¹⁹ Such laws require landlords to renew residential leases at the end of a lease, unless they have “just cause” to refuse lease renewal. For example, in Washington, D.C., landlords who wish to recover possession of a rental unit must specify one of the following ten reasons:

- Nonpayment of rent;
- Violation of tenant’s obligations that were not corrected;
- Tenant performed illegal act in the rental unit;
- Landlord seeks to occupy the unit for personal use;
- Landlord sells the unit to a party that seeks to occupy the unit;
- Landlord seeks to renovate or substantially rehabilitate the rental unit, and the tenant cannot safely occupy the unit during renovations; Landlord seeks to demolish the rental unit;
- Landlord seeks to discontinue the rental unit for housing and occupancy; and
- Landlord seeks to convert rental unit to a condominium or cooperative and has received approval.²⁰

In comparison, under Maryland State law, a landlord must provide a tenant with 60 days-notice that their lease will not be renewed at the end of the lease term, but they do not have to provide the tenant with the reason(s) for non-renewal.

Most cities with Just Cause Eviction ordinances also have rent stabilization or rent control policies in place. In these cases, the ordinances prevent landlords from terminating leases for the sole purpose of increasing the rent, since many rent control policies allow landlords to increase the rent when the unit becomes vacant. However, in some cities, such as San Diego, Just Cause Eviction ordinances are stand-alone measures. Analysts note that in these cities, Just Cause Eviction laws do not necessarily prohibit landlords from increasing the rent to motivate tenants to leave voluntarily.²¹

¹⁹ Hiser, J., Morris, E., Payne, H., Plovnick, A., Shahid, A., “Just Cause Eviction: Rapid Health Assessment,” MIT Department of Urban Studies & Planning student project with funding and technical assistance from The Health Impact Project, a collaboration of the Robert Wood Johnson Foundation and The Pew Charitable Trusts, May, 2016 < http://www.mapc.org/wp-content/uploads/2017/11/HIA_Just_Cause_final.pdf > accessed August 23, 2018.

²⁰ Code of the District of Columbia § 42–3505.01. Evictions

²¹ Levine, H. City Attorney, City of Fremont, “Agenda Item 3.A., Rent Control/Just Cause Eviction is revised,” [Memorandum], September 26, 2016, < <https://fremont.gov/DocumentCenter/View/31552/092716-Green-Sheet?bidId=> > accessed August 23, 2018.

Chapter 2. The Eviction Process in Montgomery County

If a tenant fails to pay rent or otherwise breaches their lease, a landlord can seek a court-order to end the tenancy, evict the tenant, and regain possession of the property. This court-administered process gives tenants an opportunity to present evidence at a hearing and requires the landlord to secure a court order, executed by the Sheriff, to evict a tenant.¹ This chapter details the eviction process as outlined by Sections 8-401 and 8-402 of the Maryland’s Annotated Code, Real Property Article and is organized as follows:

- **Section A** presents a high-level summary of the eviction process and common causes of action that can lead to eviction; and
- **Section B** presents a walk-through of a failure to pay rent action, including process steps and activities.

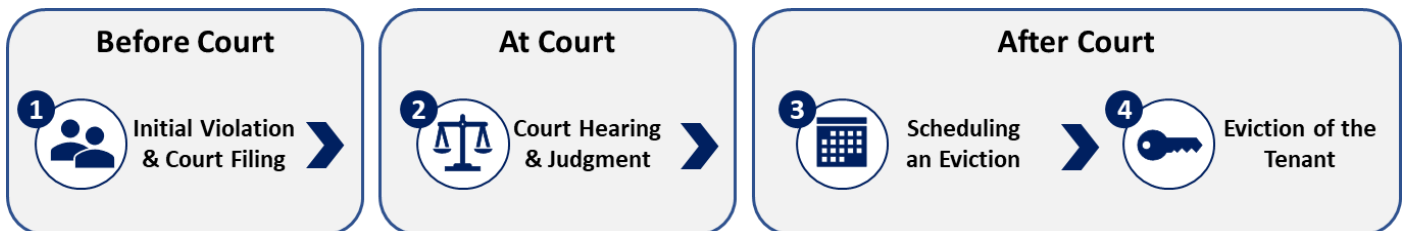
Findings from this chapter include:

- The State established failure to pay rent actions as an expedited, low-cost process to evict tenants who owe back rent. These actions comprise the majority of eviction cases; and
- The Sheriff’s Office reports that the average time to evict a tenant for failure to pay rent in Montgomery County is 12 to 13 weeks. Landlords in Montgomery County indicate that the process can sometimes take much longer.

A. Summary of the Eviction Process

Depending on the type of lease violation, the eviction process in Montgomery County takes between 10 and 20 weeks from the time of the initial violation to execution of the eviction order. Stakeholders in Montgomery County report that the process typically takes 12 to 13 weeks to complete, but can sometimes last significantly longer.² The eviction process involves four steps across three distinct phases – before, at, and after court.

Diagram 1. Eviction Process



Key Participants. The following is a list of key participants in the evictions process and their roles.³

- **Plaintiff.** The person who starts the lawsuit; in an eviction action, the plaintiff is the landlord.
- **Defendant.** The person who is sued; in an eviction action, the defendant is the tenant.

¹ MD Code, Real Property, § 8-216. Department of Housing and Community Affairs, Landlord-Tenant Handbook, p. 26.

² §§8-401, 8-402, 8-401.2; OLO stakeholder meetings held November 2017 to January 2018.

³ District Court of Maryland, “About District Court,” available at <https://www.courts.state.md.us/district/about>; Montgomery County Sheriff’s Offices, available at <http://www.montgomerycountymd.gov/sheriff/information/about.html>; OLO stakeholder meetings.

- **District Court Judge.** The District Court Judge must be a member of the Maryland Bar, be at least 30 years old, and reside in the county in which they sit. Judges are selected by the Governor and confirmed by the State Senate. The District Court Judge hears the case and renders a decision.
- **Court Clerk.** The Court Clerk is responsible for scheduling cases, maintaining case files, distributing forms, and responding to requests for information.
- **Sheriff's Office.** The Montgomery County Sheriff's Office is the law enforcement arm of the County's judicial system. The Sheriff's Office Eviction Section is responsible for enforcing eviction orders.
- **Attorney.** An attorney provides advice about the merits of the case. Under State Law, unless the client is pro se (representing oneself), a plaintiff or defendant must be represented by an attorney. In failure to pay rent actions, however, State law grants an exception, and a non-attorney may represent either party (see page 21).

Most Common Causes of Action Resulting in Eviction. As discussed in Chapter 1, the three most common causes of action that result in tenant eviction from a rental property are: failure to pay rent, tenant holding over, and breach of lease. Of the three causes of action, failure to pay rent actions are the most frequently filed and heard by the District Court. A failure to pay rent action is a summary ejectment proceeding, meaning that it is intended to be a short and inexpensive process. This is the preferred method in Maryland to end a tenancy and return possession of a rental property to a landlord.⁴

Table 7, on the following page, highlights key differences between a failure to pay rent action (summary ejectment action) and a tenant holding over or breach of lease action. The differences reflect policy choices that grant landlords an expedited and affordable legal process to recover possession.⁵ The most notable differences between the three causes of action are found in the first two steps of the eviction process – 1) the initial violation and court filing and 2) the court hearing. Otherwise, for all three causes of action the process is similar in the final two steps – 3) scheduling an eviction and 4) eviction of the tenant. Appendix B provides a summary of process activities for tenant holding over and breach of lease actions.

⁴ *Wendy Cane v. EZ Rentals*, 450 Md. 597 (2016); *Nicholson Air Services, Inc. v. Board of County Commissioners of Allegany County*, 120 MD. App. 47 (1998). *Brown v. HOC of Montgomery County*, 935 A.2d 395 (2007).

⁵ Matthew Moore, Esq., *Landlord and Tenant Law*, Lorman Educational Services, 2008.

Table 7. Key Differences Between Three Common Causes of Action that Can Result in an Eviction

Process Step & Activity	Failure to Pay Rent	Tenant Holding Over	Breach of Lease
Number of Weeks from Step 1: Initial Violation and Filing Complaint to Step 4: Executing the Eviction Order*	12 to 13 weeks (avg.)	10 to 14 Weeks ⁺	13 to 20 weeks
1. Initial Violation & Court Filing			
Notice Required Before Filing the Complaint	No	Yes	Yes
Pre-trial Discovery Permitted	No	Yes	Yes
State Law Requires the Hearing to be Scheduled within Set Timeframe	Yes	No	No
Fee to File a Complaint	\$15	\$46	\$46
Fee to Serve Summons to Tenant	\$5/tenant of record	\$40/defendant	\$40/defendant
2. Court Hearing & Judgment			
Length of Postponement Allowed for Parties to Appear or Secure Witnesses	1 Day***	6 – 10 Days	6 – 10 Days
Either Party May Be Represented by a Non-Attorney	Yes	No	No
Court can Return Possession of the Rental Property to the Landlord	Yes	Yes	Yes
Court Can Award Money Damages	Yes	No	Yes
Timeframe to File an Appeal	4 Days	10 Days	10 Days
Required Waiting Period Before Requesting Writ of Restitution to Recover Possession	4 days	0 Days	0 Days
Payment of Rent Can Stop Eviction Order (If no right of redemption requested by the landlord**)	Yes	No	No

Source: MD Code, Real Property, §§8-401 – 8-402.1; *Amber Ben-Davies v. Blibaum & Associates, P.A.*; *Bryione K. Moore v. Blibaum & Associates, P.A.*, 457 Md. 228; District Court of Maryland Cost Schedule, Revised May 2018, available at <https://www.courts.state.md.us/sites/default/files/import/district/forms/acct/dca109.pdf>

*Based on a five-day workweek, excludes delays due to appeal periods, weekends, holidays, weather, and other scheduling delays (e.g., postponement of hearing for litigant to procure witnesses). Includes scheduling timeframes obtained from OLO stakeholder interviews, including timeframes to sign Writs and schedule evictions. These timeframes may vary in other Maryland jurisdictions based on policies and resources.

*Notice requirements can impact the timeframe. For tenant holding over, the landlord must provide the tenant with a vacate notice and the exact date for leaving the property. If the tenant fails to leave the property by that date, the landlord may immediately file a complaint. Since the breach does not occur until the tenant refuses to leave by the notice date, the timeframe does not include the 60- to 90-day vacate notice.

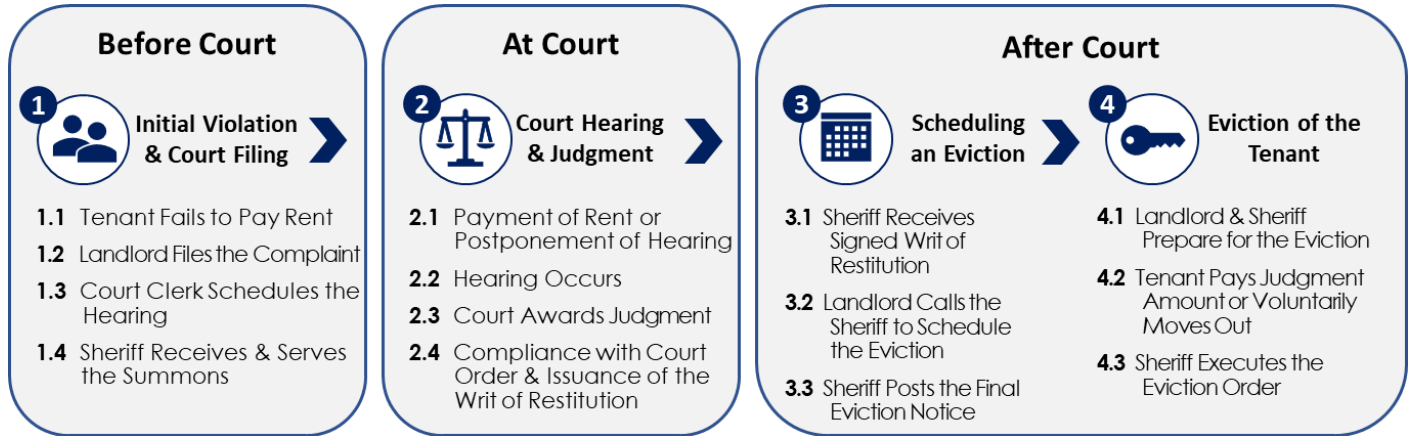
**A landlord can request a "no right of redemption" eviction if the landlord has obtained three or more judgments for eviction against the tenant in the prior 12 months. The landlord must make this request on the failure to pay rent complaint and include case numbers and judgment dates for previous evictions. If granted by the Court, regardless of whether the tenant pays rent owed, the tenant will be evicted from the property.

***Stakeholders report that judges in the District Court in Rockville will postpone a case for up to one week.

B. Detailed Walk-Through of a Failure to Pay Rent Action

This section presents a detailed walk-through of a failure to pay rent action starting from the tenant’s failure to pay rent (Step One) and concluding with a court-ordered eviction of the tenant (Step Four).⁶ Each section provides a description of activities, the participants and their roles, legal requirements, and policies that guide the process. The sources for the following summaries include OLO’s review of Maryland Code §§8-401, stakeholder meetings, and a review of landlord-tenant law literature.

Diagram 2. Eviction Process and Activities



⁶ Appendix B summarizes tenant holding over and breach of lease actions. These summaries focus on Steps One and Two of the eviction process where legal requirements vary.



1. Initial Violation & Court Filing

The first step in the eviction process begins when the tenant fails to pay rent and ends with the Montgomery County Sheriff’s Office serving the court summons to the tenant.

1.1 Tenant Fails to Pay Rent

Inherent in the lease is the tenant’s obligation to pay rent by the date stipulated in the agreement (usually the first day of the month). When a tenant defaults on the rent obligation, the landlord can seek a court order to recover rent due and repossess the property.⁷

To begin the eviction process, a landlord completes a failure to pay rent complaint form, available on the District Court’s website.⁸ It must be completed in full, with relevant documents attached (e.g., the lease, billing records, payment receipts, etc.) and delivered to the Court. If information is missing or inaccurate, the case may be delayed or dismissed. Key requirements of the complaint include:

- The rental property address;
- The total rent due, the number of months for which rent is due, and any late charges;
- A request for rent becoming due after the date of filing, but due by the date of trial;
- The landlord’s rental facility license number;
- Request that the tenant’s right of redemption be foreclosed (see below);
- Proof of State inspection certificate for lead paint, if applicable; and
- Proof that the tenant is not active duty military.⁹

Right of Redemption. In a failure to pay rent action, the tenant is not required to vacate the property if the tenant pays all amounts owed (i.e., rent, late fees, and court-awarded costs) before the Sheriff’s Office carries out the eviction order. The tenant may pay using cash, certified check, or money order. However, this right of redemption is not unlimited: the right of redemption becomes unavailable if three or more judgments for possession were entered against the tenant in the 12 months prior to the beginning of the pending eviction action.¹⁰ In such cases, a landlord must request that the Court foreclose the tenant’s right of redemption on the complaint form. The Court requires the landlord to list all case numbers and judgment dates within the past 12 months to ensure that the tenant has notice of the scope of relief requested.¹¹ If the Court grants the landlord’s request to foreclose the tenant’s right of redemption, then regardless of whether the tenant subsequently pays the amounts owed, the tenant will be evicted from the property.

Phase: Before Court

Timeframe (Est.): 3 to 4 weeks

Process Activities

- 1.1 Tenant Fails to Pay Rent
- 1.2 Landlord Files the Complaint
- 1.3 Court Clerk Schedules the Hearing
- 1.4 Sheriff Receives and Serves the Summons

⁷ Douglas M. Bregman, *Maryland Landlord-Tenant Law: Practice and Procedures*.

⁸ District Court of Maryland, Failure to Pay Rent – Landlord’s Complaint for Repossession of Rented Property (Form DC/CV82), available at <https://www.courts.state.md.us/courtforms?forms%5B0%5D=languages%3A59>.

⁹ Md. Real Property § 8-401(b). Except by court order, a landlord cannot evict a servicemember or dependents during a period of military service where the rental amount does not exceed limits set by the act (in 2017 the limit was \$3,584) (Servicemember Civil Relief Act). The Department of Defense makes publicly available a search engine that allows landlords to independently check military records by using the tenant’s social security number, birthdate, and last name(<https://www.dmdc.osd.mil/appj/scra>).

¹⁰ Md. Real Property §8-401(e). The People’s Law Library of Maryland, “Failure to Pay Rent,” available at <https://www.peoples-law.org/failure-pay-rent>.

¹¹ Stakeholder Interviews. District Court of Maryland, Failure to Pay Rent Complaint.

1.2 Landlord Files the Complaint

The landlord may file the failure to pay rent complaint the day after rent is due and unpaid (usually the second day of the month). In Montgomery County, landlords often delay filing until 10 days after rent is due, when the County Code permits landlords to charge late fees to tenants.¹² State law does not require the landlord to provide notice to the tenant that a complaint will be filed in Court. The landlord delivers the completed complaint to the District Court in the jurisdiction where the rental property is located, along with filing fees.¹³ The fee to file a failure to pay rent complaint is \$15.¹⁴

1.3 Court Clerk Schedules the Hearing

The Court Clerk receives the completed complaint and schedules the hearing. For failure to pay rent cases, State law requires a hearing to be scheduled five days after the landlord files the complaint.¹⁵ However, scheduling is dependent on judicial resources as well as the Sheriff’s Office ability to serve complaints, with most cases scheduled weeks after filing. In Montgomery County, failure to pay rent cases are scheduled on average three to four weeks after filing. This often results in the hearing being scheduled the month after the violation occurs. Weather, court holidays, and staffing can delay hearing schedules.¹⁶ Table 8 displays the typical scheduling timeframes for several jurisdictions in Maryland.

Table 8. Timeframe between Filing a Complaint and Scheduling a Hearing

Jurisdiction	Timeframe	Court Docket	Average No. of Cases Filed/Week*
Montgomery	3 to 4 weeks	Landlord-tenant cases are heard on Wednesdays, with failure to pay rent actions held at 8:00am and 12:00pm and all other actions held at 10:30am. Pro Se landlords have a special docket on Mondays.	881
Anne Arundel	1 week	Landlord-tenant cases are heard daily, usually in the morning.	763
Baltimore City	1 to 2 weeks	Landlord-tenant cases are heard daily at 9:00am, 10:45am, and 1:30pm.	2,770
Frederick	2 weeks	Landlord-tenant cases are heard each Friday. Cases filed between Monday and Thursday (before noon) are heard on the following Friday. All other cases filed after noon on Thursday are heard the next Friday.	141
Howard	2 to 3 weeks	The Court reserves a half-day on Fridays for landlord-tenant cases, except for the last Friday of each month when cases are scheduled for the full day.	392
Prince George’s	--	Court is held four days each week.	2,978

Sources: OLO Stakeholder Meetings; District Court of Maryland, “Civil Case Activity Report: July – June FY17,” available at <https://www.courts.state.md.us/sites/default/files/import/district/statistics/2017/fy2017.pdf>

*Average number of cases filed per week is calculated by dividing the number of landlord-tenant cases filed (for each District Court examined) by number of weeks in a calendar year.

¹² OLO stakeholder meetings.

¹³ The State is working on rolling out e-filing to across Maryland. E-filing will be available in Montgomery County in 2019.

¹⁴ District Court of Maryland, Cost Schedule, available at <https://mdcourts.gov/sites/default/files/import/district/forms/acct/dca109.pdf>.

¹⁵ Md. Real Property §8-401(b)(3)(i).

¹⁶ Douglas M. Bregman, *Maryland Landlord-Tenant Law: Practice and Procedures*.

1.4 Sheriff Receives and Serves the Summons

The District Court issues a summons to the tenant to appear on the trial date. The Court sends a hardcopy transmittal memo to the Sheriff's Office containing batches of landlord-tenant cases. The Sheriff's Office noted that each batch contains on average 125 landlord-tenant actions per day.¹⁷ However, this is a rough estimate, as actual totals vary and are not evenly distributed throughout the year. For example, the number of actions decline in January, but greatly increase during the spring and summer months.

The Sheriff's Office Service of Process Section receives the summons and then sends a copy of the summons by first class mail to the tenant and serves the tenant in-person (or posts a copy of the summons on the property if the tenant cannot be located in person). State law mandates that the Sheriff's Office serve all papers directed to it by the courts or private litigants and file returns with the Court. The Sheriff's Service of Process Section serves over 70,000 court papers annually, including landlord-tenant cases.¹⁸

How the summons is served to the tenant (in-person or posting to the property) determines the remedy available to the landlord. In-person service (also known as personal service) occurs when the Sheriff physically hands the summons to the tenant(s). Personal service may be requested by a landlord on the complaint form and is required for landlords seeking a money judgment (rent due). If the landlord does not request personal service or if the Service of Process Section is unable to personally serve the tenant, the summons is affixed in a conspicuous place (e.g., the door of the rental property). Posting of service is sufficient for the landlord to get a default judgment against the tenant for possession of the rental property and court costs, but the Court cannot award judgment for rent due.¹⁹ The landlord must pay a fee to the Sheriff's Office to serve the summons, currently set at \$5 per tenant of record.²⁰ There is no difference in fees charged by the State for in-person or posting of service. After the summons is served, the Sheriff's Service of Process Section returns a copy of the summons to the Court to show service was completed.

¹⁷ Montgomery County Sheriff's Office.

¹⁸ Montgomery County Sheriff's Office. Due to the high volume of actions, failure to pay rent summons are not electronically recorded as part of the tracking process. In comparison, due to the roll-out of e-filing, the Prince George's County Sheriff's Civil Landlord and Tenant Division receives, prints, and posts summons.

¹⁹ Md. Real Property §8-401(4). District Court of Maryland, "How Landlords Can Resolve Disputes with Tenants," available at <https://www.courts.state.md.us/sites/default/files/court-forms/dccv082br.pdf> If the landlord is unable to obtain a money judgment at the failure to pay rent hearing, the landlord may keep any portion of the tenant's security deposit for unpaid rent. Additionally, the landlord may file a separate collection action in District Court or Circuit Court depending on amount requested. §8-401; People's Law Library of Maryland, "Security Deposits," available at <https://www.peoples-law.org/security-deposits>.

²⁰ Md. Real Property §8-401(b)(3). District Court of Maryland, Cost Schedule.



2. Court Hearing & Judgment

The second step in the eviction process begins with a hearing in District Court and ends with the landlord receiving a court-order authorizing the eviction of the tenant.

Phase: At Court

Timeframe (Est.): 1 to 2 weeks

2.1 Payment of Rent or Postponement of Hearing

If the tenant has the right of redemption and pays amounts owed (rent, late fees, and costs), the landlord’s complaint is satisfied, and no further proceedings are held. However, if the landlord requested that the District Court foreclose on the tenant’s right of redemption, the hearing moves forward. Additionally, prior to the hearing or at trial, either party may request a postponement. Postponements may be granted by the judge for one day to secure witnesses, unless otherwise agreed to by both parties.²¹ District Court stakeholders (Rockville location) report that judges may postpone the hearing for up to one week.

Process Activities

2.1 Payment of Rent or Postponement of Hearing

2.2 Hearing Occurs

2.3 Court Awards Judgment

2.4 Compliance with Court Order and Issuance of Writ of Restitution

2.2 Hearing Occurs

In the absence of a rent payment or postponement, a hearing occurs on the matter. Housing cases can be heard quickly. The District Court recommends that both parties wait in the courtroom until the case is called. State law permits either party to be represented by a non-attorney (this is an exception in State law). For example, a landlord might be represented by a property agent and a tenant might be represented by a law student practicing in a clinical program or an employee with a non-profit who has training and is supervised by a lawyer.²²

If the tenant fails to appear when the case is called, the judge will enter a default judgment in favor of the landlord (as long as the landlord is licensed, compliant with lead paint certification, the tenant not on active duty military, and remains in possession of the property). Conversely if the landlord fails to appear, the Court will dismiss the case. If both parties are present, the Court will first ask the landlord to explain his/her side and present evidence, followed by the tenant. The landlord has the burden of proof to show that rent is due, and that rent is unpaid.²³ The tenant must show cause why the Court should not find for the landlord. There are several defenses available to the tenant, including:

- **A Procedural Defect in the Service or Complaint.** The summons was not posted in a conspicuous place or the landlord failed to fully and accurately complete the complaint (e.g., failure to provide lead registration certificate number or rental license number);
- **Request for Non-Rent Monetary Damages.** A failure to pay rent complaint is limited to rent due, late fees, and court costs;
- **Tenant is enrolled in a Housing Choice Voucher Program.** Special laws apply to tenants in housing programs, including eviction procedures, as required by Federal law.

²¹ Md. Real Property § 8-401(c). *Amber Ben-Davies v. Blibaum & Associates, P.A.*. Douglas M. Bregman, *Maryland Landlord-Tenant Law: Practice and Procedures*.

²² Md. Business Occupations & Professions §10-206(b)(1)&(2). The People’s Law Library, “Failure to Pay Rent.”

²³ MD. Real Property §8-401(c)(2). *Sprigg v. Moale*, 28 Md. 497. The People’s Law Library, “Failure to Pay Rent.”

- **Breach of the Covenant of Quiet Enjoyment.** If the landlord fails to correct a situation that seriously interferes with the tenant’s use of the rental property, the tenant may stop paying rent and end the lease. The landlord can still sue the tenant for unpaid rent. To claim the defense, the tenant must prove that the disturbance was substantial enough to constitute a constructive eviction, meaning the tenant moved out of the rental property prior to the expiration of the lease or the landlord illegally prevents the tenant from entering the property.
- **Breach of Warranty of Habitability.** If the landlord fails to repair serious or dangerous defects in a rental property, the tenant can establish a rent escrow account. A separate hearing occurs when the tenant files a rent escrow action. If the tenant opts to withhold rent, without first establishing a rent escrow account, the landlord can still evict the tenant for failure to pay rent. As a defense, the tenant must show evidence of the defects. If the Court agrees with the tenant, the tenant must place rent payments into an escrow account until the dispute is resolved.²⁴

2.3 Court Awards Judgment

If the landlord proves that rent was due and unpaid, the Court enters a judgment for possession of the rental property and a money judgment (depending on the type of service or relief requested).²⁵ As part of the judgment, the Court determines the amount of rent due and unpaid. If the hearing occurred within the five-day timeframe required by State law, the Court calculates rent due based on the date of the complaint. Alternatively, if the hearing does not occur within this timeframe, the landlord may request that rent due be calculated as of the date of the judgment.²⁶

Tenant’s Right to Redeem. If the Court awards possession to the landlord, and the tenant has the right of redemption, the tenant is not required to vacate the property if the tenant pays all rent due, late fees, and court costs (defined in the judgment). However, if the landlord requested foreclosure of the right of redemption in the complaint and showed proof of three or more judgments for possession against the tenant in the past 12 months, the Court will foreclose on the tenant’s right to redeem. This means that, regardless of whether the tenant subsequently pays the judgment amount, the eviction will occur.²⁷

Table 9. Available Remedies in a Failure to Pay Rent Action

	Available Remedy
Failure to Pay Rent	<ul style="list-style-type: none"> • Possession of the rental property; • Money damages, if the tenant was personally served; or • Foreclosure of the Tenant’s Right to Redemption. The landlord must request this on the complaint.

Source: Md. Real Property §8-401(c).

²⁴ The People’s Law Library of Maryland, “Landlord and Tenant Causes of Action: ‘When Things go Wrong,’” available at <https://www.peoples-law.org/landlord-and-tenant-causes-action-when-things-go-wrong>. Maryland Attorney General’s Office Consumer Protection Division, “Landlords and Tenants: Tips on Avoiding Disputes,” available at <http://www.marylandattorneygeneral.gov/Pages/CPD/landlords.aspx#escrow>.

²⁵ If the landlord is unable to obtain a money judgment, the landlord may keep any portion of the tenant’s security deposit for unpaid rent. Additionally, the landlord may also file a separate collection action in District Court or Circuit Court depending on amount requested. §8-401; People’s Law Library of Maryland, “Security Deposits,” available at <https://www.peoples-law.org/security-deposits>.

²⁶ Douglas M. Bregman, *Maryland Landlord-Tenant Law: Practice and Procedures*.

²⁷ Md. Real Property §8-401(e).

Appeal. If either party disagrees with the Court, an appeal must be filed within four days from the judgment. To show that the appeal is made in good faith and to stop the eviction process from moving forward, the tenant must pay money to the Court to cover costs determined by the judgment and other money damages caused by the appeal.²⁸

2.4 Compliance with the Court Order and Issuance of Writ of Restitution

Once judgment is entered and appeal time has expired, the Court orders the tenant to move out of the rental property within four days. The four-day timeframe may be extended to accommodate timing during the week (i.e., the day of the judgment plus Saturdays, Sundays, and legal holidays are not counted) and health and safety of the tenant or occupants (i.e., the judge may extend the deadline up to 15 days with doctor's certification).²⁹

If the tenant fails to leave the rental property within the required timeframe, the landlord may request that the Court issue a Writ of Restitution. The Writ of Restitution is the legal document that directs the Sheriff to remove the tenant and the tenant's belongings from the rental property and return possession to the landlord. The landlord must request the Writ of Restitution from the District Court within 60 days of the judgment or the judgment for possession is no longer valid.³⁰

²⁸ §8-401(f).

²⁹ Douglas M. Bregman, *Maryland Landlord-Tenant Law: Practice and Procedures*.

³⁰ Md. Real Property §8-401(d).



3. Scheduling an Eviction

The third step in the eviction process begins with the scheduling of the eviction and ends with posting of the eviction notice.

3.1 Sheriff Receives the Signed Writ of Restitution

It can take between one and three weeks for the judge to sign the Writ of Restitution. Once signed, the District Court forwards the Writ to the Sheriff’s Office Eviction Section and mails a copy to the landlord. In fiscal year 2017, the Eviction Section received 10,451 Writs of Restitution, or an average of approximately 200 per week.³¹ The Eviction Section is responsible for mailing a copy to the tenant. The landlord must pay a fee to serve the Writ, currently set at \$40. The Eviction Section cannot schedule the eviction prior to receipt of the signed Writ.³²

Phase: After Court

Timeframe (Est.): 2 to 3 weeks

Process Activities

3.1 Sheriff Receives the Signed Writ of Restitution

3.2 Landlord Calls the Sheriff to Schedule the Eviction

3.3 Sheriff Posts the Final Eviction Notice

3.2 Landlord Calls the Sheriff to Schedule the Eviction

In Montgomery County, the landlord is responsible for calling the Eviction Section to schedule the eviction. Any Writ received by the Sheriff’s Office, but not acted upon by the landlord, is returned to the Court. If a Writ is returned, the landlord must restart the eviction process. A landlord may not call to schedule an eviction if a deal was reached with the tenant or the tenant voluntarily leaves. The Eviction Section reports that the best time to call is between 8:00am-9:00am or 3:00pm-3:45pm Monday through Friday. Evictions are scheduled on a first come, first served basis and are typically scheduled four to five weeks from when the landlord calls. The Eviction Section has flexibility to schedule the eviction around holidays (e.g., Thanksgiving, Christmas, and New Year’s) or more quickly in urgent situations (e.g., tenant arrested or destroying property). Each eviction takes between 45 minutes to one hour to complete, with the Eviction Section scheduling up to nine evictions per day Monday through Friday, under the direction of four deputies (two teams of two deputies). Evictions occur at 10:00am, 11:30am, or 1:00pm (three evictions per timeslot) and are grouped geographically by property owner: Up-County, Monday and Friday; Down-County, Tuesday and Thursday; and Mid-County, Wednesday.³³ The Sheriff’s Office reports that the number of evictions scheduled per day can vary. For example, in times of increased workloads, up to 12 evictions may be scheduled per day.

³¹ Montgomery County Sheriff’s Office.

³² Montgomery County Sheriff’s Office. District Court of Maryland, Cost Schedule.

³³ *Ibid.*

Timeframe to Schedule an Eviction in Other Maryland Jurisdictions

In Montgomery County, an eviction is typically scheduled four to five weeks from the date the landlord calls to schedule the eviction. In comparison, an eviction is generally scheduled four to six weeks from the receipt of the Writ in Howard County; within 30 days in Prince George’s County, and within 2 days to two weeks in Frederick County. This variation can result from differing policies, staffing resources, and caseloads. For example, the Prince George’s County Sheriff’s Office receives the signed Writ electronically from the Court. Once received, a coordinator who handles scheduling and communications emails the landlord to schedule the eviction. If the landlord does not respond, the Office will call the landlord twice before returning the Writ to the Court. Evictions are grouped by property management company, with certain days reserved each month for each company (e.g., Southern Management has three set days per month). On these set days, deputies conduct all evictions for a designated management company. Under the direction of four to five teams of deputies, the Sheriff’s Office conducts approximately 45 evictions per day, with each taking an average of 30 minutes to complete.³⁴

3.3 Sheriff Posts the Final Eviction Notice

Once the eviction date is confirmed, then at least 10 days prior to the eviction the Sheriff posts a “red and white notice” on rental properties scheduled for eviction (Appendix C). This notice is not legally required, and an eviction may still occur without service of the “red and white” notice.³⁵ The “red and white” notice is printed in English and Spanish, and while it does not contain the eviction date, it informs the tenant that:

- The tenant is scheduled for an immediate eviction;
- If the tenant does not pay the amount due, or does not have the right of redemption, eviction will occur;
- If the Writ is for issues other than nonpayment of rent (i.e., breach of lease, tenant holding over, or wrongful detainer), the eviction will go forward regardless of any payment of rent;
- Indicates that the Sheriff’s Office will gain access to the rental property and that movers will place belongings on the public right of way if not removed prior to the day of the eviction;
- Refers tenants to DHCA or DHHS for assistance; and
- Provides a phone number to contact the Sheriff’s Office directly.

³⁴ OLO Stakeholder Interviews.

³⁵ Montgomery County Sheriff’s Office.



4. Eviction of the Tenant

The final step in the eviction process begins with preparation for the eviction and ends with execution of the eviction order. The information presented in this section was provided to OLO by the Montgomery County Sheriff’s Office.

4.1 Landlord and Sheriff Prepare for the Eviction

Both the landlord and the Eviction Section conduct preparation activities prior to the date of the eviction.

Landlord’s Responsibilities. For the eviction, the landlord must schedule a moving crew to remove the tenant’s belongings and a locksmith to change the locks. The landlord must have means (e.g., a truck) to move the tenant’s belongings, tools for disassembling furniture, and bags for clothing or other smaller items. The Sheriff’s Office requires a minimum moving crew based on the size of rental property.

Process Step Timeframe	
Phase:	After Court
Timeframe (Est.):	4 to 5 weeks
Process Activities	
4.1	Landlord and Sheriff Prepare for the Eviction
4.2	Tenant Pays Judgment Amount or Voluntarily Moves Out
4.3	Sheriff Executes the Eviction Order

Table 10. Minimum Crew Size Required for Eviction by Rental Property Type

Rental Unit	Minimum Crew Size (No. of Persons)
1 to 2 Bedroom Apartment	8
3 Bedroom Apartment	10
Townhouse	10 to 12
Single Family Home	12 to 15
Retail Business	15 to 25

Source: Montgomery County Sheriff’s Office.

Sheriff’s Office Responsibilities. In cases where the tenant retains the right of redemption, before the eviction date the Eviction Section contacts the landlord to determine the total amount paid by the tenant and the total amount required to stop the eviction, if applicable. The amount due is determined by the judgment, regardless of any sum that has come due since the trial. The Eviction Section will also discuss the property conditions with the landlord and what to expect on the day of the eviction. If the landlord knows of vulnerable populations present at the property, the Eviction Section will coordinate with other County departments, including:

- **Child Protective Services.** Indication of abused, neglected, or otherwise vulnerable children;
- **Adult Protective Services.** Elderly adults and adults with disabilities that may interfere with proceedings or may be impacted by eviction action;
- **Health and Human Services.** Tenants eligible for housing assistance;
- **Montgomery County Police, Critical Incident Team, and/or the Crisis Center/MC44.** Indication of mental health issues with any party; and
- **Montgomery County Police, Animal Control Division.** Advance information of pets or other animals or pets on the scene at the time of the eviction.

4.2 Tenant Pays Judgment Amount or Voluntarily Moves Out

The Eviction Section contacts the landlord a day before the eviction to confirm the time. At any time prior to execution of the order, the tenant may pay the judgment (if right of redemption exists) or voluntarily move out.

- **If the tenant has the right of redemption and pays the amount owed or the landlord settles with the tenant**, the landlord must notify the Eviction Section and cancel the eviction. The payment must be made in cash, certified check, or money order (including all court costs) to the landlord or his agent and the Sheriff must receive a receipt. The Eviction Section verifies the landlord's identity prior to cancelling the eviction. The tenant can call and confirm with the Eviction Section that the landlord cancelled the eviction.
- **If the tenant voluntarily leaves the property prior to the eviction date**, the landlord must notify the Eviction Section and can request a walk-through eviction. A walk-through eviction is performed when the rental property is empty and there are no personal property items requiring removal.

