

2021 JCRC SB 154 Landlord & Tenant Eviction Rt to

Uploaded by: Bagwell, Ashlie

Position: FAV



**Testimony in SUPPORT of *Senate Bill 154 -
Landlord and Tenant - Eviction Action - Right to Counsel*
Judicial Proceedings and Budget and Taxation Committees
January 28, 2021**

The Jewish Community Relations Council of Greater Washington (JCRC) serves as the public affairs and community relations arm of the Jewish community. We represent over 100 Jewish organizations and synagogues throughout Maryland, Virginia, and the District of Columbia. The JCRC is strongly committed to cultivating a society based on freedom, justice, and pluralism. We work tirelessly throughout the entire Greater Washington area to advocate for our agencies that serve the most vulnerable residents, support our Jewish day schools and community centers, and to campaign for important policy interests on behalf of the entire Jewish community.

The JCRC recognizes that the right to counsel has a myriad of benefits for tenants and the communities they live in. Studies have shown that tenants with legal representation are much more likely to avoid an eviction judgment than unrepresented tenants. Additionally, attorneys may be able to keep eviction filings off tenants' records, arrange for alternative housing, and help tenants apply for rental assistance. The JCRC is committed to equity and justice for all in legal proceedings, thereby ensuring tenants have the right to legal representation in any eviction-related case.

Senate Bill 154 states that certain individuals (someone who rents in a property owned, operated, or managed by a public housing authority and is a member of a household with an income that is not greater than 50 percent of the median income in the State) have a right to legal representation in eviction proceedings. The bill establishes the Right to Counsel in Evictions Coordinator to organize and direct services. SB 154 also provides a mechanism for outreach and education regarding tenants' rights. Evictions have a disparate impact on black and brown households in the State and exacerbate the public health crisis due to Covid-19. Providing a right to counsel to tenants in eviction cases is a proven means of preventing the disruptive displacement of families and the resulting social, economic, and public health costs of such displacement. For these reasons, we ask the committees to give a favorable report to SB 154.

SB 154 CJ Testimony.pdf

Uploaded by: Bertinelli, Alexa

Position: FAV



Civil Justice Inc.

520 W. Fayette Street, Suite 410
Baltimore MD 21201
Phone (410) 706-0174
Fax (410) 706-3196
Web www.civiljusticenetwork.org
Email cj@civiljusticenetwork.org

Alexa Bertinelli
Senior Staff Attorney
Phone: (410) 706-0174
Fax: (410) 706-3196
abertinelli@civiljusticenetwork.org

January 26, 2021

The Honorable William C. Smith, Jr.
Judicial Proceedings Committee
Miller Senate Office Building, 2 East Wing
11 Bladen St.
Annapolis, Maryland 21401

Re: Senate Bill 154 - Favorable Position

Dear Chair Smith and Members of the Judicial Proceedings Committee:

I am writing to express the support of Civil Justice, Inc. (CJ) for Senate Bill 154, which ensures that low-income tenants have the right to an attorney in landlord/tenant cases. CJ is a Maryland non-profit committed to increasing the delivery of legal services to modest income Marylanders through a unique combination of in-house staff and a statewide network of private attorney members. CJ has consistently maintained a robust practice focusing on matters that undermine the economic security of Maryland families, including unlawful debt collection practices and illegal evictions. Senate Bill 154 will not only help Maryland families avoid the tremendous personal toll of housing instability, but also provide economic benefit to the State as a whole.

Evictions undermine both the economic stability and emotional health of families. Studies have shown that involuntary relocation can contribute to poor mental health, job loss, and added financial stress for adults, as well as poor performance at school for children.¹ Involuntary moves have also been shown to increase future housing instability, which undermines neighborhoods as a whole, and increases the likelihood that the displaced tenants will relocate to substandard housing.² As Black households are three times more likely to be evicted than white households,³ forced relocations only increase the racial wealth gap. Housing insecurity also burdens state and local entities with enormous costs, including the cost of shelters, emergency room and inpatient care, and school spending on homeless students. Keeping people in their homes would not only benefit individual families and neighborhoods, therefore, but also provides significant economic value to the State. A study by Stout Risius Ross, for

¹ Joint Center for Housing Studies of Harvard University, *America's Rental Housing 2020* 35, available at https://www.jchs.harvard.edu/sites/default/files/Harvard_JCHS_Americas_Rental_Housing_2020.pdf.

