

MEMORANDUM

November 13, 2018

TO: Public Safety (PS) Committee

FROM: Stephanie Bryant, Legislative Analyst *SB*
Natalia Carrizosa, Legislative Analyst *NC*
Kelli Robinson, Administrative Specialist *KR*
Office of Legislative Oversight

SUBJECT: **Office of Legislative Oversight Report 2018-10 – *Evictions in Montgomery County***

The Council released Office of Legislative Oversight (OLO) Report 2018-10 – *Evictions in Montgomery County* on October 2, 2018. This report responds to the Council’s request for OLO to review the eviction process in Montgomery County and evictions data to help the County better understand how it might assist low-income households facing eviction and prevent homelessness. The Executive Summary for Report 2018-10 appears on ©1-7.

The following representatives from the Montgomery County Sheriff’s Office, the Executive Branch, the Housing Opportunities Commission, and the Emergency Assistance Coalition will be available to answer questions. In addition, Maryland State Delegate Jheanelle Wilkins will be available to discuss the Montgomery County Delegation’s Just Cause Eviction Study.

- Captain Juan Portillo, MCSO Criminal and Civil Division
- Lt. Mary Meiklejohn, MCSO Civil Section
- Clarence Snuggs, Director, DHCA
- Stephanie Killian, Chief, Division of Housing, DHCA
- Rosie McCray-Moody, Landlord-Tenant Affairs Section, DHCA
- Amanda Harris, Chief of Services to End and Prevent Homelessness, DHHS
- Fred Swan, Director of Resident Services, HOC
- Matt Losak, Montgomery County Renter’s Alliance
- Rev. Dr. Rosetta Robinson, Director of the Emergency Assistance Coalition (Interfaith Works)
- Delegate Jheanelle Wilkins, Maryland General Assembly, leading the Montgomery County Delegation Just Cause Eviction Study

COUNCILMEMBERS PREVIOUSLY RECEIVED COPIES OF REPORT 2018-10 AND SHOULD BRING A COPY OF THE REPORT TO THE WORKSESSION.

SUMMARY FINDINGS

This section summarizes key findings from Report 2018-10. Comments on these findings from Sheriff Darren Popkin and Chief Administrative Officer Timothy Firestone are attached at ©8-10. Finally, a copy of the final eviction notice posted by the Sheriff's Office is attached at ©11-12.

In this report, OLO analyzed FY10-FY17 evictions data, documented the evictions process in Montgomery County, and reviewed existing County programs aimed at assisting households facing eviction. 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. OLO's major findings are summarized below.

- Failure to pay rent actions comprise most eviction cases in Montgomery County. The average time to evict a tenant for failure to pay rent in Montgomery County is 12 to 13 weeks. However, this timeframe varies by case and jurisdiction.
- 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.
- 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. However, eviction prevention assistance is not well publicized earlier in the process.
- Stakeholders agree that lack of access to affordable housing is the largest driver of evictions in Montgomery County, though several other factors also contribute.
- Evictions in Montgomery County are expensive for landlords, costing \$5,700 to \$16,600 per eviction due to the length of the process in amount of rent owed. Further, evictions have far-reaching negative consequences for tenants, including homelessness, job loss, mental health issues, etc.
- The number of evictions carried out by the Sheriff's Office decreased 19% between FY10-FY17 - in spite of population growth and an increase in the total number of rental units in the County.
- A minimum of 2,900 Writs of Restitution (eviction orders) result in tenant displacement annually, including tenants that are evicted and those that move voluntarily after receiving an eviction notice.
- 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).
- Writs of Restitution and evictions are concentrated in low-rent garden-style apartment buildings.
- The County Government funded nearly \$7 million in fiscal year 2018 in emergency financial assistance programs run by DHHS, DHCA, and community-based organizations.
- 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 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.

- 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.
- 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.

RECOMMENDED DISCUSSION ISSUES AND RECOMMENDATIONS

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

Discussion Issues

1. Discuss with relevant stakeholders 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 for Council Action

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.
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.
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.

Evictions in Montgomery County

OLO Report 2018-10

October 2, 2018

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:

- **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.

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.

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

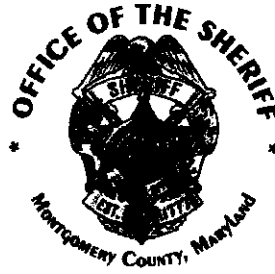
1. Discuss with relevant stakeholders in the County the benefits and drawbacks of establishing a pre-filing notice requirement for failure to pay rent actions. If the Council determines that such notice requirements should be established, it could work with State legislators and other stakeholders to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



Maryland's First
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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: ^{1/38} 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
240-777-2550 • 240-777-2518 FAX
www.montgomerycountymd.gov

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



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

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(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)