4.3 Sheriff Executes the Eviction Order

On the day of the eviction, the Eviction Section arrives at the rental property. The eviction cannot take place without the Eviction Section deputies present. Also, on site are the landlord, the moving crew, a locksmith, and other County departments (if needed). The Eviction Section may cancel or delay the eviction due to:

- **Weather.** If it is raining or snowing at the scheduled time of the eviction or if the predicted high temperature from the national weather broadcast on the scheduled date is 32 degrees or below, the eviction will be cancelled. If this occurs, the Eviction Section reschedules it as soon as possible. However, if precipitation starts after an eviction has started, the eviction will continue until completed.
- **Landlord fails to secure the required moving crew.** If an eviction is canceled due to items under the responsibility of the landlord (e.g., unavailability of the moving crew), the Eviction Section will attempt to reschedule the eviction (if there is an opening in the schedule before the Writ expires).
- **Filing of an Appeal with the Circuit Court.** If the tenant has appealed the decision and paid the appropriate bond amount, the eviction is stayed while the appeal is decided.³⁶
- **Bankruptcy.** If a tenant enters bankruptcy prior to an eviction, the tenant may stay the eviction. However, if the bankruptcy proceeding was initiated after the landlord received judgment for possession, the landlord may be able request that the Court permit continuance of the eviction action.³⁷

Before the movers begin, the deputies enter and secure the property, checking for any animals, weapons, contraband, cash, valuables, hazardous materials, and identification documents. The deputies permit the tenants five to ten minutes to gather important belongings (e.g., wallet, medication, etc.). Once secure, the moving crew removes the tenant's belongings to the nearest public-right-of-way. The deputies try to ensure food is returned to the tenant. Neither the Sheriff's Office nor the landlord is responsible for the tenant's belongings. After the movers remove the belongings, the locksmith changes the locks. With this final action, the eviction process is complete, and possession is returned to the landlord. In fiscal year 2017, the Montgomery County Sheriff's Office carried out 836 evictions, or an average of 16 per week.³⁸

³⁶ Md. Real Property §8-401(f).

³⁷ 11 U.S.C.A §362; Bay Management Group, "What Happens When Your Tenant Files Bankruptcy in Maryland?" July 9, 2015, available at <https://www.baymgmtgroup.com/blog/what-happens-when-your-tenant-files-bankruptcy-in-maryland/>.

³⁸ Montgomery County Sheriff's Office. Total includes 300 full evictions and 536 walk-through evictions.

Chapter 3. Causes and Consequences of Evictions

Evictions have a variety of underlying causes, and the consequences can have long-term, negative effects for tenants and their families. While the lack of affordable housing is the key driver behind evictions, other factors, such as the lack of legal assistance and poor property conditions, can also cause evictions. These drivers, combined with landlord bias and needs of vulnerable tenant populations, can have devastating consequences for families. Further, evicting a tenant is a lengthy and costly process for landlords and can result in the loss of small-property landlords from the rental market. This chapter examines the underlying factors that contribute to evictions as well as the effects of evictions on landlords and tenants. This chapter is organized as follows:

- **Section A** examines the factors that contribute to evictions; and
- **Section B** reviews research on the consequences of evictions for both landlords and tenants.

Findings from this chapter include:

- Stakeholders agree that lack of access to affordable housing is the largest driver of evictions in Montgomery County, though several other factors also contribute; and
- Evictions in Montgomery County are expensive for landlords and have far-reaching negative consequences for tenants.

A. Factors Contributing to Evictions

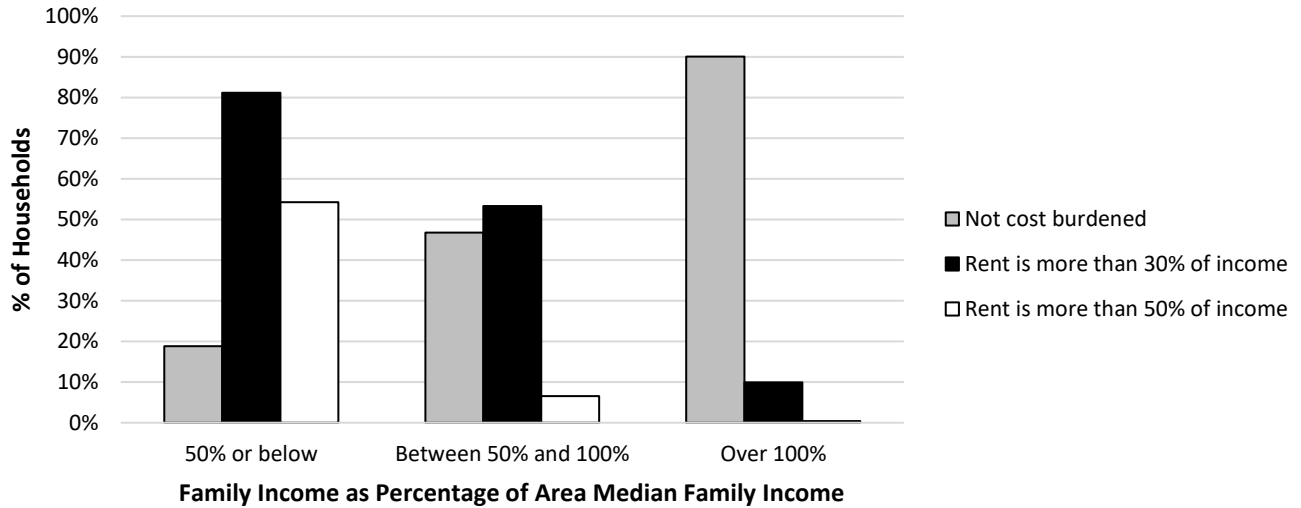
OLO conducted a literature review of research on evictions and collected feedback from representatives from the Executive Branch, the Sheriff's Office, the Housing Opportunities Commission and community organizations. Overall, OLO found that housing affordability drives the vast majority of evictions in Montgomery County. However, other factors contribute to whether a household facing eviction will be able to retain current housing (e.g., housing conditions, tenant knowledge of the legal process, and landlord bias). This section discusses the range of factors that can lead to eviction.

Difficulties paying the rent and housing affordability. Housing costs in Montgomery County are unaffordable for many families. The chart on the following page displays percentages of renter households in Montgomery County that were housing cost-burdened during 2011 to 2015. A household that is "cost-burdened" pays over 30 percent of its income in rent. Renter households are broken down by income in relation to the Area Median Income (AMI) as calculated by the U.S. Department of Housing and Urban Development (\$109,200 in 2014 for a family of four in Montgomery County¹). The chart shows that:

- Over 80 percent of families with incomes below 50 percent of the AMI are cost burdened (that is, they pay more than 30 percent of their income in rent), and over half of families with incomes below 50 percent of the AMI are extremely cost burdened (they pay more than 50 percent of their income in rent); and
- Among renter households with incomes between 50 and 100 percent of the area median income (AMI), more than half were cost burdened (they pay more than 30 percent of their income in rent).

¹ HUD recalculates AMI annually. As of June 1, 2018, the current AMI for a family of four in Montgomery County is \$117,200. See: Montgomery County Department of Housing and Community Affairs - 2018 Rent and Income Limits (effective June 1, 2018); retrieved from https://montgomerycountymd.gov/DHCA/Resources/Files/housing/multifamily/compliance/rent_income_limits_current.pdf

Chart 1. Rent Cost-Burdened Households By Family Income in Montgomery County, 2011-2015



Source: OLO Analysis of 2011-2015 Comprehensive Housing Affordability Strategy Data, U.S. Department of Housing and Urban Development

OLO heard feedback from Executive Branch representatives and community organizations that the following factors can contribute to tenants being unable to meet rent obligations, including:

- Tenant’s income is too low to afford the rent;
- Unexpected changes in tenant’s income or expenses (e.g. job loss or medical expenses);
- Mismanagement of tenant’s personal finances; and
- Rent increases as well as the expiration of temporary concessions offered by the landlord (e.g., free “first month” rent²).

Individuals experiencing a disabling mental or physical illness. Tenants who develop a disability often face eviction due to concerns from their landlords about their ability to live independently.³ In Montgomery County, stakeholders that provide housing for low-income households report that tenants who develop health problems or suffer from mental illness often struggle to manage their finances and live independently, particularly if they have no family members to assist them. For example, OLO heard feedback that vulnerable tenants that receive housing assistance or other benefits often do not submit their recertification paperwork on time, which leads to a loss of benefits and the inability to pay rent owed. Additionally, OLO heard feedback that the numbers of cases of hoarding are increasing, which can lead the landlord to seek eviction on the basis of breach of lease. Some individuals who become too disabled to live independently refuse to move to a nursing home or assisted living facility, and landlords may evict a tenant in such cases.

² Executive Branch representatives report that a small number of tenants have been evicted after the concession ended. Although they were able to move in without paying any money, they had little or no income to pay the rent once it became due.

³ “Independent Living is Exposing Elderly to Eviction Threat,” New York Times, February 15, 2004, < <https://www.nytimes.com/2004/02/15/us/independent-living-is-exposing-elderly-to-eviction-threat.html> > accessed August 20, 2018.

Lack of awareness and access to legal advice. Many tenants and landlords, particularly small-property landlords that own few units, are unfamiliar with their legal rights and obligations.⁴ OLO heard feedback that some tenants in Montgomery County are unaware of their responsibilities as tenants (e.g, lawn maintenance, household size, etc.) and are unaware that their landlord can take legal action against them if they do not pay the rent or breach the lease. Furthermore, many tenants are unaware of the importance of attending court hearings and have no access to legal advice; since unrepresented tenants are more likely to be evicted, this impacts case outcomes as (see Chapter 6).⁵ At the same time, many small-property landlords (those who own few units) are unfamiliar with the eviction process and may allow tenants to miss multiple rent payments before taking legal action against the tenant. Once a tenant owes multiple months of rent, they are less likely to be able to pay the amount due.

Housing conditions and utility costs. Utility costs can place a significant financial burden on tenants and reduce their ability to pay the rent.⁶ Many low-income families live in older structures with significant maintenance needs and inefficient appliances and heating and cooling systems. Such conditions can lead to eviction or other forms of involuntary displacement. For example, OLO heard feedback from one tenant who received an unexpectedly large electricity bill after her landlord provided her with portable air conditioning units because the primary air conditioning had broken down. Because the tenant had to pay the higher electricity bill, she fell behind on her rent, and her landlord took legal action against her. Moreover, if a tenant's utilities are shut off, they often cannot stay in the home even if the landlord has not evicted them. Similarly, if a landlord fails to ensure that the property is habitable by conducting necessary maintenance and repairs, the property may be condemned, forcing the tenant to leave the property.

A related factor that can result in evictions is ineffective property management. OLO heard feedback that some landlords in Montgomery County do not keep track of rental payments effectively, and they frequently file legal complaints against tenants that have paid the rent. Tenants in this situation that have not kept their receipts or are unable to attend their court hearing are subject to eviction.

Discrimination and retaliation. Landlords have discretion to determine when to initiate eviction proceedings against a tenant and whether to allow the tenant to avoid eviction through a payment plan or other agreement. Discrimination on the basis of race, ethnicity, gender, family status, or other factors may play a role in these decisions. For example, data from a survey of renters in Milwaukee show that at-risk Latino tenants that either lived in predominately white neighborhoods or had non-Latino landlords were more likely to be evicted than similar Latino tenants living in non-white neighborhoods or who had Latino landlords.⁷

Research indicates that having children in a household will increase the likelihood that a landlord will pursue an eviction. For example, the presence of children may lead to an increase in noise complaints and property damage or bring heightened scrutiny from government agencies if poor property conditions are reported, such

⁴ "Tipping the Scales in Housing Court," New York Times, November 29, 2012 < <https://www.nytimes.com/2012/11/30/opinion/tipping-the-scales-in-housing-court.html> > accessed August 20, 2018; and "The Life of a Small-Time Landlord," New York Times, March 31, 2017 < <https://www.nytimes.com/2017/03/31/realestate/the-life-of-a-small-time-landlord.html> > accessed August 20, 2018.

⁵ Teresa Wiltz, "How Free Legal Help Can Prevent Evictions," The Pew Charitable Trusts, Oct. 27, 2017, available at <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/10/27/how-free-legal-help-can-prevent-evictions>.

⁶ Although an unpaid utility bill is not considered a failure to pay rent, some landlords charge tenants directly for utilities, and can argue in court that tenants who have not paid those charges have failed to pay rent. <http://www.baltimoresun.com/news/maryland/bs-md-what-is-rent-20160929-story.html>

⁷ Greenberg, D., Gershenson, C., and Desmond, M., "Discrimination in Evictions: Empirical Evidence and Legal Challenges," Harvard Civil Rights-Civil Liberties Law Review, Vol. 51, 2016, pp. 115-158, < https://scholar.harvard.edu/files/mdesmond/files/hlc106_crop.pdf >

as lead paint. A study of Milwaukee's eviction court found that the likelihood of a tenant receiving an eviction judgment is significantly higher if the tenant has children, even after controlling for multiple factors including the amount of back rent due.⁸ The authors surmise that this is likely the result of landlord decisions regarding whether to work with the tenant to avoid eviction.⁹

Finally, OLO heard concerns from community organizations that landlords may use eviction to retaliate against tenants that engage in certain activities, such as organizing a tenants' association or making a housing complaint. If a tenant is behind on the rent, the landlord can pursue eviction regardless of any housing complaints or other actions by the tenant against which the landlord might be retaliating.

B. Consequences of Evictions

Evictions and the related legal processes carry significant costs for both landlords and tenants. Landlords must pay court fees and moving costs to remove tenant belongings, and landlords often cannot recover unpaid rent. For tenants, eviction can have a wide range of negative economic, social, and health effects.

Landlords. OLO did not identify national studies on the impact of evictions on landlords. However, OLO heard feedback from landlords that evicting tenants in Montgomery County is costly, largely because the process for evicting tenants is lengthy. This length of time, and therefore the cost to landlords, is impacted by State law as well as factors specific to Montgomery County (see Chapter 2). OLO heard feedback that small-property landlords can become discouraged from renting out their property because of the delays and costs associated with evicting tenants. Landlords identified the following approximate costs for an eviction and related legal processes:

- Court and legal fees, \$260;
- Moving crew (landlords are responsible for removing tenants' property from the unit), \$300-\$700;
- Trash removal for unclaimed items if needed, \$300-\$1,000; and
- Loss of several months of unpaid rent, typically three to four months, but can be up to nine months.

The largest cost to a landlord is that of unpaid rent, which includes rent owed by the nonpaying tenant and costs to find and screen a new tenant. Landlords can attempt to recover unpaid rent through the legal process, but this requires filing a separate legal complaint, and OLO heard feedback that they often are unable to recover unpaid rent. Based on the information provided by landlords and assuming the median rent cost for a two-bedroom apartment (\$1,624, see page 46), OLO estimates the cost to the landlord of an eviction for failure to pay rent can range from approximately \$5,700 to \$16,600.

Tenants. Housing plays a major role in a person's ability to stay employed, in their health, and in the school that their child attends. Furthermore, the legal processes associated with eviction, as well as evictions themselves, can take significant time for tenants and cause considerable stress. In addition to losing their housing, tenants are often forced to leave their belongings behind if they cannot arrange to have them moved to a secure location. As a result, tenants who are evicted or otherwise involuntarily displaced can face numerous and interrelated consequences, detailed below:

⁸ Desmond, M., An, W., Winkler, R., Ferriss, T., "Evicting Children," *Social Forces* 92(1), 2013., <
https://scholar.harvard.edu/files/mdesmond/files/social_forces-2013-desmond-303-27.pdf >

⁹ Court officials in Milwaukee often defer to landlords if the landlord wishes to work with the tenant to avoid eviction

- **Job loss and economic instability.** data from Milwaukee indicate that workers that are evicted are 20 percent more likely to lose their jobs than other similar workers. A worker who is evicted may need to miss work to attend court hearings and/or find new housing and may be required to move to a place less accessible to their worksite.¹⁰
- **Mental health.** Data from the National Fragile Families and Child Wellbeing Survey indicates that mothers who have experienced eviction are more likely to experience depression than otherwise similar mothers.¹¹
- **Substandard housing.** Data from Milwaukee show that tenants who had been evicted were more likely to subsequently live in substandard housing conditions as compared to otherwise similar tenants. For example, a history of eviction (including court filings) can make it more difficult to secure housing in the future.¹²
- **Homelessness.** Studies have found that many episodes of homelessness begin with eviction or other forced displacement. For example, a study of homelessness in New York City found that eviction caused homelessness for 25 percent of families with children entering homeless shelters.¹³
- **Student mobility.** Eviction can require children to change schools. A large body of research indicates that numerous or disruptive residential moves can lead to a variety of negative outcomes for children, including underachievement in reading and math and reduced graduation rates.¹⁴

¹⁰ Desmond, M., “Unaffordable America: Poverty, Housing, and Eviction,” Institute for Research on Poverty at the University of Wisconsin-Madison < <https://www.irp.wisc.edu/publications/fastfocus/pdfs/FF22-2015.pdf> > accessed July, 2018.

¹¹ Ibid.

¹² Ibid.

¹³ “On the Map: The Dynamics of Family Homelessness in New York City,” Institute for Children, Poverty and Homelessness, April 2017, < http://www.icphusa.org/new_york_city/map-dynamics-family-homelessness-new-york-city-2017/ > accessed July 2018.

¹⁴ Rumberger, R., “Student Mobility: Causes, Consequences and Solutions,” National Education Policy Center, June 2015, < https://nepc.colorado.edu/files/pb_rumberger-student-mobility.pdf > accessed July 2018.

Chapter 4. Data on Landlord-Tenant Cases, Writs of Restitution, and Evictions in Montgomery County

In this report, the term “eviction” refers to the removal of a person or persons from a property by the Sheriff. Evictions are the culmination of a legal process that includes several steps, detailed in Chapter 2. While the vast majority of eviction-related court cases do not result in eviction, each case carries costs and impacts for both landlords and tenants and may result in the tenant being displaced, even if they are not evicted. To better understand the impact of evictions, eviction-related cases, and opportunities to prevent them, OLO examined data on landlord-tenant cases, Writs of Restitution (eviction orders), and evictions. OLO analyzed these data alongside data on demographics, property parcels, rental licenses, and rents. This chapter, which presents OLO’s analysis focusing on the courts, properties, and people affected, is organized as follows:

- **Section A** presents data on the demographics of renter households in Montgomery County;
- **Section B** describes trends and outcomes for eviction cases;
- **Section C** presents a geographic analysis of Writs of Restitution and evictions in Montgomery County; and
- **Section D** examines characteristics of properties where Writs of Restitution and evictions occur.

Key findings from this chapter include:

- Only a small portion of landlord-tenant cases result in eviction each year. However, the number of evictions does not fully capture the number of tenants that are displaced as a result of landlord-tenant cases.
- Three of the County’s election districts have significantly more Writs of Restitution and evictions than other parts of the County: District 13 (Silver Spring & Wheaton-Glenmont), District 9 (Gaithersburg, Montgomery Village & southern Germantown) and District 5 (Burtonsville & White Oak).
- Neither Writs of Restitution nor evictions are evenly spread out across rental properties in the County; rather, they are concentrated in garden apartment buildings and occur most often in properties that charge relatively low rents.

A. Renter households in Montgomery County

The U.S. Census Bureau estimates that approximately 132,000 housing units (35 percent of units) in Montgomery County were occupied by renters in 2016. Table 11 summarizes 2016 demographic data on renter- and owner-occupied households. In the table, the term “householders” refers to the individual from each household that the Census Bureau selected to survey.¹ Compared with owner-occupied households:

- Renter families are nearly eight times more likely to have incomes under the federal poverty threshold;
- More renter householders self-identified as Black or Hispanic and fewer self-identified as White; and
- Renter householders as a group were relatively young and less likely to hold a bachelor’s degree.

Table 11. Characteristics of Householders in Renter-Occupied Housing Units in Montgomery County, 2016

	Owner-occupied	Renter-occupied
Occupied housing units	241,735	131,611
Median monthly housing costs	\$1,971	\$1,662
% of families below poverty level	1.3%	11%
RACE AND HISPANIC OR LATINO ORIGIN OF HOUSEHOLDER		
White	68.4%	45.2%
Black or African American	11.0%	31.6%
American Indian and Alaska Native	0.1%	0.2%
Asian	15.5%	11.3%
Some other race	2.9%	8.9%
Two or more races	2.0%	2.9%
Hispanic or Latino origin	10.0%	19.0%
Non-Hispanic White	61.9%	35.7%
AGE OF HOUSEHOLDER		
Under 35 years	6.8%	31.7%
35 to 44 years	16.6%	23.7%
45 to 54 years	23.0%	19.0%
55 to 64 years	25.0%	11.5%
65 to 74 years	16.8%	6.6%
75 to 84 years	8.4%	4.8%
85 years and over	3.5%	2.8%
EDUCATIONAL ATTAINMENT OF HOUSEHOLDER		
Less than high school graduate	3.6%	10.1%
High school graduate	9.3%	15.6%
Some college or associate's degree	17.6%	21.2%
Bachelor's degree or higher	69.6%	53.1%

Source: U.S. Census Bureau, 2016 American Community Survey 1-Year Estimates

¹ The U.S. Census Bureau defines “householder” as “the person or one of the people in whose name the home is owned, being bought, or rented [...]. If there is no such person in the household, any adult household member 15 years old and over could be designated as the householder.” Refer to *American Community Survey and Puerto Rico Community Survey 2016 Subject Definitions*, U.S. Census Bureau, p. 77, https://www2.census.gov/programs-surveys/acs/tech_docs/subject_definitions/2016_ACSSubjectDefinitions.pdf

B. Data on Landlord-Tenant Cases, Writs of Restitution and Evictions

In fiscal year 2017, the Montgomery County Sheriff's Office carried out 836 evictions, or six evictions for every 1,000 renter-occupied housing units. However, the numbers of evictions carried out by the Sheriff's Office only reflect a small portion of eviction-related cases. Even in cases that do not result in eviction, the tenant may still be displaced if they choose to vacate the property before they can be evicted, and the landlord may have incurred legal and court fees, lost rent, and other costs that cannot be recovered. This section examines data on three steps in the eviction process:

- Step One: Landlord-tenant cases filed in the District Court, which consist primarily of failure to pay rent cases;²
- Step Two: Writs of Restitution (hereafter referred to as "Writs"), which are orders signed by a judge for the Sheriff to evict a tenant after a landlord has been awarded possession of a property in a landlord-tenant case; and
- Step Three: Evictions, which refer to removals of persons and their belongings from properties by the Sheriff, and do not include foreclosures or property condemnations.

This section begins by examining broad trends over time for all three of these steps. This section then provides detailed data on the outcomes of Writs, including how many resulted in eviction or were cancelled. Unfortunately, detailed data on the outcomes of landlord-tenant cases are not available.

Data Notes

This section includes aggregate statistics obtained from the District Court and the Sheriff's Office as well as an analysis of data on individual Writs of Restitution. The Department of Technology Services (DTS) extracted the disaggregated data on Writs, covering the period from 2006 to 2017, from the Eviction Editor database. DTS staff advised OLO that the current database became fully operational in January of 2014 and that data input into previous systems was not subject to the same data validation processes, potentially leading to inaccuracies. OLO found that data prior to fiscal year 2014 was not consistent with aggregate statistics provided by the Sheriff's Office. To avoid reporting inaccurate data, this chapter presents detailed evictions data for fiscal years 2014 – 2017.

1. Trends over time

In fiscal year 2017, about 35 landlord-tenant cases were filed in Montgomery County for every 100 renter-occupied housing units. Table 12 displays numbers of landlord-tenant cases, Writs, and evictions for fiscal years 2010 - 2017. The following are two important pieces of context for these data: (1) data from the American Community Survey indicate that the number of renter-occupied housing units in the County increased by over 8 percent from 2010 to 2016, and (2) the period from fiscal years 2010- 2017 encompasses the eight years immediately following the Great Recession, and trends may reflect, at least in part, recovery from the recession. Items of note include:

² Landlord-tenant cases include the three most common types of cases that can result in eviction as described on page 16: failure to pay rent, tenant holding over, and breach of lease. They can also include other types of cases described in Chapter 1 such as rent escrow and retaliation, which can be filed by tenants against landlords. Electronic data are not available on the types of landlord-tenant cases filed, but OLO heard feedback that the vast majority of landlord-tenant cases are failure to pay rent cases.

- The number of landlord-tenant cases filed in each fiscal year declined by almost 5 percent over the period of fiscal years 2010 - 2017, but the number of filed cases that were not dismissed increased by 27 percent (from about 29,400 to 37,300 cases) over the same period;
- Tenants in landlord-tenant cases did not appear in court for the vast majority of cases;
- Writs declined by 17 percent (from about 12,500 to about 10,500), and total evictions declined by 19% between FY10 and FY17; and
- The percentage of Writs that led to eviction remained close to 8 percent per year during this eight-year period.

Table 12. Landlord-Tenant (L&T) Cases, Writs of Restitution and Evictions in Montgomery County, FY10-FY17

Fiscal Year	L&T Cases Filed	L&T Cases Excluding Dismissed	Tenant Appeared	MCSO Writs Received	Total Evictions *	% of Writs Leading to Eviction
FY10	48,078	29,442	1,609	12,548	1,033	8%
FY11	50,258	32,393	1,447	13,057	1,099	8%
FY12	48,793	31,612	1,228	12,383	1,023	8%
FY13	47,612	32,312	1,286	13,395	964	7%
FY14	47,380	34,411	2,581	11,547	917	8%
FY15	44,465	29,956	1,348	10,766	890	8%
FY16	45,395	34,447	1,736	11,057	844	8%
FY17	45,827	37,334	738	10,451	836	8%

Source: District Court and Sheriff’s Office (includes both residential and commercial cases)

* Total evictions include all evictions carried out during the fiscal year. Some evictions listed for a given fiscal year may have been the result of Writs received by the Sheriff’s Office in the previous fiscal year.

2. Outcomes of Writs

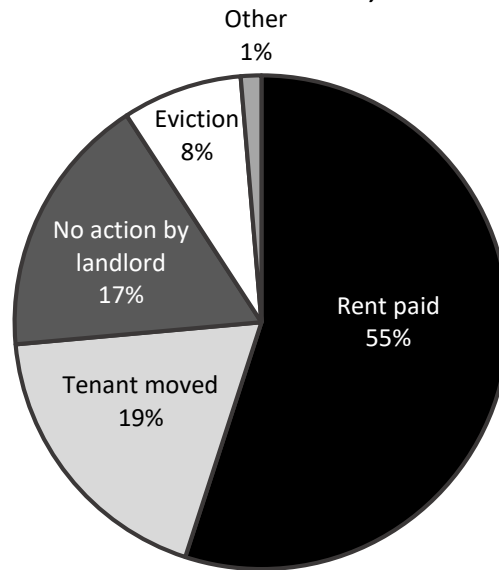
When the Sheriff’s Office receives a Writ, staff use the Eviction Editor database to track whether and when the Sheriff’s Office carried out an eviction. OLO analyzed Eviction Editor data to understand the outcomes of Writs.³ The data for each Writ includes whether the tenant was evicted, or in cases where the tenant was not evicted, the reason why the Sheriff’s Office did not carry out an eviction (the Writ was cancelled). Chart 2 displays data on the outcomes of Writs received by the Sheriff’s Office over the period of fiscal years 2014 - 2017. Of note:

- Over half of all Writs were cancelled because the rent was paid (a landlord can request a "no right of redemption" eviction if the landlord has obtained three or more judgments for eviction in the prior 12 months);
- Nearly one in five Writs were cancelled because the tenant moved voluntarily; and
- 17 percent of Writs were cancelled because the landlord did not act on the Writ. Note that in these cases the outcome for the tenant is unknown. For example, the landlord may choose not to act on a

³ Some small discrepancies exist between the aggregated statistics provided to OLO by Sheriff’s Office for FY10 through FY17 and the disaggregated data from the Eviction Editor provided to OLO by DTS. In addition, OLO’s analysis of the Eviction Editor data counts each eviction in the fiscal year that the Sheriff’s Office received the associated Writ: for example if the Sheriff’s Office received a Writ in FY17 and carried out the eviction in FY18, OLO counted that eviction in FY17.

Writ if the tenant pays the rent, agrees to a payment plan, or moves out. But in any case, if a Writ was cancelled because the landlord did not act on it, then no legally-sanctioned eviction occurred.⁴

Chart 2. Outcomes of Writs of Restitution, Fiscal Years 2014-2017



Source: OLO analysis of Eviction Editor data

Evicted tenants and tenants that move voluntarily after receiving an eviction notice all experience displacement. Such displacements can negatively affect their incomes, mental health, access to adequate and safe housing, and educational outcomes for children in the household (see Chapter 3). Chart 2 shows that 8 percent of Writs resulted in evictions and 19 percent of Writs were cancelled because the tenant moved; in other words, over a quarter of all Writs over the period of fiscal years 2014-2017 resulted in tenant displacement (an average of 2,900 Writs per year were followed by tenant displacements). These figures likely underestimate the number of displacements because they do not count cases where the landlord did not act on the Writ because the tenant moved out after receiving an eviction notice (this number is unknown), nor do they include cases where the tenant moved before the landlord obtained a Writ.

Outcomes of Writs with No Right of Redemption. Eviction Editor data includes information on Writs with no right of redemption - meaning that the tenant was not entitled to stop the eviction by paying the rent that was due. As noted in Chapter 2, a landlord can request that the court remove the tenant’s right of redemption if the landlord has within the prior 12 months obtained three or more judgments against the tenant for failure to pay rent. The court can only remove the right of redemption if the landlord requests to remove it, so the number of Writs with no right of redemption does not necessarily reflect all cases where a tenant had three or more judgments against them within the prior 12 months.

⁴ Landlords must contact the Sheriff’s Office to schedule the eviction within 60 days; after 60 days the Writ of Restitution expires (see Chapter 2). Landlords may choose not to act on a Writ if the tenant agrees to a payment plan or moves out voluntarily.

Chart 3 displays the proportion of Writs of Restitution where the Montgomery County District Court ruled in favor of the landlord and awarded possession of the property to the landlord with no right of redemption for the tenant. The chart on the left displays the outcomes of those Writs. The charts show that:

- Among all Writs issued over the period fiscal years 2014-2017, 10 percent had no right of redemption for the tenant;
- Among the Writs without right of redemption, only 10 percent resulted in an eviction, while nearly half (47 percent) were cancelled due to the tenant paying the rent that was past due; and
- For Writs without the right of redemption, tenants were more likely to move voluntarily (28 percent of the time) as compared to all Writs (those with and without a right of redemption) where tenants moved voluntarily 19 percent of the time.

These data suggest that landlords do not always seek to evict tenants with a history of judgments against them; landlords often choose to accept rent from tenants who have no right of redemption, rather than proceeding with the eviction.

Chart 3. Outcomes of Writs of Restitution With No Right of Redemption, FY14-FY17



Source: OLO analysis of Eviction Editor data

C. Geographic Analysis of Writs of Restitution and Evictions

To better understand the populations impacted by Writs and evictions, OLO mapped the data onto the County's election districts.⁵ Table 13 displays average annual numbers of Writs and evictions during the period of fiscal years 2014-2017 for each of the 13 election districts. Because the numbers of Writs and evictions are driven in part by the number of rented housing units in a particular area, the table also displays Writs and evictions per 1,000 housing units. This section examines all Writs and evictions occurring in each election district, rather than those specifically occurring in apartments. Maps of the election districts with numbers of Writs and evictions are displayed on the following two pages. Of note:

- District 13, comprised of Silver Spring and Glenmont, had the most Writs over the period of fiscal years 2014-2017;
- District 9, comprised of Gaithersburg, Montgomery Village, and southern Germantown, had the most evictions over the period of fiscal years 2014-2017;
- District 5 (Burtonsville and White Oak) had an average of 165 Writs for every 1,000 rental units annually, making it the district with the highest rate of Writs, followed by District 2 (Clarksburg and northern Germantown) with 126 Writs for every 1,000 rental units; and
- In contrast, District 4 (Rockville) had only 39 Writs and 4 evictions for every 1,000 rental units and District 7 (Bethesda, Glen Echo & Somerset) had only 14 Writs and 2 evictions for every 1,000 units.

⁵ Election districts are relatively large subdivisions of the County in which polling places are located and to which registered voters are assigned (voters are assigned to a district and a precinct). In 2018, Montgomery County has 13 election districts (for a current map, see the Montgomery County Board of Elections website:

<https://www.montgomerycountymd.gov/Elections/Resources/Files/pdfs/maps/UpdateYear/PrecinctswElectionDistricts2018.pdf>). . The U.S. Census Bureau divides counties in a variety of ways, and these divisions are generally characterized as legal or statistical. Minor civil divisions (MCDs) are a legal type of county division and may include election districts, election precincts, townships, or other legal delineations. Census county divisions (CCDs), in contrast, are statistical entities with no legal or governmental function. For more information on county divisions used by the U.S. Census Bureau, see:

https://www.census.gov/geo/reference/gtc/gtc_cousub.html.

Table 13. Writs of Restitution and Evictions by Montgomery County Election Districts (Fiscal Years 2014-2017)

District No.	Places in Election District	Writs of Restitution		Evictions		Occupied Rental Housing Units	Median Gross Rent**	Poverty Rate
		Annual Avg	Per 1,000 Units	Annual Avg	Per 1,000 Units			
13	Silver Spring & Wheaton-Glenmont	3,861	96	245	6	40,109	\$1,510	9%
9	Gaith., Mont. Vill. & South Germtwn	2,564	95	259	10	27,011	\$1,614	9%
5	Burtonsville and White Oak	2,447	165	155	10	14,810	\$1,594	7%
4	Rockville	802	39	78	4	20,486	\$1,802	7%
2	Clarksburg & north Germantown*	608	126	50	10	4,827	\$1,638	6%
7	Bethesda, Glen Echo & Somerset	166	14	25	2	11,922	\$1,998	3%
6	Darnestown & North Potomac	160	70	15	7	2,276	\$1,759	4%
8	Olney & Brookeville	103	67	8	5	1,538	--	3%
1	Laytonsville	70	105	9	13	667	--	3%
12	Damascus	58	88	7	10	656	--	4%
10	Potomac	55	31	3	2	1,774	--	3%
3	Poolesville	9	23	2	6	373	--	3%
11	Barnesville	2	13	0	2	114	--	5%

Source: OLO analysis of 2016 American Community Survey Five-Year Estimates and Eviction Editor data

* The southern section of Germantown is located in District 9 along with Gaithersburg and Montgomery Village

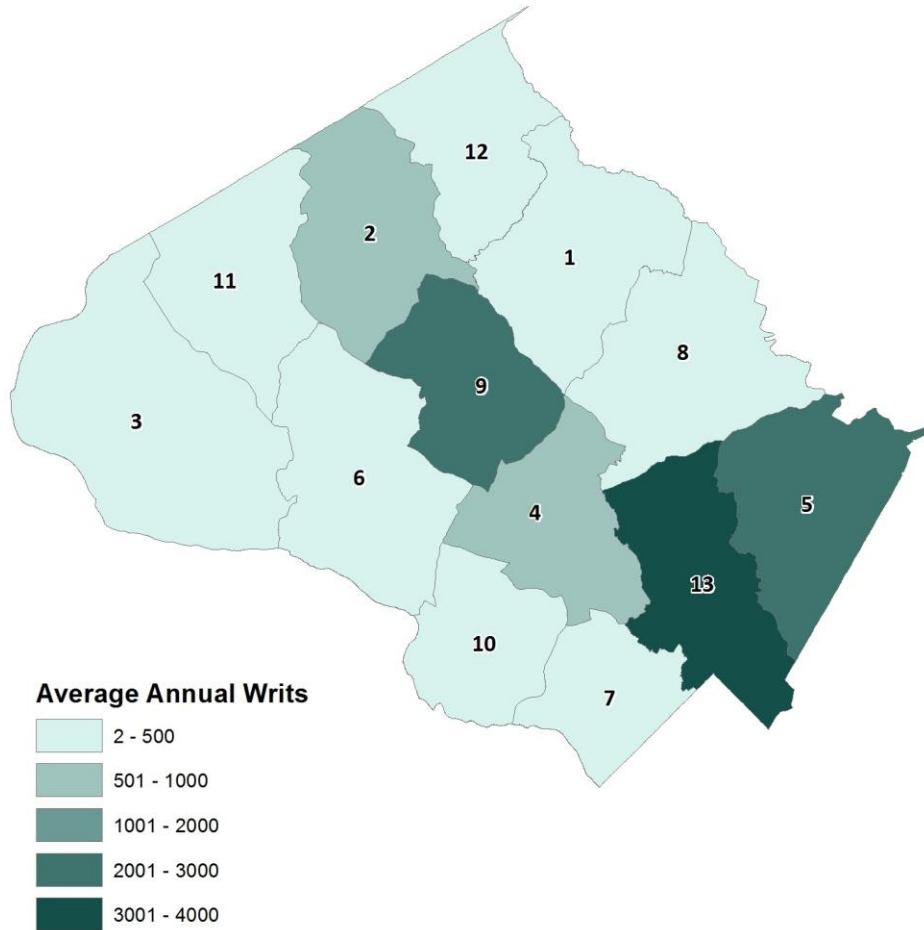
**Gross rent is estimated by the U.S. Census Bureau as part of the American Community Survey, and includes the contract rent plus the estimated average monthly cost of utilities and fuels if these are paid by the renter. Median gross rent data is provided only for those election districts where the margin of error was 5 percent or less.

