



**Commission on People with Disabilities
Meeting Minutes
May 12th, 2021**

****MEETING WAS HELD VIA ZOOM ****

Welcome and Approval of April 2021 Meeting Minutes

Seth Morgan, Chair, convened the meeting. A motion was made to approve the April 2021 Meeting Minutes. The motion was seconded. A vote was taken and the April 2021 Meeting Minutes were unanimously approved as written. Approved minutes are available online at www.montgomerycountymd.gov/cpwd.

Evictions and People with Disabilities – Marissa Ditkowsky, Esq., Commissioner and Alice Mutter, Esq., Staff Attorney, Maryland Legal Aid

Website: www.mdlab.org

Income Eligibility Guidelines: www.mdlab.org/get-help-services/income-guidelines/

Maryland Legal Aid - Montgomery County Office

600 Jefferson Plaza, Suite 430

Rockville, MD 20852

Local Phone Number: (240) 314-0373

Toll Free Phone Number: (855) 880-9487

Fax: (240) 314-0720

Office Hours: Monday – Friday 09:00 AM - 05:00 PM

Walk-In Intake Hours: Monday – Thursday 09:30 AM - 04:00 PM

Telephone Intake Hours: Monday – Thursday 09:30 AM - 04:00 PM

Affordable, accessible housing is a major issue for individuals with disabilities and issues related to housing disproportionately affect individuals with disabilities, particularly people of color with disabilities.

Maryland Legal Aid provides civil legal assistance to low-income eligible residents throughout Maryland. Staff provide representation to tenants in rent court and brief advice for tenants who need help filling out forms or who wish to self-represent in court. Last year, Maryland Legal Aid served approximately 9,000 Montgomery County residents last year, many of which were housing-related cases. Due to COVID-19, low-income residents have had additional challenges with navigating the risk of unemployment and its affect on their ability to pay rent. Maryland Legal Aid's priority with housing cases is to prevent homelessness.

Maryland Legal Aid has partnered with the Homeless Persons Representation Project (HPRP) and CASA to establish an eviction prevention program. This program is located within the courts to assist families facing eviction during the pandemic. Maryland Legal Aid, HPRP, or CASA advocates are in the court all day, every day, working to make sure tenants can benefit from any available local and federal tenant protections that are currently in place. If the tenant qualifies, advice and representation in court is available on the day of that person's hearing. Maryland Legal Aid is also working with several social services organizations to ensure tenants sign up for available rental relief and other assistance programs. Some staff may be available to assist the tenant with filling out applications.

There is a huge misconception that evictions are halted currently. This is not true and eviction cases are moving forward. The court is hearing failure to pay rent cases. These are cases where someone is being evicted because they did not pay their rent. Other reasons for eviction include a tenant violating their contract, or the tenant staying past their lease expiration date, or if the tenant is creating hazardous conditions in the home, or if there are code enforcement issues and others are in danger.

As of April 5th, 2021, failure to pay rent cases are being heard five days a week at the Silver Spring Court House. This will continue until the end of May in order to get through the current backlog of cases. Then cases will be heard at the Rockville Court House on day a week.

Landlord-tenant court proceedings are occurring in person due to the volume of cases. The court does have social distancing requirements in place. Tenants can request to appear by Zoom, but Maryland Legal Aid cannot assist or provide intakes via Zoom. It is highly encouraged that tenants appear in person in court.

Tenants who are facing eviction need to come to court in order to receive day of intakes from Maryland Legal Aid. Even if the tenant thinks their case may be dismissed they still need to show up to court. There may be discrepancies or mistakes made by the landlord. Tenants should arrive early in order to have time to complete the intake. Staff work closely with the court to ensure they can process everyone who wants to speak with an attorney before they go in front of a judge. If someone is in an intake and court has started, staff will notify the court and the case will be delayed until after intake. If a tenant arrives late to their court hearing, the court will order a judgement against them.

Protections are not automatic and cannot be asserted unless they are used in court. If the tenant needs a postponement, staff may be able to have it granted but it will be harder to obtain a postponement as the CDC declaration expiration order draws closer.

There are several things tenants should do to prepare for their day in court:

- Bring proof of loss of income in their household – this includes family members or loved ones in the home that may have lost income.
 - This includes lay off notices, notices of businesses closing, paychecks that show a reduction in hours, documentation that a parent must be home in order to care for a school aged child.
 - Loss of income does not have to be explicitly linked to COVID-19.
- Proof of rental relief application.
- Proof of rental payments, if they have made such payments.
- Tenants need to read court notices very carefully. Unless there is a court order notifying the tenant that they do not need to show up, the tenant needs to attend the hearing. Some tenants may have multiple hearing dates and will need to attend all hearings.