² Matthew Desmond, *et al.*, *Forced Relocation and Residential Instability among Urban Renters*, 89 *Soc. Serv. Rev.* 227, 256 (2015).

³ Tim Thomas, *et al.*, *The Evictions Study*, *Baltimore Eviction Map*, <https://evictions.study/maryland/report/baltimore.html>.

example, found that an investment of \$5.7 million in right to counsel in Baltimore City would provide \$35.6 million in benefits and cost savings.⁴

CJ regularly represents tenants who have been wrongfully evicted. Our clients include tenants who were unable to effectively defend themselves in an eviction hearing, were illegally evicted without judicial process, or who were forced out of their prior homes due to poor housing conditions. While we are often able to recover financial compensation for our clients, by the time we get involved, the harm has often already been done. For many of our clients, uninhabitable living conditions or the illegal actions of a landlord could have been raised at an eviction hearing or through a rent escrow case had they had access to legal representation at the time. One of our clients, for example, was forced to relocate out of state to live with family after her landlord failed to address a rodent infestation and structural defects that made her home unsafe to live in. With representation, she may have been able to address these issues without being driven from her home. While tenants frequently have defenses to an eviction action, only 1% of tenants are represented in eviction filings, in comparison to 96% of landlords.⁵ A right to counsel would give tenants the opportunity to raise defenses when they would have the most impact.

CJ urges the Judicial Proceedings Committee to give SB 154 a favorable report. If you have any questions, you can reach me at 410-706-5650 or abertinelli@civiljusticenetwork.org.

Sincerely,



Alexa Bertinelli

⁴ Stout, *The Economic Impact of an Eviction Right to Counsel in Baltimore City* (May 8, 2020), available at <https://www.stout.com/-/media/pdf/baltimore-rtc-report.ashx>.

⁵ *Id.* at 23.

Beyond the Boundaries Written Favorable Testimony

Uploaded by: Bradford, Mary

Position: FAV

SB 154: Right to Counsel SUPPORT

Testimony of Mary Bradford, Program Manager on behalf of Beyond the Boundaries
Senate Judicial Proceedings Committee, January 28, 2021

Beyond the Boundaries urges our Maryland State Senators to Support SB 154: Right to Counsel.

Beyond the Boundaries is an Archdiocese of Baltimore program with members from churches throughout Maryland. We recognize the need for Catholic organizations to advocate for social justice, especially as it relates to stable and permanent housing. The United States Conference of Catholic Bishops has repeatedly [stated](#) that to effectively love our neighbor, we must care for the conditions in which they live, and we must acknowledge decent housing as a human right.¹ “Since decent housing is a human right, its provision involves a public responsibility.”² Such public responsibility includes providing Maryland tenants the right to counsel. In eviction proceedings, landlords hold much of the power, leaving tenants in an untenable position. Beyond the Boundaries believes it is our moral obligation to ensure all people facing eviction are afforded the opportunity to a fair fight to stay in their homes. Therefore, we call on our Maryland Legislature to support SB 154 Right to Counsel Bill.

