



INTERAGENCY COMMISSION ON HOMELESSNESS

Housing for all = A Stronger Montgomery

www.montgomerycountymd.gov/homelessness

HousingForAll@montgomerycountymd.gov

Virtual Zoom Webinar Meeting Minutes

Wednesday, June 22, 2022, | 3-5p

Present or represented

Bowman, Betsy (representing Karishma Sheth)	Habte, Asmara	Kelly, Kathryn
Chesney, Amanda	Harris, Amanda	Lewis, Robin
Crowel, Raymond	Hegel, Connor	London, Sharan
Dickersin-Prokopp, Christopher	Hidalgo, Manny	Nigam, Aseem
Glass, Evan	Hill, Terence	Sinclair-Smith, Susie
Goldman, Jeff (Chair)	Johnson, Ebony (Vice Chair)	Seidel, Stan

WELCOME | INTRODUCTIONS | REMARKS – Jeff Goldman, Chair

Jeff Goldman convened the meeting with introductions.

REVIEW AND APPROVAL OF THE APRIL 6, 2022, MEETING NOTES – Ebony Johnson, Vice-chair

Stan Seidel motioned to approve the April 6 minutes. *Chris Dickersin-Prokopp* seconded the motion. Minutes were approved as written.

PANEL DISCUSSION ON CHALLENGES ACCESSING AND MAINTAINING HOUSING:

Jeff Goldman shared the purpose of the panel discussion is to have a forward-thinking conversation about the challenges in today’s housing market (i.e., accessing quality housings and maintaining that housing). We want to think about and identify potential areas that we as the ICH can pursue to make housing accessible to homeless residents or those at risk of homelessness going forward.

Evan Glass expressed that he appreciated the opportunity to have this conversation. Evan expressed that there is a need to continue to work to make sure that everyone has a safe place to call their own. There is no way to provide affordable housings without developing housing in Montgomery County as well as in the D.C., Maryland, and Virginia region.

Opening of MoCo Reconnect Center:

Evan shared that earlier in the day that he, Amanda, and others attended the grand opening of the MoCo Reconnect Center (youth walk-in center) in Wheaton. The center is a safe youth space providing youths a place to be themselves no matter their color, gender identity or who they love.

The organizers of the Center are the Collaboration Council and DHHS, specifically Services to End and Prevent Homelessness. This project was delayed because of skepticism from landlords about the use of the space which ties into the conversation of the challenges to accessing and maintaining housing.

Panelists:

Kim Pendley	Rental Assistance Program Supervisor, Dept. of Health and Human Services (DHHS)
Cassandre Bolton	Permanent Supportive Housing Contract Monitor, DHHS
Kim Ball	Homeless Services Administrator, DHHS
Audrey Martin	Homeless Person Representative Program
Dr. James Stowe	Office of Human Rights Director
Rosie McCray-Moody	Office of Landlord Tenant Affairs Manager, Dept. of Housing and Community Affairs

Kim Pendley, Supervisor of the Rental Assistance Program, and currently supporting the County’s first Permanent Supportive Housing Program—Housing Initiative Program (HIP).

- In the last five years, the HIP has housed over 300 homeless clients (living either on the streets or in homeless shelters).
- Currently, HIP has over 400 participants receiving subsidies and supportive services.

Struggles and Challenges:

- Increase in Number of Relocation Requests
 - HIP has seen an increase in relocation requests (40% increase since 2018) due to landlords wanting to sell and other related housing issues.
 - Landlords refuse to renew leases with HIP participants and provide no explanation. This causes barriers to find appropriate rehousing because case managers don’t know whether there was a behavior issue, nonpayment of rent or was refusal to renew discrimination.
- Rising Rents and Stricter Guidelines
 - Private landlords are selling their units. Due to the COVID pandemic, landlords struggle to afford the upkeep of their rental units, faced tenant arrears and were unable to increase rent for two years.
 - Montgomery County’s rental guidelines are being lifted by DHCA. Resulting in the following trends:
 - There are higher rents (increases as high as 30% as landlords are trying to recoup losses).
 - In a typical year, rents increase 5% (today’s trend is 25% more than normal).
 - Increased approval guidelines, including meeting a higher credit score and rental history
 - HIP will not be able to maintain rental amounts which will force our clients to move.