Constructive Evictions

Data on evictions carried out by the Sheriff do not capture constructive evictions. Constructive evictions, which are illegal, occur when a landlord attempts to regain possession of a property without a Writ through such methods as changing the locks, shutting off or disconnecting utilities, or failing to make necessary repairs.

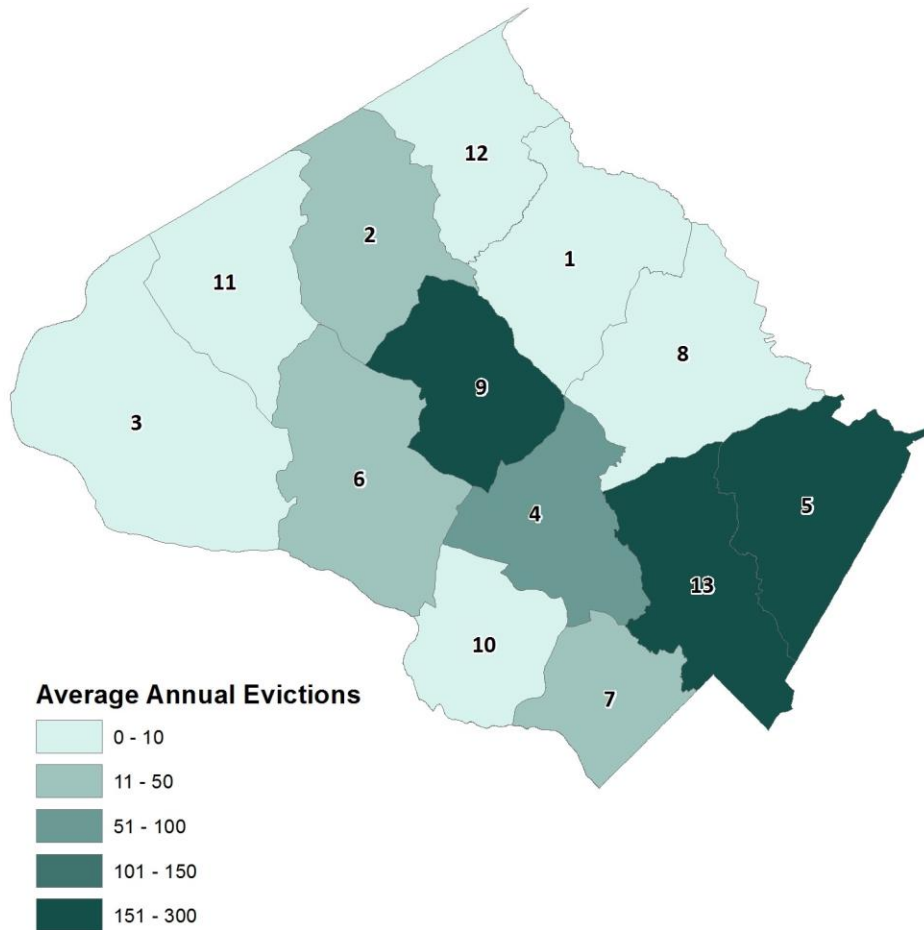
To determine whether illegal evictions occur in Montgomery County, OLO examined data on 10,001 MC311 service requests assigned to DHCA during fiscal year 2018. OLO identified 465 service requests as eviction-related. Of those, 25 involved tenants reporting that they had been locked out of their home and/or that their personal property had been removed by their landlord, and that they had not received notice of the eviction. An additional 48 service requests involved tenants who reported that their landlords told them to vacate the property without proper notice. These data show that some tenants in Montgomery County are subject to constructive evictions, though further study would be required to assess the extent of this illegal practice.

Exhibit 1. Writs of Restitution in Montgomery County Election Districts, FYs 2014-2017



Source: OLO analysis of Eviction Editor data and geographic data from the U.S. Census Bureau

Exhibit 2. Evictions in Montgomery County Election Districts, FYs 2014-2017



Source: OLO analysis of Eviction Editor data and geographic data from the U.S. Census Bureau

D. Characteristics of Property Parcels Associated with Writs of Restitution and Evictions

To better understand the types of properties in Montgomery County where Writs and evictions occur, OLO mapped Writs from fiscal years 2014-2017 onto property parcel data published by the Montgomery County Planning Department. A parcel is a plot of land with legally defined boundaries for taxation and assessment purposes. Parcel data includes information on the type of structure on the land, such as a single-family home, an apartment building, or an office building, as well as information on the number of housing units.

By mapping Writs and evictions onto parcels, OLO determined the types of structures where Writs and evictions are more likely to occur. OLO also identified parcels with a large number of Writs and evictions relative to the total housing units on the parcel. Finally, OLO mapped DHCA data on rents onto parcel data to better understand the characteristics of properties where Writs and evictions most frequently occur.

1. Types of Structures Where Writs and Evictions Most Typically Occur

Property parcel data includes the County land use code (classification) for each parcel and the number of housing units.⁶ Land use classifications refer to the approved land use for a parcel rather than the current occupancy of the unit. Residential properties are divided into three broad categories:

- **Apartments** are multi-family and single-family attached (e.g., townhomes) residential structures in which housing units are not individually owned but rather intended for renting to tenants.
- **Single-family homes** are detached or attached residential structures that are individually owned (interior and exterior). The owner may choose to reside in the home or rent it out.
- **Residential condominiums** are multi-family and single-family attached residential structures where each unit is individually owned, but where the building exterior, land, and structural parts of the building are commonly owned. The owner may choose to reside in the condominium or rent it out.

Table 14 aggregates the numbers of Writs and evictions based on the County land use classification for the parcel to which they were mapped.⁷ Of note:

- Apartments accounted for 80 percent of Writs and 66 percent of evictions over fiscal years 2014 - 2017;
- Garden apartment buildings (multi-family buildings without an elevator) had the highest concentration of Writs among apartments, with an average of one Writ annually for every ten housing units;
- While single-family homes and condominiums (likely rented out by their owners) accounted for only 8% and 7%, respectively, of Writs, these Writs were twice as likely to result in eviction compared with Writs in apartments; and
- For fiscal years 2014-2017, OLO identified an annual average of 270 Writs (2 percent of Writs) and 52 evictions (6 percent of evictions) on parcels with non-residential classifications, primarily retail and office buildings.

⁶ County land use codes are classification categories for land use activities as listed in the Montgomery County Land Use Coding Manual, Second Edition, Prepared by the Research Division of the Montgomery County Planning Department, Revised: February, 1989. (Retrieved from: http://www.montgomeryplanning.org/development/about/land_coding.pdf). 104 Writs of Restitution listed in the Eviction Editor Data could not be mapped and are listed as “other/unknown” in the table on the following page.

⁷ Due to the nature of parcel data and likely errors in addresses in the Eviction Editor data, a small percentage of Writs of Restitution and evictions listed in the table may be incorrectly assigned to a land use category.

Table 14. Writs of Restitution and Evictions by County Land Use Classification, FYs 2014-2017

Land Use Category	# of Parcels	# of Housing Units	Annual Writs	% of all Writs	Annual Evictions	% of all Evictions	% of Writs That Led to Eviction
Apartments	1,096	87,620	8,783	80%	569	66%	6%
Garden Apartment (no elevator)	854	61,668	7,568	69%	480	56%	6%
High-Rise Apartment (elevator)	109	25,161	1,105	10%	83	10%	8%
Single-Family Attached	130	692	87	1%	5	1%	5%
Mobile Homes	3	99	23	<1%	1	<1%	2%
Single-Family Homes	240,819	239,639	916	8%	126	15%	14%
Single-Family Attached	56,399	56,160	554	5%	60	7%	11%
Single-Family Detached	184,420	183,479	361	3%	66	8%	18%
Residential Condominiums	968	58,020	725	7%	90	10%	12%
Garden Apartment (no elevator)	351	25,742	413	4%	60	7%	15%
Single-Family Attached	439	13,001	162	1%	16	2%	10%
High-Rise Apartment (elevator)	75	16,708	145	1%	12	1%	8%
Cooperative	103	2,569	5	<1%	2	<1%	50%
Group Quarters	198	9,260	35	<1%	6	1%	18%
Hotels, Motels	52	4,116	21	<1%	4	<1%	17%
Nursing Homes	13	3,964	7	<1%	2	<1%	28%
Ret. Homes & Orphanages	46	1,089	7	<1%	1	<1%	10%
Non-Residential*	16,305	*	270	2%	52	6%	19%
Retail	1,820		150	1%	28	3%	19%
Office Buildings	1,406		74	1%	15	2%	20%
Warehousing and Wholesale	595		32	<1%	7	1%	21%
Industrial Production	218		11	<1%	1	<1%	7%
Agricultural Production	1,981		3	<1%	1	<1%	36%
Other†	10,285		47	<1%	4	<1%	9%
Vacant/Unknown*‡	20,217	*	160	1%	11	1%	7%
Total	279,603		10,934	100%	858	100%	8%

Source: OLO analysis of Eviction Editor data and April 2018 property parcel data from the Montgomery County Planning Department's website (see <http://montgomeryplanning.org/tools/gis-and-mapping/gis-data/data-downloads/>)

* OLO did not list numbers of housing units for non-residential properties and other/unknown properties. Some non-residential parcels, notably those containing mini-storage facilities and some office buildings, are listed as having multiple "nonresidential dwelling units." However, most non-residential parcels have zero housing units listed.

† The "Other" category includes parcels classified as culture and recreation, government services, institutional, and transportation/communications/utilities.

‡ The "Vacant/Unknown" category includes: parcels classified as vacant and parcels with a missing property use classification. Of note, OLO found some examples of parcels listed as vacant where apartment buildings have recently been constructed.

2. Distribution of Writs and Evictions Among Apartment Parcels With At Least 10 Housing Units

Most Writs and evictions are on parcels classified as having apartments, and particularly on parcels with garden apartment buildings (which have no elevator). Parcel data for Montgomery County includes 1,096 parcels classified as apartments, including garden apartments, high-rise apartments, single-family attached homes (townhouses, duplexes and quadruplexes), and mobile homes.

Parcels containing apartments vary greatly in the number of housing units on the parcel. As would be expected, a parcel with many housing units is likely to have more Writs and more evictions than a parcel with few units. To determine how Writs and evictions are distributed among apartment parcels in the County, for the period of fiscal years 2014-2017 OLO examined the numbers of Writs and evictions relative to the number of housing units on the parcel. OLO focused on parcels containing apartments for rent with at least 10 units to identify those parcels that accounted for the most Writs and evictions. Nearly all rental housing units (98 percent) in Montgomery County are contained within the 597 parcels that have 10 or more housing units.

For the subset of parcels with at least 10 housing units, OLO found that during fiscal years 2014-2017 a few parcels accounted for most of the Writs and evictions in the County. Table 15 displays data on Writs and evictions for parcels with at least 10 housing units. Of note:

- 289 parcels (48 percent of all parcels) had a low rate of Writs, with fewer than five Writs annually for every 100 housing units, and these parcels accounted for 47 percent of housing units but only 7 percent of Writs;
- 142 parcels (24 percent of all parcels) had a much higher rate of Writs, with more than 15 Writs annually for every 100 housing units, and these parcels accounted for 25 percent of housing units but 69 percent of Writs in apartment parcels; and
- 131 parcels (22 percent of all parcels) had an eviction rate of more than one eviction annually for every 100 housing units; these parcels accounted for 21 percent of housing units but 64 percent of evictions.

Table 15. Apartment Parcels With 10 or More Units by Ratios of Writs and Evictions to Units, FY14-FY17

Apartment Parcels With At Least 10 Dwelling Units	Parcels		Housing Units		Annual Writs		Annual Evictions	
	#	%	#	%	#	%	#	%
All rental parcels with 10+ dwelling units	597	100%	85,764	100%	8,674	100%	557	100%
0 Writs	92	15%	9,181	11%	0	0%	0	0%
< 5 Writs for every 100 units	289	48%	40,293	47%	568	7%	64	12%
> 15 Writs for every 100 units	142	24%	21,258	25%	5,943	69%	333	60%
> 25 Writs for every 100 units	53	9%	7,577	9%	3,228	37%	125	22%
0 evictions	229	38%	19,745	23%	393	5%	0	0%
< 3 evictions for every 1,000 units	305	51%	38,930	45%	1,042	12%	31	5%
> 1 eviction for every 100 units	131	22%	18,280	21%	4,372	50%	356	64%
> 2 evictions for every 100 units	47	8%	6,742	8%	2,026	23%	197	35%

Source: OLO Analysis of Eviction Editor Data and 2018 Property Parcel Data

3. Rents in Apartment Parcels With At Least 10 Housing Units Associated with Writs and Evictions

OLO also examined data on rents to better understand the characteristics of properties where Writs and evictions occur. Specifically, OLO mapped data from DHCA's 2017 Rental Survey onto the property parcel data described above, and then examined these data alongside the Writs and Restitution and evictions for each parcel.⁸ OLO limited its analysis to 2017 rent data for two-bedroom apartments to ensure that the data were comparable among different buildings, and OLO excluded parcels with fewer than 10 housing units to focus on multi-family buildings. OLO's analysis includes 364 parcels that encompass 59,748 housing units and accounted for 22,501 Writs of Restitution and 1,470 evictions over the period of fiscal years 2014-2017.⁹

For each Writ and eviction, OLO assigned an estimated rent that corresponds to two-bedroom units on that parcel.¹⁰ This analysis treats all Writs and evictions as though they occurred in two-bedroom units (OLO did not receive information on the specific units associated with Writs and evictions). OLO examined estimated rents at the 25th percentile, the median, and the 75th percentile. The 25th and 75th percentiles represent the rent at which one-quarter or three-quarters of units, respectively, have a lower rent than the other units. At the median rent, half of housing units have a higher rent and half have a lower rent than the median.

Table 16 displays data on two-bedroom rent costs for the 364 parcels included in OLO's analysis. Overall, the data show that Writs and evictions most frequently occur in parcels that contain housing units with very low rents as compared with other apartment buildings in the County. Parcels with a high rate of Writs and evictions have significantly lower rent costs than typical rental properties in the County. Thus, tenants living in these properties may have few options for renting a home at a lower cost within the County. Specifically:

- The 2017 median two-bedroom rent for housing units included in OLO's analysis was \$1,624;
- Most Writs were filed for properties with two-bedroom rents at or below the median: 75 percent of Writs were associated with parcels with a two-bedroom rent cost at or below \$1,626;
- Among parcels with a high ratio of Writs to housing units, 75 percent of units were in parcels with a two-bedroom rent cost of \$1,534 or lower.

⁸ OLO used the average of two-bedroom rent costs for multiple properties matched to the same parcel.

⁹ DHCA data for the 2017 Rental Survey included data for 534 multi-family properties. OLO geocoded 532 of these properties onto 516 unique parcels. However, data on two-bedroom rents were only available for 428 out of the 516 parcels. OLO excluded 64 matched parcels because they had fewer than 10 housing units listed in the property parcel data.

¹⁰ Rental Survey data provide estimates of the rents paid by tenants who received Writs or were evicted. These estimated rents may differ from actual rents which can vary depending on the size and features of the individual unit.

Table 16. 2017 Estimated Two-Bedroom Rents for Writs of Restitution and Evictions (FYs 2014-2017)

Category	Quartiles (Weighted by Dwelling Units/Writs/Evictions)		
	25th Percentile	Median Rent Cost	75th Percentile
All Parcels with Two-Bedroom Rent Cost Data*	\$1,445	\$1,624	\$2,028
Rents Associated with Individual Writs and Evictions			
Writs of Restitution	\$1,396	\$1,494	\$1,626
Evictions	\$1,376	\$1,487	\$1,700
Rents for Parcels With High Rates of Writs or Evictions			
> 2 Writs for Every 3 Housing Units	\$1,374	\$1,459	\$1,534
> 1 Eviction for Every 20 Housing Units	\$1,412	\$1,459	\$1,558

Source: OLO analysis of Eviction Editor, 2018 Property Parcel data, and data from the 2017 DHCA Rental Survey

*Excludes parcels with fewer than 10 housing units

Chapter 5. Emergency Financial Assistance for Eviction

Many jurisdictions in the United States provide financial assistance for individuals and families facing eviction, utility-shut offs, and other housing emergencies. Such programs are typically intended to provide one-time or short-term assistance for families that are facing eviction or another emergency, rather than to provide a permanent or long-term housing subsidy.

In Montgomery County, the County Government, municipalities, and a wide range of community organizations offer emergency financial assistance programs for households experiencing housing-related emergencies such as evictions. Most assistance is financial, but some programs also offer case management and mediation to address issues contributing to the emergency. This chapter examines recommended practices in emergency financial assistance programs and describes the services available for households facing eviction in Montgomery County. The chapter is organized as follows:

- **Section A** examines how emergency financial assistance programs in the United States have been structured and summarizes the research literature on the impact of such programs;
- **Section B** describes financial assistance programs for evictions and other emergencies provided by the Montgomery County Department of Health and Human Services (DHHS) and the Department of Housing and Community Affairs (DHCA) as well as County funding for emergency financial assistance programs in the community; and
- **Section C** describes emergency financial assistance programs offered by municipalities, and examines the assistance provided by community organizations via the Emergency Assistance Coalition.

Findings from this chapter include:

- Research shows that emergency financial assistance programs prevent homelessness, though many programs could be more cost-effective in preventing homelessness if they more narrowly targeted the most vulnerable households at highest risk of homelessness;
- The County Government invested nearly \$7 million in fiscal year 2018 in emergency financial assistance programs provided by DHHS, DHCA and community-based organizations;
- Emergency financial assistance programs provided by the County Government target households that can avoid eviction with one-time financial assistance, in contrast to some programs in other jurisdictions that provide longer-term assistance in order to serve households that are more vulnerable; and
- Community-based organizations provide an estimated \$800,000 to \$1 million in emergency financial assistance to households in the County each year, approximately double the amount the organizations receive in funding from the County, and play a major role in assisting households facing utility shut-offs in particular.

A. Emergency Financial Assistance Programs: Recommended Practices and Evidence on Impact

Emergency financial assistance programs aim to prevent housing-related emergencies, such as evictions and utility shut-offs, by providing short-term financial assistance and other services. These programs often also assist households in securing new housing if an eviction cannot be prevented. Emergency financial assistance programs typically have an ultimate goal of preventing homelessness in addition to the immediate goal of preventing loss of current housing.

It is important to note that homelessness prevention and eviction prevention are two separate goals. Although episodes of homelessness often begin with eviction, most households do not experience homelessness after an eviction.¹ While programs may target households at a high risk of homelessness, predicting homelessness is challenging. Emergency financial assistance programs often serve many households that do not need assistance to avoid homelessness, but that do need it to avoid displacement.

Emergency financial assistance programs across the United States vary in several respects, including: intake processes, eligibility requirements, assistance limits, services offered, and performance reporting. Some programs provide only one-time assistance, while others offer up to several months of assistance and may also incorporate additional services to address the underlying causes of the emergency. This section summarizes recommended practices based on a study conducted for the U.S. Department of Housing and Urban Development (HUD) and reviews the research on the impact of emergency financial assistance programs.

1. Recommended Practices in Emergency Financial Assistance Programs

HUD's Homelessness Prevention and Rapid Re-Housing Program (HPRP) provided funding from 2009 to 2012 for homelessness prevention programs. Most of these programs provided some form of emergency financial assistance. The Homelessness Prevention Study (HPS), a 2015 review of HPRP-funded homelessness prevention activities, offers insights into the range of ways that emergency financial assistance programs can be structured and identifies recommended practices.² The study was based on two separate information-gathering efforts:

- A survey of all HPRP grantees; and
- In-depth case studies of HPRP-funded programs in 17 selected communities.

This section summarizes the key lessons for emergency financial assistance identified in the Homelessness Prevention Study.

Partnerships can strengthen outreach efforts. Communities have used a variety of methods to raise awareness of the program among households, including innovative partnerships, community outreach, and public awareness campaigns. For example, in Kalamazoo, Michigan, tenants who receive a court summons for an eviction case also receive a flyer advertising HPRP rental assistance along with other services provided in partnership with the district court. However, researchers found that many communities were overwhelmed with the initial response following public awareness campaigns and ceased these activities, subsequently relying on word of mouth to spread awareness.

¹ The specific percentage of households that experience homelessness following eviction is difficult to measure. Some studies measure the rate of homelessness among evicted households by identifying which households entered a shelter within a certain period of time after requesting emergency financial assistance. A recent study of Chicago's Homelessness Prevention Call Center estimated that 4 percent of callers who did not receive assistance because funds were not available entered a shelter within six months; another study of New York City's Homebase Program to Prevent Homelessness found that 12.8 percent of applicants entered a shelter within three years of applying to that program. See Evans, W.N., Sullivan, J.X., and Wallskog, M., "The impact of homelessness prevention programs on homelessness," *Science* 353(6300), 694-699; and Shinn M., Greer A.L., Bainbridge J., Kwon J., and Zuiderveen, S., "Efficient Targeting of Homelessness Prevention Services for Families," *American Journal of Public Health*, 2013;103(Suppl 2):S324-S330.

² Cunningham, M., et.al., *Homelessness Prevention Study: Prevention Programs Funded by the Homelessness Prevention and Rapid Re-Housing Program*, U.S. Department of Housing and Urban Development, August, 2015, <<https://www.huduser.gov/portal/publications/affhsg/HPRP-homeless-prevention-report.html> >

Centralized intake structures are most conducive to maximizing access, consistency, efficiency, and effectiveness. For households at risk of or experiencing homelessness, services can include prevention, such as emergency financial assistance, as well as emergency shelter, transitional housing, permanent supportive housing, and links to other services and benefits that are not homelessness-specific. The Homelessness Prevention Study found that HPRP-funded programs varied in the extent to which their intake structures for homelessness programs were centralized. In the most decentralized structures, households were required to seek assistance from each program and complete separate intake procedures. In centralized structures, all households seeking any homelessness assistance completed a single intake process for screening and triage.

Programs should establish income eligibility limits and sustainability requirements that align with program goals. HPRP funding rules set maximum income eligibility limits: households must have incomes below 50 percent of area median incomes (AMI) and be either homeless or at risk of losing their housing. HPRP rules allow communities to set more stringent eligibility requirements. Five of the 17 case study communities set more stringent income eligibility limits (below 50 percent of AMI). This community decision was sometimes made due to funding scarcity, but also to ensure that limited funding targeted those households most at risk of entering shelters (most shelter entrants had incomes well below 50 percent of AMI). On the other hand, many communities effectively excluded the most vulnerable households by requiring households to show that they would not need ongoing assistance to sustain their current housing (e.g., by showing employability).

The HPS authors asserted that program eligibility rules should be consistent with program goals. Specifically, if the focus of the program is homelessness prevention, communities should set income eligibility thresholds “considerably below” 50 percent of AMI and consider specific risk factors for homelessness (such as previous homelessness, severe conflicts with the landlord or within the household, four or more moves in the past year, and eviction). On the other hand, programs that aim to prevent housing loss and promote stable housing may choose less stringent eligibility requirements to serve a wider range of households.

Programs should provide multiple months of assistance for more vulnerable households. HPRP-funded programs varied widely in the maximum length of time during which they provided assistance and in the maximum amount of assistance they provided. Most surveyed communities (60 percent) offered between three and 12 months of assistance, while 13 percent of communities limited assistance to under three months. Programs that served households with the highest risk of homelessness often provided longer-term assistance, while programs that prioritized households with the ability to retain their current housing often provided shorter-term assistance. Maximum assistance limits ranged from \$500 to over \$10,000. Some communities also limited the share of rent that the program could pay and/or reduced assistance over time (e.g., 100 percent of rent for the first two months and then declining to 25 percent of rent).

Programs often offer services beyond financial assistance. In addition to financial assistance, many programs provided additional services aimed at helping households avoid homelessness and remain stably housed, as listed below. Referrals to community-based services and housing search and placement were the most common services provided. A few providers offered financial literacy or employment skills classes, and those that did so typically provided several months of financial assistance to give participating households time to take advantage of the classes.

- Referrals to community-based services
- Housing search and placement
- Landlord-tenant mediation
- Legal services
- Credit repair
- Financial literacy and employment skills classes

To best serve the most vulnerable households, programs should allow flexibility in applying program rules.

Programs with rigid decision-making processes tended to offer short-term assistance and served households that were relatively less vulnerable. In comparison, communities that offered relatively longer-term assistance allowed caseworkers to make adjustments based on households’ achievement towards case goals.

In most programs, individual caseworkers were responsible for assessing each case and making a final decision on financial assistance. Some programs made efforts to ensure consistency, such as by developing standardized forms or assessment tools for caseworkers or formally auditing individual caseworker files, particularly when the program or the caseworkers were new. A small number of grantees, including Arlington County, Virginia, and Kalamazoo, Michigan, used a committee to make financial assistance decisions. In Arlington County, for example, a committee of representatives from five agencies involved in administering the program met weekly to make final decisions on cases reviewed by individual caseworkers. Alternatively, in Philadelphia, an automated system generated a score and an assistance package for each household, and caseworkers had limited discretion to change the package.

Several outcome metrics can be used to assess program performance, though all have limitations. HPRP communities tracked a variety of outcome metrics. HPRP rules required grantees to report data on the housing status of households when they began and when they exited the program. Several communities also tracked additional metrics. The table below summarizes homelessness prevention program outcome metrics:

Table 17. Outcome Metrics Tracked by HPRP-Funded Homelessness Prevention Programs

Outcome Metric	Description	Limitations
Housing status at program entry and exit	Whether households were, at the time they entered and left the program, stably housed, unstably housed, or at imminent risk of losing housing.	Does not measure whether household succeeded in sustaining housing after assistance ended
Subsequent shelter entry	Numbers of program participants that entered homeless shelters in the months or years after exiting the program, based on data in the Homeless Management Information System (HMIS)*	Results can be skewed by shelter availability as well as the extent to which shelters use the HMIS
Applications for repeat assistance	Numbers of households that reapplied for financial assistance after exiting the program	Only applicable to programs that accept applications for repeat assistance
Housing status after program exit	Whether households were stably housed after a specified period of time after program exit (e.g. six or 12 months), determined by attempting to directly contact households that received assistance	Contacting households after program exit is difficult and time-consuming; those that do not respond are possibly more likely to lack stable housing, but this is difficult to measure

Source: Cunningham, M., et.al., *Homelessness Prevention Study*, August, 2015.

*Homeless Information Management Systems (HMIS) are local information systems used to collect client data and data on services provided to individuals and families experiencing or at risk of homelessness. Communities that receive federal funding from the U.S. Department of Housing and Urban Development’s Continuum of Care Program must comply with specific HMIS requirements.

The HPS authors note that to truly assess the effectiveness of prevention programs, outcomes for program participants must be examined alongside those of comparable nonparticipants. Otherwise, the impact of the program may be exaggerated for programs that target relatively low risk households and underestimated for programs that serve relatively high-risk households. Such in-depth impact evaluations are typically not feasible for program staff to conduct. However, the HPS authors recommend that programs collect data on household characteristics and housing situations for all households that apply for assistance, whether or not the households receive it. While program staff may not be able to conduct follow-up assessments themselves, such data may support future studies offering further insights into homelessness prevention program effectiveness.

2. Evidence on Program Effectiveness

The limited research literature on emergency financial assistance programs finds they are generally effective in preventing homelessness, though some programs could be more cost-effective if they more narrowly targeted households that were truly at risk of homelessness. However, the literature does not closely examine the programs' effectiveness in or the benefits of preventing eviction or housing instability. OLO identified studies on the impact of three specific programs that provide emergency financial assistance:

- The Massachusetts Rental Assistance to Families in Transition Program (RAFT);
- Chicago's Homelessness Prevention Call Center (HPCC); and
- The New York City Homebase Program.³

While methodologies and assumptions varied among studies, overall, the studies found that the programs effectively prevented homelessness: assisted households were less likely to become homeless than households that did not receive assistance. Studies of Massachusetts' RAFT and the New York City's Homebase Program found that the prevention programs generated moderate savings in shelter costs that exceeded the costs of the prevention programs, even when accounting for households that would not have become homeless without assistance.

In contrast, a study of the Chicago HPCC estimated that the program costs exceeded the public savings from reduced shelter use and other public costs of homelessness (police, healthcare, incarceration, and public assistance), primarily because the authors estimated that the Chicago program served many households that were not at risk of homelessness.⁴ The authors asserted that targeting the program more narrowly to very low-income could reduce the cost per homeless spell averted by 35 percent, which would reduce prevention costs to below the public costs of homelessness. At the same time, the authors acknowledge that preventing eviction is beneficial even for those households that would not necessarily become homeless without the assistance. However, they did not examine the Chicago program's effectiveness in preventing eviction or quantify the associated benefits.

³ Friedman DH, Raymond J, Puhala K, et al. "Preventing homelessness and promoting housing stability: a comparative Analysis", Boston: University of Massachusetts 2007; Rolston, H., Geyer, J., & Locke, G., "Evaluation of the Homebase Community Prevention Program," Abt Associates, June 6, 2013; Evans, W.N., Sullivan, J.X., and Wallskog, M. (2016); and Shinn M., Greer A.L., Bainbridge J., Kwon J., and Zuiderveen, S. (2013)

⁴ See Evans, W.N., Sullivan, J.X., and Wallskog, M. (2016). The authors found that benefits significantly exceeded costs when accounting for "private" benefits, particularly reduced mortality for those persons who were prevented from experiencing homelessness. The private benefit of reduced mortality was estimated to be \$13,000 per homeless spell averted, based on U.S. Environmental Protection Agency estimates of the value of a statistical life.

3. Emergency Financial Assistance Case Studies

This section describes two emergency financial assistance programs from other jurisdictions: Arlington County Homelessness Prevention and New York City's Homebase.

Arlington County Homelessness Prevention – Arlington, Virginia. In 2015, Arlington County redesigned many of their homelessness programs to funnel all households at risk of becoming homeless or already homeless through one centralized intake process. This 'Centralized Access System' (CAS) administered by the Arlington County Department of Human Services (DHS) assesses and screens households and determines what prevention services or programs match their needs.⁵ Arlington County employs a "housing first" philosophy that prioritizes providing individuals with safe, stable housing before dealing with other complications in providing services. Arlington County is currently entering year nine of their ten-year plan to end homelessness.

Services Provided: The Centralized Access System (CAS) is the intake point for a variety of housing services including: homelessness prevention, diversion, emergency shelter, housing location, permanent supportive housing, and rapid re-housing services. Arlington County's prevention programs help households at-risk of homelessness maintain existing housing. After the County assesses a household's needs, staff determine what intervention to pursue. The County has three categories of prevention assistance: (1) short term or one-time rental assistance with assistance up to 2 months, (2) medium term rental assistance with assistance up to 6 months, and (3) intensive case management services with assistance up to 10 months.⁶

Entities Involved: Arlington County supports their homelessness prevention program through state, federal, private, and local funds. In addition to the Arlington County Government services, Arlington DHS partners with non-profits to offer supportive services and additional funding streams for the County. These include:

- Arlington Street People's Assistance Network (ASPAN) which provides housing-focused case management, financial counseling, and a housing locator service designated to provide information and assistance to clients receiving prevention services.⁷
- Volunteers of America Chesapeake provides housing-focused case management and financial counseling.
- Arlington Thrive Carter Jenkinson and Daily Funds provides emergency financial assistance and case management.⁸

Arlington County also uses other service agencies to provide information about CAS programs, and the County conducts multi-lingual outreach to organizations serving at risk populations.

Target Populations: The Centralized Access System provides individuals in need with a diverse set of options, but the prevention program targets households that would be literally homeless if not for financial assistance. The

⁵ Arlington County, "CAS Policies and Procedures", pg 5, <https://publicassistance.arlingtonva.us/wp-content/uploads/sites/33/2018/02/CAS-Policies-and-Procedures.pdf>

⁶ Arlington County, "CAS Policies and Procedures", pg 17, <https://publicassistance.arlingtonva.us/wp-content/uploads/sites/33/2018/02/CAS-Policies-and-Procedures.pdf>

⁷ Arlington County, "CAS Policies and Procedures", pg 6, <https://publicassistance.arlingtonva.us/wp-content/uploads/sites/33/2018/02/CAS-Policies-and-Procedures.pdf>

⁸ Arlington County, FY 2015 Annual Report, "Arlington County 10 Year Plan to End Homelessness" <https://arlingtonva.s3.dualstack.us-east-1.amazonaws.com/wp-content/uploads/sites/33/2016/01/FY-2015-Annual-Report.pdf>

'but for' requirement is designed to comply with HUD funding rules. To prove a household is at risk of homelessness, clients provide documentation such as eviction notices, 5-day pay or quit notices, or late notices. This requirement provides Arlington DHS with a filter to target resources towards households most in need.

Challenges: Arlington County faced challenges sustaining the funding because some homelessness prevention programs relied on federal funds targeted for cuts in 2012.⁹ Ultimately, Arlington County increased County funding for their housing programs in 2013 to ensure uninterrupted services.

Program Impact: Since 2008, Arlington County has cut the number of homeless persons by more than half, despite some increases in the homeless population in 2017 according to the latest Point in Time Count.¹⁰ The eviction prevention and rental assistance programs continue to grow and served more than 1,600 households in fiscal year 2017.¹¹ While Arlington County may not end homelessness by 2019, they have made progress in reducing homelessness.

HomeBase – New York City, NY. The New York City HomeBase program began as a pilot in 2004. HomeBase aims to prevent homelessness by providing assistance and resources via a network of community-based organizations (CBOs) to families at a high risk of becoming homeless or in the midst of a housing crisis.¹² The HomeBase network now serves over 25,000 households annually at 23 locations across New York City, and the city allocated \$59 million to the program in fiscal year 2018.¹³

Services Provided: The HomeBase program is a case management system that provides direct services and financial assistance to households and also connects them with existing public or private resources from other programs. HomeBase eviction prevention services include: short-term emergency funding, assistance obtaining benefits, financial counseling, landlord and family mediation, employment services or referrals, and linkages to community resources.¹⁴ HomeBase can also fast track families identified as high-risk for homelessness for Housing Choice Vouchers. The Housing Choice Voucher Program (formerly known as Section 8 housing) is a federal program that provides assistance in paying monthly rent and is administered by local governments.¹⁵

Entities Involved: The New York City Human Resources Administration (HRA) administers the HomeBase program in partnership with community-based organizations (CBOs).¹⁶ The City selects each CBO based on their

⁹ Spencer, Jason, Arlington Patch, "Homelessness Prevention: Arlington Uses Local Dollars to Offset Sequestration Cuts" 7/13/2013, <https://patch.com/virginia/arlington-va/sequestration-arlington-uses-local-dollars-to-maintain-homelessness-prevention-program>

¹⁰ Arlington County, "Point-in-Time Homelessness County Up in Arlington" <https://newsroom.arlingtonva.us/release/point-in-time-homelessness-count-up-in-arlington/>

¹¹ Arlington County, FY2017 Annual Report "Arlington County's 10 Year Plan to End Homelessness" <https://commissions.arlingtonva.us/wp-content/uploads/sites/5/2018/01/FY-2017-Annual-Report.pdf>

¹² Abt Associates, "Community Spotlight: Homelessness Prevention Homebase in New York City, NY - HUD Exchange." 2009, <https://www.hudexchange.info/resources/documents/HomeBaseNYC.pdf>

¹³ Fulehan, Dean The City of New York "Progress Report OneNYC 2018" 2018, pp. 25, https://onenyc.cityofnewyork.us/wp-content/uploads/2018/05/OneNYC_Progress_2018.pdf

¹⁴ New York City Department of Homeless Services, "About HomeBase" <https://www1.nyc.gov/site/dhs/prevention/homebase.page>

¹⁵ Department of Housing and Urban Development, "Housing Choice Vouchers Fact Sheet" https://www.hud.gov/topics/housing_choice_voucher_program_section_8

¹⁶ New York City Independent Budget Office, "Detailing Changes: New Initiatives, Funding, and Program Shifts" May 2016, <http://www.ibo.nyc.ny.us/iboreports/detailing-the-changes-new-initiatives-funding-and-program-shifts-for-the-citys-homeless-services.pdf>

preexisting services in the community and their ability to handle the necessary functions for HomeBase. Participating organizations include HELP USA, CAMBA, BronxWorks, RiseBoro, and Catholic Charities.¹⁷ The organizations receive a flat fee for each client they assist, but also receive additional compensation if their clients do not enter shelter for a year after HomeBase assists them.