Providing a right to counsel affords Maryland tenants the fighting chance they deserve to maintain their home. According to a recent report [Stout Risisus Ross](#), in one Maryland jurisdiction, 96 percent of landlords are represented in court proceedings, yet only 1 percent of tenants have counsel. With counsel, 92 percent of represented tenants would avoid disruptive placement.³ Guaranteeing a right to counsel in eviction proceedings levels the playing field and gives tenants a fighting chance to avoid displacement. It [has proven effective](#) in other jurisdictions, it’s time we put it to work in Maryland.⁴

Providing a right to counsel is also an opportunity for Maryland to redress a history of racial disparities. “A recent [study by Dr. Timothy Thomas PhD](#) shows “that the highest risk of eviction occurs in the most segregated neighborhoods to the West and in gentrifying neighborhoods to the East” (referring to Baltimore City).⁵ Furthermore, Black female headed household experience evictions 3.9 times higher than the number of white male headed household evictions, while Black male headed households are evicted at a rate 2.3 times higher.⁶ During the Covid-19 crisis, people of color are being impacted the most. “[According to census data](#), 31% of Black renters, 25% of multiracial renters, and 18% of Hispanic renters are not caught up on rent”⁷ It’s time for Maryland to redress these racial disparities by providing legal representation in eviction proceedings.

Providing a right to counsel reduces the number of homeless and housing insecure Marylanders. In a [2019 assessment on homelessness in Baltimore City](#), 22% of people surveyed reported evictions as the primary cause for their current homelessness.⁸ [Studies of right to counsel in evictions legislation in San Francisco and Boston](#) both show when tenants are represented in

¹ <https://www.usccb.org/resources/right-decent-home-pastoral-response-crisis-housing>

² <https://www.usccb.org/resources/right-decent-home-pastoral-response-crisis-housing>

³ https://abell.org/sites/default/files/files/Baltimore%20RTC%20Report_FINAL_5_8_2020.pdf

⁴ <https://abell.org/publications/economic-impact-eviction-right-counsel>

⁵ <https://evictions.study/maryland/report/baltimore.html>

⁶ <https://evictions.study/maryland/report/baltimore.html>

⁷ https://www.marylandattorneygeneral.gov/A2JC%20Documents1/AG_Covid_A2J_TF_Report.pdf

⁸ https://homeless.baltimorecity.gov/sites/default/files/PIT%20Report%20Draft%202019_Update%208.30.19_Update.pdf

eviction proceedings, they are more likely to avoid homelessness, with projected cost savings to states.⁹

Providing tenants a right to counsel in eviction proceedings improves outcomes for Maryland's youth. According to a report from the [Aspen Institute](#), "children who switch schools frequently due to instability or homelessness are more likely to struggle academically and display behavioral problems, less likely to graduate from high school, and earn less than their peers as adults."¹⁰ Furthermore, [according to the Stout Report](#), in 2019 nearly 10 percent of youth entered foster care due to their families experiencing housing instability.¹¹ To ensure stability and positive outcomes for all Maryland youth, it is our moral call to provide tools to reduce evictions and prevent housing displacement for families.

Providing tenants a right to counsel in eviction proceedings is cost effective. [Stout](#) estimated that for every dollar invested in a right to counsel for low income tenants in Baltimore City, there is a cost savings estimate of \$6.24. With an annual investment of \$5.7 million, Baltimore City and the state of Maryland could yield \$35.6 million in benefits or cost avoidance. Yet this cost savings isn't limited to Baltimore City. [Studies conducted in New York City, Boston, and Philadelphia](#) all support the millions that could be saved by States when tenants are provided a right to counsel and disrupted placements are avoided.¹² In a time when cities and states are tightening budgets to redress the economic impact of Covid-19, Maryland needs to implement this effective and cost saving remedy.

[Maryland is in a housing crisis, and there is a tsunami of evictions on the horizon](#) after the moratorium is lifted.¹³ While the right to counsel isn't the sole remedy, it is an essential tool in the box to provide sustainable and stable housing in our state. Maryland tenants deserve to have a fighting chance to remain in their homes.

It's time for Maryland to answer its moral call to public responsibility towards housing. We urge support for SB 154 Right to Counsel.

⁹ <http://nlchp.org/wp-content/uploads/2018/10/ProtectTenants2018.pdf>, pg 16

¹⁰ <http://www.aspenepic.org/wp-content/uploads/2019/05/Housing-Affordability-and-Stability-An-EPIC-Challenge.pdf>

¹¹ https://abell.org/sites/default/files/files/Baltimore%20RTC%20Report_FINAL_5_8_2020.pdf

¹² <https://www.americanprogress.org/issues/poverty/reports/2019/10/02/475263/right-counsel-right-fighting-chance/#:~:text=A%202016%20cost%2Dbenefit%20analysis,the%20cost%20of%20providing%20counsel.>

¹³ https://www.marylandattorneygeneral.gov/A2JC%20Documents1/AG_Covid_A2J_TF_Report.pdf (pgs 17-18)
<https://nlihc.org/coronavirus-and-housing-homelessness/eviction-update> (click Maryland)

SB0154 Eviction Tenant Right to Counsel.pdf

Uploaded by: Cantori, Renee

Position: FAV

In support of SB154/HB18, Landlord and Tenant - Eviction Action - Right to Counsel
- Sen. Hettleman

Defending oneself during an eviction action/hearing ranks right at the top of important scenarios where a resident or citizen absolutely needs counsel. A roof over one's head is a basic and extremely important need, a civil right in my opinion.

Respectfully,

Renee Cantori
Annapolis, MD

2021.01.26 - A2JC Written Testimony - SB154 Right

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Position: FAV

Senate Bill 154
Landlord and Tenant – Eviction Action – Right to Counsel
Senate Judicial Proceedings Committee
SUPPORT

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STAFF

Reena K. Shah
Executive Director

The Maryland Access to Justice Commission (A2JC) is an independent entity supported by the Maryland State Bar Association (MSBA) that unites leaders to drive reforms and innovations to make the civil justice system accessible, fair and equitable for all Marylanders. Prominent leaders from different segments of the legal community in Maryland – including the deans of the two law schools, the attorney general, law firm partners, heads of the legal services providers and funders, corporate counsel, academics, legislators, the state bar and judiciary comprise the A2JC. During the course of the COVID-19 pandemic, A2JC served as the lead partner in the Maryland Attorney General's COVID-19 Access to Justice Task Force, with its executive director serving as the A2J Task Force's vice chair.

A2JC was originally created in 2008 by order of the Chief Judge of the Court of Appeals of Maryland, and operated within the judiciary until the end of 2014. An independent Maryland Access to Justice Commission was formed in 2015.

A2JC, in all its forms, has promoted and advocated for implementing the right to counsel in civil legal cases that implicate basic human needs cases. In 2011, A2JC authored a report entitled, "[Implementing a Civil Right to Counsel in Maryland.](#)" Thereafter, in 2013, it staffed the [Task Force to Study the Implementation of a Civil Right to Counsel in Maryland.](#)

The Civil Right to Counsel Task Force concluded that "Maryland would benefit significantly by making a commitment to ensure that low-income Marylanders have a right to counsel at public expense in those categories of cases where basic human needs are at stake, such as those involving shelter, sustenance, safety, health, or child custody." The ABA Basic Principles of a Right to Counsel in Civil Legal Matters,¹ defines "safety" as including a person's ability to obtain legal remedies affording protection from the threat of serious bodily injury or harm. The global pandemic draws a clear line between health and eviction.

[The Maryland Attorney General's COVID-19 Access to Justice Task Force](#), which released its final report entitled [Confronting the COVID-19 Access to Justice Crisis](#) in January, 2021, also recommended a civil right to counsel in eviction proceedings as an important

¹ABA Basic Principles for a Right to Counsel in Civil Proceedings at http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_toolkit_for_crtc.authcheckdam.pdf.

part of broader housing justice reforms as a viable and cost-effective means to prevent the projected tsunami of COVID-19-related evictions.

A2JC adopts the findings of the Civil Right to Counsel and COVID-19 Access to Justice Task Force reports and provides the following testimony in support of SB154:

1. Effective pandemic recovery must include a plan to prevent evictions

In the wake of COVID-19, housing advocates have forecasted a tsunami of evictions, with estimates of up to 320,000 households in Maryland being impacted.

Evictions endanger public health

During the course of the COVID-19 pandemic, the Centers for Disease Control (CDC) has made clear that evictions threaten public health. The CDC has imposed a “federal moratorium on evictions,” which was extended again in January, 2021, but which has not been interpreted as a moratorium by the Maryland judiciary, which continues to evict Marylanders. [Researchers](#) from the University of California, Los Angeles & San Francisco, Johns Hopkins, Boston University and Wake Forest University School of Law found that lifting state moratoriums and allowing eviction proceedings to continue caused as many as 433,700 excess cases of COVID-19 and 10,700 additional deaths in the U.S. between March and September, 2020.

Evictions stall economic recovery

Evictions will impact and disrupt every other part of pandemic recovery, especially economic recovery. Evictions are not only a condition of poverty, but a cause of it. Evictions cause people to lose their life center. People lose their homes and may lose all personal possessions. Losing a home causes disruption and displacement and has tremendous ripple effects on every part of a person and family’s life. Eviction can cause homelessness; job loss or prevent re-employment; worsen educational disparities, lead to poor credit scores and a decline in credit; and contribute to deteriorating health.

Evictions worsen race inequity

Evictions also have a disproportionate impact on black and brown communities. In Matthew Desmond’s Pulitzer Prize winning book, *Evicted*, the author spells it out clearly: mass eviction is to black women as mass incarceration is to black men. In one local Maryland jurisdiction, Black household eviction count is three times higher than white household count. Additionally, the number of Black women evicted in that jurisdiction is 296% more than white men.

2. Right to counsel is a potent and cost-effective access to justice solution

Legal Representation is the key to case outcomes in civil cases

In Maryland, the only legal mechanism to achieve an eviction is through court order. In eviction-related court matters, only 1% of tenants have legal representation, compared to 96% of landlords. However, when those 1% of tenants are able to get representation, the result is impactful. Ninety-two percent of tenants are able to avoid disruptive displacement when a right to counsel is implemented. More than any other factor, the inequities in legal representation have proven to lead to evictions.

These findings in eviction cases are supported by findings in other types of civil legal cases. Research shows that representation by counsel results in markedly better outcomes for litigants. One Maryland study found that in appeals where public benefits were denied, the rate of reversal for the unrepresented was 40 – 45%, whereas the rate of reversal for the represented doubled to 70 – 80%.² In another Maryland study looking at the impact of counsel on consumers sued by debt buyers, the rate of dismissals or judgments for the consumer dropped from 71% for the represented to 23% for the unrepresented.³ In yet another Maryland study, the rate of acquiring a protective order with counsel was 83%, but without counsel was 32%.⁴

ROI of right to counsel in evictions is 624%

The right to counsel in evictions is both impactful and cost-effective. A report from [Stout Risius and Ross \(The Stout Report\)](#) shows a return on investment of 624% from implementing a right to counsel in eviction proceedings. Not only would a right to counsel in evictions avert the tragic human toll that hundreds of thousands of evictions in Maryland, but the state will spend less money doing so.

Right to Counsel has been proven to work in other jurisdictions

Many other jurisdictions that have implemented a right to counsel have seen impressive results. New York City began a phased implementation of a right to counsel in evictions in 2018. Evictions have since dropped 29% in zip codes where the right to counsel was implemented. In zip codes with right to counsel, tenants remained in their homes in 84% of the cases.

Right to Counsel is being implemented in other jurisdictions including Philadelphia, San Francisco, Cleveland, and Newark. It is also being considered in numerous others, including state-wide efforts in California, Connecticut, Massachusetts, Minnesota, New Jersey, Ohio, Washington state; and city-wide efforts in Los Angeles, Santa Monica, Boulder, D.C., Kansas City, Detroit, Jersey City, New York City, Toledo, Oklahoma City and San Antonio.

² ADVISORY COUNCIL OF THE MARYLAND LEGAL SERVICES CORPORATION, ACTION PLAN FOR LEGAL SERVICES TO MARYLAND'S POOR (1988), 12.

³ PETER HOLLAND, EVALUATION OF THE PRO BONO RESOURCE CENTER CONSUMER PROTECTION PROJECT (2013), at 6-7, on file with the Maryland Access to Justice Commission.

⁴ Jane C. Murphy, Engaging with the State: The Growing Reliance on Lawyers and Judges to Protect Battered Women, 11 AM. U. J. GENDER SOC. POL'Y & L. 499, 511 (2003).

3. More innovations are needed to address the stark “justice gap”

The role of civil legal aid is to help clients avoid problems that, if unchecked, can cascade into a negative spiral of other difficulties that affect not only these individuals and their families, but impact the state of Maryland as a whole. A network of online resources, law libraries, self-help centers, pro bono and staff attorney programs comprise the current civil legal services delivery system in Maryland. It is a system designed to deliver the most efficient and least costly service necessary for each client. Despite being a leader in trying to address the “justice gap,” and engaging in many of the significant funding and service delivery innovations, Maryland meets only about 20% of the current demand for civil legal service in the state.

More needs to be done to supplement, not supplant the current delivery system. A right to counsel in eviction proceedings moves us in the right direction by providing all Marylanders and their families a powerful mechanism they can use to leverage their rights under existing law. The existence of counsel in these high stakes cases levels the playing field, increases fairness and provides greater access to justice to Marylanders.

For the reasons stated, the Maryland Access to Justice Commission recommends including the right to counsel in evictions cases as a proven and cost-effective policy solution to post-pandemic economic stabilization and recovery and requests the Senate Judicial Proceedings Committee to issue a FAVORABLE report on SB154. For more information, please contact Reena K. Shah, Executive Director of the Maryland Access to Justice Commission, at reena@msba.org.

BaltimoreCounty_FAV_SB0154.pdf

Uploaded by: Conner, Charles

Position: FAV



JOHN A. OLSZEWSKI, JR.
County Executive

CHARLES R. CONNER III, ESQ.
Director of Government Affairs

JOEL N. BELLER
Deputy Director of Government Affairs

BILL NO.: **SB 154**

TITLE: **Landlord and Tenant - Eviction Action - Right to Counsel**

SPONSOR: **Senator Hettleman**

COMMITTEE: **Judicial Proceedings**

POSITION: **SUPPORT**

DATE: **January 28, 2021**

Baltimore County **SUPPORTS** Senate Bill 154 – Landlord and Tenant - Eviction Action - Right to Counsel. This legislation would establish that certain individuals have the right to legal representation in eviction proceedings and create the position of the Right to Counsel in Evictions Coordinator.

The right of any citizen to legal representation in court is a cornerstone of American democracy. When an individual’s freedom is called into question, they are afforded representation by their government to ensure they have an adequate defense to the charges leveled against them. Determinations made during eviction proceedings have grave effects, yet only those who can afford it get adequate representation.

Evictions are not just a matter of displacement. An eviction remains on an individual’s credit score indefinitely, and makes finding a new residence nearly impossible moving forward. The lifelong consequences of these actions disproportionately affect low-income individuals, yet these are precisely the individuals who cannot afford to retain counsel to fight the proceedings. When Baltimore County halted evictions during the COVID-19 pandemic, it was to ensure the consequences of unemployment did not turn into a crisis of housing. Ending this cycle of poverty that feeds the homelessness crisis, begins with addressing the systemic issues that perpetuate it.

SB 154 does this by establishing the Right to Counsel in Evictions Coordinator in the Office of the Attorney General. This would ensure evicted individuals are guaranteed the representation they deserve.

Accordingly, Baltimore County requests a **FAVORABLE** report on SB 154. For more information, please contact Chuck Conner, