



Homeless Persons Representation Project, Inc.
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Support – SB 154 – Landlord and Tenant – Eviction Action – Right to Counsel Hearing of the Judicial Proceedings Committee, January 28, 2021

The Homeless Persons Representation Project, Inc. (HPRP) is a non-profit legal services provider that provides free legal representation to people who are homeless or at risk of homelessness and advocates for public policy that will end homelessness. HPRP represents tenants in Baltimore City who are facing the specter of homelessness due to eviction or termination of their subsidy.

As part of this work, we staff the so-called Section 8 Docket in Baltimore City rent court on Thursday mornings when court is in session. We offer legal representation to tenants facing eviction for non-payment of rent. Prior to the pandemic, we frequently encountered tenants who had valid legal defenses to failure to pay rent cases filed against them, but were either not aware of those defenses or did not know how to raise them properly. These defenses included the landlord's failure to obtain a rental license as required by Baltimore City law; the landlord's improper attempt to collect water bills and legal fees in rent court; and severe conditions issues that threatened the tenant's life, health, and safety.

In the last ten months, thousands of Maryland tenants have lost their jobs and incurred significant medical expenses due to COVID-19. Local, state, and federal authorities have instituted vital legal protections for tenants to prevent eviction and the spread of the virus. However, many tenants are not aware these defenses exist. Some of these defenses are complex and require extensive knowledge of federal and/or state law that a tenant may not have. And as the climate of COVID-19 continues to change in Maryland, it is more likely - not less - that tenants will need skilled legal advice and representation to protect their interests and their homes. SB 154, which provides for a right to counsel in eviction cases, would ensure the availability of critical front-end services for Maryland tenants to prevent evictions and resulting homelessness.

A recent report by Stout Risius Ross ("Stout Report") found that prior to COVID-19, eighty percent (80%) of Baltimore City tenants had a valid legal defense that they could have raised in rent court, but only eight percent (8%) of tenants successfully raised a defense without benefit of an attorney.¹ Having legal representation enables a tenant to better understand their rights under Maryland law and raise defenses effectively. This means that tenants are more likely to avoid disruptive displacement. Indeed, ninety two percent (92%) of tenants surveyed in the Stout Report avoided such displacement with the assistance of legal representation.

Providing a right to legal counsel will also substantially level the playing field between landlords and tenants. The Stout Report found that only one percent (1%) of tenants surveyed for that report had any kind of representation in rent court, while ninety six percent (96%) of landlords were represented either by an attorney or agent. Providing a right to legal counsel would allow tenants to pursue valid, legal defenses and create a more balanced legal process.

This data bears out HPRP's anecdotal experience in rent court. HPRP represents tenants every week who do not know that they have a legal defense and don't know how to avail themselves of COVID-19 eviction protections. Tenants like Richard, who did not know that his landlord failed to obtain a rental license for the property he had been renting for over a year. And tenants like Kathy, who lost her job due to COVID-19 and had heard about an eviction

¹ STOUT RISIUS ROSS, LLC, THE ECONOMIC IMPACT OF AN EVICTION RIGHT TO COUNSEL IN BALTIMORE CITY (2020), https://bmorerentersunited.org/wp-content/uploads/2020/05/Baltimore-RTC-Report_FINAL_5.8.2020.pdf.



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moratorium but did not know what it meant, what documentation was required, or how to raise it in court. In September 2020, HPRP met Daphne, a tenant in Baltimore City whose landlord filed a Failure to Pay Rent complaint against her alleging that she owed nearly \$5,000 in rent. Daphne had lost her job due to COVID-19 and was trying to pay her rent with her unemployment insurance. Upon investigation, HPRP learned that Daphne had recently spent more than \$3,500 of her own money to repair the hot water heater after it broke and the landlord refused to fix it. With the benefit of legal representation to advise of her rights and present her defense to the court, the court found that Daphne owed just \$748 in rent. Daphne was able to pay that amount and the case against her was dismissed.

For tenants like Richard, Kathy and Daphne, the right to counsel is essential to avoiding disruptive displacement for themselves and for their families. Providing right to counsel is an important step in preventing and ending homelessness in Maryland and creating a more accessible, balanced legal system, particularly in the wake of COVID-19.

HPRP urges a FAVORABLE REPORT on SB 154.

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