In addition to the community partners, New York City also uses its other programs and services to advertise HomeBase. For example, the New York City 311 line directs residents to HomeBase. Shelters will inform families of the HomeBase program. Subways and buses carry public service advertisements, and the Department of Education conducts an informational campaign.¹⁸

Targeted Populations: New York City is legally obligated to provide shelter to any eligible family requesting services.¹⁹ Providing shelter for families is extremely expensive, and shelter populations continue to grow. In response, New York City decided to focus on preventing homelessness. Thus, HomeBase targets the families at the highest risk of homelessness before they enter a shelter. This risk level is determined by an empirical targeting model that includes risk factors like income level, housing conditions, demographics, and previous shelter history.²⁰ The program also assists families after they enter or leave a shelter to reduce recidivism.

Challenges: New York City created the HomeBase program to reduce the number of families entering shelter by assisting the families most at risk of entering shelter. Initially, caseworkers were responsible for assessing each household's risk of becoming homeless. In response to concerns that HomeBase was targeting households with a low risk of homelessness, the City began to use empirical models with clearly-defined criteria to assess homelessness risk.²¹ However, the homeless population in New York City continues to grow.

Program Impact: Several academic studies have attempted to measure the impact of HomeBase. One study estimated that HomeBase reduced the number of households entering shelter by 10-20 for every 100 households served.²² Another study found that the decrease in shelter entries was between 5%-11% on average.²³ However, some researchers note that the effects of a program like HomeBase might be unique to New York City given its large shelter population and legal obligation to provide shelter.

¹⁷ New York City Human Resources Administration, "Homebase Prevention Network", pp 3, <https://www1.nyc.gov/assets/dhs/downloads/pdf/homebase/homebase-flyer-general.pdf>

¹⁸ The City of New York, "Turning the Tide on Homelessness in New York City" <https://www.politico.com/states/f/?id=0000015a-8599-d2c6-a7db-dbd2fb60000>, pg 31

¹⁹ Citizens Budget Commission, 2017, "How Much is Enough? Accounting for the Growth in Homeless Services" <https://cbcny.org/research/how-much-enough>

²⁰ Shinn, et al. 2013, NCBI, "Efficient Targeting of Homelessness Prevention Services for Families" <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3969118/>

²¹ Greer et. Al, 2016, "Targeting Services to Individuals Most Likely to Enter Shelter: Evaluating the Efficiency of Homelessness Prevention" <https://www.journals.uchicago.edu/doi/full/10.1086/686466>

²² Messeri et. Al, 2012, "Does Homelessness Prevention Work? Evidence for New York City's HomeBase Program" http://www.law.nyu.edu/sites/default/files/ECM_PRO_074707.pdf

²³ Goodman et. Al, 2017, "Homelessness prevention in New York City: On average, it works" <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4770906/>

B. Emergency Financial Assistance Programs Operated or Funded by Montgomery County Government

In Montgomery County, the Department of Health and Human Services (DHHS) and the Department of Housing and Community Affairs (DHCA) each operate programs that provide emergency financial assistance for households facing eviction and other housing-related emergencies. The County Council and the County Executive also fund grants for community-based organizations that provide emergency financial assistance. The table below includes information on programs that provide temporary assistance and does not include ongoing rental assistance programs, which are outside the scope of this report.

Table 18. County Government Budgeted Expenditures on Emergency Financial Assistance Programs, FY18

Category	FY18 Budget
DHHS Homelessness Prevention Services (incl. personnel and operating expenses)	\$6,197,456
DHCA Homelessness Prevention and Relocation Assistance Program*	\$286,400
Grants to Community Organizations for Emergency Financial Assistance	\$429,123
Council Grants	\$211,800
County Executive Community Grants	\$115,000
Non-Competitive Awards	\$102,323
Total	\$6,912,979

*Includes budget for client expenditures only

As shown on the table below, several resources provide information on the availability of emergency financial assistance in Montgomery County. Households that require assistance must first apply to DHHS through the Homelessness Prevention Services section. DHHS coordinates emergency assistance with community-based organizations via the Emergency Assistance Coalition (see page 64). Households that have exhausted assistance for which they are eligible from DHHS can be referred to DHCA for additional assistance. The table below summarizes County Government funding for emergency financial assistance. DHHS Homelessness Prevention Services accounts for the vast majority of funding for emergency financial assistance.

Table 19. Landlord-Tenant Resources Promoting Eviction Prevention Assistance in Montgomery County

Resources	Description
Lease Agreement	Lease agreements must contain a clause stating landlords are required to provide general information on eviction assistance when giving a notice of past due rent or notice of other judicial proceedings. DHCA Office of Landlord Tenant Affairs and MC311 are listed as contacts in the County’s standard lease agreement.
DHCA Landlord-Tenant Handbook	The Handbook provides tenants with a list of phone contacts for emergency financial or legal assistance (e.g., MC311, the Montgomery County Crisis Hotline, Maryland Legal Aid, Self-Help Center, etc.).
MC311	MC311 provides information for individuals facing eviction, including how to schedule an appointment with DHHS.
Quit and Vacate Notices	Notices to tenants must include the following statement: “General information and assistance regarding evictions is available from the Department of Housing and Community Affairs.”
Final Eviction Notice	The Sheriff’s Office posts a final eviction notice with service of the Writ of Restitution. This notice informs the tenant of available assistance and includes contact information for DHHS.

1. DHHS Homelessness Prevention Services

The Services to End and Prevent Homelessness (SEPH) Division²⁴ of the Department of Health and Human Services (DHHS) provides a range of services for households experiencing or at risk of experiencing homelessness. The mission of SEPH is to make homelessness a rare, brief, and non-recurring event.

In fiscal year 2018, the County Executive initiated a reorganization of SEPH to better reflect the County’s approach to preventing homelessness. The Homelessness Prevention Services section of SEPH, formerly called Housing Stabilization Services, administers several County- and State-funded grant programs that provide emergency financial assistance to prevent evictions or foreclosures, avoid utility shut-offs, or secure new housing to prevent homelessness. These programs are intended to provide one-time, rather than ongoing, assistance to prevent housing-related emergencies. The program also provides case management services to a small number of at-risk households.

Homelessness Prevention Services Budget and Expenditures on Client Benefits. In fiscal year 2018, Homelessness Prevention Services received funding from the following sources:

- County General Fund;
- County Recordation Taxes; and
- State of Maryland.

Table 20 summarizes County funding for Homelessness Prevention Services for fiscal years 2013 - 2019. In recent years, two key changes have been made to the Homelessness Prevention Services budget:

- In fiscal year 2018, the County Executive proposed and the County Council approved a \$500,000 reduction in funding from the General Fund for DHHS emergency financial assistance to reflect reduced demand; and
- As part of the reorganization of SEPH, the Executive’s fiscal year 2019 Recommended Operating Budget includes a shift of \$1.5 million in Maryland Energy Assistance Program and Electric Universal Service program funding to Homelessness Prevention Services.

Table 20. County-Funded Homelessness Prevention Services* Budget, FYs 2013 - 2019 (\$ millions)

Funding	FY13	FY14	FY15	FY16	FY17	FY18	FY19
General Fund	\$5.3	\$5.3	\$5.5	\$5.8	\$5.8	\$5.2	\$6.3
Recordation Taxes	\$1.0	\$1.0	\$1.0	\$1.0	\$1.0	\$1.0	\$1.0
Total	\$6.3	\$6.3	\$6.5	\$6.8	\$6.8	\$6.2	\$7.3
FTEs	34.5	34.6	34.6	34.6	34.6	34.6	39.1

Source: FYs 2013-2019 Approved Operating Budgets and DHHS Staff

*Homelessness Prevention Services was called Housing Stabilization Services prior to FY18

The table on the following page summarizes Homeless Prevention Services expenditures on client benefits for fiscal years 2013-2017 by funding source. The total amount expended on assistance, from all funding sources, peaked at \$3.2 million in fiscal year 2015, but then decreased to \$2.7 million in fiscal year 2017. Among the four

²⁴Formerly Special Needs Housing; in fiscal year 2018 the County Executive initiated a reorganization of Special Needs Housing now renamed the division to Services to End and Prevent Homelessness (SEPH).

funding sources, the average grant was \$830; however, grants funded through County Recordation taxes were significantly larger, averaging \$1,283 over the five-year period. A single household can receive multiple grants if they qualify for funding from multiple sources, so the total numbers of grants do not necessarily reflect the number of households assisted. DHHS does not currently track data on numbers of households assisted or characteristics of those households.

Table 21. Homelessness Prevention Services Expenditures on Client Benefits, FY13-FY17

	FY13	FY14	FY15	FY16	FY17	5-Year Total
Total						
# Grants*	4,115	3,768	3,710	3,090	2,866	17,549
Expenditures (\$ millions)	\$3.0	\$2.9	\$3.2	\$2.8	\$2.7	\$14.5
Average Grant	\$724	\$775	\$853	\$908	\$945	\$830
County Funding						
Total Client Expenditures (\$ millions)	\$2.3	\$2.5	\$2.7	\$2.2	\$2.1	\$11.7
County General Fund	\$1.0	\$1.4	\$1.6	\$1.1	\$1.1	\$6.1
County Recordation Taxes	\$1.3	\$1.1	\$1.0	\$1.1	\$1.1	\$5.6
# of Grants*	2,968	2,998	3,094	2,501	2,368	13,929
County General Fund	1,927	2,166	2,306	1,633	1,538	9,570
County Recordation Taxes	1,041	832	788	868	830	4,359
Average Grant	\$778	\$824	\$867	\$865	\$895	\$843
County General Fund	\$504	\$653	\$711	\$659	\$684	\$643
County Recordation Taxes	\$1,283	\$1,270	\$1,326	\$1,254	\$1,284	\$1,283
Maryland State Funding						
Client Expenditures (\$ millions)	\$0.7	\$0.4	\$0.5	\$0.6	\$0.6	\$2.8
# of Grants*	1,147	770	616	589	498	3,620
Average Grant	\$585	\$581	\$779	\$1,087	\$1,183	\$781

Source: DHHS

* A single household can receive multiple grants from different funding sources for the same emergency, so the total number of grants exceeds the numbers of households assisted.

Eligibility criteria. The table on the following page summarizes the eligibility criteria for County- and State-funded emergency assistance programs administered by DHHS. Households must be at risk of a housing-related emergency such as: eviction, utility shut-off, foreclosure, building condemnation, or a health or safety risk in current housing. A key eligibility requirement is that a household have a “workable plan,” meaning that they have sufficient income and resources that the emergency will not recur after the short-term assistance is provided. If a caseworker determines that a household cannot afford to stay in the home in the longer term, grants for moving and storage may be provided. Thus, Homelessness Prevention Services grants are not intended to provide ongoing rental assistance, but rather to provide one-time assistance in emergency situations. To qualify for funding from the State’s Emergency Assistance to Families with Children Program, an applicant must meet additional criteria detailed in the table.

Table 22. DHHS Emergency Assistance Eligibility Criteria by Funding Source

County- and State-Funded Emergency Assistance
<ul style="list-style-type: none"> • Residency in Montgomery County at the time of application; • Emergency situation such as documented risk of eviction, foreclosure, or utility shut-off; • Household income less than or equal to 60 percent of the Area Median Income;* • Lack sufficient household resources to resolve the emergency; and • Sufficient income and resources such that emergency will not recur (a “workable plan”).
Additional Criteria for Emergency Assistance to Families With Children (State)
<ul style="list-style-type: none"> • Must have one child under age 21 (includes single pregnant women and couples if one; partner is under 21) living in the residence within the prior 6 months; • Applicant and family members are U.S. citizens or qualified immigrants; • The emergency is not the result of the applicant or other responsible adult in the household quit or refused to accept employment or training without good cause; and • The applicant applies for all available sources of income and benefits (e.g., Unemployment Insurance, Medicaid, SNAP) and is in compliance if already enrolled.

* Eligibility limited to households with income under 60 percent of the AMI unless they have a critical situation such as high medical bills. HUD recalculates AMI annually. As of June 1, 2018, the AMI for a family of four in Montgomery County is \$117,200. See: Montgomery County Department of Housing and Community Affairs - 2018 Rent and Income Limits (effective June 1, 2018); retrieved from https://montgomerycountymd.gov/DHCA/Resources/Files/housing/multifamily/compliance/rent_income_limits_current.pdf

Intake locations. Households can apply for grants at DHHS and Neighborhood Opportunity Network locations listed in the table below. DHHS locations operate primarily on a walk-in basis, with limited evening hours and appointments available as needed. In fiscal year 2017, DHHS implemented a new lobby management system to manage the flow of customers.

Table 23. Intake Locations for Homelessness Prevention Services

DHHS Locations		
Rockville:	1301 Piccard Drive	240-777-4550
Silver Spring:	8818 Georgia Avenue	240-777-3075
Germantown:	12900 Middlebrook Road	240-777-4448
Hours are Mon., Tues., Wed., Thurs., and Fri 8:30 AM – 5 PM on a first-come, first-served basis; and Tues. evenings 5 PM – 7 PM (by appointment only)		
Neighborhood Opportunity Network Sites*		
Catholic Charities (Wed. only)	12247 Georgia Avenue, Silver Spring	
Family Services Inc. (Thurs. only)	610 Diamond Avenue, Gaithersburg	
Housing Opportunities Commission (HOC) Customer Service Centers		
HOC Gaithersburg Customer Service Center	101 Lakeforest Blvd.	
HOC Silver Spring Customer Service Center	8241 Georgia Ave.	

Source: DHHS staff

* Neighborhood Opportunity Network sites are locations operated in partnership with community-based organizations

Screening and case assessment processes. DHHS Homelessness Prevention Services staff screen applicants to identify which applicants are experiencing a true emergency, such as an eviction or utility shut-off, and whether an applicant meets income eligibility requirements. A caseworker then reviews the applicant’s case and identifies resources to resolve the emergency, in the following order: (1) the household’s own resources, (2)

State of Maryland programs, (3) County Recordation Tax grants, and (4) County by General Fund Grants. If more resources are needed, the caseworker contacts community organizations that participate in the Emergency Assistance Coalition for additional assistance. Applicants must provide documentation of their emergency, proof of residence in Montgomery County, and financial documentation. The table below summarizes the documentation requirements.

Table 24. Documentation Requirements for Homelessness Prevention Services Grants

Purpose	Examples of Documents Accepted
Identification of Household Members	Photo I.D., Social Security card, birth certificate, Alien Registration card, Certificate of Naturalization, or passport
Verify Emergency Situation	Court summons, Writ of Restitution*, evidence of condemnation of property, evidence of imminent foreclosure, documentation of health or safety risk in current housing, or utility shut-off notice
Verify Montgomery County Residence	Lease in Montgomery County for at least three months, documentation of homeownership, registration of children in MCPS, other documents with applicant’s address listed such as driver’s license, or utility bill
Assess Income Eligibility, Need and Ability to Sustain Current Housing	Documents showing household income from all sources at or below 60% of area median income, statements for bank accounts and other financial accounts, and proof of expenses (utility bills, phone bills, car expenses, child care, rent/mortgage)

*DHHS accepts a verifiable notice from the landlord of failure to pay rent rather than a court notice for applicants with no income who are temporarily disabled or who reside in housing owned or operated by a DHHS Continuum of Care partner.

Grants. DHHS provides assistance in the form of checks made out directly to the landlord, utility company, or other appropriate party. Caseworkers must ensure that the assistance is sufficient to resolve the emergency. For example, if the applicant is facing eviction for nonpayment of rent, the caseworker must identify resources to pay off the court judgment because evictions can proceed if the full amount is not paid. DHHS staff report that payments can be processed within 24 hours if needed. The table below summarizes limits on financial assistance from all sources established by DHHS. As established in guidance effective July 1, 2010, DHHS may provide a maximum of \$1,750 total assistance per household within a 12-month period.

Table 25. Maximum Combined Homelessness Prevention Services Grant Amounts by Type of Emergency

Type of Housing Emergency	Maximum Allowable Amount	Description
Eviction/Foreclosure Prevention	\$1,750	Allowable expenses include rent/mortgage expenses to prevent eviction, security deposit and/or first month’s rent to relocate to a more affordable unit.
Utilities	\$1,000	Limit applies to grants issued by Homelessness Prevention Services only. Additional resources available through the State Home Energy Program are not subject to this cap.
Moving/Storage	\$750	Limit applies to moving and storage costs combined. Households must use a moving company approved by DHHS .
Relocation Out of Area	\$750	To enable households to relocate to permanent housing out of the metropolitan area.

Source: DHHS

Additional case management. Recently, DHHS began providing additional, time-limited intensive case management services for up to 90 days for a small number of households with a history of housing instability. DHHS assigns a caseworker to each participating household to assist with budgeting and other issues including conducting home visits.

2. DHCA Homeless Prevention and Relocation Assistance Program

In addition to investigating complaints from landlords and tenants (see pages 9-10), the DHCA Office of Landlord-Tenant Affairs operates the Homeless Prevention and Relocation Assistance (HPRA) Program, which provides one-time financial assistance for tenants to prevent eviction and utility shut-offs and to assist tenants in securing new housing. HPRA targets tenants who need additional financial assistance after having exhausted benefits available through DHHS and HOC.

HPRA Client Benefit Budget and Expenditures. The table below summarizes HPRA budgeted and actual expenditures on client expenditures from fiscal years 2013 - 2017. These amounts do not include personnel costs for one DHCA investigator who manages the program. During this period, HRPRA expenditures increased annually except in fiscal year 2016. Furthermore, in each of fiscal years 2015, 2016, 2017, and 2018 expenditures exceeded the budgeted amounts. The number of payments doubled over the five-year period, from 150 to 321. However, the average payment decreased from \$1,251 in fiscal year 2013 to \$960 in fiscal year 2017, likely because DHCA reduced the maximum grant amount in fiscal year 2015 from \$2,500 to \$1,500 in response to the budget shortfall in that year (see page 62).

Table 26. Homeless Prevention and Relocation Assistance (HPRA) Budget and Expenditures, FYs 2013-2017

Fiscal Year	FY13	FY14	FY15	FY16	FY17	FY18
Budget	\$200,000	\$256,000	\$263,700	\$270,100	\$278,100	\$286,400
Actuals	\$187,705	\$238,678	\$308,428	\$286,838	\$308,144	\$462,691
# of Payments	150	191	314	315	321	428
Average Payment	\$1,251	\$1,250	\$982	\$911	\$960	\$1,081

Source: DHCA

Eligibility criteria. HPRA does not have specific eligibility criteria. Rather, the program serves households determined eligible for DHHS or HOC programs but which have received the maximum amount of assistance allowed from those agencies. Only applicants referred to DHCA from DHHS and HOC will be considered.

Screening and assessment processes. A DHCA investigator is responsible for screening and assessing applicants' need for emergency assistance. This review of the applicant's case and resources includes:

- Verification of the emergency as documented by the investigator;
- Examination of client's past history of meeting financial obligations;
- Examination of reasonableness and possible modification of recurring expenses;
- Consideration of the actions client has taken during DHHS and HOC assistance to address their financial circumstances; and
- Consideration of whether HPRA award is likely to prevent rather than defer homelessness.

Grants. In 2015, DHCA reduced the maximum grant amount from \$2,500 per household to \$1,500. This reduction was made to address a budget shortfall in fiscal year 2015 caused by increased program demand. Current limits on HPRA assistance are as follows:

- The HPRA yearly financial benefit is limited to \$1,500 per client unless approved by the Housing Division Chief for extraordinary extenuating circumstances;
- The HPRA typically limits assistance to one time per year per client; and
- No client may receive HPRA benefits for more than 3 consecutive years unless approved by the Housing Division Chief.

Additional services. DHCA provides the following additional services to qualified individuals and families: assistance in locating affordable housing; work on behalf of tenants with potential landlords; and refer clients to other support services (e.g., Aging and Disability, Mental Health Services, etc.)

3. County Government Grants for Community Emergency Assistance Programs

Numerous community and faith-based organizations also provide emergency financial assistance for Montgomery County residents facing housing-related and other emergencies. The County Council and the County Executive support many of these programs through community grants. Grants for programs that provide emergency financial assistance totaled \$429,000 in fiscal year 2018. DHHS staff also identified an additional \$122,000 in grants for programs that do not provide direct financial assistance for households facing eviction, but may also support households experiencing housing-related emergencies.

Table 27. Grants and Non-Competitive Awards for Emergency Assistance, FY18

Grantee	FY18
Council Grants for Emergency Financial Assistance Programs	\$211,800
Bethesda Cares, Inc.	\$30,000
Bethesda Help, Inc.	\$6,000
Community Ministries of Rockville	\$12,000
Eastern Montgomery Assistance Network	\$12,000
Interfaith Works	\$5,000
Lutheran Social Services of the National Capital Area	\$30,000
Mid County United Ministries	\$26,000
Ministries United Silver Spring Takoma Park, Inc.	\$30,000
Olney Help, Inc.	\$9,000
Rainbow Community Development Center, Inc.	\$2,800
Rockville Help, Inc.	\$9,000
Upper Montgomery Assistance Network	\$40,000
County Executive Community Grants	\$115,000
Community Ministries of Rockville	\$15,000
Eastern Montgomery Assistance Network	\$15,000
Interfaith Works, Inc.	\$20,000
Lutheran Social Services of the National Capital Area	\$30,000
Ministries United Silver Spring Takoma Park, Inc.	\$15,000
Olney Help, Inc.	\$10,000
Upper Montgomery Assistance Network	\$10,000
Non-Competitive Awards	\$102,323
Interfaith Works, Inc.	\$82,572
Mid County United Ministries	\$19,751
Grants for Related Services	\$122,000
Interfaith Works, Inc. - Assistance to Faith Communities (CE)	\$80,000
Interfaith Works, Inc. - Project Inform (CE)	\$20,000
St. Camillus Catholic Church - Food Assistance (CE & CC)	\$22,000
All Grants	\$551,123
Investments in Emergency Financial Assistance Programs	\$429,123

Source: DHHS Staff and fiscal year 2018 Approved Operating Budget

C. The Emergency Assistance Coalition and Programs Operated by Municipalities

In fiscal year 2018, the County Government awarded \$429,000 in grants for emergency financial assistance programs operated by community-based organizations. Many of the organizations that offer emergency financial assistance are members of the Emergency Assistance Coalition (EAC), which coordinates assistance for specific households among its various members and with DHHS. This section describes the EAC, data on assistance provided by its members, and provides an overview of three emergency financial assistance programs provided by municipalities in Montgomery County.

1. The Emergency Assistance Coalition

The Emergency Assistance Coalition (EAC) is a network of nonprofit and faith-based providers and municipalities that coordinate emergency assistance to residents of Montgomery County. Interfaith Works manages the EAC. Lead regional EAC members coordinate assistance for their regions. Most EAC members require households to first apply to DHHS for assistance. DHHS works with the EAC to assemble assistance packages that meet the household’s need. However, some EAC members accept applications for assistance without DHHS referrals. Additionally, many EAC members have less stringent requirements for assistance compared with DHHS; for example, they may not necessarily require households to have a “workable plan” (see page 58).

Devereux Consulting, which recently completed a study of the emergency financial assistance program run by Bethesda Cares, estimates that EAC members provide a combined total of between \$800,000 to \$1 million in emergency financial assistance each year. Table 28 lists EAC members and their service areas.

Table 28. Emergency Assistance Coalition Members and Service Areas

Agency/Organization	Service Area
Catholic Charities	Countywide
InterFaith Works	Countywide
Salvation Army	Countywide
<i>Bethesda Cares*</i>	Bethesda, and Countywide upon referral
Bethesda HELP	Bethesda
<i>Damascus Ecumenical Laymen’s Assn*</i>	Damascus
St. Paul Catholic Church	Damascus
Faith Connections	Damascus, Clarksburg, North Gaithersburg
<i>Ministries United Silver Spring/Takoma Park*</i>	Takoma Park and Lower Silver Spring
<i>Eastern Montgomery Emergency Assistance Network*</i>	Burtonsville, Hillandale, Colesville, Spencerville
<i>Upper Montgomery Assistance Network*</i>	Gaithersburg, Germantown, Derwood
The City of Gaithersburg	Gaithersburg
Family Services	Gaithersburg
United Church of Christ Seneca Valley	Germantown, Gaithersburg, Montgomery Village
<i>Midcounty United Ministries*</i>	Kensington, Silver Spring, Wheaton, Aspen Hill
<i>Olney Help*</i>	Olney
<i>Western Upper Montgomery County Help*</i>	Poolesville, Barnesville, Boyds, Dickerson
<i>Community Ministries of Rockville*</i>	Rockville
City of Rockville	Rockville
Rockville Help	Rockville
St. Elizabeth Catholic Church	Rockville
St. Patrick’s Social Concerns	Rockville
St. Raphael Catholic Church	Rockville

* Denotes lead regional member

Source: Devereux Consulting

Data on Emergency Assistance Coalition grants. In 2017, Bethesda Cares, a lead EAC regional member, commissioned Devereux Consulting to conduct a study on the Bethesda Cares emergency assistance program, which provides financial assistance to households at risk of eviction or utility shut-off. The findings of the study are detailed in the box below. Upon completion of the study, Devereux Consulting and Bethesda Cares provided OLO with detailed data on 169 emergency assistance cases handled by Bethesda Cares in January, April, July, and October of 2016. These data included information on assistance from Bethesda Cares and other EAC members.

Table 29 summarizes data on the 169 cases analyzed by Devereux Consulting. The data show that nearly half of cases handled by Bethesda Cares during the four months included in the study related to assistance with electricity shut-offs. Just under a third of cases related to evictions. The data also show that the median or typical amount of assistance provided by EAC members was substantial in comparison to median amounts owed by clients, particularly in cases related to utility shut-offs (electricity, gas or water).

Table 29. Bethesda Cares Data on Cases in January, April, July and October of 2016

Assistance Category	Cases		Median Amount Owed	Median Combined Assistance From EAC
	#	%		
Electricity	78	46%	\$954	\$600
Eviction	50	30%	\$2,023	\$611
Gas	22	13%	\$479	\$414
Water	12	7%	\$675	\$525
First month's rent	7	4%	\$500	\$200
Total	169	100%	\$916	\$550

Source: OLO Analysis of Bethesda Cares data compiled by Devereux Consulting

Bethesda Cares Study Findings

Devereux Consulting analyzed data on Bethesda Cares emergency assistance and the public benefits generated by this assistance. The study found that only 5 percent of a random sample of clients received assistance more than twice in a 25-year period, and most clients only received assistance once. The author concluded that recipients of Bethesda Cares emergency assistance used it as intended to resolve emergencies and did not become “dependent” on it to cover regular expenses. Devereux Consulting analyzed 169 emergency assistance cases handled by Bethesda Cares in January, April, July and October of 2016. This analysis found that the public benefits of the assistance exceeded the cost of Bethesda Cares assistance.²⁵

²⁵ This analysis assumed that 10 percent of assisted clients would have become homeless were it not for receiving assistance, and that those clients would have spent three months in a shelter if they had become homeless. Of note, clients typically receive assistance from multiple sources including DHHS and other EAC members. This analysis specifically examined Bethesda Cares assistance.

2. Emergency Financial Assistance Programs Operated by Municipalities

Some municipalities within Montgomery County offer financial assistance for households facing eviction, utility shut-offs, and other emergencies. OLO met with representatives from the Cities of Gaithersburg, Rockville, and Takoma Park to learn about their emergency assistance programs.

City of Gaithersburg. The City operates an eviction prevention and housing counseling program funded by the U.S. Department of Housing and Urban Development (HUD) that provides financial assistance and case management for households facing eviction and/or utility shut-offs. The City prioritizes households with incomes up to 50 percent of Area Median Income but can assist households with incomes up to 80 percent of Area Median Income in unusual circumstances. Households must have a notice of late rent from their landlord, a formal eviction notice, or a utility shut-off notice. HUD funding rules allow the City to offer up to three months of assistance for each household, funding up to \$1,000 in assistance per month to households for rent and/or utilities. Households with Housing Choice Vouchers from HOC or other deep subsidies are not eligible for assistance.

Households applying for assistance meet with a member of the City's Community Services staff who reviews the household's income and expenses and examines trends over time. Households that apply for assistance typically have tight budgets, though staff often identify new ways for the household to save small amounts of money. Staff also develop a plan for the household, including referrals to services such as online financial counseling, vocational counseling, and tax assistance. Households must adhere to the plan to receive assistance after the first month. Staff report that providing multiple months of assistance allows the program to first address the household's crisis and then address underlying issues. The program has a budget of \$57,000 in fiscal year 2019. The City also supports additional eviction prevention efforts, as described below:

- The City provides \$54,000 in funding annually for the Upper Montgomery Assistance Network (UMAN), a nonprofit, to provide rent and utility assistance for low-income City residents;
- The City funds a bi-lingual housing counselor at Family Services, Inc. who provides service coordination; and
- The City's Hoarding Task Force works to address cases of hoarding, which can result to lease violations and eviction.

City of Rockville. The City of Rockville operates the Rockville Emergency Assistance Program (REAP) in collaboration with Community Ministries of Rockville and the Rockville City Council. REAP provides financial assistance for households facing eviction or utility shut-offs as well as other emergencies. To qualify, households must provide a referral from DHHS and must reside within the City limits for at least six months. Households can receive up to \$1,000 in assistance; this maximum has only been increased once since the 1980s, when it was set at \$750. Staff report that the program aims to help clients in an emergency so that they can move towards self-sufficiency. Ideally, the intervention would be required no more than once every 18 months. Households that request assistance repeatedly may be asked to provide additional documentation and/or receive budget coaching.

The City allocates between \$50,000 and \$60,000 annually for REAP, and Community Ministries of Rockville provides a small amount of additional funding through other funding streams. The City processes applications, and Community Ministries of Rockville processes the payments. Staff report that this partnership adds a layer of accountability and increases efficiency. City staff produce annual financial and demographic reports on the REAP that includes data on gender, race and income of grant recipients (Appendix E). In fiscal year 2017, REAP

approved 40 applications and provided a total of \$23,000 in assistance. Among the applicants, 70 percent were female, 45 percent were African American, 20 percent were White, and 20 percent were Hispanic. Most applicants (63 percent) were requesting REAP assistance for the first time, while only five applicants were requesting assistance for the fourth or the fifth time.

City of Takoma Park. Ministries United Silver Spring/Takoma Park (MUSST), a nonprofit organization, administers the City of Takoma Park's Emergency Assistance Program. Both the City and the County provide funding for this program, which provides grants up to \$1,000 for emergency needs including food, medication and housing. For housing-related emergencies, applicants must show they will be able to remain stably housed without ongoing assistance. In fiscal year 2018, the program provided \$23,000 in assistance to 122 households.²⁶

²⁶ "City of Takoma Park Emergency Assistance Report," City of Takoma Park, <
<https://takomaparkmd.gov/government/housing-and-community-development/grant-programs/emergency-assistance/>>
accessed July 30, 2018.

Chapter 6. Court-Based Eviction Prevention Programs

An eviction proceeding has long-term effects on a tenant’s subsequent ability to find affordable and stable housing. While eviction judgments themselves do not appear on a tenant’s credit history, credit reports may include a collection amount for unpaid rent. Collection accounts remain on credit reports for seven years. When screening prospective tenants, landlords may have access to eviction records through use of third-party tenant screening or background investigative services. As a result, a tenant may find it more difficult to find rental housing and, when a tenant does find housing, the landlord may regard the tenant as high-risk and demand tougher lease terms that favor the landlord (e.g., higher rent, larger security deposit, or month-to-month lease).¹

Over the past several years, many jurisdictions have implemented court-based eviction prevention programs to reduce the number of filings and evictions, address imbalances in the legal process, and mitigate the long-term consequences of evictions on housing stability. This chapter examines current court-based eviction prevention programs and is organized as follows:

- **Section A** defines court-based eviction prevention;
- **Section B** examines court-based eviction programs currently operating in other jurisdictions;
- **Section C** summarizes recent research on eviction cases in Maryland and legal assistance available to Montgomery County residents; and
- **Section D** presents select case studies of current court-based eviction prevention programs.

Findings from this chapter include:

- Other jurisdictions enlist housing courts as strategic partners to effectively target eviction prevention resources to tenants facing eviction. There is an unmet need in Montgomery County to develop partnerships with the District Court in Rockville to more effectively assist tenants;
- Available eviction prevention assistance for County residents is not well publicized early in the evictions process;
- Legal assistance programs in the County are narrowly tailored and resources are not readily available at the District Court; and
- Pre-filing notices in failure to pay rent cases may reduce the number of court filings, but pre-filing notice is not required in Maryland. Maryland jurisdictions have a higher filing rate compared to jurisdictions that require a pre-filing notice.

A. Goals and Core Components of Court-Based Eviction Prevention Programs

Court-based eviction prevention programs assist tenants by providing them free legal assistance in housing court. The assistance can include pre-trial negotiations, legal representation in court on the day the case is

¹ Durham Human Relations Commission, “2018 Report on Evictions Crisis in Durham County” available at <https://durhamnc.gov/DocumentCenter/View/20496/Durham-Eviction-Report-and-Recommendations-03062018>

heard, and other on-site court services; financial assistance; and access to trained staff in landlord-tenant law.² Court-based eviction programs offer these services early in the eviction process, when tenants may be better positioned to negotiate a more favorable settlement agreement and prevent eviction.

Procedural Imbalances Targeted by Court-Based Programs. Lack of access to legal assistance creates an imbalance between landlords and tenants in an eviction process governed by complex rules and procedures.³ Court-based eviction prevention programs focus on addressing the following issues in housing court:

- Housing cases are complex, and pro se (unrepresented) tenants, even those receiving legal advice, may be unfamiliar with the court process. For example, during a hearing, tenants may attempt to ‘tell their story’ rather than presenting facts and evidence to defend against the eviction.
- Landlord-tenant law is a specialized area of law, in which lawyers and landlords familiar with its nuances develop strategic advantages (e.g., procedures of a specific housing court and familiarity with housing court judges).
- Tenants may lack sufficient legal knowledge and/or time to effectively represent themselves and they may be unable to afford to pay others to represent them. Elements of an eviction process which require specialized knowledge include conducting discovery, taking depositions, and presenting evidence at trial. Further, tenants without representation during settlement negotiations may accept terms against their best interest, resulting in displacement or homelessness.⁴

Goals. Court-based eviction prevention programs aim to prevent the cascading negative effects of eviction proceedings and improve housing stability by reducing the number of filings and evictions. In many cases, programs seek to negotiate terms that allow households to retain current housing, where safe and feasible. However, for tenants who must relocate (e.g., due to unsafe property conditions, amount of rent owed, lease violations, etc.), programs seek to negotiate a “soft landing,” such as by extending move-out timeframes.⁵

Point of Service. As discussed above, court-based eviction prevention programs target tenants early in the eviction proceeding, commonly promoting services either when the tenant is served with the summons or appears at the courthouse. Several jurisdictions are implementing tenant education programs earlier in the process to address issues before a landlord files a complaint.⁶

Population Served. Court-based eviction prevention programs primarily target tenants for legal assistance where eviction may be easily prevented or where assistance can make it easier for tenants to secure new

² Your Way Home, Montgomery County, PA, “Eviction Prevention & Intervention Coalition,” available at <https://yourwayhome.org/eviction-prevention-intervention-coalition/>.

³ Rahim Aghayev, Juyang Feng, and Royce Wiens, “Preserving Home: Improving Eviction Prevention in Hennepin County,” University of Minnesota, Humphrey School of Public Affairs, December 2017, pp. 39-40, available at <https://www.hennepin.us/-/media/hennepinus/your-government/projects-initiatives/end-homelessness/preserving-home-2017.pdf?la=en>.

