

# Know Your Rights! Tenants Rights in Baltimore City during COVID-19

Public Justice Center (410-625-9409)

Baltimore City Mayor's Office of Equity and Civil Rights (410-396-3141)

## Eviction Prevention Program

- What do I do if I'm behind on rent?
  - If you are a Baltimore City resident, apply for the Eviction Prevention Program online at <https://www.bmorechildren.com/residents/#rent>. You may qualify for financial assistance to pay back rent.
  - If you speak a language other than English and want support with the application, fill out this referral form at [www.tinyurl.com/EPPreferencia](http://www.tinyurl.com/EPPreferencia) to be connected with CASA, Southeast CDC, LEDC or a MIMA volunteer.
  - In the meantime, pay what you can afford to pay even if it isn't the full rent.
- What if I applied for the Eviction Prevention Program but my landlord keeps asking for rent?
  - Landlords can call the Baltimore Community Action Partnership (BCAP) at 410-554-0900 to check on the status of the rental assistance application. They should have received an email from BCAP when you applied. If the landlord does not have a rental license for the property, BCAP will request that they obtain one to process payment.
  - *"Remember that I applied to the Eviction Prevention Program. Please check your email, BCAP should contact you within 4-6 weeks after my application was submitted. IF YOU HAVE NOT RECEIVED AN EMAIL, call 410-554-0900. I do not have access to the case status."*
- What if I do not receive rent assistance because my landlord is unlicensed?
  - If your rent assistance application was approved but BCAP was unable to disburse funds because your landlord does not hold a rental license, you can report an unlicensed unit at Baltimore City's Rental Property Registration and Licensing at 410-396-3575.
  - *"Landlord, my rent assistance application was approved but funds cannot be disbursed because you do not hold a rental license for this Property in accordance with Baltimore City's requirements to rent units. Please initiate the process to obtain your license and obtain payment. <https://dhcd.baltimorecity.gov/pi/rental-property-registration-and-licensing>"*

## Landlord Harassment

- Can your landlord yell at you or come to your home to demand payment?
  - Yes, they can, but, you do not have to listen. You can call the police and complain about public disturbance. Request a Spanish-speaking officer or for the police to use a translation service.
  - *"Please do not raise your voice with me, if you continue I will call the police to report a public disturbance."*
- Can your landlord call you at odd times?
  - You have the right not to pick up. Your landlord might call, but you have the right not to pick up the phone if they are harassing you.
  - *"Landlord, please call between normal hours, or between \_\_\_ and \_\_\_."*

- Can the landlord come inside the home without your consent?
  - Yes, they can come to your home, but you do not have to open the door. They are able to come inside your home for emergency repairs.
  - *“Landlord, please let me know 2 days in advance if you will be coming to my home. You are not allowed to come into my home without my consent unless it is for an emergency repair.”*

## Discrimination

- What do I do if my landlord threatens to call ICE?
  - Threatening to call ICE counts as discrimination based on National Origin. The Mayor’s Office of Equity and Civil Rights (410-396-3141) can open an investigation into this type of allegation and bring legal action against the landlord.
  - *“Please do not make an assumption about my citizenship status. Calling ICE is against fair housing laws and I can make a report to the city’s Equity office.”*
- What can I do if my landlord sexually harasses me or asks for sexual favors in place of rent payment?
  - It is against fair housing laws for a landlord to sexually harass you. They cannot ask for sexual favors in exchange for rent or services. This is true even if you previously had a consensual relationship before. You can file a complaint with the Mayor’s Office of Equity and Civil Rights to bring legal action against the landlord.
  - *“I do not want to engage in any sexual activities with you, for any reason. Please do not ask me again. Also, it is against fair housing laws to request any sexual activities from me and I can make a complaint to the City’s Equity Office.”*
- What if I do not speak English and I do not understand what they’re saying?
  - A landlord should take reasonable steps to make sure you have full access to your home and any conversations or documents related to your housing. They may not have all of their materials available in your language right away, but should be able to work towards making documents and conversations accessible to you if you ask. Refusing to translate documents or speak to you with an interpreter may be housing discrimination. If your landlord refuses to translate documents or speak to you in your language, you can call the Baltimore City Office of Equity and Civil Rights (410-396-3142). You or your landlord can access sample leases and other documents in Spanish and English at <https://civilrights.baltimorecity.gov/fair-housing-information>.
  - *“Landlord, I do not speak English. Please use a Spanish translator for us to communicate.”* To respond when landlord suggests children to translate: *“Landlord, my minor child cannot interpret for me, please use a Spanish translator for us to communicate.”*

