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January 28, 2021

TO: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: The Office of the Attorney General

RE: SB 154 – Landlord and Tenant - Eviction Action - Right to Counsel – **Letter of Support**

The Office of Attorney General supports the goal of SB 154 to ensure fair opportunities for tenants so they may be treated with respect and dignity. Senate Bill 154 is a response to the rising rate of eviction cases and findings that many Marylanders relinquish their defenses because they are not represented. In Baltimore, for example, landlords were represented in 96% of cases, while tenants were represented in 1% of cases.¹ Senate Bill 154 creates a right to counsel for tenants to level the field and allow tenants to successfully raise any defenses they have.

For tenants, emotional and physical effects from eviction are exceedingly detrimental. In a recent study, eviction or a mere threat of eviction, is “associated with numerous mental health conditions including anxiety, depression, exposure to violence, mental health hospitalization, and suicide.”² Eviction is particularly “traumatizing to children and affects emotional and physical well-being and development for years, if not for lifetimes.”³ Also, the post-eviction effects are

¹ Matt Hill et al., *Reports show the effectiveness of providing a right to counsel to challenge Baltimore’s high rate of evictions and its disparate racial and gender impact*, PUBLIC JUSTICE CENTER (May 18, 2020) <https://www.publicjustice.org/en/news/dual-reports-show-the-effectiveness-of-providing-a-right-to-counsel-to-challenge-baltimores-high-rate-of-evictions-and-its-disparate-racial-and-gender-impact/>.

² Emily A. Benefer et al., *Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy*, J. URB. HEALTH 1, 4 (last revised Dec. 7, 2020).

³ *See id.*

as detrimental as effects from eviction itself.⁴ These detrimental health conditions lead to high health care costs, which ultimately “make[s] future evictions more likely.”⁵ Thus, to tenants, eviction is not a simple legal process but a life-changing event that creates an inescapable cycle into poverty.

Contrarily, many “landlords, particularly large corporate property owners, increasingly use eviction filings not to displace tenants, but rather to collect rent.”⁶ In Baltimore city, for example, “[e]ighty-four percent of [] eviction actions are filed with only one month rent due.”⁷ Even worse, these actions are filed when tenants are only a few days late.⁸ Many tenants are unable to raise their defense against these unfair actions, not because tenants do not have a case, but because they did not get an opportunity to be fairly represented.⁹ This imbalance in the landlord’s unfair usage of the eviction process and what tenants may experience supports the need for a right to counsel for disadvantaged and abused tenants.

The detrimental effect of the pandemic further supports the need to provide a right to counsel. It is critical to contain the COVID-19 pandemic and protect Marylanders. However, evictions “force families into transiency, homelessness, and crowded resident[s] . . . that increase new contact with others and make compliance with pandemic health guidelines difficult or impossible.”¹⁰ And avoiding eviction can be “lifesaving.”¹¹ Thus, to help our State contain the pandemic and to protect the lives of Marylanders, a right to counsel in eviction cases is absolutely necessary.

For the foregoing reasons, the Office of the Attorney General urges a favorable report of Senate Bill 154.

cc: Senator Hettleman & Members of the Judicial Proceedings Committee

⁴ See *id.* (“[I]ncreased incidence of high blood pressure, higher mortality[,] . . . increased risk of coronary heart disease[,] . . . sexually transmitted infections, . . . and drug use[.]”).

⁵ See *id.*

⁶ Brian Frosh, *Attorney General: Maryland Eviction Process ‘Unfair to Tenants’ | Commentary*, BALTIMORE SUN (Dec. 11, 2020), <https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-1213-frosh-serial-evictions-20201211-nlu6zmiqjgc7dyohvqx5k3cu-story.html>.

⁷ *Id.*

⁸ See *id.*

⁹ In one 2016 survey of Baltimore renters, 80% of respondents had a defense to their eviction case, but only 8% of renters without counsel successfully raised a defense.

¹⁰ See Benefer et al., *supra* note 2, at 2.

¹¹ See *id.* at 5.