⁴ John and Terry Levin Center for Public Service and Public Interest, Stanford Law Project, “San Francisco Right to Civil Counsel Pilot Program Documentation Report,” May 2014, pp. 21-24 available at <https://sfbos.org/sites/default/files/FileCenter/Documents/49157-San%20Francisco%20Right%20to%20Civil%20Counsel%20Pilot%20Program%20Documentation%20Report.pdf>

⁵ *Ibid.*

⁶ New York City Office of Civil Justice, “2016 Annual Report,” available at <https://www1.nyc.gov/site/hra/help/legal-assistance.page>

housing. A program’s decision to focus services on specific types of cases or tenant populations is often driven by limited financial and staffing resources. Commonly, programs aim to assist tenants who have been:

- Sued for non-payment of rent due to a temporary financial crisis (e.g., job loss, health issue);
- Sued for nonpayment of rent, but may have defensible reason for nonpayment (e.g., uninhabitability of rental property);
- Considered a vulnerable tenant or household (e.g., families, senior citizens, individuals with limited English proficiency, or individuals with physical or mental disabilities); or
- Referred by courts or social services for assistance.⁷

Strategic Partnerships. Court-based eviction prevention programs rely on partnerships between policymakers, the courts, and non-profit/private organizations to build successful programs. Program participation is often voluntary, with housing courts playing a central role in promoting services. Depending on the type of program and services offered, program outreach may involve advertising campaigns, breakfast meetings, and recruitment of community volunteers to spread awareness and target specific groups (e.g., tenants, judges, landlords, and attorneys). Government departments or non-profits/private organizations take the lead in administering programs, while housing courts promote available services. In one review of court-based eviction prevention programs, researchers found that housing courts:

- Make space available within the courthouse for on-site provision of services;
- Post notices or make announcements regarding the availability of legal services;
- Partner with non-profits to help resolve back-rent issues; and
- Adjust courtroom schedules or hearing locations to allow for legal aid attorneys and/or social services to meet with clients before the hearing.⁸

B. Categories of Court-Based Eviction Prevention Programs

OLO identified several categories of court-based eviction prevention programs. In general, OLO found that the type of assistance and level of legal support provided by the programs increased as tenants progress through the eviction process.

1. Programs Offering Tenant Education

Tenant education programs help tenants familiarize themselves with the legal process. These programs typically provide information on government or non-profit services, the eviction process, court procedures, and proactive steps to remedy housing issues (e.g., keeping rent receipts or documenting housing conditions). Education components can be provided at different points in the rental or eviction process.⁹ For example, programs may provide education:

⁷ Your Way Home Montgomery County, “Eviction Prevention & Intervention Coalition,” available at <https://yourwayhome.org/eviction-prevention-intervention-coalition/>.

⁸ Your Way Home Montgomery County (PA) and HealthSpark Foundation, Eviction and Homelessness Prevention Research Project, “Unlocking Doors to Homelessness Prevention,” March 2018, p. 25, available at <https://healthspark.org/resources/report-unlocking-doors-homelessness-prevention-2018>.

⁹ New York City Office of Civil Justice, 2016 Annual Report, beginning on page 9.

- **As part of community outreach.** New York City operates an Anti-Harassment and Tenant Protection Program which conducts outreach and pre-litigation services to prevent eviction and tenant displacement. Service offerings include community education, mediation, and counseling on building-wide lawsuits. Services are targeted to seven neighborhoods across the City (by zip code) at high risk for landlord harassment and/or tenant displacement.¹⁰
- **At lease signing.** Jurisdictions are considering requiring landlords to share a concise eviction prevention guide when a lease is signed. Jurisdictions are also considering requiring that emergency assistance information be included in standard lease agreements.¹¹
- **When a tenant misses a rent payment.** Many states require landlords to provide tenants with notice prior to filing a complaint. Such required notices typically specify that rent is due and that the tenant maybe sued for late rent. Requiring notice can give a tenant time to seek legal or emergency assistance. Research suggests that notice requirements can reduce the number of filings. (See below)

There is limited evidence that tenant education programs decrease the number of evictions.¹² However, in a 2016 study of legal assistance programs in New York City found that tenant education programs can help tenants understand their rights and the court process.¹³ Stakeholders reported that tenant education can address informal evictions where the landlord initiates a forced move without a court order or the tenant leaves voluntarily. In these situations, tenant education can inform tenants of their rights and the legality of actions taken by the landlord. Additionally, increased understanding of the legal process by tenants could reduce the number of default judgments¹⁴ against tenants. In these situations, tenants may be wary or unfamiliar with the court, and as a result not appear at the hearing. When a tenant fails to appear, a judge issues default judgment, awards possession to the landlord, and the eviction judgment appears on the tenant's record.¹⁵

¹⁰ New York City Office of Civil Justice, 2016 Annual Report, p. 16.

¹¹ Rahim Aghayev, Juyang Feng, and Royce Wiens, "Preserving Home: Improving Eviction Prevention in Hennepin County," p. 36.

¹² *Ibid.*

¹³ "New York City Office of Civil Justice 2016 Annual Report", p. 53.

¹⁴ If the tenant fails to appear when the case is called, the judge will enter a default judgment in favor of the landlord. See Chapter Two.

¹⁵ "New York City Office of Civil Justice 2016 Annual Report, p. 47"

Pre-Filing Notice Requirements for Failure to Pay Rent Cases

Publicly-available landlord-tenant case data reveal that Maryland jurisdictions, including Montgomery County, have high numbers of filings for failure to pay rent relative to other jurisdictions. The Eviction Lab, an organization that tracks data on evictions in U.S. counties, reports that many jurisdictions require landlords to provide the tenant with notice prior to initiating a failure to pay rent action. For example, Virginia statute requires landlords to provide a five-day notice as early as the day after rent was due. This notice explains that if the tenant does not pay within five days of receipt of the notice, the landlord will initiate court action to regain possession of the rental property and rent owed.¹⁶ The Eviction Lab indicates that requiring a pre-filing notice in failure to pay rent cases can reduce filings.

The State of Maryland has no pre-filing notice requirement for failure to pay rent actions. As a result, landlords in Maryland may use the court system as the first step to collect rent, potentially leading to an increased number of filings. The table on the following page compares the volume of landlord-tenant cases in Maryland, relative to numbers of renter-occupied housing units, with that of other jurisdictions. A higher number of rental housing units per filing indicates a lower rate of landlord-tenant cases filed. OLO notes that some jurisdictions, such as Hennepin County, Minnesota, which have low filing rates and do not require notice, are nevertheless considering adopting pre-filing notice requirements to allow tenants more time to secure emergency financial assistance. The data show that:

- In fiscal year 2017, Montgomery County had a significantly lower landlord-tenant filing rate than Prince George's County, Baltimore City, Howard County and Anne Arundel County, but a slightly higher rate than Frederick County; and
- Montgomery County's landlord-tenant filing rate was significantly higher than comparable jurisdictions in other states including: the counties of Fairfax, Arlington and Loudoun in Virginia; Washington, D.C.; Nassau County, New York; Cobb County, Georgia; and Maricopa County, Arizona.

OLO emphasizes that states' eviction processes differ in numerous ways, and other factors besides pre-filing notice requirements can impact filing rates. For example, landlords report that Maryland is unusual in that tenants with up to three judgments against them for failure to pay rent in the past 12 months can avoid eviction by paying the judgement amount (rent owed, late fees, and court costs). On the fourth failure to pay rent action, the landlord may request that the Court foreclose on the tenant's right of redemption, which means that the tenant cannot avoid the eviction by paying the rent. This can drive increased filings if a landlord must file complaints repeatedly against the same tenant. A full comparison of states' eviction processes was outside the scope of this report.

¹⁶ Arlington County Government (VA), Department of Community Planning Housing and Development, "Eviction Process," available at <https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/15/2013/10/Eviction-Process-English.pdf>.

Pre-Filing Notice Requirements for Failure to Pay Rent Cases Cont'd

Table 30. Comparative Data on Landlord-Tenant Filings

County	2016 Occupied Rental Housing Units (U.S. Census Bureau)	Year of Court Data	New Landlord-Tenant Filings	Filings Per 100 Rental Units	Failure to Pay Rent Notice Requirement
Montgomery County, MD^a	131,611	FY17	45,827	35	None
Maryland					
Prince George's County ^b	120,949	FY17	154,841	128	None
Baltimore City ^c	130,615	FY17	144,058	110	None
Howard County ^d	30,604	FY17	20,374	67	None
Frederick County ^e	22,824	FY17	7,357	32	None
Anne Arundel County ^f	54,125	FY17	39,698	73	None
Washington Metro Region					
Washington, DC ^g	170,865	CY17	31,058	18	30-Day Written Notice
Arlington County, VA ^h	57,353	CY17	2,202	4	5-Day Written Notice
Fairfax County, VA ⁱ	128,909	CY17	7,819	6	5-Day Written Notice
Loudoun County, VA ^j	26,025	CY17	1,917	7	5-Day Written Notice
Comparative National Jurisdictions					
Chester County, PA ^k	48,509	CY17	2,455	5	10-Day Written Notice
Cobb County, GA ^l	102,073	CY16	20,324	20	Written Notice, No Waiting Period
Hennepin County, MN ^m	195,175	CY17	6,018	3	None
Maricopa County, AZ ⁿ	601,017	FY17	61,934	10	5-Day Written Notice
Nassau County, NY ^o	86,139	CY17	6,737	8	3-Day Written Notice <i>OR</i> No Waiting Period with Oral Demand
New York City, NY ^p	2,116,613	CY17	252,007	12	3-Day Written Notice <i>OR</i> No Waiting Period with Oral Demand

^{abcdef} MD Code, Real Property §8-401; Maryland Courts, “District Court of Maryland: Statistics,” available at <https://www.courts.state.md.us/district/about#stats>. ^gD.C. Code §§ 42-3208, 42-3505.1; District of Columbia Courts, “2017 Annual Report - Statistical Summary,” available at <https://www.dccourts.gov/about/organizational-performance/annual-reports> (number of “Landlord & Tenant” filings). ^hVa. Code Ann. §§55-225.43, 55-248.31; Virginia’s Judicial System, “Caseload Statistics of the General District Courts, 2017,” February 2018, available at <http://www.courts.state.va.us/courtadmin/aoc/judpln/csi/home.html> (number of “Unlawful Detainer” filings). ⁱVa. Code Ann. §§55-225.43, 55-248.31; Virginia’s Judicial System, “Caseload Statistics of the General District Courts, 2017.” ^jVa. Code Ann. §§55-225.43, 55-248.31; Virginia’s Judicial System, “Caseload Statistics of the General District Courts, 2017.” ^k8 Pa. Cons. Stat. Ann. §250.501.501; Supreme Court of Pennsylvania, AOPC Research, “2017 Caseload Statistics of the Unified Judicial System of Pennsylvania,” April 2018, available at <http://www.pacourts.us/news-and-statistics/research-and-statistics/caseload-statistics>. ^lGa. Code Ann. §44-7-50; Judicial Council of Georgia, Administrative Office of the Courts, “2016 Magistrate Caseload,” Revised January 2018, available at <http://www.georgiacourts.org/content/caseload-reports> (number of “Dispossessory/Distress” filings). ^mMinn. Stat. Ann. §§ 504B.291, 504B.285; Minnesota Judicial Branch, “Data Dashboards,” available at <http://www.mncourts.gov/Help-Topics/Data-Requests/Dashboards.aspx> (number of “Unlawful Detainer” filings). ⁿAriz. Rev. Stat. §33-1368; Arizona Judicial Branch, “2017 Case Activity by County, Limited Jurisdiction Courts,” <https://www.azcourts.gov/statistics/AnnualDataReports/2017DataReport/2017CaseActivitybyCounty.aspx> (number of “Forcible Detainer” filings). ^oN.Y. Real Prop. Law §§711, 735; New York State Unified Court System, “2017 Annual Report,” available at http://ww2.nycourts.gov/reports/annual/pdfs/2017_UCS-Annual_Report.pdf (number of “Housing” filings) ^pN.Y. Real Prop. Law §§711, 735, New York State Unified Court System, “2017 Annual Report.”

2. Programs Offering Wayfinding and Court Guidance

As discussed above, one goal of court-based eviction prevention programs is to increase procedural fairness for tenants. A means to address this issue is to promote wayfinding and assistance for tenants from volunteers. For

example, one program developed and installed design improvements at a Boston Housing Court that included increased signage for court resources, a digital clock, and clearly divided areas for landlords and tenants.¹⁷

Alternatively, there is a movement nationally to expand the use of trained supervised volunteers to help unrepresented litigants; such volunteers (who are not licensed to practice law or do not have formal legal training) are known as court navigators.¹⁸ Court navigators can assist unrepresented landlords and/or tenants by providing information, assisting with court-required forms, attending settlement negotiations, and accompanying unrepresented litigants into the courtroom. Litigants are notified of available services at the courthouse through announcements, signage, or navigators stationed at the court clerk's office. Additionally, court navigators may be authorized to answer judge-directed factual questions and prompt litigants to provide additional information in court. Three distinct court navigator programs operate in New York City (complete descriptions of each program can be found on pages 81-82). A 2015 study conducted a review of these programs and assessed each on appropriateness, efficacy, and sustainability.¹⁹ Researchers found that these court navigator programs increased procedural fairness and impacted case outcomes. Specifically:

- Assisted litigants were 56 percent more likely than unassisted litigants to report that they were able to tell their side of the story;
- Assisted litigants asserted twice as many defenses as unassisted litigants and were 87 percent more likely to have defenses recognized and addressed in court; and
- In the case of a court navigator program which accompanies tenants to all case-related activities and connects tenants with social services, researchers found that no assisted tenants experienced a court-ordered eviction.²⁰

3. Programs Offering Legal Representation

While more than 90 percent of landlords are represented by an attorney in housing court, tenants often face eviction proceedings without legal representation.²¹ Some court-based eviction prevention programs provide litigants with either limited or full legal representation.

Limited Legal Representation. This type of legal representation provides time-limited assistance at the courthouse by helping tenants complete specific tasks (e.g., completing forms, reviewing settlement agreements, or preparing for trial).²² For example, New York City offers a Volunteer Lawyers for a Day Housing Program staffed by attorneys who provide pro bono assistance to tenants in rent-regulated apartments who have been sued for nonpayment of rent. Assistance provided includes helping tenants complete court forms,

¹⁷ Stable Ground Boston, "Project Update: Housing Court Interventions at Brooke Courthouse," March 29, 2018, available at <http://www.stablegroundboston.org/2018/03/29/project-update-housing-court-interventions-at-brooke-courthouse/>.

¹⁸ Rebecca L. Sandefur and Thomas M. Clarke, "Roles Beyond Lawyers: Summary, Recommendations and Research Report of an Evaluation of the New York City Court Navigators Program and its Three Pilot Projects," December 2016 available at http://www.americanbarfoundation.org/uploads/cms/documents/new_york_city_court_navigators_report_final_with_financial_links_december_2016.pdf.

¹⁹ *Ibid.*

²⁰ *Ibid* at pp. 4-5.

²¹ Teresa Wiltz, "How Free Legal Help Can Prevent Evictions," The Pew Charitable Trusts, Oct. 27, 2017, available at <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/10/27/how-free-legal-help-can-prevent-evictions>.

²² New York City Office of Civil Justice, "2016 Annual Report."

pursuing a settlement agreement, or preparing for trial.²³ Tenants are notified of services via signage or in-court announcements and may sign an agreement detailing that representation is limited to day-of assistance.

Full Legal Representation. This type of legal assistance provides legal representation to a tenant prior to and during the court hearing and post-judgment. The attorney and tenant enter into an attorney-client relationship and sign an agreement stating that the tenant is represented. Tenants learn of legal services either via the court summons, targeted community outreach, signage at the courthouse, or announcements made by the court. For example, the Durham Eviction Diversion Program, in partnership with the Department of Social Services, uses a centralized screening process in which trained staff screen prospective tenants, review cases for legal issues, and refer clients for representation. Eligible tenants are then represented by either Legal Aid of North Carolina or the Civil Justice Clinic at Duke Law.²⁴ Additionally, in 2017 New York City expanded existing legal services to fund free, full legal representation for all tenants at or below 200 percent of the Federal Poverty Guidelines and limited legal assistance for households exceeding this poverty threshold. To promote services, New York City is employing a team of tenant-specialists to conduct targeted neighborhood outreach in zip codes with high eviction rates.

Effects of Limited and Full Legal Representation. Studies have found that tenants with either limited or full legal representation have better case outcomes than unrepresented tenants. In a study reviewing the impact of legal assistance for low-income tenants who were eligible for pro bono legal assistance, researchers found that unrepresented tenants are four and one-half-times more likely to receive a default judgment; two and one-half-times more like to receive an eviction judgment; and four-times more likely to have a writ issued for eviction.²⁵ Several studies have found tenants with full legal representation receive more favorable case outcomes compared to tenants with limited legal representation. A study of landlord-tenant cases in San Mateo County, California, found that while tenants receiving full and limited legal representation had better “procedural success” than unrepresented tenants (e.g., avoiding a default judgment or raising appropriate defenses to challenge an eviction), tenants with full legal representation fared substantially better.²⁶ This study is joined by other studies of Quincy District Court and Northeast Housing Court in Massachusetts which compared outcomes for tenants with full and limited legal representation. These studies found:

- Tenants with full legal representation were more likely to retain current housing. Sixty-six percent of tenants receiving full legal representation in the Quincy District Court retained possession compared to 33 percent of tenants receiving limited legal representation.
- Tenants with full legal representation were able to negotiate a reduced amount of back rent owed, thus paying less to the landlord and saving more months of rent (difference between amount of rent owed and judgment amount). In the Quincy District Court, tenants with full representation saved 9.4 months of rent, compared to 1.9 months of rent for those with limited assistance. Similarly, in the San Mateo

²³ New York City Housing Court, “Volunteer Opportunities,” available at <https://www.nycourts.gov/COURTS/nyc/housing/volunteer.shtml>.

²⁴ Charles Holton and Peter Gilbert, “Durham Evictions and the Evictions Diversion Program,” January 9, 2018. Link provided in the Durham Human Relations Commission 2018 Report on Evictions Crisis in Durham County available at <https://durhamnc.gov/DocumentCenter/View/20496/Durham-Eviction-Report-and-Recommendations-03062018>.

²⁵ Carroll Seron et al., “The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City’s Housing Court: Results of a Randomized Experiment,” *Law & Society Review*, Vol. 35, Issue 2, pp. 419, 428 (2001).

²⁶ John Pollock, National Coalition for a Civil Right to Counsel, “Recent Studies Compare Full Representation to Limited Assistance in Eviction Cases,” *Housing Law Bulletin*, Housing Law Project, Vol. 42, page 72 (2012), available at http://civilrighttocounsel.org/uploaded_files/48/Comparing_MA_and_CA_studies_Pollock_-_NHLP_.pdf.

Court study, no tenant receiving full representation was ordered to pay the landlord back rent, whereas 71 percent of tenants receiving limited legal assistance were required to pay rent owed.

- Tenants with full legal representation were able to negotiate extended move-out timeframes. In the Northeast Housing Court, tenants with full representation were given 113 days to move, compared to 82 days for the limited assistance group. Similarly, in San Mateo County tenants with full representation were given 92 days to move, compared to 54 days for limited assistance groups.²⁷

C. Maryland District Court Findings and Legal Assistance Available to Montgomery County Renters

As discussed above, imbalances in the legal process can disadvantage a tenant where knowledge and familiarity of the law and court procedures can impact case outcomes. This is true in Maryland, where recent research on failure to pay rent cases revealed that tenants often lack legal representation and as a result fail to effectively represent themselves. This section discusses these findings and examines legal assistance programs available to Montgomery County residents.

1. District Court Studies

In 2015 and 2016, two studies examined the experiences and outcomes of tenants sued for failure to pay rent in District Court. The following briefly summarizes each study.

Public Justice Center Report – Baltimore City-Specific Review. In 2015, the Public Justice Center released a study of tenants sued for nonpayment of rent in Baltimore City Rent Court between 2014 and 2015.²⁸ Researchers surveyed 300 tenants, reviewed court records, examined data from Baltimore Housing²⁹ and the Maryland Department of the Environment, and documented the Public Justice Center’s experience in defending tenants. As a result of key findings listed below, the researchers recommended several reforms including requiring pre-filing notice and increasing renter’s access to legal assistance and direct legal representation.

- **Tenants lack access to timely legal advice and knowledge of how to navigate the eviction process.** Researchers found that most tenants do not have legal assistance. Over 50 percent of the tenants surveyed did not know how to defend their cases. Further, the researchers found that institutionalized customs of the court steered tenants away from self-representation and into entering settlement agreements that did not resolve their underlying housing problems.
- **Many tenants either fail to raise valid defenses or do not have their defenses recognized by the court.** The study found that 80 percent of tenants live amongst serious housing defects at the time they appeared at Rent Court (although 70 percent had notified their landlords of the issues). Additionally, landlords failed to meet filing requirements: 50 percent of landlords submitted invalid registration and licensing credentials and 80 percent of landlords submitted incorrect or outdated lead paint compliance documentation, yet although these issues are valid defense in nonpayment of rent cases, less than one

²⁷ *Ibid* at pp. 75-76.

²⁸ Public Justice Center, “Justice Diverted: How Renters Are Processed in the Baltimore City Rent Court,” December 2015, available at http://www.publicjustice.org/uploads/file/pdf/JUSTICE_DIVERTED_PJC_DEC15.pdf.

²⁹ At the time of the PJC study, the Housing Authority of Baltimore City (HABC) and the Baltimore City Department of Housing & Community Development (DHCD) functioned collectively as Baltimore Housing, but they now operate as separate agencies.

third of tenants with a defense contested their cases in court. Of tenants that attempted to raise a defense, less than one-half were recognized by the presiding judge.³⁰

Maryland Legal Aid’s Human Rights Project Report – State-Wide Review. In 2016, Maryland Legal Aid’s Human Rights Project conducted a state-wide study on failure to pay rent cases where a default judgment was entered against a tenant. Partnering with the District Court of Maryland, researchers analyzed a random sample of 1,350 cases from 2012 (complaints and audio recordings). Researchers then tracked the number of cases where the following occurred: improper service; lack of licensing or lead paint certifications; failure to provide additional protections for subsidized units; improper foreclosure of the right to redeem; and missing military service validation and complaint form signatures.³¹

Researchers found that three out of ten cases had errors where either the landlord failed to accurately complete the complaint form or service was performed improperly. Due to these errors, researchers found that default judgments were entered against tenants where no judgment should have been entered. Moreover, in 13 percent of cases, researchers were unable to determine the judgment from case documents or to obtain audio case files. To address these issues, the study recommended establishing checks and balances to ensure accurate complaint forms and proper service; ensure adherence to court record-keeping processes; develop electronic, fillable PDF complaint forms; and increase judicial training.³²

OLO Observations of Landlord-Tenant Court in Montgomery County

OLO staff observed landlord-tenant cases heard in the Maryland District Court in Rockville on January 17, 2018, and April 4, 2018. OLO made the following observations:

- **Informal negotiations occur in the hallway outside of the courtroom.** Landlord representatives meet with tenants to discuss amount owed, whether the tenant can pay, or alternatively, if a payment plan can be worked out.
- **Court proceedings move quickly.** The court hears a large number of cases and the court proceeds through the docket quickly. If the tenant is not present, the judge determines rent owed and awards default judgment for the landlord. If a tenant appears and consents to rent owed, judgment is awarded to the landlord. On occasion, the presiding judge recommended that the tenants discuss the case outside of the courtroom to negotiate a settlement prior to continuing the hearing.
- **Tenants often appeared without legal counsel.** OLO observed a lack of understanding of the court process and the law. For example, tenants attempted to “tell their story,” request a continuance, or lacked an understanding of legal concepts (e.g., no right of redemption). Additionally, OLO observed both landlords and tenants with limited English proficiency attempting to navigate the court process without legal assistance.

³⁰ *Ibid.* at pp. iv-vi.

³¹ Maryland Legal Aid’s Human Rights Project, “Human Rights in Maryland’s Rent Courts: A Statistical Study,” September 8, 2016, available at https://www.mdlab.org/wp-content/uploads/MDLegalAid_RentCourtStudy_Release-Date-9-8-16.pdf.

³² *Ibid.* at pp. 4-5.

1. Legal Assistance Programs Available to Montgomery County Residents

A variety of legal assistance programs are available to Montgomery County residents, but these programs are income-limited and/or geared to specific types of legal complaints.

- **Asian Pacific American Legal Resource Center.** The Asian Pacific American Legal Resource Center (APALRC) offers walk-in clinics in Washington, DC, Virginia (Annandale), and Maryland (Silver Spring, Gaithersburg, and Wheaton) as well as a legal hotline staffed by law students and volunteer attorneys. The amount of legal assistance offered depends on the legal issue and resident's income level, with cases being referred to partner organizations, if necessary. Services are offered in several languages, including Cantonese, Hindi, Korean, Mandarin, Urdu, and Vietnamese. Of the 655 cases (total) that APALRC assisted in 2017, housing issues accounted for three percent of the cases assisted.³³
- **The Bar Association of Montgomery County, MD.** The Bar Association offers a Lawyer Referral Program where litigants may contact the Bar Association Monday through Friday (9am to 1pm) for a referral to an experienced attorney. A Spanish-speaking operator is also available during this time. A 30-minute consultation fee is charged, after which normal hourly rates are billed. Low-income litigants may be eligible for a reduced fee.³⁴
- **Casa de Maryland.** Casa de Maryland offers legal assistance to low-income tenants and tenant associations. Legal advice is available during free, weekly walk-in clinics in Hyattsville, Maryland. The County Government has contracted with Casa de Maryland to provide tenant counseling services, including legal services. As part of the contract, Casa de Maryland provides 24 weekly clinics (6 of which are held 'up-county' in Wheaton/Glenmont, Germantown/Aspen Hill, and Rockville or Gaithersburg) to assist clients with housing code violations, breach of lease, security deposits, and other issues.³⁵
- **Catholic Charities Legal Network.** The Catholic Charities Legal Network offers legal assistance to households with income at or below 200 percent of the Federal Poverty Guidelines and who are located in the District of Columbia and Maryland (Counties of Montgomery, Prince George's, Calvert, Charles and St. Mary's). Tenants may request legal assistance Monday through Friday via an intake hotline. In 2017, the Legal Network opened 557 new cases, 15 percent of which were landlord-tenant cases.³⁶
- **Circuit Court Law Library.** Maryland Judiciary operates nine law libraries, including one in the Circuit Court in Rockville. These libraries provide access to legal information, including online resources, sample forms and print materials, and offer assistance by professional law librarians who help identify resources and refer litigants to organizations that provide legal assistance.³⁷
- **Civil Justice, Inc.** Civil Justice, Inc. is a Maryland non-profit corporation that matches individuals with attorneys willing to provide legal assistance at affordable or reduced rates. Attorneys may require upfront fees or a retainer agreement. Civil Justice focuses on assisting tenants involved in the following

³³ Asian Pacific American Legal Resource Center, available at <http://www.apalrc.org/>. The Bar Association of Montgomery County, Maryland, "Asian Pacific American Legal Resource Center - Multilingual Legal Hotline," available at <https://www.barmont.org/page/APAMultiLingual>.

³⁴ The Bar Association of Montgomery County, MD, available at <https://www.barmont.org/>.

³⁵ Casa de Maryland, available at <https://wearecasa.org/programs/legal/>. Montgomery County Contract No. 1041526 – contract between Montgomery County Department of Housing and Community Development and Casa de Maryland.

³⁶ Catholic Charities, Archdiocese of Washington, "Catholic Charities Legal Network," available at <https://www.catholiccharitiesdc.org/legalnetwork/>. "Catholic Charities Legal Network Annual Report 2017," available at https://www.catholiccharitiesdc.org/wp-content/uploads/2017/11/CCLN-AR-2017_10.27-2.pdf

³⁷ Circuit Court Law Library, available at <https://www.montgomerycountymd.gov/cct/law-library.html>.

types of cases: illegal eviction, security deposits, utility shut-offs, a suit for more rent than owed, and improper service of process; (being served court papers). (Civil Justice notes, however, that it is difficult for tenants to gain legal representation without paying an hourly rate in cases where a landlord is suing a tenant for non-payment of rent or in rent escrow cases.)³⁸

- **District Court Clerk’s Office (Rockville).** The Court Clerk’s Office provides pro se tenants and landlords (that is, those representing themselves without legal counsel) with general information about the court process or next steps. However, the Office does not provide legal advice. The Court offers a Monday landlord-tenant docket specifically for pro se litigants. This docket was created in response to the number of case filings as well as to provide pro se landlords with a more informal process.³⁹
- **Joining Forces Project.** The Joining Forces Project is operated by Maryland Legal Aid and provides a free, state-wide hotline to individuals who have served in any military branch. The hotline provides legal assistance on housing-related issues along with other service areas. Calls are taken on Tuesdays and Thursdays.⁴⁰
- **Maryland Legal Aid.** Maryland Legal Aid has 12 offices, including a Rockville location, and three self-help resource centers (Glen Burnie, Upper Marlboro, and Annapolis). Maryland Legal Aid attorneys represent tenants in the District Court and provide limited legal advice to unrepresented tenants (e.g., completing court forms). Legal services are available to households that meet specific eligibility criteria based on family size, age, and a household income below 125 percent of the federal poverty guidelines). Of ten attorneys in the Rockville office, one is dedicated to landlord-tenant matters. The Office focuses on assisting tenants in subsidized housing (HOC or MPDU) and who are involved in breach of lease cases that could result in the loss of a housing voucher and homelessness. Staff report that the Office closed 80 to 90 landlord-tenant cases in 2017.⁴¹
- **Maryland Self-Help Center.** The Maryland Judiciary established Self-Help Centers to provide limited legal assistance from attorneys to unrepresented tenants on a variety of legal matters, including landlord-tenant issues. Tenants receive assistance with completing court forms, learning how to file a complaint, preparing for court or mediation, and understanding court documents. Tenants can call the Self-Help Center Monday through Friday from 8:30 am to 8:00pm (Spanish-speaking representatives available), chat via online with Center staff, or use walk-in hours. Currently, Self-Help Centers are located in Baltimore City, Frederick, Glen Burnie, Salisbury, and Upper Marlboro. In fiscal year 2017, walk-in self-help centers assisted 6,764 litigants for all case types, including housing; the majority of litigants spoke English and were women between the ages of 30 and 49. In addition, unrepresented litigants accessed remote services via phone, chat or email, with a total of 55,121 persons served remotely in fiscal year 2017. More than 66 percent of users of remote services report an annual income below \$50,000.⁴²

³⁸ Civil Justice, Inc., “Landlord/Tenant,” available at

<http://www.civiljusticenetwork.org/Programs/EconomicJusticeProject/LandlordTenant.aspx>

³⁹ OLO stakeholder interviews.

⁴⁰ Maryland Legal Aid, Joining Forces Project, available at https://www.mdlab.org/wp-content/uploads/MLA_JoiningForces.pdf.

⁴¹ Maryland Legal Aid, available at <https://www.mdlab.org/>; The People’s Law Library of Maryland, “Maryland Legal Aid – Montgomery County,” available at <https://www.peoples-law.org/org/maryland-legal-aid-montgomery-county-office>. OLO interview with Maryland Legal Aid – Montgomery County Office, January 9, 2018.

⁴² Maryland Judiciary, available at <https://www.mdcourts.gov>. Maryland Judiciary, Access to Justice Department, “Resources for Self-Represented Litigants in Maryland Courts,” December 2017 available at <https://www.mdcourts.gov/sites/default/files/import/accesstojustice/pdfs/fy17srlreport.pdf>.

- **Maryland Senior Legal Helpline.** The Helpline is a free service for Maryland residents aged 60 and over. The Helpline addresses a range of issues, including landlord-tenant cases, and provides callers with legal advice, brief legal services, or a referral to an attorney or public/private agency. Callers may contact the Helpline Monday through Friday. Translation services are available in over 170 languages.⁴³

D. Select Case Studies of Court-Based Eviction Prevention Programs

OLO researched court-based eviction prevention programs in several jurisdictions. This section provides case studies for programs located in New York City, New York; the City of Durham, North Carolina; and the City of Baltimore, Maryland. Each case study presents goals, target populations, services offered, and program metrics, where available.

1. Tenant Civil Legal Services – New York City, NY

To address affordable housing, reduce evictions, and increase judicial fairness, New York City offers several free tenant legal assistance programs. These programs are funded either with public or private funding or through public-private partnerships.

Legal Services Funded with Public Funds. In 2017, New York City enacted the Universal Access Law which provides free legal assistance to tenants facing eviction. Services are administered through the City’s Office of Civil Justice, the Homelessness Prevention Law Project, and the Housing Help Program (a partnership with the Robin Hood Foundation, the Legal Aid Society, and the Mayor’s Fund for the City of New York). Under the Program, the Office of Civil Justice contracts with nonprofit legal services to provide free legal representation to low-income tenants. The Universal Access Law has three components:

- Free, direct legal representation in court to tenants facing eviction proceedings in housing court whose household income is at or below 200 percent of the federal poverty guidelines (\$50,200 for a family of four in 2018⁴⁴);
- Free, limited legal assistance for households whose income exceeds 200 percent of the federal poverty guidelines; and
- Universal access to legal services for tenants facing eviction in administrative proceedings in the New York City Housing Authority.⁴⁵

The program will be fully implemented by fiscal year 2020. The program is being phased-in by zip code, with zip codes targeted based factors that include: the number of shelter entries, prevalence of rent-regulated housing, volume of eviction proceedings, and whether the area is already being served by other legal services programs. To build capacity, the program established a 15-member team of tenant specialists to conduct outreach in targeted neighborhoods and recruit lawyers and supervisors (e.g., local law schools, legal aid providers, the Judiciary, etc.). In fiscal year 2018, the City spent \$77 million in tenant legal services, with the total expected to grow to \$93 million in fiscal year 2019 as additional zip codes are added. At full implementation, the program is expected to cost \$155 million and serve 125,000 households per year.⁴⁶ Since implementation the City has seen the following program impacts:

⁴³ Maryland Legal Aid, “Maryland Senior Legal Helpline,” available at <https://www.mdlab.org>; The Bar Association of Montgomery County, MD, “Maryland Senior Legal Helpline,” available at <https://www.barmont.org/page/213>.

⁴⁴ HHS Poverty Guidelines for 2018: <https://aspe.hhs.gov/poverty-guidelines>.

⁴⁵ New York City Office of Civil Justice, “2017 Annual Report.”

⁴⁶ *Ibid.*

- The number of tenants with legal representation has doubled in most boroughs;
- Total evictions filings have decreased 6.8 percent between 2013 and 2017;
- Between 2013 and 2017, there was a 27 percent reduction in residential evictions carried out by the marshals, with 1,000 fewer evictions between fiscal years 2016 and 2017 alone;
- Between 2014 and 2017, it is estimated that over 70,000 tenants retained housing; and
- Since 2016, there are fewer requests to restore cases to the court calendar to dispute a negative judgment or requests for additional time to meet conditions of the settlement agreement.⁴⁷

In addition, New York City currently operates the Anti-Harassment and Tenant Protection Program. This program offers pre-litigation services to prevent eviction and tenant displacement. Service offerings include community education, landlord-tenant mediation, and counseling on building-wide lawsuits. Services are provided in seven neighborhoods determined to be a high risk for landlord harassment and/or tenant displacement. Program spending totaled \$32.9 million in fiscal year 17 and assisted 13,000 households.⁴⁸

Legal Services Funded with Public-Private Partnerships or Private Funds. Several programs address service gaps of publicly funded programs. Unlike the City’s Universal Access Law, some of these programs use nonlawyers to aid tenants in Housing Court.

Housing Court Navigators. The Court Navigators program is a public-private partnership that operates in all boroughs, except Staten Island. Navigators are non-lawyer volunteers (typically college or law students) who provide free assistance to unrepresented litigants in eviction cases (e.g., information on court rules and procedures, assist with filling out court paperwork, and helping to procure interpretation services). Court Navigators may also be granted legal standing to accompany tenants in court and answer factual questions from the judge. Litigants learn of Court Navigators through signage at the courthouse, announcements made by the judge, or Navigators may approach tenants at the court clerk’s office to offer help. There are three separate navigator programs that operate concurrently, with each targeting different populations:

- *Access to Justice Navigators Project* provides free same-day, in-court assistance to unrepresented landlords and tenants.
- *Housing Court Answers Navigators Project* provides free same-day, in-court assistance to unrepresented tenants sued for nonpayment of rent and live in rent-stabilized housing. Two days each week from 9:00 am to Noon, volunteers approach tenants at the clerk’s office to offer assistance. Volunteers also screen tenants for additional services offered by University Settlement.
- *University Settlement Navigators Project* focuses on cases that meet Housing Court Answers Navigators Project eligibility criteria and where navigators can make a difference in the case outcome. The Project targets assistance to vulnerable tenants (e.g., limited English proficiency, limited literacy, cognitive limitations, etc.) and work with tenants throughout the case and provide wrap around services.⁴⁹

⁴⁷ New York City Office of Civil Justice, “2017 Annual Report,” pp. 3-4, available at <https://www1.nyc.gov/site/hra/help/legal-assistance.page>

⁴⁸ New York City Office of Civil Justice, “2016 and 2017 Annual Reports.”