Example of Rent Increase	Rent one-bedroom unit - 2 years ago	\$1,170
	Rent one-bedroom unit - Today	\$1,531
	Rent one-bedroom unit - Projected trend new unit	\$1,800

- Length of time to house
 - In the last year, it has taken housing teams 90 days or more to relocate individuals and families. Our goal is 30 days or least.
 - The delay is resulting in landlords charging holdover fees. This causes HIP participants to go to court which goes on their records and causes more delays.
 - HIP housing team negotiate with the landlords offering double security deposits and service coordinators provide letters of recommendation. Negotiation efforts are not always accepted by the landlord leading to increased relocation requests.
 - This trend results in higher-risk cases having to return to shelter until alternate housing can be found.

Conclusion

If these trends continue to escalate, it is possible that programs like HIP will not be able to maintain our participants or to enroll new participants in permanent supportive housing. This will keep vulnerable clients experiencing homelessness on the streets or in shelters.

Cassandra Bolton is the Permanent Supportive Housing contract monitor and oversees the staff Housing Relocation Team and Landlord Risk Funds Mitigation.

- Housing Relocation Team Services provides:
 - Weekly housing resources to providers connect with program participants
 - Work one-on-one with households
 - Landlord recruitment engagement
 - Education and advocacy on fair housing laws and practices
 - Offer participation in the landlord risk mitigation fun program providing assurances to landlords
- Barriers and Challenges
 - Rising rent costs; Renters.com reports average monthly rent across the U.S. \$1,827 a 21% increase
 - Fragmented landlord relationships
 - Property management pushback and turnover

- Delayed process of housing people through some of our community partnerships
- Stringent Criteria requiring
 - Gross income 3-4 times the rent and credit scores of 650 or more
 - Credit and criminal background checks by third-party agencies.
 - Program attempts to get information and documentation from a third-party agency is difficult.
 - Birth certificates and Social Security Cards for each member of the household.
 - Individuals and families experiencing homelessness and living in shelter most times do not have access to these documents.
- Private Landlords
 - Private landlords are unwilling to renew leases
 - Housing Location Team has utilized the Landlord Risk Mitigation Fund to offer incentives such as:
 - Attempting to provide more security to landlords regarding damaged units, etc.
 - Review claims case by case to enroll new landlords and/or extend coverage

Conclusion

Many landlords are unwilling to participate in the Landlord Risk Mitigation Fund Program. These barriers continue to reduce opportunities for the most vulnerable among us to quickly exit homelessness and find safe housing without first encountering discrimination.

Kim Ball, Homeless Services Administrator, works with the Council of Governments (COG) and the County's Racial Disparity Group. Both groups are examining racial inequity that results in challenges and barriers for persons of color who are experiencing homelessness in our CoC and in other neighboring jurisdictions.

- Barriers of Racial Inequity
 - 60% of people experiencing homelessness in Montgomery County are persons of color
 - Racial inequity is a challenge to obtaining housing.
 - Individuals and families not able to afford rent because of low or no income
 - Inability to meet the criteria of proving an income 3 times the rent
 - High rate of unemployment; inability to maintain employment due to education
- What is being done to address the Barriers of Racial Inequity
 - Working with Careers Catchers, Workforce Montgomery, and other vocational programs
 - Referring youths to the MoCo Reconnect Center
 - Created the Racial Equity Committee which is chaired by the National Center for Children and Families
 - Working with consultant groups and holding focus groups to study and address the issue of racial inequity
 - Examining County policies to ensure that we are not creating additional challenges—How do we access clients? How do we prioritize? Are the evaluation tools effective?
 - Reevaluating the VI-SPDAT assessment tool and developing an acuity tool.
 - Provide more supportive guidance and peer support groups by:
 - Developing advocacy or leadership groups within the shelters; ensuring that clients have a voice.
 - Opening opportunities for graduate/peer support and counseling.

