

**To:** Members of the Senate Judicial Proceedings Committee

**From:** Hon. Mark F. Scurti  
President, Maryland State Bar Association

**Date:** January 28, 2021

**Subject:** **Senate Bill 154 – Landlord and Tenant - Eviction Action - Right to Counsel**

**Position:** **SUPPORT**

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**The Maryland State Bar Association (MSBA) SUPPORTS Senate Bill 154 - Landlord and Tenant - Eviction Action - Right to Counsel.** Senate Bill 154 would establish that individuals below a certain income level have a right to legal representation in eviction proceedings, and would create the Right to Counsel in Evictions Coordinator position in the Office of the Attorney General. Under the bill, the Coordinator would organize and direct services and resources to provide covered individuals with legal representation for a judicial or administrative proceeding. Further, the bill provides for the legal representation of qualified individuals in certain organizations, as well as providing for outreach and education regarding tenants' rights by qualified community groups.

Providing low-income Marylanders facing eviction with quality legal representation will help keep at-risk individuals, families with children, and seniors in their homes. Recent studies (most notably ***The Economic Impact of an Eviction Right to Counsel in Baltimore City, prepared for the Public Justice Center, with the assistance of the Abell Foundation, prepared by Stout Risius Ross, LLC (“Stout”)***) found that barely 1% of renters facing eviction in court have legal representation. By contrast, generally over 90% of landlords are represented in court. This disparity has shown a longstanding history of leading to often unnecessary homelessness, and the attendant disintegration of familial units. It is proven that an attorney can assist a tenant in many ways, from realistic payment agreements with the landlord to assisting with the transition if ultimately the tenant needs to relocate. The MSBA strongly believes that a basic right to legal representation in eviction proceedings would improve the chances that low income renters would clearly understand their obligations and options going into court. Undeniably, renters assisted by counsel in eviction proceedings stand a far better chance at avoiding homelessness. Further, as noted in the Preamble to SB 154, *“Evictions exacerbate the public health crisis posed by COVID–19.”*

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Invariably, the MSBA finds, the reflexive objection to enactment of a right to counsel in eviction proceedings centers on the up-front costs of establishing the infrastructure associated of providing mechanisms to administer and provide the right to legal representation. Yet the Stout study concluded in analyzing the Baltimore City ordinance providing a right to counsel that an investment of \$5.7 million a year to provide legal representation for Baltimore renters would result in \$35.6 million in savings to the city and state on homeless shelters, Medicaid spending, school funding and foster care costs.

The MSBA believes the right to legal representation in eviction proceedings, as provided under SB 154, is long overdue. Several nationwide municipalities, including Baltimore City, have enacted measures similar to SB 154, and multiple state legislatures are presently evaluating substantially similar legislation. Moreover, we believe that Maryland should remain at the forefront, nationally, in caring for its most vulnerable populations. Having the right to a lawyer while facing potential homelessness represents a small overall net cost to our State. We strongly believe that those individuals and families are worth that investment.

For all of the reasons stated above, **the Maryland State Bar Association supports SB 154, and urges a Favorable Committee Report.** Should you have any questions, please contact Richard Montgomery, MSBA Legislative Director, at [richard@msba.org](mailto:richard@msba.org) or (410) 997-3475.