⁴⁹ *Ibid.* See also Rebecca L. Sandefur and Thomas M. Clarke.

Additional Programs. Additional free legal assistance programs staffed by law students or attorneys focus on assisting vulnerable seniors or tenants in rent-regulated apartments. The Assigned Counsel Project Internship Program trains law students and recent law graduates to conduct intake and assess legal and social services needs of vulnerable seniors at risk for eviction. Additionally, the Volunteer Lawyers for a Day Housing Program is staffed by volunteer attorneys who provide pro bono assistance to tenants in rent-regulated apartments and are sued for nonpayment of rent. Attorneys provide limited legal assistance to tenants (e.g., assisting tenants with navigating the process of completing court forms, pursuing a settlement agreement, or preparing for trial).⁵⁰

2. Durham Eviction Diversion Program – Durham, North Carolina

Durham County has the highest rate of eviction filings in North Carolina, with 900 hundred filed per month. Additionally, while emergency assistance funds are available to tenants living in Durham County, researchers found that funds went unspent due to a lack of program awareness.⁵¹ To increase awareness and reduce the number of filings, Duke Law launched a pilot Eviction Diversion Program in 2017, modeled after programs in Michigan. The Eviction Diversion Program connects tenants with financial and legal assistance through a centralized screening process, coordinates resources, and represents tenants during negotiations or at court.⁵² The Eviction Diversion Program is a partnership between the Civil Justice Clinic at Duke Law and Legal Aid of North Carolina, in collaboration with the Durham County Department of Social Services.

Targeted Populations. At present, the Eviction Diversion Program aims to assist tenants “who uncharacteristically miss a rent payment” to remain in their homes by securing for landlords judicially-supported guarantees of rent payment and avoidance of court costs. The program is voluntary and currently assist tenants who have a court summons. However, the program eventually aims to divert eviction at three points in the process – when the tenant receives a late rent notice, at the court filing, and after an adverse judgment.⁵³

Outreach and Referrals. The Civil Law Clinic created an information flyer in conjunction with the Department of Social Services and Durham County Court. The flyer contains eligibility requirements (Table 31) and is distributed by the Durham County Sheriff’s Office when serving the court summons. If either the landlord or tenant seeks to participate, they are directed to call the Department of Social Services. During emergency assistance screenings, social workers who have been trained by attorneys will identify legal issues. If legal issues are present and the tenant has a court summons, the tenant is referred to Legal Aid. The Civil Justice Clinic also hosts a free, weekly eviction diversion clinic in the courthouse to assist tenants.⁵⁴

⁵⁰ New York City Housing Court, “Volunteer Opportunities,” available at <https://www.nycourts.gov/COURTS/nyc/housing/volunteer.shtml>.

⁵¹ Duke Law News, “Civil Justice Clinic Develops Pilot Program to Help Stem Durham’s Tide of Evictions,” available at <https://law.duke.edu/news/civil-justice-clinic-develops-pilot-program-help-stem-durhams-tide-evictions/>.

⁵² Charles Holton and Peter Gilbert, “Durham Evictions and the Evictions Diversion Program.”

⁵³ Max Blau, “It Does Something to Your Soul when Everyone Losing Their Homes Looks Like You,” Politico, May 24, 2018, available at <https://www.politico.com/magazine/story/2018/05/24/what-works-next-durham-evictions-218416>.

⁵⁴ *Ibid.* Charles Holton and Peter Gilbert, “Durham Evictions and the Evictions Diversion Program.”

Table 31. Eviction Diversion Program Flyer: Eligibility Questions⁵⁵

Tenant Eligibility Questions	Landlord Eligibility Questions
<ul style="list-style-type: none"> • Have you not paid rent when due at any time in the last 3 months? • Are you in need of temporary financial assistance? • Do you expect to have income to pay rent next month and in the future? • Are you interested in possibly preventing an eviction and possibly avoiding a Judgment against you? 	<ul style="list-style-type: none"> • Has your tenant been late on rent in the last 3 months? • Aside from not paying rent this time, is this tenant reliable? • Do you think the tenant can pay rent going forward? • Are you interested in possibly getting the money owed to you now, and avoiding the cost of filing for summary ejectment, litigation, and finding a new tenant?

Screening and Issue Spotting. Upon receiving a referral, Legal Aid conducts an eligibility screening. Due to funding, tenants must meet income guidelines to receive legal assistance from Legal Aid attorneys. Any tenant that does not qualify is referred to the Civil Justice Clinic. The Clinic attorney reviews the tenant’s case and determines if other legal issues are present (e.g., housing discrimination, substandard housing conditions, illegal fees or late fees, or retaliation). Duke Law students participate in reviewing and representing tenants in negotiations and at court.

Outcomes for Tenants. The Program aims to negotiate and divert the eviction first, and litigate the case only when necessary. Legal assistance includes assisting tenants with securing charitable assistance; raising applicable defenses or counterclaims; and negotiating a later move-out date.⁵⁶

Cost and Program Impact. Since 2017, the Department of Social Services has referred a total of 45 to 50 cases per month to Legal Aid and the Civil Justice Clinic. Most tenants referred for legal services were ineligible for emergency financial assistance from the Department of Social Services. In June 2018, the pilot program received \$200,000 for two lawyers and a paralegal from the Durham City Council and is under consideration to receive funding from Durham County.⁵⁷ With the additional funds, the program plans to hire staff to meet its goal of serving 250 applicants per month and extending outreach to tenants before receipt of a court summons.⁵⁸

3. District Court Programs – Baltimore City, Maryland

Baltimore City has a high number of court filings and evictions each year, ranking nationally second only to Detroit, Michigan, in the percentage of renters threatened by eviction. The District Court in Baltimore City hears over 150,000 rent cases annually, with 6,000 to 7,000 renter households typically evicted for nonpayment of rent each year.⁵⁹ Rent Court Programs, which operate in coordination with the District Court in Baltimore City, aim to expand legal assistance for self-represented clients, provide information and guidance on the court process, or offer full legal representation.⁶⁰

⁵⁵ Durham Eviction Diversion Program Flyer, available at <https://durhamrealtors.org/pdf/revised-single-page-brochure.pdf>.

⁵⁶ Charles Holton and Peter Gilbert, “Durham Evictions and the Evictions Diversion Program.”

⁵⁷ “Durham eviction crisis: What the city’s going to spend on it,” The Herald Sun, May 31, 2018 available at <https://www.heraldsun.com/news/local/counties/durham-county/article212272754.html>

⁵⁸ *Ibid*; Max Blau; “Eviction Diversion Program Gains Support from Durham City Council Amid Eviction Crisis,” Duke Law News, June 28, 2018, available at <https://law.duke.edu/news/eviction-diversion-program-gains-support-durham-city-council-amid-eviction-crisis/>.

⁵⁹ Public Justice Center, “Justice Diverted: How Renters Are Processed in Baltimore City Rent Court.”

⁶⁰ “Maryland Judiciary: Strategic Plan Update,” December 2017, available at <https://www.courts.state.md.us/sites/default/files/import/publications/annualreport/122017strategicplanupdate.pdf>

Assistance for self-represented tenants. Two programs, located in the District Court, aim to assist self-represented clients with navigating the court process.

- **Self-Help Resource Center.** In July 2017, the Maryland Judiciary opened a Self-Help Resource Center in the Baltimore City’s District Courthouse. The Center is staffed by four full-time lawyers and provides advice on numerous legal issues including housing matters. Lawyers assist unrepresented tenants in completing and filing court forms, preparing for court or mediation, and understanding court documents. Tenants are notified of assistance via court clerks and signage in the courthouse. The Center has provided assistance to 2,515 litigants, 1,855 of which sought help with housing matters.⁶¹
- **Court Navigator Program.** University of Baltimore established a Court Navigator Pilot Program in 2017. Volunteers (undergraduate, graduate, and law students) are trained on rent court procedures and assist tenants with completing court forms, accompanying tenants to court and into negotiations, organizing paperwork, and connecting the tenant with legal or social services. The program targets tenants suing landlords for failure to repair hazardous housing conditions (e.g., lack of heat or hot water, mold, vermin infestations, etc.). The program has assisted 300 tenants.⁶²

Limited and full legal representation. Two programs provide tenants with same day limited legal representation or full legal representation.

- **Volunteer Lawyer of the Day Program.** In fiscal year 2017 the Maryland Judiciary awarded a grant to the Volunteer Lawyer of the Day Program, to be administered by the Pro Bono Resource Center. The Program matches tenants with pro bono lawyers who provide same-day, limited legal representation in cases related to nonpayment of rent. Additional services offered include: counseling tenants on court procedures, available defenses, eviction process, etc.; appearing with tenants in court; and assisting tenants in negotiations. Tenants are notified of services via in-court announcements and enter into a limited scope retainer agreement (detailing that the lawyer’s representation is limited for that day only). If the tenant’s case is postponed, the lawyer will assist with preparing for the subsequent proceeding, but will not represent the tenant at that event. Nearly 75 percent of tenants who sought assistance received favorable case outcomes, including dismissals, postponements, judgments for renters, or establishment of rent escrow accounts.⁶³
- **Law School Clinics.** Both the University of Baltimore School of Law and the University of Maryland Francis King Carey School of Law offer clinic programs that focus on civil litigation matters, including housing and landlord-tenant cases in Baltimore City.⁶⁴ These programs use law students under the supervision of attorneys/clinic supervisors to provide legal assistance and representation to tenants.

⁶¹ Maryland Judiciary, “Maryland Courts Self-Help Centers,” available at <https://mdcourts.gov/selfhelp/mcshc>; Doug Donovan, “Baltimore Court Expands Tenant Aid in Housing Cases,” *Baltimore Sun*, January 4, 2018.

⁶² University of Baltimore, Court Navigator Project, available at <http://www.ubalt.edu/academics/prelaw/court-navigator-pilot-project.cfm>; Doug Donovan.

⁶³ Administrative Office of the Courts, Pro Bono Resource Center of Maryland, Tenant Volunteer Lawyer of the Day Program, available at <https://probonomd.org/about-us/pbrcs-projects/tenant/>. Doug Donovan.”

⁶⁴ University of Baltimore, “Clinical Law Program,” available at <http://law.ubalt.edu/clinics/index.cfm>. University of Maryland Francis King Carey School of Law, “Landlord Tenant Clinic,” available at http://www.law.umaryland.edu/academics/program/curriculum/catalog/course_details.html?coursenum=559Q.

Chapter 7. Preventing Eviction in Subsidized Housing

Households living in subsidized housing are among a community's most vulnerable residents. Public housing agencies (PHAs) and other subsidized housing providers typically have specific eviction policies and procedures for tenants with a lease violation (such as for failing to pay their required share of the rent, failing to maintain their unit in a clean and orderly condition, or engaging in illegal activity). Some households are evicted after their housing benefits are terminated (for example, if the household has failed to recertify its eligibility for the benefits). But subsidized housing providers also offer services to prevent eviction, known as eviction prevention programming, or EPP.

This chapter examines the research literature on preventing eviction among residents in subsidized housing. This chapter also describes eviction prevention efforts by the Housing Opportunities Commission of Montgomery County (HOC). The chapter is organized as follows:

- **Section A** examines (1) research on the effectiveness of eviction prevention programming, and (2) recommended practices for eviction prevention in subsidized housing; and
- **Section B** describes eviction prevention efforts by the Housing Opportunities Commission of Montgomery County (HOC).

Findings from this chapter include:

- Evidence suggests that subsidized housing providers can both reduce evictions and lower their costs by offering programming aimed at preventing eviction; and
- The Housing Opportunities Commission of Montgomery County offers eviction prevention programming and collaborates with DHHS to provide emergency financial assistance for HOC clients. A complete assessment of HOC's eviction prevention efforts is outside the scope of this report.

A. Recommended Practices for Subsidized Housing Providers

The U.S. Department of Housing and Urban Development (HUD) has published specific guidance for public housing agencies regarding policies on evictions and terminating a household's housing benefits. Additionally, NeighborWorks America has compiled case studies and recommended practices for eviction prevention programming among affordable housing providers.

1. U.S. Department of Housing and Urban Development (HUD) Guidance to Public Housing Agencies on Evictions

In 2013, HUD issued guidance for public housing agencies regarding their role in addressing homelessness. This guidance includes policies for eviction and for terminating a household's housing benefits.¹ The guidance notes that while Federal law and HUD regulations require public housing agencies to terminate assistance or evict households in a narrow set of instances, PHAs can exercise significant discretion in evictions and benefits terminations, and HUD requires PHAs to consider mitigating circumstances.

¹ "Guidance on housing individuals and families experiencing homelessness through the Public Housing and Housing Choice Voucher programs," Office of Public and Indian Housing, U.S. Department of Housing and Urban Development, Notice PIH 2013-15 (HA), Issued June 10, 2013.

HUD guidance recommends that PHAs establish partnerships with healthcare, supportive services, and homeless service providers to ensure that at-risk households can access services to support housing stability.

2. Resident Services, Eviction Prevention Programming (EPP), and Recommended Practices

Some subsidized housing providers, such as public housing agencies, offer “resident services” or supports to help their residents achieve and sustain positive outcomes. Eviction prevention programming (EPP) refers to a set of processes and interventions designed to help at-risk residents avoid eviction. EPP allows for early intervention to address the underlying causes of eviction before any legal proceedings against a tenant have been initiated. The table below describes typical EPP services offered by subsidized housing providers.

Table 32. Typical Services Offered in Eviction Prevention Programming (EPP)

Category		Description
Basic Services	Emergency assistance	Financial assistance for rent, utilities, and other expenses for households experiencing emergencies
	Payment plans	Agreed-upon plans for households to pay back rent over time
	Financial capability programming	Basic financial education, one-on-one counseling, coaching, and/or free tax preparation
	Service referrals	Referrals to outside services and treatment
Additional Services	Benefits screening	Screening for eligibility for government benefits (e.g., Medicaid, cash assistance, food assistance)
	Youth programming	Afterschool or summer programming for children to provide care while parents are at work
	Employment services	Job readiness and search services including resume writing and interview preparation
	Housekeeping coaching	Instruction on housekeeping and organizational skills

Source: Hood, N., McMiller, M.M., Barkley, A., “Eviction Prevention Programming (EPP): Best Practices Review,” NeighborWorks America and Community Properties of Ohio, February, 2015, Appendix 8.3

EPP Recommended Practices. NeighborWorks America, a national nonprofit organization that provides grants and technical assistance for community development organizations, reviewed EPP provided by six affordable housing organizations across the United States and compiled recommended practices in EPP.² The following recommended practices are currently being implemented by the case study housing organizations:

- **Defining roles and duties for property management and resident services.** EPP processes often involve both resident services and property management staff. For example, property management staff are typically responsible for notifying tenants of lease violations such as nonpayment of rent and for referring residents to EPP services, while resident services staff are typically tasked with contacting residents referred to the EPP and delivering most EPP interventions. The report recommends that

² Hood, N., McMiller, M.M., Barkley, A., “Eviction Prevention Programming (EPP): Best Practices Review,” NeighborWorks America and Community Properties of Ohio, February, 2015.

organizations establish a standard protocol for EPP cases that clearly delineates the role and duties of each staff member and defines timeframes for each activity.

- **Detailed communication policies and a team approach.** Communication and collaboration are key to successful EPP programs. Detailed communications policies and procedures ensure effective communication among all staff involved, particularly when staff turnover occurs. Additionally, weekly or monthly meetings allow relevant staff to discuss residents at risk of eviction and to develop preventative action plans.
- **Standardized referral process.** A written protocol for referrals establishes which tenants are eligible for EPP and defines the referral process. Such a protocol provides property management staff with guidance on whom to refer to EPP and how to coordinate with resident services staff. For example, at one case study site, property management and resident services staff delivered notices of lease violations together and in-person. At other sites, referral protocols required property management staff to notify resident services staff after notifying a resident within a specified period of time.

3. Evidence on the Effectiveness of Resident Services and Eviction Prevention Programming

OLO identified three studies that provide evidence regarding the impact of resident services provided by affordable housing organizations.³ Of the studies, one specifically measured the effectiveness of eviction prevention activities. The three studies were published between 2006 and 2009, all were commissioned by affordable housing entities, and all used similar methodologies. Each of the studies compared the financial performance of properties that offered resident services with that of similar properties that did not offer resident services. Specific property performance metrics reviewed included:

- Legal expenses;
- “Bad,” or unrecoverable, debts;
- Vacancy loss, or loss of revenue, from unoccupied space;
- Unit turnover; and
- Non-sufficient funds and late fees.

Overall, the studies found that properties that offered resident services performed better financially as compared to properties that did not offer resident services. Furthermore, one study found that properties that offered eviction prevention counseling performed better compared with other properties that offered no counseling.⁴ Another study noted that properties participating in a resident services initiative reduced evictions by 25 percent over five years.⁵ These studies offer some evidence that providing resident services, including eviction prevention programming, may reduce costs for subsidized housing providers and improve housing stability for residents.

³ “Pennsylvania Housing Finance Agency Family Resource Center Initiative: Asset Management Impact 2004-2006,” Pennsylvania Housing Finance Agency, December 2006, < <http://www.residentservices.org/documents/PAImpact.doc> >; “Research Demonstrates Positive Impact of Family Resident Services on Property Financial Performance,” Enterprise Community Partners, Inc. and Mercy Housing (2007) < <http://nonprofithousing.org/wp-content/uploads/Enterprise-Mercy-Property-Performance-StudyApril13-07.pdf> >; and “Research Shows the Cost of Benefits of Resident Services on the Performance of Property Operations,” Community Housing Partners and NeighborWorks America, April 2009. < <http://nonprofithousing.org/wp-content/uploads/CHP-research-report-FINAL-9-2923.pdf> >

⁴ Community Housing Partners and NeighborWorks America, April 2009.

⁵ Pennsylvania Housing Finance Agency, December 2006.

B. Housing Opportunities Commission of Montgomery County: Eviction Prevention Services

The Housing Opportunities Commission of Montgomery County (HOC) is the County's public housing authority and housing finance agency. HOC is responsible for responding to the County's need for affordable housing. HOC is authorized to:

- Acquire, own, lease and operate housing;
- Construct or renovate housing;
- Arrange for social services, resident services, and day care; and
- Obtain funding from public and private sources.

HOC operates a wide variety of affordable rental housing and homeownership programs. The largest rental housing program is the federally-funded Housing Choice Voucher program (formerly known as "Section 8"). Housing Choice vouchers cover a portion of a participating households' rent in certain housing. The HCV program provides two types of housing vouchers: (1) tenant-based vouchers, which follow a tenant if they move, and (2) project-based vouchers, which subsidize rental housing units only in specific buildings. Separately, HOC also provides affordable housing in HOC-owned multi-family buildings and in individual housing units, and HOC partners with private landlords and developers to provide affordable housing through federal tax credits and low interest mortgage housing finance.

Reasons for Eviction. If an HOC tenant (meaning a tenant that participates in HOC programs) violates the terms of their lease, their landlord, which may be either HOC itself or a private landlord, may initiate eviction proceedings against the tenant. If a tenant is past due on rent and HOC is the landlord, HOC will notify the tenant within 10 days of the due date, but HOC will delay suing the tenant for nonpayment of rent until the rent is 30 days past due. Additionally, if a household does not comply with Housing Choice Voucher program rules, HOC may terminate the household's voucher benefits; if the household cannot pay the full unsubsidized rent, this can result in eviction proceedings by the private landlord who had received the voucher payments from HOC.

HOC Eviction Prevention Activities. HOC works to prevent eviction among HOC households through the following efforts:

- HOC's Customer Service Centers are staffed with workers who administer DHHS Homelessness Prevention Services grants. The workers assess HOC households' need and eligibility for DHHS grants that assist with rent and utility arrearages (see pages 57 - 61); and
- HOC's Resident Services Division provides eviction prevention programming and other services to help HOC households succeed, as described below.

HOC Resident Services Division Eviction Prevention/Intervention Services. Resident Services provides referrals for tenants residing in HOC-owned units that receive a notice for non-payment of rent or a lease violation. HOC staff work to prevent eviction by providing landlord-tenant mediation and counseling the tenant on addressing any lease violations, and by referring tenants to DHHS Homelessness Prevention Services, which provides emergency financial assistance to help tenants avoid eviction. The Resident Services Division also works with Housing Choice Voucher recipients at risk of benefits termination to help them address program rule violations and recertification requirements.

Table 33 displays performance data related to eviction prevention by the Resident Services Division. The table shows that 252 HOC residents received emergency assistance from DHHS Homelessness Prevention Services in fiscal year 2017, a slight increase over the previous fiscal year. However, the number of residents receiving HOC eviction/benefits termination prevention and intervention services decreased significantly between fiscal years 2016 and 2017, dropping from 567 residents to 254 residents. Performance data indicate that nearly all (99 percent) HOC residents deemed at imminent risk of eviction ultimately retained their housing.

Table 33. Eviction Prevention Data and Performance by the HOC Resident Services Division, FYs 2016-2017*

Performance Metric	FY16	FY17
HOC Residents Served by:		
DHHS Homelessness Prevention Services Emergency Assistance	211	252
HOC eviction/termination prevention and intervention services	567	254
Residents served who were at imminent risk of eviction that retained housing		99%

Source: Housing Opportunities Commission of Montgomery County, Fiscal Year 2018 Adopted Budget

* Eviction prevention metrics not tracked prior to fiscal year 2016

Chapter 8. Stakeholder Observations on Evictions and Preventing Eviction in Montgomery County

OLO met with representatives from the Sheriff's Office, the Maryland District Court for Montgomery County, the County Government, the Housing Opportunities Commission, several community-based organizations, the Apartment and Office Building Association of Metropolitan Washington, several municipalities within the County, and several neighboring jurisdictions to discuss evictions in Montgomery County. During these meetings, OLO solicited views on and evaluations of the current eviction process and efforts to prevent eviction in Montgomery County. This chapter, which summarizes what OLO learned from these stakeholder interviews, is organized as follows:

- **Section A** summarizes stakeholder observations and assessments of the overall process within the County that leads to court-ordered eviction of a tenant; and
- **Section B** describes stakeholder observations and assessments of County Government efforts to prevent eviction.

Findings from this chapter include:

- Stakeholders report that the final eviction notice posted by the Sheriff's Office prompts tenants to seek emergency financial assistance.

A. The Eviction Process

OLO heard a variety of observations about the eviction process, with some contradictory opinions among stakeholders.

Landlords report that the eviction process in Montgomery County is too long, while stakeholders who assist tenants facing eviction find that the length of the existing process helps tenants to avoid displacement. As noted in Chapter 2, the eviction process in Montgomery County for nonpayment of rent takes at least 12 to 13 weeks from the day a landlord files an action in court to the day the Sheriff's Office evicts a tenant. Landlords stated to OLO that this timeframe is costly and burdensome. Additionally, landlords report that the fact that tenants can avoid the eviction by paying the rent after receiving a judgment against them (unless the landlord obtains a no right of redemption eviction, available if the tenant has three judgments against them) further impacts the full amount of time it takes to evict a tenant that does not pay the rent on time. OLO heard anecdotal observations that some small-property landlords¹ have become discouraged after struggling to evict tenants and have chosen to stop renting out units they own (choosing instead to sell or occupy them). Large-property landlords state that the length of the process increases their operating costs, which they pass on to other tenants.

Stakeholders who assist tenants facing eviction report that tenants benefit from having time to obtain the resources to avoid eviction. Many tenants facing eviction are experiencing a crisis, such as job loss or an unexpected expense, and need time to address it. Tenant advocates expressed concern that a shorter process could result in more tenants being evicted.

¹ Small-property landlords own a few rental properties compared to large-property landlords who own many units/entire complexes.

Stakeholders who assist tenants facing eviction report that the Sheriff's Office collaborates effectively with them, and the final eviction notice posted on tenants' doors is critical for helping tenants avoid eviction.

Tenant advocates report that the Sheriff's Office is helpful when they seek information regarding the timeframe for an eviction on a tenant's behalf. Furthermore, multiple tenant advocates noted that the final eviction notice that the Sheriff posts on each tenant's door with service of the Writ, which is not required by law, is extremely helpful. Tenant advocates stated that the notice provides tenants with information in plain language regarding eviction and how to seek assistance. The notice includes information in English and Spanish.

Stakeholder observations indicate that confusion around landlord tenant-law exists among multiple participants in the eviction process. OLO heard several examples of confusion or lack of knowledge regarding landlord-tenant law among tenants, landlords, and judges. For example, stakeholders that assist tenants facing eviction noted that many tenants are unaware of their responsibilities in the landlord-tenant relationship or of the importance of appearing for their court hearing.

Stakeholders observed that some small-property landlords are unfamiliar with the process to legally evict a tenant or are reticent to take legal action against a tenant with whom they may have a personal relationship. As a result, landlords may delay suing a tenant for failure to pay rent, so that by the time legal action is taken, the amount of back rent due is too high for the tenant to pay to avoid eviction. Stakeholders that work with landlords and tenants observed that some landlords unfamiliar with the process have attempted to illegally force the tenant to vacate the property.

OLO's interviews also revealed confusion among landlords regarding when landlords may file legal complaints against tenants for failure to pay rent. The Montgomery County Code requires landlords to wait 10 days before assessing late rent fees. However, this rule does not prevent landlords from filing failure to pay rent complaints before 10 days have passed. Under State law, landlords can file failure to pay rent complaints the day after the rent is due. Landlords stated that they believe judges will require them to wait until the 11th of the month to file, which is inconsistent with State law.

Finally, stakeholders reported that the District Court for the Sixth District (Montgomery County) does not assign specific judges to preside over landlord-tenant cases, but rather rotates judges each week. Stakeholders that assist tenants facing eviction expressed concerns that the judges' limited experience with landlord-tenant cases impedes their ability to preside over them effectively, particularly when, as in the majority of cases, only one party has legal representation. This stands in contrast to the District Court for Baltimore City for example, where judges are required to serve year-long rotations handling landlord-tenant cases to develop knowledge of court procedures and specialized laws.

Landlords reported that they do not feel they have adequate access to information regarding prospective tenants' eviction history. The District Court's coming transition to electronic records may change this, though it is also anticipated to increase landlord-tenant filings. Currently, District Court records for Montgomery County are paper-based and cannot be searched online. Landlords reported that it is difficult for them to identify whether prospective tenants have a history of repeated evictions. In its Landlord-Tenant Handbook, DHCA recommends that landlords use tenant screening companies to identify applicants with histories of eviction.

In 2019, the District Court for the Sixth District (Montgomery County) is scheduled to transition from its current paper-based records system to an electronic one, which will allow for electronic filing of legal actions. In some other Maryland counties where electronic systems have been implemented, it is possible to search for failure to pay rent cases online, allowing landlords to identify whether a tenant has a previous failure to pay rent

complaint against them. Judicial Branch representatives anticipate that the shift to an electronic system will lead to increased landlord-tenant complaints since it will make it easier for a landlord to file a complaint. Representatives are unsure of how this transition will impact access to information on tenants' legal history.

B. Comments Regarding Eviction Prevention in Montgomery County.

In meetings with stakeholders, OLO solicited opinions regarding the County's eviction prevention activities, the majority of which were provided by DHHS. OLO also solicited opinions on DHCA's landlord-tenant mediation and housing code enforcement activities, which can affect the factors that contribute to eviction.

1. DHHS Eviction Prevention Efforts

In meetings with OLO, DHHS staff and community representatives identified the following opportunities for improvement related to Homelessness Prevention Services assistance.

DHHS has a new electronic case management system that offers new opportunities for data tracking; however DHHS does not currently track data on numbers of grant recipients who have received assistance on multiple occasions. A lack of data regarding repeat use of the program over multiple years prevents DHHS staff from determining whether the program is being used for its intended purpose of providing emergency assistance, or whether households are seeking assistance repeatedly (program rules permit households to receive up to \$1,750 each year) to pay for predictable, ongoing expenses. Staff report that quantifying repeat assistance is challenging because customers often receive multiple grants from different funding sources for the same emergency.

DHHS staff believe that efficiencies could be gained from reallocating the funding currently being spent on community grants to allow DHHS to provide more assistance directly to clients. DHHS is considering increasing the per-household assistance limit for Homelessness Prevention Services grants (set at \$1,750 per client in 2010). A key issue related to the assistance limit is that households often receive combined assistance from DHHS and community organizations to have sufficient total assistance to address their crisis. At the same time, the County provides grants to many of these same community organizations to support their assistance programs (see page 63), and operates a separate emergency financial assistance program through DHCA.

Concerns exist that DHHS caseworkers do not implement policies consistently or efficiently. DHHS is in the process of reviewing current caseworker practices to ensure they are implementing policies and procedures equitably while allowing enough flexibility to meet clients' needs. Community organizations have observed that some caseworkers work faster than others and that referrals can take several weeks. Community organizations report that some of their clients have reported to them negative experiences with DHHS caseworkers.

Lack of awareness among tenants and community organizations regarding DHHS Homelessness Prevention Services and difficulties obtaining information from County Government about how to apply limits the extent to which households access the DHHS program. Some community organizations noted that they were unaware that DHHS provided assistance for families facing eviction, and thus could not refer households to them. Community organizations also reported that households seeking emergency financial assistance face difficulties obtaining information from County Government about how to apply for emergency financial assistance, and often seek help in navigating the system from organizations outside of the County Government.

2. DHCA Landlord-Tenant Mediation and Housing Code Enforcement

Community organizations provided feedback regarding DHCA's landlord-tenant mediation and housing code enforcement activities. While these activities are not explicitly intended to prevent eviction, they address landlord-tenant disputes and property maintenance issues that can contribute to eviction.

Community organizations report that the DHCA website and MC311 are helpful for individuals seeking information about landlord-tenant issues. Community organizations reported that they have successfully found information and gotten their questions answered regarding landlord-tenant issues through the DHCA website and using MC311. The DHCA website offers extensive information. One community organization noted one opportunity for improvement: DHCA could provide more detailed information to assist tenants in forming tenants' associations, such as by providing a sample charter. Tenants' associations can help make tenants aware of their rights and responsibilities and support them in resolving disputes with their landlords.

DHCA effectively investigates housing complaints and landlord-tenant disputes, but some tenant advocates are concerned that landlords that violate the law are not effectively punished. One organization that advocates for tenants reported to OLO that they have observed that DHCA has more resources compared with other jurisdictions to investigate housing complaints and landlord-tenant disputes. However, tenant advocates stated to OLO that landlords that violate the law are not sufficiently punished.

Chapter 9. OLO Findings and Recommendations

This chapter summarizes the major findings of this report and presents discussion questions and recommendations developed by the Office of Legislative Oversight (OLO) based on these findings.

A. Findings

The Eviction Process in Montgomery County

Finding #1. With limited exceptions, landlord-tenant law, including the eviction process, is governed by State law. The State has established an expedited, low-cost process to evict tenants who have failed to pay rent. Failure to pay rent actions comprise most eviction cases in Montgomery County.

When a tenant fails to pay rent or otherwise breaches their lease, the landlord may file a complaint requesting that the District Court terminate the lease and award possession and/or money damages to the landlord (depending on type of service or relief requested). This court-administered process is governed by Maryland's Annotated Code, Real Property Article. Failure to pay rent actions are the most common types of suits brought by landlords to regain possession of rental property. A failure to pay rent action is a summary ejectment proceeding, meaning it is intended to be a short and inexpensive process for the landlord. State law establishes the following:

- A landlord is not required to provide notice to a tenant before filing a complaint. Complaints may be filed the first day after rent was due and unpaid;
- The filing and service fees for failure to pay rent actions are lower than the filing and service fees for other types of landlord-tenant complaints. Failure to pay rent actions cost landlords a minimum of \$20 (a \$15 filing fee and \$5 service per tenant), compared to a cost of \$86 for a landlord to file a breach of lease or tenant holding over complaint (a \$46 filing fee and \$40 service per defendant);
- A hearing on a failure to pay rent complaint should occur within five days after the complaint is filed;
- The Court may postpone the hearing for one day for either party to appear or secure witnesses for failure to pay rent actions, compared to six to 10 days for breach of lease or tenant holding over actions; and
- Landlords or tenants have four days to file an appeal after receipt of the judgment for failure to pay rent actions, as compared to a ten-day appeal period for breach of lease or tenant holding over actions.

Finding #2. The timeframe to evict a tenant in Maryland varies by case and jurisdiction, with multiple inputs affecting overall duration. The average time to evict a tenant for failure to pay rent in Montgomery County is 12 to 13 weeks.

Depending on lease violations, applicable laws, and regional practices and policies, the length of the eviction process varies from the time of the initial violation to execution of the eviction order. The Montgomery County Sheriff's Office reports that the average time to evict a tenant for failure to pay rent in Montgomery County is 12 to 13 weeks. Landlords in Montgomery County indicate that the process can sometimes take much longer. Across cases and jurisdictions, multiple inputs can affect timeframes, including:

- **Landlords have discretion to decide when to file a failure to pay rent complaint.** While State law permits landlords to file on the first day after rent was due and unpaid, landlords may choose to file later. For example, in Montgomery County, some landlords delay filing until 10 days after rent is due, which is when late fees may be charged to the tenant under the County Code.
- **Hearing schedules depend on District Court practices and staffing resources which vary by regional district.** The District Court for Montgomery County (Rockville location) has one landlord-tenant docket per week, with landlords receiving hearing dates that are three to four weeks after the date the complaint was filed. In comparison, the District Courts for Anne Arundel County, Prince George's County, and Baltimore City hear landlord-tenant cases four to five days per week, with hearings scheduled one to two weeks after the complaint is filed.
- **Appeals or case dismissals can affect timeframes.** Filing an appeal extends case duration, whereas cases in which the landlord and the tenant negotiate a deal, the tenant pays rent owed, or the tenant voluntarily moves, can take less time.
- **Landlords have up to 60 days to request a Writ of Restitution from the Court.** If a Court enters a judgment against a tenant, the tenant has four days to leave the rental property. If the tenant fails to leave the rental property within this period, the landlord may request that the Court issue a Writ of Restitution. The landlord has up to 60 days from the date of the judgment to request the Writ.
- **It can take several weeks for the Court to sign the Writ, which authorizes the Sheriff's Office to carry out the eviction.** Stakeholders in Montgomery County report that it typically takes one to three weeks for the Court to sign and approve the Writ. In comparison, the timeframe is two to four weeks in Howard County and three days to one week in Frederick County.
- **Office practices and staffing resources impact when evictions are scheduled.** In Montgomery County, the Sheriff's Office typically schedules an eviction four to five weeks from the date that the landlord calls the Eviction Section to schedule the eviction. In comparison, an eviction is typically scheduled four to six weeks from receipt of the Writ in Howard County; within 30 days from receipt of the Writ in Prince George's County; and 2 days to two weeks from receipt of the Writ in Frederick County.

Finding #3. Community organizations that assist tenants facing eviction report that the final eviction notice posted by the Sheriff's Office is essential and prompts tenants to seek emergency financial assistance.

In failure to pay rent actions, State law requires the landlord to serve the tenant with the summons and complaint prior to the hearing and the Writ of Restitution after the judgment. These are the only two notices required by State law; however, both are court documents written in English; moreover, these court documents may not be clearly understood by tenants who lack legal representation.

To address this issue, the Montgomery County Sheriff's Office posts a plain-language, bi-lingual final eviction notice on the premises several weeks prior to the actual eviction. This notice informs the tenant that an eviction will occur and describes what will happen on the day of the eviction. Further, in bold print, the notice indicates steps that the tenant may take to prevent an eviction, including requesting assistance from the County's Office of Landlord-Tenant Affairs and the Department of Health and Human Services (via MC311). This notice is printed in English and Spanish. Tenant advocates report that this notice is extremely helpful to tenants and often prompts tenants facing eviction to seek available assistance or to move voluntarily.

Causes and Consequences of Evictions

Finding #4. Stakeholders agree that lack of access to affordable housing is the largest driver of evictions in Montgomery County, though several other factors also contribute.

Housing affordability is a major concern for low-income households nationally. This is particularly the case in Montgomery County, where low-income renters face rents well above the national average. Over 80 percent of families with incomes below 50 percent of the Area Median Income (below \$53,500) are cost burdened (that is, they pay more than 30 percent of their income in rent), and over half are extremely cost burdened (pay more than 50 percent of their income in rent). This leaves such households with a shortage of funds to cover bills and unexpected expenses. In addition, stakeholders interviewed by OLO identified additional factors that lead to evictions:

- Lack of familiarity with landlord-tenant laws and lack of access to legal representation impede a tenant’s ability to defend against an eviction;
- Many low-income tenants live in rental units with high utility costs that can make it more difficult for them to cover their rent costs;
- Many low-income tenants live in rental units with maintenance and/or management issues that result in landlord-tenant disputes;
- Vulnerable populations, such individuals with a physical or mental disability, may struggle to manage their finances and live independently; and
- Landlord biases against tenants based on race and ethnicity, age, physical or mental disability, and presence of children.