Audrey Martin staff attorney with the Homeless Person Representation Project (HPRP). The HPRP is an organization of attorneys and legal service providers dedicated to ending homelessness in Maryland through direct services and policy work.

Homeless Person Representation Project (HPRP)

Website: hprplaw.org | Email: amartin@hprplaw.org

- How HPRP assists tenants:
 - Attorneys from HPRP provide legal services for people at risk or experiencing homelessness in the shelters and in the courts.

- HPRP rotates with legal aid every week to cover the docket, meet people in the court hallways to assist people with the evictions' hearings that day.
- Audrey and HPRP works from an American Bar Association set of recommendations specifically about eviction.
- Barriers, Challenges and Trends that HPRP is seeing:
 - An increase in lease non-renewals leaving people with no place to go due to:
 - Tenant holding over action;
 - Breach of lease;
 - Failure to pay rent action
 - Lack of money and resources
 - Pending RAP, ERAP, CRRP application-leaving people unsure if the funds will come before eviction
 - Lack of legal defenses
 - Bad rental and credit history;
 - Judgement for eviction or possession
 - Explicit and implicit income discrimination
 - Continues despite MC passing of the Source of Income Protections legislation
 - "Back door" discrimination by asking for income four times monthly rent
 - Race equity and housing justice issues

Conclusion

The work that HPRP does at the courts is helping one person at a time. Policy work and policy changes (i.e., eviction prevention, tenant protections, acquiring and maintaining housing) will help more people for a longer period.

James Stowe, Director, Office of Human Rights which has the responsibility of enforcing the fair housing laws.

Office of Human Rights: Telephone 240-777-8450

Website: <https://www.montgomerycountymd.gov/humanrights>

Email: Human-Rights.Administration@montgomerycountymd.gov

- Barriers, Challenges and Complaints that OHR is seeing:
 - Vouchers: Landlords refusing to accept certain vouchers (source of income). All vouchers are acceptable if they meet the requirements of the rental payment.
 - Structural Modifications: Landlords refusing tenants requests for structural modification. The law stipulates that the tenant is responsible to make the modification and to upon leaving the residence to restore to the original structure.
 - Identifying Accessible Units: The OHR is attempting to gather information from landlords on accessibility. This will help housing seekers with disabilities to locate suitable housing without needing modifications.
 - Service Animals: When a renter requests and/or have the documentation that they need the use of a service animal, landlords need to make the accommodations. This has been challenging for many renters. At times, the need is for emotional support and landlords are not willing to comply.
 - Families doubling up: Landlords are complaining when families are doubling and at times tripling up in the units cause wear and tear on their properties.
 - Criminal Background Checks:
 - The "Ban the Box" law legislates housing providers to remove all questions relative to a persons' criminal records from the application or interview process until a conditional offer is on the table. To ask for a criminal background check prior to an offer of housing could be a violation of the "Ban the Box" law.
 - The objective of the law is to ensure that every applicante get assessed in a fair and impartial manner.

- This is particularly important for those experiencing homelessness because many have had run ins with the law (i.e., trespassing, indecent exposure). The question, “do you have a criminal record?” would disqualify them before all other factors are considered.

Conclusion

James Stowe encouraged all to familiarize themselves with the services of the OHR. When housing seekers that you are assisting meet barriers, call the OHR for support. All were also directed to read the “Ban the Box” law and other human rights laws within chapter 27 that pertain to housing and issues specific to people experiencing homelessness getting a second chance.

Housing Justice Act: <https://www.npr.org/local/305/2021/04/21/989466043/law-bans-montgomery-county-landlords-from-rejecting-people-convicted-of-minor-crimes>

Rosie McCray-Moody—The Office of Landlord Tenant Affairs’ (OLTA) mission is to promote information between landlords and tenants, investigate and mediate complaints and disputes to keep people out of court. OLTA informs landlords and tenants of their rights under the law and serves as a neutral body available to help both landlords and tenants.

