

January 26, 2021

Committee Chair Senator William C. Smith, Jr.
Committee Vice-Chair Senator Jeff Waldstreicher
Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, Maryland 21401

RE: Support for Senate Bill 154, Landlord and Tenant – Eviction Action – Right to Counsel

Dear Committee Members,

The Baltimore Regional Housing Partnership is dedicated to providing housing assistance and counseling to some of Baltimore's most low-income families. Our counselors and rental assistance associates work tirelessly to keep families in stable, quality housing. We know that housing instability and frequent moves can have a serious negative impact on long-term outcomes for children, and the threat of eviction is a grave detriment to their success. Most families facing eviction could mount a successful legal defense, but only those with legal counsel are likely to do so. In order to level the playing field in rent court and promote positive outcomes for Maryland families, BRHP strongly supports Senate Bill 154 to establish Right to Counsel in Eviction Cases.

The scales of justice in rent court are remarkably imbalanced. Most landlords have representation while most tenants do not. Many landlords are represented by agents when they file for failure to pay rent (FTPR), and therefore do not have to appear in person. The ability for a non-attorney to represent a plaintiff is a legal anomaly, and it makes FTPR filings astoundingly cheap and easy. Services such as MarylandRentCourt.com help landlords take full advantage of this anomaly. Their agents often bring hundreds of filings for many landlords to court on a single day. Although these agents are not legal professionals, they have specialized experience in getting people evicted. Tenants contesting an FTPR case without counsel are at an extreme disadvantage because of their comparative inexperience, and because they must appear in person.

Most renters facing eviction could mount a successful defense, but often are unaware or do not know how to do so. Having representation increases the likelihood of mounting a defense dramatically. Tenants often fail to appear in court

because of difficulties with transportation, childcare, or work schedules. When this happens, the judge automatically decides in the landlord's favor. Even when a tenant does show up, their hearing is likely to be over in minutes or even seconds¹. If the judge asks whether they agree that they owe the amount claimed by the landlord, and they answer "Yes" or "Yes, but...", the judge will usually decide in the landlord's favor. Tenants lawyers know how to slow down the eviction process and raise a defense. Tenants without representation do not.

Disparate impacts in rent court reflect the social inequalities among renter households. In Milwaukee, for example, 30 percent of evicted tenants are Black women, although they comprise only 9.6 percent of the city population². Legal non-profits have been researching a class action on behalf of single Black mothers in the Baltimore region. The main obstacle to understanding the social inequality of eviction in Maryland is the unavailability of demographic data, but that does not erase the vulnerability of city, county, and state agencies to a disparate impacts suit. A civil Gideon would effectively mitigate this issue.

Opposition to Tenant Right to Counsel (RTC) usually stems from the associated public costs. However, a recent analysis¹ prepared for the Baltimore City RTC bill shows that RTC would generate \$35.6 million in benefits for the city alone. In addition to these direct benefits, there are desirable positive externalities of a civil Gideon in rent court. Many landlords habitually evict people despite maintaining units that would not meet health and quality standards. Eviction is part of a profitable business model for certain property owners, but this model is seriously detrimental to the value of homes throughout the state. Tenant Right to Counsel, by dramatically increasing the number of successful defensive escrow cases, would effectively strengthen compliance with these recent measures. A civil Gideon for tenants would encourage landlords to adopt a business model centered on long-term improvements rather than maintenance of substandard conditions. An investment in public defense against evictions is an investment in community development for the state.

Maryland should join New York City, San Francisco, Newark, and Philadelphia in the 21st century. A civil Gideon will be an important step in stabilizing and developing

¹ https://law.stanford.edu/wp-content/uploads/2020/02/Petersen_Final.pdf

² https://www.macfound.org/media/files/HHM_Research_Brief_-_Poor_Black_Women_Are_Evicted_at_Alarming_Rates.pdf

¹ <http://bmorerentersunited.org/rtc/stoutreport/>



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Baltimore neighborhoods and balancing the scales of justice. The Baltimore Regional Housing Partnership encourages all senators and delegates to spend a few hours observing rent court proceedings if they have not already done so before voting on this bill, and we urge the Committee to recommend Senate Bill 154 without amendment.

Sincerely,

A handwritten signature in black ink that reads "Adria Crutchfield".

Adria Crutchfield
Executive Director