Finding #5. Evictions in Montgomery County are expensive for landlords and have far-reaching negative consequences for tenants.

Based on landlord-provided costs and using the median rent for a two-bedroom apartment (\$1,624), OLO estimates that the cost to a landlord to evict a tenant for nonpayment of rent, including loss of unpaid rent, can range from \$5,700 to \$16,600. This is due to the length of the eviction process in Montgomery County and the amount of rent owed, as landlords often are not able to recover lost rent. Further, OLO heard feedback that small-property landlords can become discouraged from renting out their property because of the delays and costs associated with evicting tenants.

At the same time, evictions can have long-term negative consequences for tenants. Many episodes of homelessness begin with eviction, but even evicted tenants who avoid homelessness experience significant negative effects. Studies show that evictions can cause:

- Job loss and economic instability;
- Physical health issues;
- Mental health problems;
- Lack of access to adequate and safe housing;
- Loss of income or employment opportunities;
- Loss of personal property;
- Increased student mobility; and
- Homelessness.

Data on Landlord-Tenant Cases, Writs of Execution, and Evictions

Finding #6. The number of evictions carried out by the Sheriff’s Office has decreased during fiscal years 2010-2017.

For the fiscal years 2010 through 2017, between 45,000 and 50,000 landlord-tenant cases (the majority of which were failure to pay rent cases) were filed annually in Montgomery County. Of those annual filings, 10,000 to 12,000 cases resulted in Writs of Restitution (eviction orders) each year, and 800 to 1,100 of those Writs of Restitution resulted in evictions each year. During this overall period, landlord-tenant cases declined by 5 percent, Writs of Restitution declined by 17 percent and physical evictions declined by 19 percent -- in spite of population growth and an increase in the total number of rental units in the County.

Table 34. Landlord-Tenant Cases, Writs of Restitution and Evictions in Montgomery County, FYs 2010-2017

Fiscal Year	L&T Cases Filed	L&T Cases Excluding Dismissed	Tenant Appeared	MCSO Writs Received	Total Evictions *	% of Writs Leading to Eviction
FY10	48,078	29,442	1,609	12,548	1,033	8%
FY11	50,258	32,393	1,447	13,057	1,099	8%
FY12	48,793	31,612	1,228	12,383	1,023	8%
FY13	47,612	32,312	1,286	13,395	964	7%
FY14	47,380	34,411	2,581	11,547	917	8%
FY15	44,465	29,956	1,348	10,766	890	8%
FY16	45,395	34,447	1,736	11,057	844	8%
FY17	45,827	37,334	738	10,451	836	8%

Source: District Court for Montgomery County and the County Sheriff’s Office (includes both residential and commercial cases)

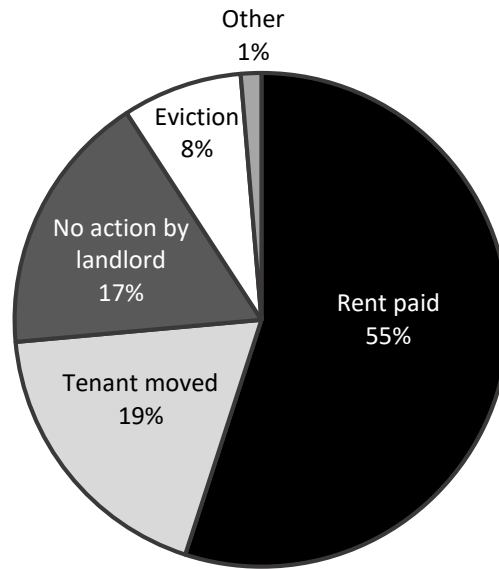
* Total evictions include all evictions carried out during the fiscal year. Some evictions listed for a given fiscal year may have been the result of Writs received by the Sheriff’s Office in the previous fiscal year

Finding #7. Available eviction data does not fully capture the number of tenants who are displaced as a result of eviction proceedings.

OLO analyzed data from the Sheriff’s Office on the outcomes of Writs of Restitution received during fiscal years 2014 through 2017. The chart on the following page summarizes these data, which show that most Writs during this four-year period were cancelled because the tenant paid the rent (a landlord can request a "no right of redemption" eviction if the landlord has obtained three or more judgments for eviction in the prior 12 months).

Evicted tenants and tenants who move voluntarily after receiving a notice all experience displacement, which can negatively affect their incomes, mental health, access to adequate and safe housing, and educational outcomes of children in the displaced household. The chart shows that 8 percent of Writs resulted in evictions and 19 percent of Writs were cancelled because the tenant moved, indicating that over a quarter of all Writs during the four-year period of fiscal years 2014 through 2017 resulted in tenant displacement, or an average of 2,900 Writs per year. However, these figures likely underestimate displacement, since they exclude cases where the landlord did not act on the Writ because the tenant moved (this number is unknown), or cases where the tenant moved before the landlord obtained a Writ.

Outcomes of Writs of Restitution, FY14-FY17



Source: OLO analysis of Eviction Editor data

Finding #8. Three of the County’s election districts have significantly more Writs of Restitution and evictions than other parts of the County: District 13 (Silver Spring & Wheaton-Glenmont), District 9 (Gaithersburg, Montgomery Village & southern Germantown) and District 5 (Burtonsville & White Oak).

To better understand the populations impacted by Writs and evictions, OLO mapped the data onto the County’s election districts.¹ The table displays average annual Writs and evictions between FY14 and FY17 for the seven election districts with the most rental housing units in the County. As shown on the table, Silver Spring and Wheaton-Glenmont had the most Writs of Restitution, while Gaithersburg, Montgomery Village & southern Germantown had the most evictions during this period.

Burtonsville and White Oak had the third largest numbers of both Writs and evictions, but also had the highest concentration of Writs and a high concentration of evictions when comparing Writs and evictions to the number of rental housing units in the district, with 165 Writs for every 1,000 rental units and 10 evictions for every 1,000 rental units annually. Clarksburg and northern Germantown had relatively few rental housing units, but had the second highest concentration of Writs, with 126 Writs for every 1,000 rental units. In contrast, Rockville had more rental housing units than Burtonsville and White Oak but only a third as many Writs and half as many evictions. Bethesda, Glen Echo and Somerset had even fewer Writs and evictions relative to the number of rental housing units.

¹ Election districts are relatively large subdivisions of the County in which polling places are located and to which registered voters are assigned (voters are assigned to a district and a precinct). The U.S. Census Bureau also uses election districts, also known as minor civil divisions, for statistical purposes.

Table 35. Writs of Restitution and Evictions in Montgomery County Election Districts, FY14-FY17

District No.	Places in Election District	Writs of Restitution		Evictions		Occupied Rental Housing Units	Median Gross Rent**	Poverty Rate
		Annual Avg	Per 1,000 Units	Annual Avg	Per 1,000 Units			
13	Silver Spring & Wheaton-Glenmont	3,861	96	245	6	40,109	\$1,510	9%
9	Gaith., Mont. Vill. & south Germtwn	2,564	95	259	10	27,011	\$1,614	9%
5	Burtonsville and White Oak	2,447	165	155	10	14,810	\$1,594	7%
4	Rockville	802	39	78	4	20,486	\$1,802	7%
2	Clarksburg & north Germantown*	608	126	50	10	4,827	\$1,638	6%
7	Bethesda, Glen Echo & Somerset	166	14	25	2	11,922	\$1,998	3%
6	Darnestown & North Potomac	160	70	15	7	2,276	\$1,759	4%

Source: OLO analysis of 2016 American Community Survey Five-Year Estimates and Eviction Editor data

* The southern section of Germantown is located in District 9 along with Gaithersburg and Montgomery Village

**Gross rent is estimated by the U.S. Census Bureau as part of the American Community Survey, and includes the contract rent plus the estimated average monthly cost of utilities and fuels if these are paid by the renter. Median gross rent data is provided only for those districts where the margin of error was 5% or below.

Finding #9. Writs of Restitution and evictions are concentrated in low-rent garden-style apartment buildings.

OLO’s analysis of data on Writs of Restitution received by the Sheriff’s Office during the four year period of fiscal years 2014 through 2017 found that most Writs and evictions occurred on properties classified as rental garden apartments (which are multi-family buildings with no elevator).

For apartment buildings (both garden-style and high-rise) with at least 10 housing units, OLO found that a relatively small number of properties accounted for most of the Writs and evictions in the County during fiscal years 2014 through 2017. Specifically, of the multi-family properties with at least 10 housing units, 142 of the 597 properties (or 24 percent) accounted for 25 percent of the rental housing units in the County, 69 percent of the Writs in the County and 60 percent of the evictions in all apartment buildings. Thus, neither Writs nor evictions are evenly distributed among apartment buildings in the County.

Moreover, OLO found that Writs and evictions occurred most often in buildings with relatively low rents. The median rent in Montgomery County for a two-bedroom apartment was \$1,624 in 2017. However, in high-Writ and high-eviction properties with at least 10 housing units, the median two-bedroom rent was \$1,459, or 10 percent lower than the median. One possible explanation is that tenants living in these properties were unable to secure more affordable housing in the County, forcing them to take on rents above what they could sustain with their household income.

Emergency Financial Assistance

Finding #10. Research shows that emergency financial assistance programs are most cost effective when they narrowly target households at highest risk of homelessness.

Emergency financial assistance programs aim to prevent housing-related emergencies by providing short-term financial assistance to cover back rent or utility bills or to secure new housing if an eviction cannot be prevented. OLO's review of research on emergency financial assistance programs found that while programs are effective in preventing homelessness, some programs could be more cost-effective if they more narrowly targeted households that were most at risk of homelessness.

For example, a study of the Chicago Homelessness Prevention Call Center found that assisted households were less likely to become homeless compared with unassisted households. However, the study found that because the program served many households that were not at risk of homelessness, costs exceeded public savings achieved, including from reduced shelter use. The authors asserted that targeting the program more narrowly to very low-income families could reduce the cost significantly. This would result in prevention costs that are lower than the public costs of homelessness.²

Finding #11. The County Government funded nearly \$7 million in fiscal year 2018 in emergency financial assistance programs run by DHHS, DHCA, and community-based organizations.

DHHS and DHCA each operate separate programs that provide emergency financial assistance to households facing eviction and other housing-related emergencies. The County Council and the County Executive also fund direct grants to community-based organizations that provide emergency financial assistance. The table on the following page includes information on programs that provide temporary assistance for emergencies and does not include ongoing rental assistance programs, which are outside the scope of this report.

Households that require assistance must first apply to DHHS through the Homelessness Prevention Services section. DHHS works with community-based organizations via a network called the Emergency Assistance Coalition to put together packages of assistance for tenants. Households that have exhausted DHHS assistance are referred to DHCA. The table on the following page summarizes County Government funding for emergency financial assistance. DHHS Homelessness Prevention Services accounts for the vast majority of funding for emergency financial assistance. Of note, in fiscal year 2018, the Executive proposed and the Council approved a \$500,000 reduction in funding from the General Fund for DHHS emergency financial assistance to reflect decreased demand. However, DHCA staff report that expenditures on its emergency financial assistance program have exceeded the budgeted amount each year since fiscal year 2015.

² Evans, W.N., Sullivan, J.X., and Wallskog, M., "The impact of homelessness prevention programs on homelessness," *Science* 353(6300), 694-699.

Table 36. County Government Budgeted Expenditures on Emergency Financial Assistance Programs, FY18

Category	FY18 Budget
DHHS Homelessness Prevention Services (incl. personnel and operating expenses)	\$6,197,456
DHCA Homelessness Prevention and Relocation Assistance Program*	\$286,400
Grants to Community Organizations for Emergency Financial Assistance	\$429,123
Council Grants	\$211,800
County Executive Community Grants	\$115,000
Non-Competitive Awards	\$102,323
Total	\$6,912,979

*Includes budget for client expenditures only

Finding #12. County emergency financial assistance programs target households that can avoid eviction with one-time financial assistance, in contrast to some programs in other jurisdictions that provide longer-term assistance to serve more vulnerable households.

DHHS’s emergency financial assistance programs serve households whose incomes are below 60 percent of the Area Median Income and who have sufficient income and resources to prevent the emergency from reoccurring (a “workable plan”). If a caseworker determines that a household cannot afford to retain current housing, grants for moving and storage may be provided. Thus, Homelessness Prevention Services grants are intended to provide one-time assistance in emergency situations. Similarly, DHCA also provides one-time emergency assistance to households, with the goal of preventing, rather than delaying homelessness.

In contrast, the City of Gaithersburg operates an emergency financial assistance program that provides up to three months of assistance to households at or below 50% of Area Median Income. Staff report that providing multiple months of assistance allows the program to address the household’s crisis first, and then address underlying issues through additional services such as financial counseling. Consistent with the City of Gaithersburg’s experience, a nationwide review of emergency financial assistance programs also found that programs that target the most vulnerable households offer multiple months of assistance.

Finding #13. DHHS does not currently track data on emergency financial assistance grant recipients, such as demographics of households assisted or numbers of households that received repeat assistance. Without these data, it is not possible to assess the program’s effectiveness in reaching its targeted population or serving its intended purpose.

At present, DHHS does not currently track data on the numbers of households assisted by its emergency financial assistance programs or the number of households that have received assistance on multiple occasions. In the past, DHHS emergency financial assistance cases were tracked using a paper-based system. DHHS recently implemented a new electronic case management system, which offers new opportunities for data analysis. Tracking data on repeat assistance as well as demographic data on households assisted could help DHHS better understand whom the program is serving and how the program is being used.

For example, the City of Rockville produces quarterly demographic reports for the Rockville Emergency Assistance Program that include data on the gender, race and income of grant recipients as well as the number of times the individual requested assistance. Such data could help policymakers to understand several issues:

- Whether the program is serving its intended purpose of providing one-time assistance in emergencies rather than providing regular assistance for the same households each year;
- Whether the program is serving households at the highest risk of homelessness (e.g. the households with the lowest incomes); and
- The geographical distribution of grant recipients to identify specific communities that may lack awareness of the program.

Finding #14. Community-based organizations provide approximately \$800,000 to \$1 million in emergency assistance to households each year, approximately double the amount they receive in funding from the County.

The Emergency Assistance Coalition (EAC) is a network of nonprofit and faith-based organizations and municipalities that work together to coordinate emergency assistance to residents of Montgomery County. A study commissioned by Bethesda Cares, a lead regional EAC member, estimates that EAC members provide a total of \$800,000 to \$1 million in emergency financial assistance each year, approximately double the \$429,000 invested by the County in community-based organizations for emergency financial assistance. Eligibility requirements vary across organizations, though many EAC members require a referral from DHHS.

This study also examined a sample of 169 emergency assistance cases handled by Bethesda Cares in January, April, July, and October of 2016. These data included information on assistance from Bethesda Cares and other EAC members. The data show that the median or typical amount of assistance provided by EAC members was substantial in comparison to median amounts owed by clients, particularly in cases related to utility shut-offs (electricity, gas or water). These data suggest that the EAC plays a critical role in helping households avoid utility shut-offs, which can cause displacement by making the home uninhabitable.

Table 37. Bethesda Cares Data on Cases Handled in January, April, July and October of 2016

Assistance Category	Cases		Median Amount Owed	Median Combined Assistance From EAC
	#	%		
Electricity	78	46%	\$954	\$600
Eviction	50	30%	\$2,023	\$611
Gas	22	13%	\$479	\$414
Water	12	7%	\$675	\$525
First month's rent*	7	4%	\$500	\$200
Total	169	100%	\$916	\$550

Source: OLO Analysis of Bethesda Cares data compiled by Devereux Consulting

*First month's rent is provided to help tenants secure new housing

Court-Based Eviction Prevention Programs

Finding #15. Housing courts can be strategic partners in effectively targeting eviction prevention resources to tenants facing eviction. In Montgomery County, establishing a formal partnership with the District Court could allow the County to more effectively assist tenants.

OLO found other jurisdictions leverage housing courts to promote services, with government and non-profits/private organizations often taking the lead to administer court-based eviction prevention programs. In a study of court-based eviction prevention programs, researchers found that housing courts:

- Make space available at the courthouse for on-site provision of services;
- Publicize the availability of legal services;
- Partner with non-profits to help resolve back-rent issues; and
- Adjust courtroom schedules or hearing locations to allow for legal aid attorneys and/or social services to meet with clients before the hearing.

Through interviews and court observations, OLO found that opportunities exist to enhance current partnerships between County Government, community organizations, and the courts. Currently, there are no court-based eviction prevention programs available at the District Court in Rockville. The Court Clerk's Office provides limited assistance by informing of next steps or referring litigants to outside resources. However, staff note that a gap in services exists, particularly in addressing the needs of unrepresented tenants and landlords.

Finding #16. Eviction prevention assistance is not well publicized early in the evictions process. Other jurisdictions target outreach at the beginning of the process when a tenant is better positioned to negotiate a settlement agreement and retain current housing.

The County Government publishes information on eviction prevention assistance in multiple formats, including at lease signing. However, stakeholders report that tenants often learn about and access eviction prevention programs when the Sheriff's Office posts the final eviction notice after the eviction is scheduled. In addition to the list below, OLO found two opportunities to increase awareness of available eviction prevention programs.

First, at present, the County's plain language lease summary does not include a reference to eviction prevention assistance. This could be amended to include reference language similar to other County resources. Second, tenants could receive a plain language assistance program flyer when served with the court summons. Other jurisdictions provide tenants with a one-page flyer with service of the court summons. This flyer can be presented in multiple languages and details program eligibility requirements, contacts for assistance, and next steps. When tenants receive the flyer and summons, they are directed to contact the local social services department for eviction assistance. Social services staff then screen and refer tenants.

Table 38. Landlord-Tenant Resources Promoting Eviction Prevention Assistance in Montgomery County

Resources	Description
Lease Agreement	Must state that landlords are required to provide general information on eviction assistance when giving a notice of past due rent or notice of other judicial proceedings. DHCA Office of Landlord Tenant Affairs and MC311 are listed as contacts in the County’s standard lease agreement.
DHCA Landlord-Tenant Handbook	Provides tenants with a list of phone contacts for emergency financial or legal assistance (e.g., MC311, the Montgomery County Crisis Hotline, Maryland Legal Aid, Self-Help Center, etc.).
MC311	Provides information for individuals facing eviction, including how to schedule an appointment with DHHS.
Quit and Vacate Notices	Must include the statement: “General information and assistance regarding evictions is available from the Department of Housing and Community Affairs.”
Final Eviction Notice	Notice posted along with service of the Writ of Restitution that informs the tenant of available assistance and includes contact information for HHS.

Finding #17. Tenants with legal representation are less likely than unrepresented tenants to be evicted; however, the majority of tenants lack legal representation in housing court. This imbalance exists in Montgomery County where legal assistance programs are narrowly tailored and resources are not readily available at the District Court.

In Montgomery County and nationally, the majority of landlords are represented by an attorney, while most tenants face eviction proceedings without legal representation. This imbalance can disadvantage a tenant in a legal process where knowledge and familiarity of the law and court procedures can impact case outcomes. Studies have shown that tenants with legal representation are more likely to retain current housing, negotiate a reduced amount of rent owed, or negotiate extended move-out timeframes to avoid an eviction judgment. In Montgomery County, this imbalance is compounded by the fact that the District Court rotates judges, who have varying degrees of experience in landlord-tenant law.

To address these imbalances and increase procedural fairness, other jurisdictions are in the process of implementing court-based eviction prevention programs that leverage housing courts as partners and provide on-site legal services, including self-help centers staffed by attorneys, court navigators, and limited/full legal representation. Existing legal assistance programs in the County are not available onsite at the District Court; serve limited populations (e.g., tenants living in subsidized housing or whose income is below 125% of the federal poverty guidelines); or address specific case issues (e.g., illegal evictions or utility shut-offs). As a result, the majority of tenants do not have access to legal assistance.

Finding #18. Pre-filing notice in failure to pay rent cases may reduce the number of court filings, however pre-filing notice is not required in Maryland. Maryland jurisdictions have a higher filing rate compared to jurisdictions that require pre-filing notice.

The Eviction Lab, an organization currently compiling data on evictions in U.S. counties, reports that many jurisdictions require landlords to provide the tenant with notice prior to initiating a failure to pay rent action. This notice typically explains that if a tenant does not pay rent owed within a certain number of days, the landlord will initiate court action to regain possession of the rental property and rent owed. Eviction Lab researchers assert that requiring a pre-filing notice in failure to pay rent cases could reduce court filings. The State of Maryland does not have a pre-filing notice requirement for failure to pay rent actions, allowing landlords to use the court system as the first step to collect rent, potentially leading to an increased number of filings. OLO reviewed publicly available data on landlord-tenant cases for jurisdictions in Maryland and compared this data with similar jurisdictions nationwide. In sum, OLO found that Maryland jurisdictions, including Montgomery County, have high numbers of filings relative to other jurisdictions. Specifically,

- In fiscal year 2017, Montgomery County had a significantly lower landlord-tenant filing rate than Prince George's County, Baltimore City, Howard County, and Anne Arundel County, but a slightly higher rate than Frederick County; and
- Montgomery County's landlord-tenant filing rate was significantly higher than comparable jurisdictions in other states including: the counties of Fairfax, Arlington, and Loudoun in Virginia; the District of Columbia; Nassau County, New York; Cobb County, Georgia; and Maricopa County, Arizona.

OLO emphasizes that states' eviction processes differ in numerous ways, and other factors besides pre-filing notice requirements can impact numbers of filings. For example, landlords report that Maryland is unusual in that tenants in Maryland with fewer than three judgments against them for failure to pay rent can avoid eviction by paying the rent, which could drive increased filings if a landlord must file complaints repeatedly against the same tenant. A full comparison of states' eviction processes was outside the scope of this report.

Evictions Prevention in Subsidized Housing

Finding #19. Evidence suggests that subsidized housing providers can reduce evictions and lower their operating costs by offering eviction prevention programming. The Housing Opportunities Commission of Montgomery County offers eviction prevention programming and collaborates with DHHS to provide emergency financial assistance for HOC clients.

Households that live in subsidized housing are among a community's most vulnerable residents. Many subsidized housing providers offer resident services to help residents achieve positive outcomes. Eviction prevention programming (EPP) is a type of resident service that refers to a set of processes and interventions designed to proactively help at-risk residents avoid eviction. EPP services can include emergency assistance, payment plans, financial education, and other supportive services. While the research on program effectiveness is limited, a small number of studies suggest that providing resident services, including EPP, can reduce costs for subsidized housing providers and improve housing stability for residents.

The Housing Opportunities Commission of Montgomery County (HOC) works to prevent eviction among HOC households through two efforts: (1) HOC's Customer Service Centers are staffed with workers who administer DHHS Homelessness Prevention Services grants. The workers assess HOC households' need and eligibility for DHHS grants that assist with rent and utility arrearages; and (2) HOC's Resident Services Division provides

eviction prevention programming and other services to help HOC households succeed. Resident Services provides referrals for tenants residing in HOC-owned units that receive a notice for non-payment of rent or a lease violation. HOC staff work to prevent eviction by providing landlord-tenant mediation and counseling the tenant on addressing any lease violations. In FY17, 99% of tenants at imminent risk of eviction served by Resident Services avoided eviction.

B. Discussion Issues and Recommendations

OLO offers three recommended discussion issues for the Council to raise with County Government and other County stakeholders and three recommendations for Council action.

Discussion Issues

Discussion Issue #1. Discuss with relevant stakeholders in the County the benefits and drawbacks of establishing a pre-filing notice requirement for failure to pay rent actions. If the Council determines that such notice requirements should be established, it could work with State legislators and other stakeholders to establish requirements within State law.

As noted on page 105, Montgomery County has a lower landlord-tenant filing rate than many other Maryland counties, but a significantly higher rate than comparable jurisdictions in other states. In contrast to other states, the State of Maryland does not require landlords to notify tenants in advance of filing failure to pay rent actions. This allows landlords to use the court system as the first step to collect back rent.

Research reviewed by OLO suggests that establishing a pre-filing notice requirement would reduce filings in Maryland jurisdictions by encouraging tenants to pay rent owed or voluntarily move before the landlord files a legal complaint. OLO reviewed notice requirements in seven states with lower filing rates, and notes that all but one require landlords to notify tenants before filing failure to pay rent complaints. OLO emphasizes that legal processes between states vary significantly, and other factors besides notice requirements may drive differences in filing rates. For example, landlords report that Maryland is unusual in that tenants in Maryland with up to three judgments against them for failure to pay rent can avoid eviction by paying the rent, which can drive increased filings if landlords must file complaints repeatedly against the same tenants. A full comparison of states' eviction processes was outside the scope of this report.

Discussion Issue #2: Discuss with Executive Branch staff opportunities to enhance promotion of existing assistance available through DHCA and DHHS earlier in the eviction process when eviction can more easily be prevented.

Currently, eviction prevention programs could be better publicized earlier in the evictions process. Tenant advocates reported that tenants often access services and assistance available through DHCA and DHHS only after the Sheriff's Office posts the final eviction notice (that is, after the eviction is scheduled).

In failure to pay rent cases, the longer it takes for tenants to learn of available assistance programs, the more difficult it is likely to be for the tenant to pay court judgments and prevent eviction (i.e., back rent, late fees, and court-awarded costs). One approach is to target tenant outreach at the start of the eviction process. For example, OLO found that jurisdictions often partner with courts, community stakeholders, and sheriff's offices,

to develop a one-page program flyer detailing available assistance to be served with the court summons. By targeting outreach at the beginning of the process, a tenant is better positioned to negotiate a settlement agreement and retain current housing.

Discussion Issue #3. Discuss with relevant stakeholders the feasibility of working in partnership with the District Court to provide legal assistance for more tenants facing eviction.

At present there are no court-based eviction prevention programs available at the District Court for Montgomery County's Rockville location. Additionally, existing legal assistance programs in Montgomery County serve limited populations or address specific case issues.

With studies showing that legal assistance improves case outcomes for tenants, many jurisdictions are implementing court-based eviction prevention programs that leverage housing courts as partners and provide on-site legal services, including self-help centers staffed by attorneys, court navigators, and limited/full legal representation. OLO recommends that the County Council discuss with relevant stakeholders the feasibility of providing legal assistance for more tenants facing eviction. Any feasibility study should include an examination of landlord-tenant cases adjudicated to determine appropriate program interventions. Topics for review could include:

- A review of case complaints (e.g., proper service, rental license number provided, proper foreclosure of the right to redeem, etc.);
- Experiences and outcomes for tenants who appeared at District Court, including a determination of the number of tenants with/without legal representation;
- Cost and feasibility of providing limited or full legal representation;
- Feasibility of establishing a District Court Self-Help Center for unrepresented litigants. This may require discussions with the Maryland Judiciary; and
- Opportunities to work with community organizations, universities, or law schools to provide other on-site services, such as a court navigator program.

Recommendations

Recommendation #1. Request that the Executive revise the County's plain-language lease summary to more clearly define rent obligations and to provide contact information for eviction assistance programs.

The County requires landlords to include general information about eviction assistance in lease agreements and past due notices. Additionally, the standard lease agreement provides MC311 as a contact, and the Landlord-Tenant Handbook lists contact information for various emergency and legal assistance programs. The County Code further requires landlords to provide a plain-language lease summary to tenants at the time of lease signing. It summarizes tenant rights and responsibilities and describes key terms of the lease, including rent, payment due date, and late fee charge. However, rent obligations and consequences of nonpayment are not clearly defined in these documents. For example:

- The lease summary includes a late fee calculation and indicates that late fees can be charged 10 days after rent was due. It also notes that the 10-day time period is not a grace period. Yet, it does not explain that legal action can be taken by the landlord if rent is not paid by the date due;
- Under Tenant Responsibilities, the summary does not describe the tenant's obligation to pay rent when rent is due; and
- Under DHCA services, information about the emergency financial assistance program is not provided.

Recommendation #2. Request that the Executive report to the Council on opportunities to work with high-writ, high-eviction multi-family properties to develop strategies to reduce evictions.

OLO found that a relatively small number of properties accounted for most of the Writs of Restitution and evictions in the County over the period of fiscal years 2014 through 2017. Specifically, 142 out of 597 apartment properties accounted for only 25% of housing units but 69% of Writs and 60% of evictions in apartments. OLO also found that Writs of Restitution and evictions are concentrated in low-rent garden-style apartment buildings.

Eviction is expensive for landlords, with numerous costs including court and legal fees, mover and trash removal costs, and often several months of lost rent. Studies have found that housing providers that serve low-income populations benefit financially from efforts to reduce evictions among their tenants. Landlords and tenants alike can benefit from reducing legal complaints and evictions. Opportunities may include:

- Collaborating with high-Writ and high-eviction landlords to prevent eviction for high-risk tenants by offering payment plans and linking tenants with services that may help the tenant avoid having legal action taken against them; and
- Discussing with landlords the benefits of voluntarily providing notice in plain language to tenants that have fallen behind on the rent before filing legal complaints, though this may be challenging given that State law does not require landlords to provide notice.

Recommendation #3. Request that the Executive track and report data on emergency financial assistance grant recipients including zip code, gender, race, income, and repeated use of the program.

DHHS operates the County's largest emergency financial assistance program, which provides short-term financial assistance to help tenants avoid evictions or utility shut-offs or secure new housing if an eviction cannot be prevented. At present, DHHS does not track data on households that receive assistance, such as demographics and whether they have used the assistance repeatedly. Without these data, it is not possible to assess the program's effectiveness in reaching its targeted population or serving its intended purpose. Tracking additional data could help policymakers understand the following issues:

- Whether the program is serving its intended purpose of providing one-time assistance in emergencies rather than providing regular assistance for the same households each year;
- Whether the program is serving households at the highest risk of homelessness (e.g., the households with the lowest incomes); and
- The geographical distribution of grant recipients to identify specific communities that may lack awareness of the program.

Chapter 10. Agency Comments

The Office of Legislative Oversight (OLO) shared final drafts of this report with staff from Montgomery County Government, the Montgomery County Sheriff's Office, the Housing Opportunities Commission of Montgomery County, and the District Court. OLO appreciates the time taken by agency staffs to review the draft report and to provide technical feedback. This final report incorporates technical corrections and feedback received from agency staffs.

The written comments received from the Montgomery County Sheriff's Office and the Chief Administrative Officer are attached in their entirety on the following pages.



Maryland's First
Nationally Accredited
Sheriff's Office



50 Maryland Avenue
Rockville, Md. 20850
240-777-7000
240-777-7148 Fax

SHERIFF DARREN M. POPKIN

September 26, 2018

To: Chris Cihlar, Director
Office of Legislative Oversight

From: Sheriff Darren M. Popkin
Montgomery County Sheriff

Re: OLO Report 2018-10
Evictions in Montgomery County

Over the last year, the Sheriff's Office has had the opportunity to work cooperatively with the staff of the Office of Legislative Oversight while they were researching and preparing OLO Report 2018-10, evaluating residential evictions and the judicial eviction process in Montgomery County, Maryland.

Under the Maryland Code, the Sheriff's Office is charged with the responsibility for acting as a neutral agent in serving and enforcing judicial eviction orders concerning possession of residential real property. While carrying out these responsibilities attempts are made to identify and refer resources that may be responsive to critical needs of the parties involved.

Your report is a unique work that combines a thorough handbook on landlord and tenant law in Maryland, with an evaluation and balancing of the complex problems associated with the rental of residential property in Montgomery County. I trust that your analysis and suggestions will serve to educate all parties involved in providing and using residential property with much needed insight into the issues, and that will lead to an increase in availability of residential units and a decrease in the potential for homelessness in the county.



OFFICE OF THE COUNTY EXECUTIVE


Isiah Leggett
County Executive

MEMORANDUM

Timothy L. Firestine
Chief Administrative Officer

September 27, 2018

TO: Chris Cihlar, Director, Office of Legislative Oversight

FROM: Timothy L. Firestine, Chief Administrative Officer 

SUBJECT: CAO Response to Draft OLO Report 2018-10: Evictions in Montgomery County

Thank you for the opportunity to comment on the Office of Legislative Oversight's (OLO) Draft Report 2018-10: Evictions in Montgomery County.

Author Matthew Desmond's best-selling book, Evicted: Poverty and Profit in the American City, brought to the mainstream public the plight of millions of low-income and working-class families throughout this nation, that struggle each day to cover the basic costs of housing and utilities in the midst of the financial crisis that grips their lives. Families, who despite the reports of economic recovery, prosperity and job growth, may find it hard, if not impossible to make ends meet.

The following comments pertain to the recommendations made by OLO in the Draft.

OLO Recommendation #1: Request that the Executive revise the County's plain-language lease summary to more clearly define rent obligations and to provide contact information for eviction assistance programs.

CAO Response: We are not averse to developing specific language related to the tenant's rent obligation and the consequences of non-payment of rent when due, for inclusion in the County's plain-language lease summary. However, the purpose of the summary document is to present for the tenant's quick reference, a brief recap of a few key elements within the lease agreement, not a restatement of complex matters discussed within the body of the lease document or the Landlord/Tenant Handbook.

OLO Recommendation #2: Request that the Executive report to the Council on opportunities to work with high-writ, high-eviction multi-family properties to develop strategies to reduce evictions.

CAO Response: We concur with OLO's recommendation to provide Council with a report on our efforts to work with high-writ, high-eviction property managers and owners and to develop intervention strategies to reduce high-risk tenant evictions, through early notice, mediation and other eviction avoidance techniques.

OLO Recommendation #3: Request that the Executive track and report data on emergency financial assistance grant recipients include zip code, gender, race, income, and repeated use of the program.

101 Monroe Street • Rockville, Maryland 20850
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www.montgomerycountymd.gov

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Chris Cihlar, Director, Office of Legislative Oversight
September 26, 2018
Page 2

CAO Response: We concur with OLO's recommendation to track and report data on emergency financial assistance grant recipients to evaluate the efficacy of program strategies designed to serve households at the highest risk of homelessness.

Thank you for your work on this report. If you have further questions, please contact Clarence Snuggs, Director, Department of Housing and Community Affairs, at (240) 777-3611 or clarence.snuggs@montgomerycountymd.gov.

TLF:cjs

cc: Fariba Kassiri, Assistant Chief Administrative Officer
Uma Ahluwalia, Director, Department of Health and Human Services
Clarence J. Snuggs, Director, Department of Housing and Community Affairs

List of Appendices

Appendix	Title	Begins at
A	• Montgomery County Lease Summary	©1
B	• Summary Description of Tenant Holding Over and Breach of Lease Actions	©3
C	• Montgomery County Sheriff's Office Final Eviction Notice	©7
D	• Data on Writs of Restitution and Evictions By Zip Code and Municipality	©9
E	• Rockville Emergency Assistance Program Report	©11

LEASE SUMMARY

This summary is required by Section 29-27(w) of the Montgomery County Code. It presents key terms of the attached lease and summarizes tenant rights and responsibilities under applicable laws and as described in the lease. It also provides information about services available to tenants from the Montgomery County Department of Housing and Community Affairs and the Commission on Landlord-Tenant Affairs.

Approved by Montgomery County Office of Landlord-Tenant Affairs, 240-777-0311
www.montgomerycountymd.gov/dhca

Tenant's Name: _____ Landlord's Name: _____

Authorized Occupants are: _____

Property Address: _____

Agent's Name: _____ Landlord's address: _____

Primary contact's phone number: _____

In case of emergency contact: _____

Lease Date: _____ Term [1yr , 2yr , month-to-month , other

Rent: \$ _____/mo __ 1st year; \$ _____/mo __ 2nd year; Total Amount for Lease Term: \$ _____

Term _____ to _____ Pro-Rata \$ _____ Dates _____

2-Year Lease Offer and at Renewal: I was offered and accepted ; rejected a 2-year lease. If a 2-year lease was not offered, a written explanation as to why is attached to the lease.

Amenity Fee*: (1x only), Amenities _____

Rent Due Date: _____; **Late Fee:** (after 10 days -5% of rent due) \$ _____; **THIS IS NOT A GRACE PERIOD**

Returned Check Fee: \$35.00 (or maximum amount allowed by law)

Utilities. Tenant is responsible for the following utilities: gas ; electric ; water and sewer ; telephone ; cable ; Other _____.

Security Deposit (including pet deposit): \$ _____.

Pets. The Tenant is not allowed to keep pets on the property without the express written consent of the landlord. Pets allowed: Yes No ; Type of Pet(s) _____ Weight _____ License No(s) _____

Insurance. Landlord's insurance policy does not provide coverage for a tenant's personal belongings. For this property, Renter's Insurance is: recommended ; required .