Department of Housing and Community Affairs | Office of Landlord and Tenant Affairs

Website: www.montgomerycountymd.gov/dhca

- Current Trends that OLTA is seeing:
 - Rent Increases:
 - The rents caps have been discontinued and rents are increasing
 - MC does not have rent control and tenants are reporting that they are receiving 16% or 20% rent increase
 - OLTA attempts to negotiate with the landlords to consider splitting the increase over several years to help renter
 - OLTA cannot compel landlords to lower rents
 - OLTA helps renters who become homeless because Code Enforcement condemns the unit by:
 - Working with Emergency Services to shelter families and individuals
 - Working with DHHS to help with first-month rent, security deposits or storage
 - Serving as a community partner helping lead organizations such as DHHS to help families and people at risk or are experiencing homelessness.
 - OLTA also informs landlords of the “Ban the Box” legislation to help give renters a fair chance to obtain housing

Questions and Answers:

Jeff Goldman asked are there additional legislative or policy fixes that would address the challenges that many renters face?

- Audrey commented that Montgomery County and Maryland in general has many laws in place to protect renters one being that there are laws that ensure that everyone who wants an attorney has access to one in eviction court
- One additional law would be legislation around Just Cause Evictions which would require landlords to state a justifiable reason for not renewing a lease.
- Kim Pendley shared that a Just Cause Eviction legislation would help housing teams to know the barriers of the client. The cause for non-renewal would help the team get ahead of the barrier and assist in housing folks faster.
- Rose McCray Moody suggested legislation that would cap how much landlords can raise rents would also go a long way to help renters.

- James Stowe suggested providing incentives (i.e., tax incentive) to landlords to help them recoup funds that they lost due to the pandemic.

Susie Sinclair-Smith asked what can be done to inform landlords that of the seriousness and of skirting the edges of the fair housings or discriminations laws? In addition, Susie reported that she has become aware of housing providers having a list of offenses that make people ineligible for housing for a period. Landlords don't ask but they find out and deny housing. Is this acceptable?

- James Stowe commented that charges of sexual misconduct pose challenges when it comes to denying housing. Sexual crimes are almost non-starters to defend. However, when there are misdemeanor charges or alleged criminal activity, forward the complaint to the Office of Human Rights who will investigate and get a specific legal opinion for you.
- Evan Glass added that the new law protects those experiencing homelessness from being denied access to housing for minor offenses or "victimless crimes." These are minor offenses that people commit to sustain themselves.
- Audrey Martin shared that it is important to create laws that have enforcement. Discrimination cases are avoided by lawyers because they do not pay well, are difficult to prove and the laws does not have clear enforcements.

Betsy Bowman shared that landlords and management offices are requiring proof of income three to four times the rent. The loophole is being used that this is not discrimination not to house but a requirement to have the opportunity to apply. Can there be legislation to prevent this practice and mandate that landlords accept the vouchers?

- Rosie McCray stated that if the renter has a voucher, the proof of income requirement should not be a factor for the rent or portion of the rent covered by the voucher. To demand proof of income for a voucher holder is discrimination unless the proof of income covers the renter's contribution only.
- James Stowe stated that any demand for proof of income when there is a voucher, should be forwarded to the Office of Human Rights who will investigate. Demanding proof of income for rent covered by a voucher could be discrimination and violate the fair housing law. This would include any voucher (housing or PSH).

Connor Hegel asked the question about occupancy requirements. At times, residents are evicted for having too many people in a unit. Is it possible for the County to help prevent these evictions by providing furniture, extra subsidized security deposits for possible wear and tear on the unit while ensuring that people are living safety by working with landlords and code enforcement?

- Rosie McCray responded that the way the law is written the landlord is authorized to determine the number of occupants to a unit. If the landlord and lease states a specific number of occupants and the renter has more living there, the tenant is in breach of lease. Code enforcement may determine that there may be available space for additional occupants, but it would be a difficult argument.

