



January 28, 2021

Senate Bill 154

Landlord-Tenant — Eviction Action — Right to Counsel

Judicial Proceedings

Position: Favorable

Thank you for the opportunity to provide testimony in support of Senate Bill 154, legislation that would provide a right to counsel for low income renters in Maryland who are facing eviction actions in court. Arundel Community Development Services, Inc., (ACDS) serves as Anne Arundel County's nonprofit housing and community development agency, helping Anne Arundel County residents and communities thrive through the provision of safe and affordable housing opportunities, programs to prevent and end homelessness, and community development initiatives. In fulfilling this role, ACDS administers grants to nonprofit partners, directly develops and implements programming, and advises the County on housing and community development policy initiatives.

As the program administrator for Anne Arundel County's emergency rental assistance funds, **ACDS knows from experience that legal representation matters in eviction cases. It makes a difference in outcomes, and it results in fewer evictions.** In April, 2020, ACDS quickly stood up the State's first Eviction Prevention Program (EPP) to provide emergency rental assistance for low-income Anne Arundel County residents facing eviction due to the COVID-19 crisis. When the courts began reopening to hear Failure to Pay Rent cases in late-summer, 2020, Anne Arundel County took action to add a legal component to the assistance provided to EPP applicants. **ACDS partnered with non-profit legal services provider Community Legal Services to ensure EPP applicants have quick, reliable access to legal representation in the event they are sued for eviction during the EPP application process. The legal assistance partnership has been incredibly successful.**

Making direct referrals to legal counsel and having legal counsel ready and available to provide representation for EPP applicants - much like this bill would ensure for all low-income tenants facing eviction - has made a huge difference in outcomes for tenants in the ACDS Eviction Prevention Program. **Virtually every EPP applicant ACDS has referred for legal representation has had their case dismissed, postponed, or settled, giving the tenant/EPP applicant and ACDS time to complete the application process and get the landlord paid.** The attorneys have the legal knowledge necessary to implement available protections on behalf of the tenants, and the gravitas and credibility necessary to ensure that both the court and the

attorneys representing the landlords (or the landlords themselves) take the tenants' positions seriously.

Ours is not a perfect world, and the reality remains that tenants represented by attorneys get a much fairer shake in the legal system than do tenants without attorneys. **When there is a rental assistance program involved, legal representation for a tenant not only means the tenant is likely to avoid eviction, it also means the landlord is likely to get paid.** Our only concern with this bill is the use of *statewide* AMI for determining eligibility. The statewide AMI is lower than the AMI in some jurisdictions, and that could result in individuals and families in those jurisdictions from eligibility despite a financial need. **We would suggest that financial eligibility for the appointment of counsel be based on the AMI of the jurisdiction where the eviction case is being heard in order to ensure access to counsel for all those most in need in each County.** This will be all the more important as we proceed through the upcoming months and likely years in the aftermath of the pandemic.

For the reasons noted above, we urge a FAVORABLE report on SB 154.

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General Counsel