*Does not apply to MPDU tenants; An amenity **MUST** exist for this fee to be charged

TENANTS' RIGHTS

Tenants have the right to:

- Receive at least 24 hours-notice prior to a landlord/agent/contractor entering the premises, except in cases of emergency;
- Receive 72 hours-notice prior to annual/biannual or triennial inspections from County Code Enforcement;
- Sublet with written permission from the landlord if it is not prohibited by the home-owner's association;
- Review the proposed lease at any location of the tenant's choosing prior to signing the lease;
- Make repairs with permission of the DHCA Director, after notice to the landlord and DHCA's issuance of a civil citation, and deduct the cost of repairs from the rent (up to the equivalent of one month's rent) **if** the landlord fails to make required repairs as ordered by DHCA in the required timeframe; **

- Receive a copy of the current DHCA Landlord-Tenant Handbook at move-in unless the tenant declines a copy and accepts referral to a copy on the County website;
- Be given all information required under the Public Utilities Article of the Maryland Code and applicable COMAR provisions governing electric and gas sub-meters and energy allocation systems if the tenants is paying for gas and/or electricity in a building built prior to 1978;
- Receive at least 90 days-notice of any proposed rent increase;
- Form, join, meet, or assist one another within or without tenant organizations; to meet and confer with the landlord with assistance from a representative if the tenant so chooses;
- Have access to meeting rooms and other tenant accessible areas suitable for meetings within the property during reasonable hours and notice to the landlord to hold tenant organization meetings;
- Have the first tenant organization meeting of each month free of any room reservation fees; any meeting after that is subject to the regular fee charged for reserving this area by the property;
- Distribute freely and post in central locations of the property, literature concerning Landlord-Tenant issues if the origin of the literature is properly identified;
- Call the Office of Landlord-Tenant Affairs (240-777-0311) should they have any questions regarding Landlord-Tenant law; and
- File complaints with the Office of Landlord-Tenant Affairs (240-777-0311) individually or as a group.

****This pertains to violations that are a threat to health and safety ONLY**

TENANTS' RESPONSIBILITIES

Tenants are responsible for:

- Obtaining prior written approval from the landlord before keeping any pets on the premises;
- Maintaining the property in a clean, safe and sanitary condition;
- Using the property for orderly and lawful purposes by yourself, authorized occupants and guests;
- Reporting any problems requiring repair or replacement to the landlord in writing, in a timely manner, and paying any costs incurred due to abuse or negligence by the tenants, guests or other authorized occupants;
- If renting in a common ownership community, complying with all rules, regulations and notices of the common ownership community. The landlord must furnish a copy of these rules at move-in;
- Obtaining the landlord's prior written approval before subletting the property;
- Requesting to be present during a move-in or move-out inspection;
- Removing all personal property at move-out, leaving the property in broom-clean condition, except for ordinary wear and tear, and returning all keys.

DHCA SERVICES

- Mediate disputes between landlords and tenants;
- Investigate and resolve formal complaints from tenants and landlords;
- When a resolution is not forthcoming, refer the complaints to the Commission on Landlord-Tenant Affairs (COLTA) for adjudication;
- Approve rental housing licenses;
- Inspect rental properties to ensure compliance with all applicable housing codes;
- Answer questions from the public regarding landlord-tenant issues, licensing and registration, housing code enforcement, affordable housing and any other housing issues; and
- Maintain a website that provides public access to numerous printed and downloadable publications:
www.montgomerycountymd.gov/dhca

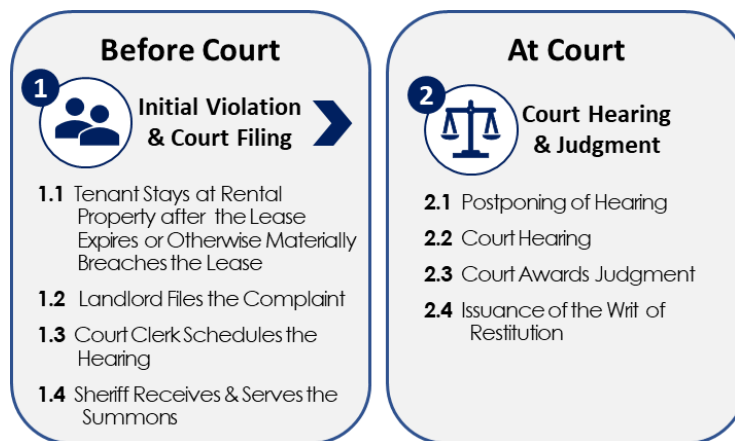
Acknowledgement of Receipt _____ Date _____



Appendix B. Summary Description of Tenant Holding Over and Breach of Lease Actions

As discussed in Chapter 2, the most common types of actions brought by a landlord to regain possession of rental property are: failure to pay rent, tenant holding over, and breach of lease actions. Different sections of Maryland’s Annotated Code, Real Property Article State govern each cause of action. Focusing on Step One: The Initial Violation and Court Filing and Step Two: The Court Hearing and Judgment, Appendix B outlines key process activities during these initial steps for both tenant holding over and breach of lease actions (See Chapter Two for a walk-through of a failure to pay rent action). Of note, the Sheriff’s Office processes for scheduling an eviction and executing the eviction order are the same for all three causes of action. (See Chapter Two for a discussion of these process activities).

Diagram 1. Eviction Process Diagram –Steps One and Two



Tenant Holding Over Action

Before Court, Step One: Initial Violation & Court Filing

1.1 Tenant Stays at the Rental Property after the Lease Expires. A Landlord must provide a tenant with notice that the lease will not be renewed – 90-days’ notice is required for year-to-year tenancies¹ and 60-days’ notice is required for month-to-month tenancies.² If the lease term expires, proper notice was given, and the tenant does not leave the rental property, a landlord may:

- **Seek a court-ordered eviction.** A court-ordered eviction allows a landlord to regain possession of the rental property and, if in-person service occurs, a money judgment (back rent and costs accrued from not being able to re-rent the unit). A tenant sued for holding over does not have a Right of Redemption, meaning payment of back rent does not stop the eviction process.
- **Seek a money judgment for unpaid rent or other costs.** The landlord can sue a tenant to recover rent owed for the time period when the tenant remained at the rental property after the lease expired. Personal service is required to receive a money judgment for amount owed.
- **Enter into a month-to-month tenancy with the tenant.** A landlord may allow a tenant to remain at the rental property after the lease expires. If this occurs, a month-to-month tenancy is created, and a

¹ Department of Housing and Community Affairs (DHCA), Landlord-Tenant Handbook, November 2017, available at <https://www.montgomerycountymd.gov/DHCA>, p. 20.

² *Ibid.*

tenant obligated to pay rent. The landlord can sue for unpaid rent from the prior tenancy (personal service is required to receive a money judgment).³

1.2 Landlord Files the Complaint. If a tenant received proper notice and did not move out at the end of the lease, a landlord files a tenant holding over complaint in the District Court (Rockville location) to evict the tenant. If back rent is owed, a landlord may also file a failure to pay rent action prior to the start of the trial. The fee to file a complaint is \$46.⁴ The form must be completed in full, with relevant documents attached. If information is missing or inaccurate, the case may be delayed or dismissed. Key requirements of the complaint include:

- the address of rental property and rent due per period;
- a claim for possession and the amount of actual damages;
- the date the vacate notice was served (a copy of the notice must be attached to complaint)); and
- the date the tenant was required to leave.⁵

1.3 Court Clerk Schedules the Hearing. The Court Clerk receives the completed complaint and schedules the hearing. In Montgomery County, tenant holding over hearings are typically scheduled four to six weeks from when the landlord files the complaint.⁶

1.4 Sheriff Receives and Serves the Summons. The District Court issues a summons to the tenant to appear on the trial date. The Service of Process Section of the Sheriff's Office receives the summons, sends a copy of the summons by first class mail to the tenant, and attempts in-person service until the summons expires (after which the summons will be posted to the property).⁷

At Court, Step Two: Court Hearing & Judgment

2.1 Postponement of Hearing. If a landlord or tenant fails to appear in court, the judge may postpone the hearing for 6 to 10 days.⁸

2.2 Hearing Occurs. A landlord requests that the District Court award possession of the premises and actual damages caused by the tenant holding over. For the Court to find for a landlord, a landlord must prove: 1) a possessory right in the rental property; 2) the lease fully expired; 3) proper notice to vacate was given; and 4) the tenant failed to leave. A tenant has several defenses available, including a procedural defect in the service of the complaint; improper notice; and existence of an agreement to stay on the property.⁹

³ The People's Law Library of Maryland, "Landlord and Tenant Causes of Action: 'When Things Go Wrong,'" available at <https://www.peoples-law.org/landlord-and-tenant-causes-action-when-things-go-wrong>.

⁴ District Court of Maryland Cost Schedule, available at <https://mdcourts.gov/sites/default/files/import/district/forms/acct/dca109.pdf>.

⁵ District Court of Maryland, Complaint and Summons Against a Tenant Holding Over (Form DC-CV-080), available at <https://www.courts.state.md.us/courtforms?forms%5B0%5D=languages%3A59>.

⁶ OLO Stakeholder Meetings.

⁷ *Ibid.*

⁸ §8-402(b)(1).

⁹ §8-402(b)(2). The People's Law Library of Maryland, "Landlord and Tenant Causes of Action: 'When Things Go Wrong.'"

2.3 Court Awards Judgment. If the Court finds for the landlord, possession of the rental property is awarded and potentially money damages depending on type of service and relief requested.¹⁰

Appeal. Either party has 10 days to file an appeal, with a hearing scheduled within 15 days after filing. To appeal a tenant must file an affidavit with the District Court explaining that the appeal was not filed to delay the eviction; post sufficient bond on the condition that the appeal will be diligently prosecuted; and pay all overdue rent, court costs, and any loss/damage the landlord may have because of the tenant remaining on the property.¹¹

2.4 Issuance of Writ of Restitution. If awarded judgment, a landlord can immediately request a Writ of Restitution. The District Court signs and forwards the writ to the Sheriff's Office.¹² Please refer to Chapter Two for process steps that occur after the court hearing (scheduling an eviction and executing an eviction order).

Tenants Right to Redeem. Tenants do not have the Right of Redemption in breach of lease actions, meaning any payment (e.g., rent owed) to the landlord does not stop the eviction.¹³

Breach of Lease Action

Before Court, Step One: Initial Violation & Court Filing

1.1 Tenant Materially Breaches the Lease Agreement (Other than Failure to Pay Rent). If a tenant breaches the lease agreement and after notice fails to comply, a landlord may evict the tenant prior to the end of the lease. To do so, a landlord must provide 30 days' notice to the tenant. The notice must include an explanation of the lease terms breached and that the landlord intends to file a court action to regain possession of the property. If the tenant's breach causes imminent danger of serious harm to others or property, 14 days' notice is required before filing the complaint.¹⁴

1.2 Landlord Files the Complaint. After providing proper notice and if the tenant fails to comply, a landlord files a breach of lease complaint in the District Court (Rockville location). If back rent is owed, a landlord may also file a failure to pay rent action prior to the start of the trial. The fee to file a breach of lease complaint is \$46.¹⁵ The form must be completed in full, with relevant documents attached. If information is missing or inaccurate, the case may be delayed or dismissed. Key requirements of the complaint include:

- the address of rental property and date lease expires;
- a list of actions attributed to the tenant which breached the lease;
- the date notice was served (a copy of the notice must be attached to complaint); and
- A claim for possession and court costs.¹⁶

¹⁰ §8-402(b).

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ §8-402.1(a)(1); The People's Law Library of Maryland, "Breach of Lease," available at <https://www.peoples-law.org/breach-lease>.

¹⁵ District Court of Maryland Cost Schedule.

¹⁶ District Court of Maryland, Complaint and Summons Against a Tenant in Breach of Lease (Form DC-CV-085), available at <https://www.courts.state.md.us/courtforms?forms%5B0%5D=languages%3A59>.

1.3 Court Clerk Schedules the Hearing. The Court Clerk receives the completed complaint and schedules the hearing. In Montgomery County, breach of lease hearings are typically scheduled four to six weeks from when the landlord files the complaint.¹⁷

1.4 Sheriff Receives and Serves the Summons. The District Court issues a summons to the tenant to appear on the trial date. The Service of Process Section of the Sheriff's Office receives the summons, sends a copy of the summons by first class mail to the tenant, and attempts in-person service until the summons expires (after which the summons will be posted to the property).¹⁸

At Court, Step Two: Court Hearing & Judgment

2.1 Postponement of Hearing. If a landlord or a tenant fails to appear in court, the judge may postpone the hearing for 6 to 10 days.¹⁹

2.2 Hearing Occurs. A landlord requests that the District Court award possession of the rental property and court costs. A landlord must prove – 1) the tenant breached the lease; 2) the breach was substantial; and 3) the breach warrants eviction. Several defenses are available to a tenant, including a procedural defect in the service of the complaint; improper notice; verification that the breach claimed is minor, not substantial; or retaliation in response to a tenant's complaint made in the last six months.²⁰

2.3 Court Awards Judgment. If the Court finds for a landlord, possession of the rental property and court costs are awarded.²¹

Appeal. Either party has 10 days to file an appeal, with a hearing scheduled within 15 days after filing. To appeal a tenant must file an affidavit with the District Court explaining that the appeal was not filed to delay the eviction; post sufficient bond on the condition that the appeal will be diligently prosecuted; and pay all overdue rent, court costs, and any loss/damage the landlord may have because of the tenant remaining on the property.²²

2.4 Compliance with Court Order and Issuance of Writ of Restitution. If awarded judgment, a landlord can immediately request a Writ of Restitution. The District Court signs and forwards the writ to the Sheriff's Office.²³ Please refer to Chapter Two for process steps that occur after the court hearing (scheduling an eviction and executing an eviction order).

Tenants Right to Redeem. Tenants do not have the Right of Redemption in breach of lease actions, meaning any payment (e.g, rent owed) to the landlord does not stop the eviction.²⁴

¹⁷ OLO Stakeholder Meetings.

¹⁸ §8-402.1(a); OLO Stakeholder Meetings.

¹⁹ §8-402.1(a).

²⁰ §8-402.1(b); The People's Law Library of Maryland, "Landlord and Tenant Causes of Action: 'When Things Go Wrong.'"

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.* District Court of Maryland, Breach of Lease Complaint.

²⁴ §8-402.1(c).



Montgomery County, Maryland

SHERIFF'S OFFICE

FINAL NOTICE TO VACATE PREMISES

***You are hereby notified that you are
scheduled for immediate eviction.***

1. The Sheriff will serve the writ of eviction whether you are present or not, unless all due rent and court costs noted on the court writ are paid. Only cash, money order, or certified check will be accepted for payment. Writs for no right of redemption may go forward at the landlords' discretion, even if payment is made.
2. Writs of Possession and Warrants of Restitution for possession, for issues other than unpaid rent (i.e., breach of lease, tenant holding over, and wrongful detainer) will go forward regardless of any payment.
3. The Sheriff will use whatever force necessary to gain entry into the premises for immediate removal of all persons and property.
4. All of your personal property will be removed onto the nearest public right-of-way by the landlord or their agent.
5. The locks will be changed so that only the landlord may have access to the premises.
6. Any attempt to regain entry to the premises, once the eviction has been completed, could result with you being charged with criminal offenses.
7. The Sheriff and the landlord are not responsible for protecting your property.
8. The State or County Department of Public Works will be notified to remove all property left on the public right-of-way.
9. Information and assistance regarding evictions are available from the Office of Landlord-Tenant Affairs. You may also qualify for other services and programs through the Montgomery County Department of Health and Human Services. Please contact 311 or go to www.MC311.com for contact information.

AUTHORITY:

SHERIFF DARREN POPKIN

M.C.S.O. EVICTION UNIT

240-777-7130

(TRADUCCION EN ESPANOL ATRAS)



**OFICINA DEL
SHERIFF**
del Condado de
Montgomery

**AVISO FINAL PARA
DESALOJAR LA
PROPIEDAD**

***Se le notifica que se ha ordenado
su desalojo inmediato.***

1. La oficina del Sheriff cumplirá con el mandato judicial de desalojo aunque usted no este presente, amenos que todo el alquiler debido y costos de corte indicados en el mandato sean pagados. Para pagar, solamente dinero efectivo, giro postal o cheque certificado seran aceptado. Los mandatos judiciales de desalojo sin ningun derecho de rescate, pueden proceder a la discrecion de los propietarios, aun si el pago es hecho.
2. Los mandatos judiciales de Posesión y de Restitución para posesión, sin incluir cuestiones de alquiler impagado, irán adelante sin tener en cuenta el pago.
3. La oficina del Sheriff usará cualquier fuerza necesaria para entrar a la propiedad y comenzar el retiro inmediato de todas las personas y bienes personales dentro de la propiedad.
4. Todo sus bienes personales serán trasladados a la via publica por el propietario o su agente.
5. Las cerraduras de la propiedad serán cambiadas y solamente el propietario tendra acceso.
6. Cualquier tentativa de entrada al la propiedad, una vez que el desalojo ha sido cumplido, podría resultar con usted ser acusado de ofensas criminales.
7. La oficina del Sheriff y el propietario no son responsables de proteger su bienes personales.
8. El Departamento de Trabajos Públicos del Condado o el Estado serán notificado para remover todo los bienes personales dejados sobre la via pública.
9. Información y ayuda sobre desalojos, esta disponible en la Oficina de Asuntos de Arren-datario y Propietario llamando. Para determinar si usted puede calificar para ciertos servicios y programas ofrecidos por el Departamento de Salud Pública y Servicios Humanos del Condado de Montgomery puede llamar al 311 o puede ir a www.MC311.com para mas información.

AUTORIDAD
SHERIFF DARREN POPKIN
M.C.S.O. SECCION DE DESALOJOS
240-777-7130

(ENGLISH ON REVERSE)

Appendix D. Data on Writs of Restitution and Evictions By Zip Code and Municipality

Writs of Restitution and Evictions by Zip Code, FY14-FY17

Zipcode	Place	Renter- Occupied Units	Writs of Restitution		Evictions	
			Annual Avg	Per 1,000 Units	Annual Avg	Per 1,000 Units
20904	Silver Spring	9682	1831	189	122	13
20906	Silver Spring	9136	1605	176	228	25
20874	Germantown	7801	984	126	372	48
20910	Silver Spring	13148	894	68	281	21
20901	Silver Spring	3988	542	136	141	35
20877	Gaithersburg	7220	538	75	213	30
20886	Montgomery Village	3715	529	142	175	47
20878	Gaithersburg	6680	496	74	292	44
20902	Silver Spring	6142	478	78	200	33
20850	Rockville	7749	460	59	173	22
20912	Takoma Park	5468	389	71	118	22
20876	Germantown	2763	378	137	82	30
20903	Silver Spring	4738	279	59	58	12
20852	Rockville	11145	278	25	121	11
20879	Gaithersburg	2728	262	96	96	35
20866	Burtonsville	1074	157	146	23	21
20851	Rockville	2027	134	66	40	20
20814	Bethesda	5847	84	14	58	10
20832	Olney	1060	83	78	18	17
20815	Chevy Chase	4678	69	15	36	8
20871	Clarksburg	787	61	77	24	30
20872	Damascus	544	54	99	25	46
20895	Kensington	1422	54	38	18	13
20817	Bethesda	2293	50	22	18	8
20905	Silver Spring	515	43	83	15	29
20854	Potomac	1355	42	31	14	10
20853	Rockville	1579	37	23	28	18
20855	Derwood	680	23	33	21	31
20841	Boyd's	276	17	60	4	14
20816	Bethesda	1059	13	13	5	5
20860	Sandy Spring	250	10	38	1	4
20899	Gaithersburg	110	9	82	7	64
20833	Brookeville	119	8	69	8	67
20837	Poolesville	329	8	25	8	24
20882	Gaithersburg	245	7	27	2	8
20868	Spencerville	0	2	-	1	-
20842	Dickerson	96	1	8	1	10
20861	Ashton	0	1	-	1	-
20818	Cabin John	44	1	11	0	0
20838	Barnesville	5	1	100	0	0

Source: OLO analysis of 2016 American Community Survey Five-Year Estimates and Eviction Editor Data (excludes zip codes with less than one annual Writ)

Appendix D. Data on Writs of Restitution and Evictions By Zip Code and Municipality

Writs of Restitution and Evictions by Municipality, FY14-FY17

Municipality	Annual Writs	Annual Evictions
Gaithersburg	939	119
Rockville	553	50
Takoma Park	289	24
Kensington	18	1
Poolesville	7	2
Town of Chevy Chase	2	1

Source: OLO analysis of Eviction Editor Data (excludes municipalities with less than one annual Writ)

FY 2017 REAP Demographic Report

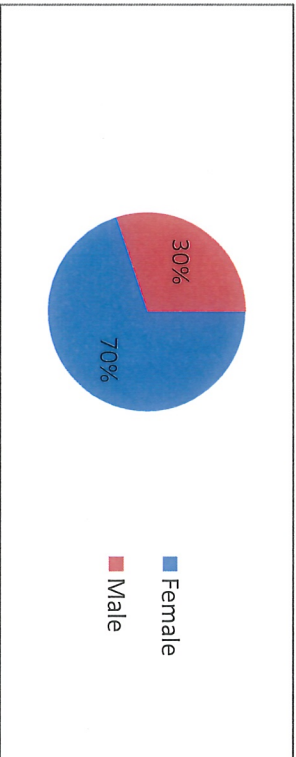
Applications approved: 40

Number of adults served: 68

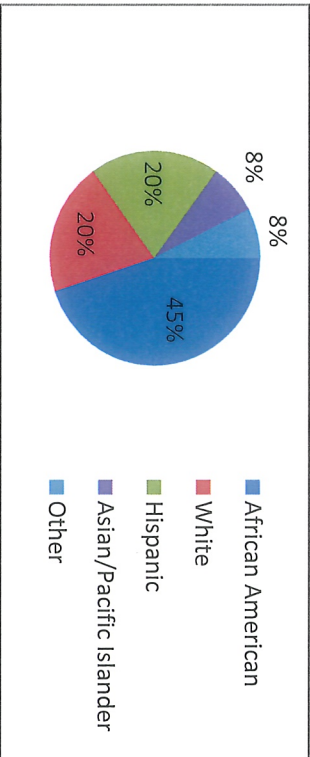
Number of children served: 34

FY17 Number FY17 Percentage

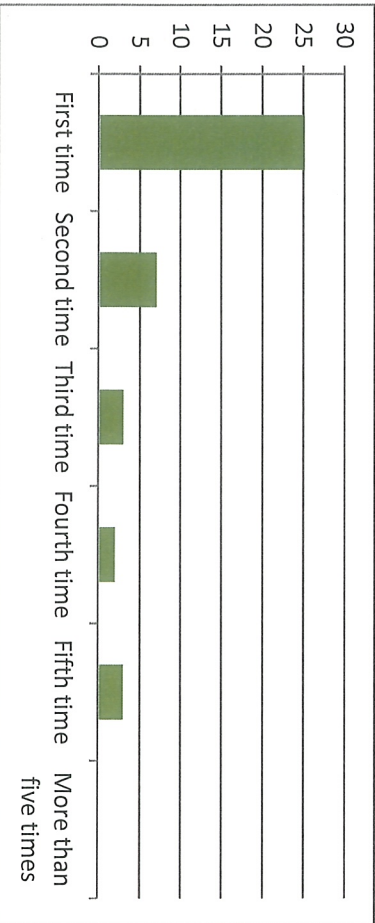
Gender	FY17 Number	FY17 Percentage
Female	28	70%
Male	12	30%



Race	FY17 Number	FY17 Percentage
African American	18	45%
White	8	20%
Hispanic	8	20%
Asian/Pacific Islander	3	8%
Other	3	8%



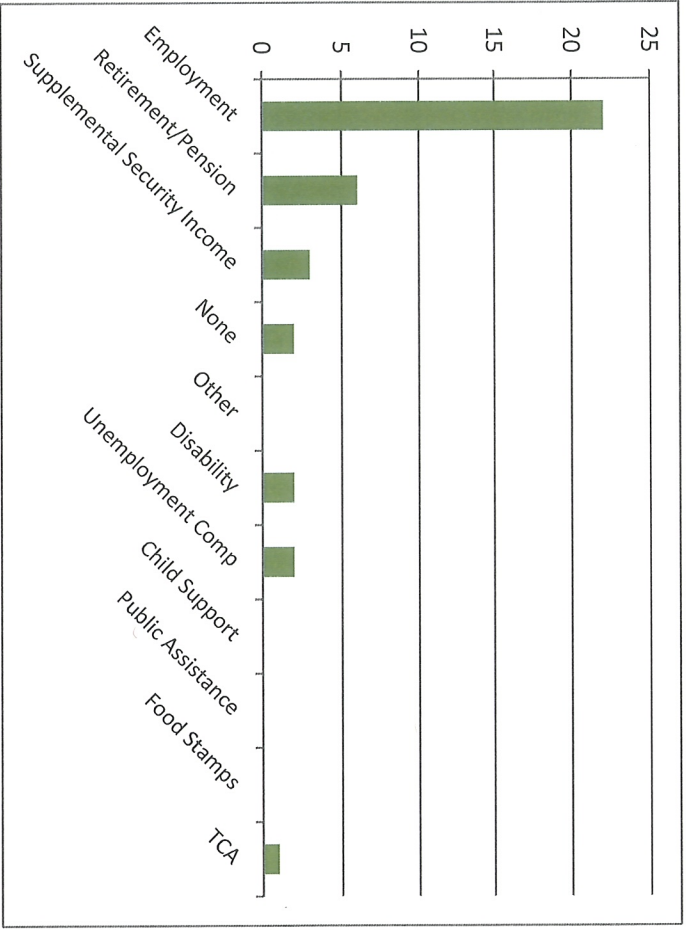
Visit Number	FY17 Number	FY17 Percentage
First time	25	63%
Second time	7	18%
Third time	3	8%
Fourth time	2	5%
Fifth time	3	8%
More than five times	0	0%



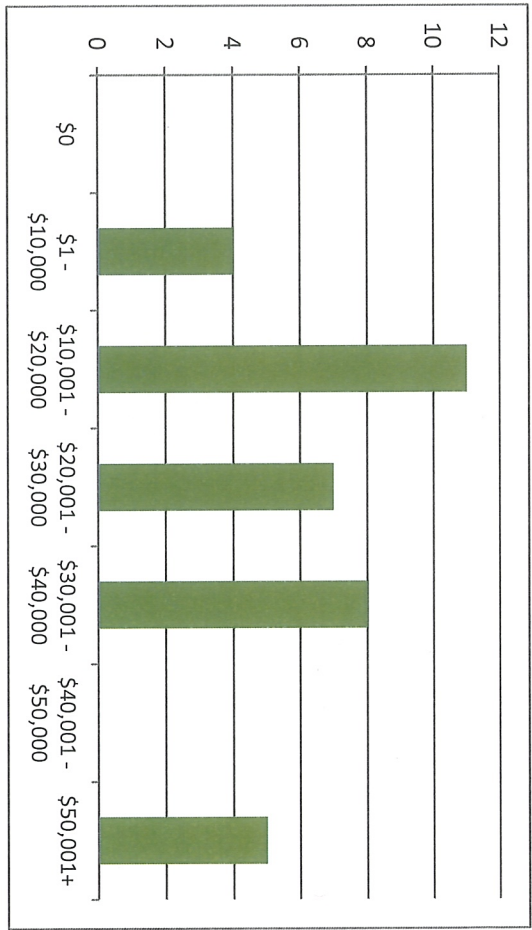
FY 2017 REAP Demographic Report

FY17 Number FY17 Percentage

Primary Income Source	FY17 Number	FY17 Percentage
Employment	22	58%
Retirement/Pension	6	16%
Supplemental Security Income	3	8%
None	2	5%
Other	0	0%
Disability	2	5%
Unemployment Comp	2	5%
Child Support	0	0%
Public Assistance	0	0%
Food Stamps	0	0%
TCA	1	3%



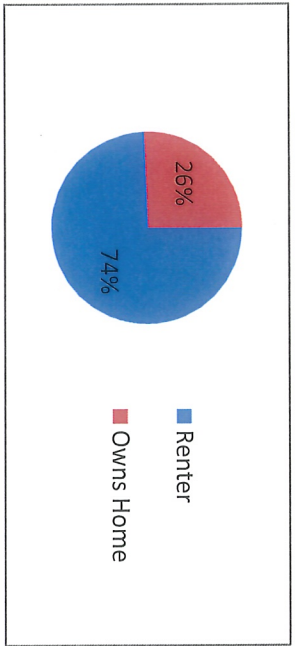
Last Year's Income	FY17 Number	FY17 Percentage
\$0	0	0%
\$1 - \$10,000	4	11%
\$10,001 - \$20,000	11	31%
\$20,001 - \$30,000	7	20%
\$30,001 - \$40,000	8	23%
\$40,001 - \$50,000	0	0%
\$50,001+	5	14%



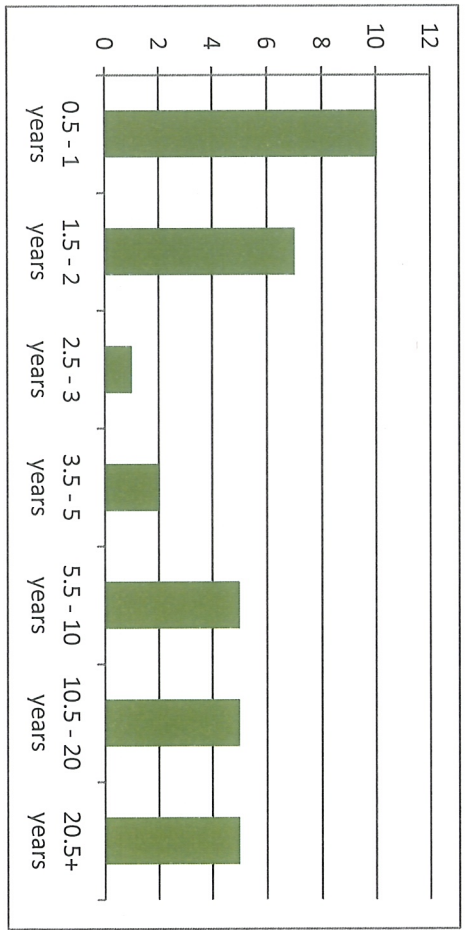
FY 2017 REAP Demographic Report

FY17 Number FY17 Percentage

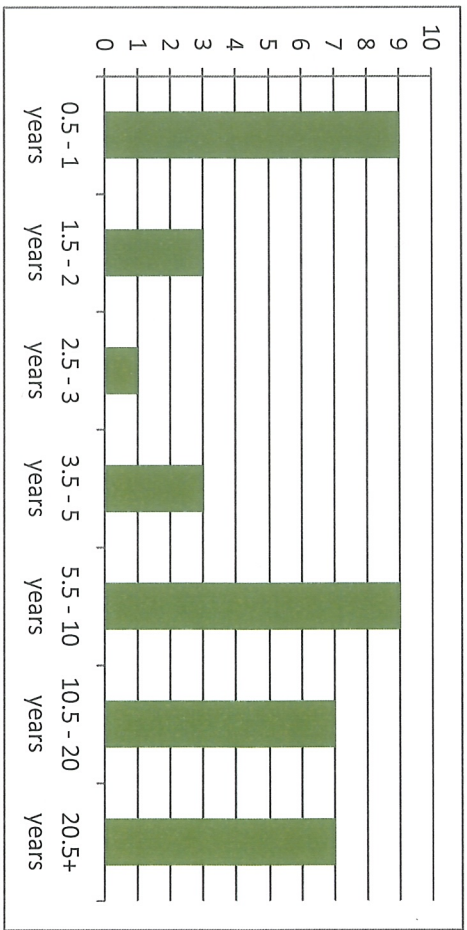
Residency Type	FY17 Number	FY17 Percentage
Renter	29	74%
Owms Home	10	26%



Length at Current Residence	FY17 Number	FY17 Percentage
0.5 - 1 years	10	29%
1.5 - 2 years	7	20%
2.5 - 3 years	1	3%
3.5 - 5 years	2	6%
5.5 - 10 years	5	14%
10.5 - 20 years	5	14%
20.5+ years	5	14%



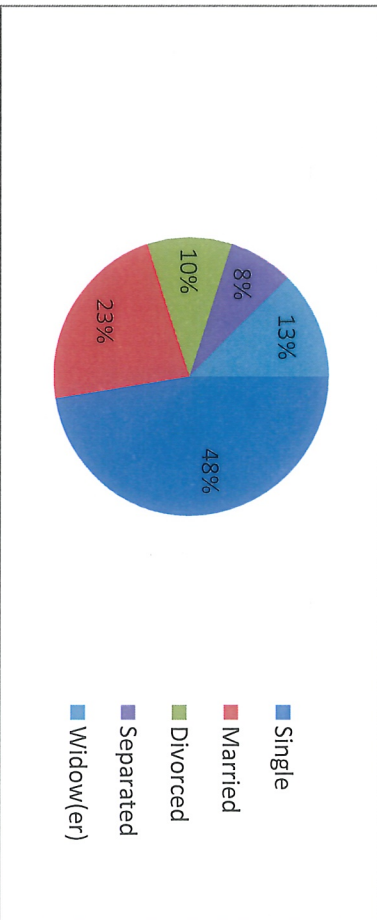
Total Length of Rockville Residency	FY17 Number	FY17 Percentage
0.5 - 1 years	9	23%
1.5 - 2 years	3	8%
2.5 - 3 years	1	3%
3.5 - 5 years	3	8%
5.5 - 10 years	9	23%
10.5 - 20 years	7	18%
20.5+ years	7	18%



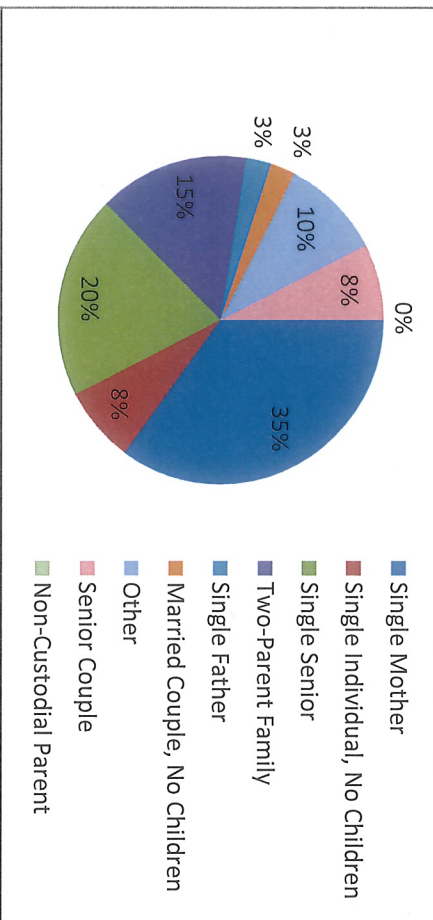
FY 2017 REAP Demographic Report

FY17 Number FY17 Percentage

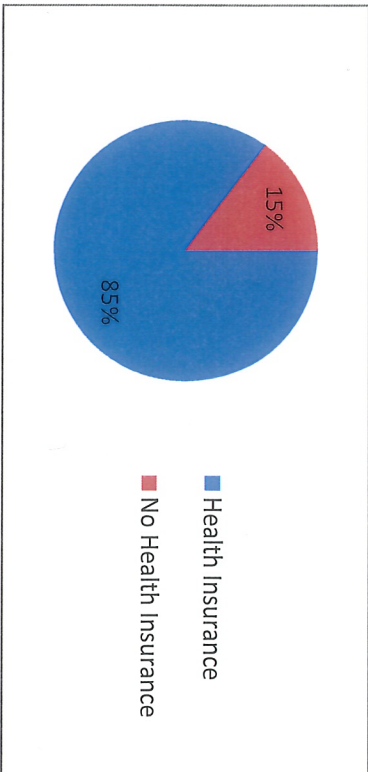
Marital Status	FY17 Number	FY17 Percentage
Single	19	48%
Married	9	23%
Divorced	4	10%
Separated	3	8%
Widow(er)	5	13%



Family Status	FY17 Number	FY17 Percentage
Single Mother	14	35%
Single Individual, No Children	3	8%
Single Senior	8	20%
Two-Parent Family	6	15%
Single Father	1	3%
Married Couple, No Children	1	3%
Other	4	10%
Senior Couple	3	8%
Non-Custodial Parent	0	0%



Health Insurance	FY17 Number	FY17 Percentage
Health Insurance	34	85%
No Health Insurance	6	15%



FY 2017 REAP Demographic Report

FY17 Number FY17 Percentage

Counselor	FY17 Number	FY17 Percentage
Community Services	24	60%
CMR	5	13%
Senior Services	11	28%
Linkages to Learning	0	0%

