
SB 154/HB 018: Landlord and Tenant - Eviction Action - Right to Counsel
HEARING BEFORE THE JUDICIAL PROCEEDINGS COMMITTEE, JANUARY 28, 2021
POSITION: SUPPORT

The Pro Bono Resource Center of Maryland (“PBRC”), an independent 501(c)(3) non-profit organization, is the statewide clearinghouse for volunteer civil legal services in Maryland. As the designated pro bono arm of the Maryland State Bar Association, PBRC provides training, mentorship, and pro bono service opportunities to members of the private bar. We respond to acute legal needs identified in areas across the state by piloting innovative pro bono service projects targeting specific legal problems or populations.

In May 2017, with a grant from the Maryland Judiciary’s Access to Justice Department, PBRC launched the **Tenant Volunteer Lawyer of the Day Program (TVLD Program)** in Baltimore City Rent Court to provide day-of-court legal representation to tenants who appear unrepresented for their proceedings. Typically among the poorest residents of Baltimore, tenants appearing in Rent Court often contend with difficult and unsafe living conditions, are nearly always unrepresented, and are often unaware of the judicial process, their rights as renters, or valid defenses they could raise in the face of eviction proceedings. Indeed, a recent report by Stout Risius Ross, LLC found that only 1% of Baltimore City tenants were represented by an attorney, whereas 96% of landlords – who, unlike tenants, can be represented by either attorneys or agents – were represented.

This representation disparity has a devastating impact on options and outcomes for tenants. For example, one 2016 survey of Baltimore City renters found that although 80% of tenants had a defense to their eviction case, only 8% of those without legal representation successfully raised a defense based on the conditions of disrepair present in their unit. And, as shown in the Stout report, while unrepresented tenants were likely to experience disruptive displacement in about 93% of eviction proceedings, that likelihood dropped to just 8% when a tenant had representation. In our own TVLD Program, 76% of clients represented in FY20 avoided eviction entirely or were granted a postponement based on a defense or issue raised by a staff or volunteer attorney.

SB 154 will ensure that tenants across the state have access to counsel during eviction proceedings. PBRC’s TVLD Program was the first in the state to utilize volunteer attorneys along-side staff attorneys for day-of-court representation in Rent Court. We have seen firsthand the dramatic effect of providing free counsel in eviction proceedings, and our TVLD Program shows that with appropriate organization and funding, it is possible for staff and volunteer attorneys to provide tenants with this critical legal help. Since the program’s inception, PBRC staff and volunteer attorneys have represented over 1,500 Baltimore City tenants in eviction proceedings. But the need spreads far beyond Baltimore City, and this landmark legislation would enable PBRC and other organizations to provide representation to tenants across the state using staff and volunteer attorneys.

Eviction laws and protections are only as good as the resulting enforcement of them, and establishing a right to counsel in eviction proceedings is the right step to take to help protect Maryland tenants. **PBRC supports SB 154/HB 018 because it will ensure that Maryland tenants have access to free representation in eviction proceedings and allow organizations like PBRC to expand upon their proven success in helping to level the playing field and prevent tenants from being improperly removed from their homes.** Thank you for the opportunity to testify.

For the above reasons,
PBRC urges a FAVORABLE report on SB 154/HB 018.
Please contact Katie Davis, Director of PBRC’s Courtroom Advocacy Project, with any questions.
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