The CDC Eviction Prevention Declaration is set to expire June 30th, 2021. While a federal judge has ruled that the CDC does not have the authority under a federal health emergency to stop payments of rents, the Department of Justice filed a stay through May 12, 2021. The plaintiffs in the case are able to file a response so litigation is still ongoing. These proceedings are changing on a daily basis and is not a uniform policy at this time.

If the tenant can truthfully fill out the Declaration form and the court accepts it, the tenant will have until June 30th, 2021 to pay off their rental balances. If the rent owed is not paid off by that time frame, the tenant can be evicted. While Governor Hogan has declared a state of emergency there is no way to predict how long that will remain in place. Maryland Legal Aid is encouraging tenants to seek rental assistance. This is crucial in helping them to pay off their rental balances

The Montgomery County COVID-19 Rent Relief Program provides short-term rental assistance to eligible households who have experienced lost income due to the COVID-19 pandemic that has caused them to fall behind on their rent. The program is managed by the County's Department of Health and Human Services (DHHS) with funding from the Department of Treasury's Emergency Rental Assistance Program. While funds are available, the program will provide up to \$12,000 to eligible households to pay for back rent owed and/or pay for

up to three months of future rent. For households below 30% of the Area Median Income (AMI), additional financial help may be available. Funds awarded will take into account any other local, state, or federal assistance received to pay rent. Please complete the [online application](#). If you are unable to complete the online application yourself or with assistance from your property/landlord, call 311 (240-777-0311) to request help. A County employee will call you back to help you complete your application.

Tenants can call Maryland Legal Aid prior to their court date to receive an overview how best to prepare and what to bring to court, provide additional information on available resources, and discuss accommodations if needed. Due to the volume of cases and staffing changes, tenant intakes must occur the day of the court hearing. Once the hearings are changed to one day a week, staff will have more capacity to evaluate cases ahead of time. Tenants should contact Maryland Legal Aid as soon as they receive a court hearing notice. Phone intakes are available for individuals who cannot come to court in person but still would like to receive assistance. Services are also available to assist individuals who are visually impaired or hard of hearing.

A tenant can appeal the case if they disagree with the outcome. However, due to the expedited nature of these cases the tenant only has four or five days to appeal. Failure to pay rent cases move much faster than other types of cases which is why they are prioritized. The case would move to the Circuit Court. If the tenant appeals the circuit court decision, the case will move to the Court of Special Appeals. There are costs associated with appeals. Maryland Legal Aid represents tenants during appeals on a case by case basis. With an appeal a tenant may be able to stay for another month or until the end of their lease. Maryland Legal Aid evaluates cases to strategize and analyze how to delay an eviction.

Tenants who have an order against them and have a pending eviction are advised to contact the Sheriff's Office to determine whether an eviction has been scheduled. It may not be an exact date, but this will let tenants know how much time they must locate other housing options and hopefully avoid having their belongings forcibly removed from the home. It can take several weeks for an eviction to take place. Sheriffs are aware of the CDC orders and have been cooperative. Tenants are advised to post the CDC notice on their door. Maryland Legal Aid does not have much power as attorneys once the Sheriff's Office has a summons. The Sheriff's Office does have certain policies regarding evictions in inclement weather and extreme heat or cold. If a tenant who is going to be evicted has a disability and will require accommodations during the eviction, they should contact the Sheriff's Office ahead of the eviction to make those requests. For more information on evictions, please contact the Sheriff's Office Eviction Section at 240-777-7130. Visit their website at <https://www.montgomerycountymd.gov/sheriff/sections/eviction-section.html>.

A self-help eviction occurs when a landlord retakes possession of a property without using the eviction process or without a warrant of restitution. If someone other than the Sheriff's Office is trying to evict a tenant they should notify the police and seek legal assistance. Maryland Legal Aid works closely with attorneys representing landlords to ensure they are educating landlords on what they can and cannot do. There has been cooperation from attorneys ensuring landlords are complying with existing CDC guidelines.

Mario Damiani, Commissioner, suggested inviting the Sheriff's Office to the next Commission meeting to explain the eviction process, especially as it pertains to persons with disabilities.