## Eviction

- What to do if my landlord is threatening to evict me?
  - In order for your landlord to legally evict, you they must take you to court. You do not have to leave your home unless the landlord follows the legal eviction process.
  - What is the eviction process in general? (PJC- <https://www.publicjustice.org/wp-content/uploads/2019/09/Evictions-brchr-2016a.pdf>)

- Failure to Pay Rent complaint posted on tenant’s door by landlord, includes court date [http://www.publicjustice.org/wp-content/uploads/2019/10/FTPR\\_complaint\\_form\\_explainer.pdf](http://www.publicjustice.org/wp-content/uploads/2019/10/FTPR_complaint_form_explainer.pdf)
    - If the judge decides to move forward with an eviction after the court date, the District Court mails a “Order for Warrant of Restitution” to the tenant
    - Landlord schedules an eviction with the Sheriff’s office
    - Landlord notifies tenant on date of eviction by first class mail with a certificate of mailing at least 14 days in advance of the eviction date **AND** posts the notice on the premises at least 7 days in advance of the eviction date.
    - Tenant has the opportunity to pay back-owed rent or move out on their own
    - On the date of the eviction, the landlord and sheriff are not allowed to put belongings on the street. They must properly dispose of the belongings at a landfill, charity or other legal disposal location.
  - “A landlord may not evict you or threaten to evict you without going to court, obtaining a judgment, and having the Sheriff present for a scheduled eviction. In Baltimore City any landlord who attempts to evict a tenant without court process is committing a crime and may be liable to the tenant for money damages. Do not be intimidated! Even if you have settled a dispute with the landlord, always show up in Court for any scheduled hearing. In failure to pay rent cases in Baltimore City, the landlord must mail to the tenant 14 days notice and post 7 days notice of the scheduled eviction date. On the eviction date , you will likely be locked out of the property, and any property still inside the unit is considered abandoned and may be taken by the landlord.” (5. Right to Court Process Before Any Eviction [https://www.publicjustice.org/wp-content/uploads/2019/09/Top\\_10\\_Tenants\\_Rights\\_in\\_MD\\_4-26-19.pdf](https://www.publicjustice.org/wp-content/uploads/2019/09/Top_10_Tenants_Rights_in_MD_4-26-19.pdf))
  - “To terminate a month-to-month lease, the landlord must give the tenant at least 30 days notice to vacate, 60 days in Baltimore City, before the end of a monthly lease term. Only after the end of that notice period may the landlord go to court and seek a “Tenant Holding Over” eviction.” (8. Right to 30-Days (or 60 Days in Balt. City) Notice to Terminate for Month-to-Month Tenants [https://www.publicjustice.org/wp-content/uploads/2019/09/Top\\_10\\_Tenants\\_Rights\\_in\\_MD\\_4-26-19.pdf](https://www.publicjustice.org/wp-content/uploads/2019/09/Top_10_Tenants_Rights_in_MD_4-26-19.pdf))
- What do I do if the landlord threatens to change the locks or put my belongings on the street?
  - If a landlord tries to evict you, change the locks or put your belongings on the street without a court order and the presence of the Sheriff, or shuts off any utility services like water, electric or gas, that is illegal. If your landlord attempts to evict you this way, call 911 and ask for police assistance. Take pictures of your lease, rent receipts, property for your records.
  - If you are illegally evicted, you should seek legal assistance and consider filing a complaint in court against your landlord. In Baltimore City, you may also press criminal charges against the landlord by filing a complaint with the District Court Commissioner: District Court Commissioner, 500 North Calvert St. #200, Baltimore MD 21202, phone: 410-767-5774. ([http://www.publicjustice.org/en/legal\\_help/housing-and-covid-19/](http://www.publicjustice.org/en/legal_help/housing-and-covid-19/)). Landlords in Baltimore City can be punished with up to 10 days in jail and/or \$500 fine.” You should keep track of any expenses, including hotel bills and lost property. If you are illegally evicted, call the Public Justice Center and talk to them about filing an emergency

- complaint in court against your landlord. Keep track of any expenses, including hotel bills and information about lost property.
- If the police do not prevent the landlord from evicting you, that may be police misconduct. You can report police misconduct to the Civilian Review Board at <https://civilrights.baltimorecity.gov/civilian-review-board/file>.
  - Call 311 to report illegal dumping, including landlords who do not properly dispose of a tenants belongings after an eviction. (<https://www.publicjustice.org/wp-content/uploads/2019/09/Evictions-brchr-2016a.pdf>)
  - Call the Public Justice Center if your landlord is threatening to change the locks or put your belongings on the street.
  - *I know my rights. Changing the locks and putting my belongings on the street without a Sheriff and a court order is a crime. You cannot evict me without the presence of a Sheriff and a court order. If you try to illegally evict me, I will call the police.*"
  - Does the CDC eviction moratorium protect me?
    - The CDC eviction moratorium protects tenants who are being evicted due to non-payment of rent from being evicted. Tenants who have month-to-month leases or are being evicted for reasons other than non-payment of rent may not be protected by the moratorium.
    - Tenants are eligible for protection if they: Are unable to pay the rent due to income loss or medical expenses; Either expect to make less in 2020 or 2021 than \$99,000 individually or \$198,000 as a family, or received a stimulus check or did not have to file a 2020 tax return; Try, or have tried, to access any government rental assistance funds that may be available; Understand they are obligated to pay rent if possible, including partial rent payments based on what they can afford; If evicted the tenants would be homeless or would have to move into a crowded or substandard living situation
    - The declaration is available in multiple languages [here](#).
    - [http://www.publicjustice.org/wp-content/uploads/2021/02/CDC\\_Order\\_FAQ\\_Revised\\_2-16-21.pdf](http://www.publicjustice.org/wp-content/uploads/2021/02/CDC_Order_FAQ_Revised_2-16-21.pdf)

### **Landlord Responsibilities (repairs and rent increases)**

- The home needs repairs and the landlord is denying to do repairs because I owe rent?
  - You have the right to complain about unhealthy conditions in your home without retaliation. Your landlord is not allowed to increase the rent, neglect repairs, evict or threaten to evict you if you make a complaint about unhealthy housing conditions. (1. Right to Complain without Retaliation- [https://www.publicjustice.org/wp-content/uploads/2019/09/Top\\_10\\_Tenants\\_Rights\\_in\\_MD\\_4-26-19.pdf](https://www.publicjustice.org/wp-content/uploads/2019/09/Top_10_Tenants_Rights_in_MD_4-26-19.pdf))
  - If your landlord refuses to do repairs, make sure you communicate with your landlord about the problem repeatedly in writing (letter by certified mail, email, text) and keep copies. You can request a housing inspection by calling 311. Due to COVID, many inspectors are operating on a limited basis. If your landlord fails to fix the problem, reach out to Public Justice Center (410-625-9409) to file a complaint for rent escrow. You would then place your rent into a special escrow account with the court until the landlord makes the repairs. Please know that because of court and inspection delays,

rent escrow cases may move more slowly at this time.

([http://www.publicjustice.org/en/legal\\_help/housing-and-covid-19/](http://www.publicjustice.org/en/legal_help/housing-and-covid-19/))

- *“I am doing my best to make rent. As the landlord you still have a responsibility to keep the house in safe and healthy conditions. I know my right to request a city housing inspection if you do not make repairs and file a rent escrow action.”*
- What to do if my landlord is increasing rent?
  - **Governor Hogan ended the Maryland State of Emergency on July 1<sup>st</sup>. Landlords will be able to raise rent and charge late fees starting September 29<sup>th</sup>, 2021.**
  - Currently landlords are not allowed to increase rent in Baltimore City. The Baltimore City COVID-19 Renter Relief Act (Bill 20-0526) prohibits landlords from announcing increasing the rent during a state of emergency and 90-days after the state of emergency is lifted. It also prohibits late fees and rent increases that were previously scheduled to take during the state of emergency. **Governor Hogan ended the Maryland State of Emergency on July 1<sup>st</sup>. Landlords will be able to raise rent and charge late fees starting September 29<sup>th</sup>, 2021.**
  - <https://dhcd.baltimorecity.gov/>,  
<https://baltimore.legistar.com/LegislationDetail.aspx?ID=4428181&GUID=5D4D7FBF-8B24-4A1D-9ADA-F8C16D7C6B26&Options=ID%7CText%7C&Search=>
  - If you believe your landlord is singling you out for rental increases because of your national origin, familial status, or any characteristic you have no control over, you may be able to file a claim of discrimination with the Office of Equity and Civil Rights.
  - *Talking point- Right now in Baltimore City is illegal to increase the rent until 90 days after the state of emergency is lifted.*