



COMMISSION ON AGING

January 28, 2021

The Honorable William C. Smith, Chair
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

Re: SB0154, *Landlord and Tenant – Eviction Action – Right to Counsel*

Dear Chair Smith:

On behalf of the Montgomery County Commission on Aging, I am writing in support of SB0154, *Landlord and Tenant – Eviction Action – Right to Counsel*.

Our Commission was established in 1974 to advise County government on the needs, interests, and issues of older adult residents, and to advocate on their behalf. Over the years we have made the need for more affordable housing options for older adults, more protections for older renters, and more programs and services to address senior homelessness one of our main priorities.

Eviction destabilizes families, impacts health, and increases homelessness. Low-income families, immigrants, Black, and Latinx households often are rent-burdened. At this difficult time, working members of these households are more likely to fall ill and lose their jobs, increasing their risk of eviction. At-risk households frequently include older adults: 13.3 percent of Black, 17.3 percent of Asian, and 20.4 percent of Latinx older adults in Montgomery County live in multigenerational households (2018 Study on the Housing Needs of Older Adults).

Many older adults in Montgomery County are rent-burdened: 61 percent of renters age 65 and older pay more than 30 percent of their income on rent. Many also face job losses that can lead to eviction. To date, 9 percent of households approved for COVID Rent Relief, which requires loss of income due to the pandemic, had a head of household aged 60 or older. Older adults also face other precipitating events. A person on a fixed income may need to buy medicine rather than pay rent. Someone with declining cognitive skills may forget to pay rent or fail to pay on time. When a frail older adult requires personal or housekeeping assistance, a housing provider may seek to evict the individual.

For an older person, lack of legal representation in these instances can be disastrous. They may move out of their residence, or fail to appear in court, or agree to a judgment for possession. They may not know that they have legal rights, such as the right to request accommodations under the *Fair Housing Act* or other laws.

Evictions can result in homelessness. Of 369 people in shelters or on the street in Montgomery County in October 2020, 32 percent were age 55 or older; 13.3 percent were 62 or older. While less frequent, evictions of frail older adults may also result in avoidable nursing home placement. Current State and Federal moratoria are only postponing what could be a tidal wave of evictions. Moreover, not all households are protected by the moratoria, and the moratoria do not prevent property owners from threatening eviction, or from filing eviction actions in court.

As many national and local studies establish, counsel in eviction cases often means the difference between families staying in their homes or losing their homes. Yet most landlords, but very few tenants, are represented by a lawyer in eviction proceedings. Legal representation can ensure that a tenant is not evicted unlawfully. However, even in situations where there are lawful reasons for the eviction and procedures are followed, tenants with lawyers have a better chance of reaching agreements with landlords. For example, a lawyer can obtain extra time for a tenant to move (reducing the risk of homelessness) or prevent an eviction from being formally entered in the court record (which increases the housing options available to the tenant).

SB154 and its companion bill, HB018, would go far toward remedying current inequities in eviction proceedings. With all of this in mind, we urge your support for this bill.

Sincerely,

Barbara Selter
Chair
Montgomery County Commission on Aging

cc. Montgomery County Delegation
Marc Elrich, County Executive