Susan Smith, Ex-Officio Member representing HOC, said HOC is monitoring the situation very carefully. Many HOC clients have not been affected due to the voucher program and ability to adjust their rent. It is harder for a person who has a disability to find alternate housing as accessible housing is more limited. There are 37,000 people on the Housing Opportunities Commission's (HOC) waiting list. Maryland Legal Aid is aware of this problem which is why they work to address the rent issues prior to eviction. If a person is evicted and has disabilities HOC can make arrangements for that individual prior to the eviction. If the person is in the HOC voucher program, HOC can relocate them. HOC will also reach out to the Sheriff's Office and request a stay.

John Whittle, Commissioner, asked for data on the number of people with disabilities who recently have faced eviction or have been evicted and become homeless. Alice said the data regarding disability is not in court pleadings, but overall, there are over 40,000 pending failure to pay rent cases in Montgomery County which is

why the court has been meeting five days a week to clear the backlog. It was noted that the number of cases versus the number of evictions is very different as many are dismissed as they have already been resolved.

Betsy is going to connect Alice with Jim Stowe, Director, Office of Human Rights (OHR). OHR handles fair housing complaints.

Early Intervention Screening Initiative – Avner Shapiro and Larry Bram, Commissioners

AAP estimates that only 1 in 3 children are being screened for a developmental disability by pediatricians in Montgomery County. 40% of children ages birth to 30 months are not receiving the right amount of screening, and not all pediatrician's screen. Children should be screened four times by the age of 3 – at 9 months, 18 months, 24 months, and 30 months – and twice for Autism at 18 months and 24 months. It is estimated that 50% of infants and toddlers who would benefit from early intervention in our County are not receiving it and 50% of children with serious developmental disabilities are currently not receiving it. Ideally, children should be identified before the age of 2, but most are being identified at age 4 or later. It has been scientifically proven that evidence-based early intervention during the younger years can change the trajectory of a child's life. Pediatricians may not be conducting screenings due to issues relating to reimbursement, workflow, screening tools, lack of training, or apprehension. Avner noted that it is important for a child to receive a diagnosis of Autism from their pediatrician in order to receive the insurance benefits that cover services.

Avner Shapiro reported that he and Larry Bram have been meeting and working with County officials, Montgomery County Infants and Toddlers Program (MCITP) staff, experts at academic institutions, representatives from the American Academy of Pediatrics (AAP) at the state and county level, pediatricians, area providers, and many other stakeholders about early intervention for infants and toddlers with developmental disabilities. They have been supportive of the overarching initiatives for early identification, referral, and intervention and broadly supportive of the following five elements:

1. Have the County partner with AAP and non-profits to promote screening and referrals among pediatricians, child development centers, and parents.
2. Promote a unitary electronic screening and data management tool for use by pediatricians, county clinics, private providers of intervention services and the County's DHHS.
3. Expand MCITP's partnering with local child development centers so that where appropriate, the County can provide comprehensive, inclusive center-based programs and therapies.
4. Aggregate and analyze data collected with the electronic tool to better understand rates and efficacy screenings, referrals, and linkages with evidence-based interventions with the County. Analysis of data will enable the County to obtain a better understanding of the scope and nature of the challenges and whether the initiative is leading to tangible results.
5. Where parental privacy waivers are obtained, individualized data obtained through the electronic tool should be shared among pediatricians, MCITP, Montgomery County Public Schools and intervention service providers.

Based on these elements, MCITP applied for a grant from the Maryland State Department of Education to fund a pilot program to promote the electronic screening and data management tool. The pilot project was funded and has made progress. Between 20% to 30% of pediatricians in the County are now using the electronic system of care which has made a dramatic difference. The County's early intervention program is also engaging with outreach for the first time with pediatric practices on a fairly sustained basis. MCITP is also discussing how to coordinate better to process referrals more rapidly.

Councilmember Gabe Albornoz has been a supporter of the pilot project since the beginning. He thinks Montgomery County should be the first county in the country to have 100% screening for all children. The County Council has discussed funding this initiative with a budget of \$1.1M over the course of four or five years, but due to COVID the initiative has been put on pause. The workgroup intends to ask the County next year to fund the initiative. Avner said more involvement and support from others may help make that happen. Commissioners interested in joining this workgroup can contact Larry at lbram@eseal.org. The workgroup is particularly eager for parent advocates to join this effort.

