



Judicial Proceedings Committee

**Bill #: SB 154, Landlord and Tenant, Right to Counsel
Hearing Date January 28, 2020**

Position: SUPPORT

Members of the Judicial Proceedings Committee:

Thank you for the opportunity to submit testimony in support of Senate Bill 154, which would establish a right to counsel for tenants facing eviction in Maryland. I am the Coordinator of the National Coalition for a Civil Right to Counsel (NCCRC). Our coalition has over 500 participants and partners across 41 states, and we have supported the successful campaigns in seven cities – New York City, San Francisco, Newark, Cleveland, Philadelphia, Boulder, and most recently, Baltimore – to enact a right to counsel. We urge the passage of this bill, which will significantly advance housing stability and racial justice in Maryland.

The destructive force of evictions, which has only worsened and broadened with COVID-19, cannot be stemmed without the right to counsel for tenants. The power imbalance inherent to the landlord-tenant relationship is on stark display in the courts. For example, in Baltimore City prior to passage of the right to counsel, landlords were represented in 96% of cases, and tenants in only 1%. Without representation, studies have shown tenants are unable to assert – and may not even be aware of – their legal rights or potential defenses, leading to increased eviction rates. The lasting impact of such disruptive displacement on tenants' education, employment, housing eligibility, mental and physical health is well-documented in studies done across the country. And this impact is felt most heavily by Black and Latinx women and mothers due to years of deliberately racist housing laws, policies, and practices. While this bill cannot begin to right all of those wrongs, it is a step toward justice.

The movement advocating for tenants' right to counsel has grown strong in the last five years. Seven cities have answered the call, and dozens are racing to be the next. While we applaud this progress at the city level, it inadvertently creates a system of justice by geography, with those within city limits enjoying rights their neighbors are denied. Senate Bill 154 resolves that dilemma by guaranteeing all eligible tenants statewide the right to counsel in eviction proceedings.

By enacting this bill, Maryland would lead the country by becoming the first state to provide equal access for all of its indigent tenants. But it would not stand alone for long: similar bills are pending in South Carolina, Nebraska, Indiana, and Washington State, and momentum is gathering at the state level in Delaware, Massachusetts, Minnesota, Pennsylvania, California, and Virginia.

The cities that have already enacted a right to counsel have reaped the benefits. New York City enacted the right to counsel for tenants in 2017. Since then, 86% of represented tenants facing eviction have remain in their homes, and eviction filings have declined by 30%. And in San Francisco, which enacted the right to counsel in 2018, eviction filings declined 10% in just one year, and two-thirds of fully-represented tenants have been able to remain in their homes. Moreover, prior studies have shown that represented tenants avoid disruptive displacement over 90% of the time, and that tenant representation reduces shelter use and leads to longer-lasting outcome. Additionally, the right to counsel not only improves outcomes for tenants, but also deters landlords from clogging the courts and reduces strain on homeless services providers. At a time when the pandemic has ravaged government budgets, the right to counsel saves money by reducing spending on emergency services, prisons, foster care, and other negative consequences of evictions. Studies have repeatedly found that every dollar spent on eviction representation returns many dollars in savings.

A right to counsel also makes federal aid impactful. President Biden has directed the CDC to extend its eviction moratorium until the end of March, and Congress recently appropriated \$25 billion for rental assistance, in an effort to lend aid to the millions of Americans whose employment and housing were been disrupted by the pandemic. Yet without representation to enforce federal law and assist with rental assistance delivery, tenants will not fully benefit from these forms of relief. We know this because despite prior emergency federal and state protections such as moratoria and rent relief, there were 2,500 evictions in Maryland between July and November 2020. Attorneys assist with completing complicated rental assistance applications, decelerate the eviction timeline to allow such applications to be processed, interpret and explain the ever-changing emergency protections, and help tenants complete the necessary CDC declarations (which are filed under penalty of perjury) correctly.

By passing SB 154, Maryland is investing in decreasing displacement and homelessness and improving the ability of tenants to remain stably housed. For these reasons, the NCCRC **strongly supports** the passage of SB 154.

Thank you for your consideration, and we would be happy to be a resource for your deliberations.



John Pollock, Coordinator
National Coalition for a Civil Right to Counsel