Amanda Harris asked for clarity as to which complaints go to the OHR and which complaints should be forwarded to OLTA? In addition, most people don't have the time or energy to file a complaint/claim and follow up and just want to move on and find another place. Is there a different way that we could do testing, and could we explore having someone else file on the resident's behalf?

- James Stowe commented that the OHR offers **mediation** for both parties because the landlords have rights also. Once the parties come together, there may be avenues and options that both parties agree.
- Also, the OHR can put a **restraining order** to stay the action until a later date which will allow time for testing and information gathering.

- **Private housing agencies, attorneys, advertising agencies**, can come forward and bring discrimination complaints to the OHR on behalf of residents.

Clarification on where to forward complaints:

- **OHR Complaints**: Suspected discrimination **before** the person moves into the property, or a **discriminatory eviction** should be forwarded to the Office of Human Rights (OHR) for investigation. Anyone who feels they have been a victim of housing discrimination can file a complaint.
- **OLTA Complaints**: Complaints **after** tenants moves into property should be forwarded to the Office Landlord and Tenant Affairs (OLTA). A tenant, tenant organization, or landlord who believes there has been a violation of Landlord-Tenant law, is free to file a formal complaint with this Office.

Amanda Harris followed up commenting on the issue of the lack of supply. People are sharing housing because of a lack of supply. Even if we had all the access in the world, if there are not places to rent it doesn't matter. This is an issue that the Commission must explore to keep people safe maintaining the housing quality standards to have a roof over the heads of individuals and families

Amanda Chesney suggested trainings for providers and their staff. Amanda added that for tenants who face barriers to housing to lodge complaints it is not only time consuming it is intimidating. It is important to have this information available to help providers assist clients. Also, the preparation of a warning letter from a lawyer putting violators on notice that their actions may be housing discrimination, may open the barrier and prevent further legal action.

Audrey Martin volunteered to work on any training, a manual or to provide any resources to help with eviction defense. In addition, the Homeless Persons Criminal Diversion Program is available to help.

Mary Philips also volunteered that HOC is available to provide training on the voucher process.

Possible Next Steps by the ICH:

- Creating a workgroup to focus on the process of addressing housing discrimination and violators.
- Explore how to increase housing supply.
- Consider subsidized security deposits and other assistance from individuals and families who share housing.
- Develop training opportunities for providers and their staff (following up on complaints and the HOC voucher process).
- Consolidate information on where to lodge complaints of discrimination and what is the process
- Draft a warning letter to send to violators to put them on notice

PUBLIC COMMENTS:

Amanda Chesney commented on the need to mandate mediation to slow the eviction process and give landlords and tenants an opportunity to address the eviction issues with their advocates.

Asmara Habte asked about are voucher holders being educated on the need to pay their portion.

- Rosie McCray-Moody responded yes. HOC educates voucher holders to pay their rent and that lack of repairs in the unit is not an excuse for non-payment.
- Amanda Harris also responded that people who receive vouchers through the Permanent Housing Programs (PHS) are educated on the need to pay their rent. They receive regular visits and follow up by case managers. Amanda emphasized that the people we serve are poor and have to make impossible decisions regarding the use of their limited funds. The PSH Program does engage people and encourage them to prioritize their rent and attempt to connect them with food banks, childcare subsidy, or working parent assistance, etc.

COMMITTEE UPDATES

Systems Coordination Committee (SCC)

- The Committee is very close to standing up the Coordinated Entry Subcommittee that will report to the SCC. The subcommittee will help us to continue to evaluate and improve how we prioritize housing resources and how we make referrals to potential housing placements.
- Partnering with the Employment Workforce Development workgroup has connected with Workforce Montgomery. The Workforce will talk with the Systems Coordination Committee to figure out how we can best partner.

Strategic Planning Committee (SPC)

Jeff reported that the SPC is preparing to review the current strategic plan to determine what needs to be updated to meet current needs.

Adjournment and Next meeting: ICH Full Commission meeting Wednesday, September 14, at 3-5p on Zoom Webinar platform.