Larry added that while analyzing the issues it is was discovered there were a number of language, cultural and diversity issues on how disability is viewed. It can also be overwhelming for a family to learn of their child's diagnosis and they may not follow up immediately. With the parent's permission, the doctor can send a referral automatically through the electronic system to MCITP. By law, MCITP must follow up. This is an important step to get the process started.

Larry also noted that diagnosis rates have been lower throughout the pandemic as children have not be in school nor have they been getting screened as doctor visits have been more virtually. Once more children attend in person school and doctors see patients in person, it is predicted that there will be a wave of diagnoses.

Eric Salzano, Commissioner, is the Executive Director of Community Services for Autistic Adults and Children (CSAAC). CSAAC provides early intervention services to children ages one year to five years old. They have expertise in identifying children between 12 and 15 months who are at risk. He has seen children who are mildly Autistic who have received early intervention and were able to be mainstreamed and tracked in regular schools. CSAAC also operates the Community School of Maryland that serves 50 students aged 7 to 21 years old. Eric asked to be included in this workgroup.

Eric said diagnosis age tend to be five, six or seven years old and it should be much earlier. He noted a study that reports that a child who is identified as having Autism at a young age will save between \$1.5 million and \$2 million in services over the course of their lifetime.

Larry said Easterseals has been including children with disabilities, including Autism, in their mainstream classrooms for a number of years now with amazing results. Behavioral therapists are in the classrooms to assist the children.

Marissa said it is important to include persons with disabilities in these discussions and to it is explained that people with developmental disabilities live valuable lives regardless of the screenings.

This technology is part of a suite of an entire system that digitizes and manages various aspects of the pediatrician's practice including the screening aspect. The parent would receive a tablet to fill out a questionnaire, which would be available in their language of choice. The questionnaire is more accurate than a paper version as the questions are modified depending on the answer. Scoring is done automatically which facilitates the reimbursement aspect for the doctor. There is a much higher rate of screening performed by pediatricians who are using this tool. Larry noted the founders of the screening tool are developmental pedeticians from Johns Hopkins.

ADA Updates – Matt Barkley, ADA Compliance Manager, Department of General Services, Montgomery County Government

The County's ADA Compliance Team ensures pedestrian pathways, slopes, signage, tactile warnings, crossings, and bus stops are ADA compliant. Matt stated there is not official guidance on floating bus stops from the Department of Justice or the Access Board.

The ADA Compliance Team is currently working on 20 building projects. They have been working with the Department of Correction and Rehabilitation to ensure the County's detention center and correctional facility are functionally, programmatically, and physically accessible for persons with disabilities. Work has been completed at the Long Branch Community Center and work continues to be done at the Longwood Community Recreation Center. Montgomery County purchased a property on Nebel Street to build a new homeless shelter. The Team will be working to make sure this project is ADA compliant and accessible for persons with disabilities.

The Mid-Atlantic Center has developed an online guide for meeting accessibility and includes new guidance on electronic/virtual meetings: <https://www.adahospitality.org/accessible-meetings-events-conferences-guide>

Questions, concerns or complaints can be made via phone at 240-777-6197 (V) or e-mail at adacompliance@montgomerycountymd.gov. Matt said the majority of calls and email inquiries received over the last month relate to fair housing. There is confusion about how the ADA and the Fair Housing Act protects individuals' civil rights.

Chair and Vice-Chair Report

For those who have registered, the Healthy Montgomery Community Conversations Zoom discussion for persons with disabilities will be held Tuesday, May 18th.

A Steering Committee meeting will be held next Wednesday, May 19th from 5pm to 6pm.

Ex-Officio Member Reports

Tabled due to time.

Announcements

Bong Delrosario, Director of Transportation Policy and Programs, Maryland Department of Disabilities, announced he has been holding group discussions on floating bus stops. He invited Commissioners to attend the next meeting to be held May 24th. Interested Commissioners can contact Bong at Bong.DelRosario@maryland.gov.

Meeting adjourned – 7:35pm

Montgomery County Commission on People with Disabilities June 2021 Meeting and Events Calendar

Developmental Disability Advisory Committee – Monday, June 14th

4pm to 5:30pm to be held via Zoom – link to be announced

Full Commission Meeting – Wednesday, June 9th

6pm to 7:30pm to be held via Zoom – link to be announced

Steering Committee Meeting – Wednesday, June 16th

5pm to 6pm to be held via Zoom – link to be announced

Submitted by: Carly Clem, Administrative Specialist I
Betsy Tolbert Luecking, Community Outreach Manager

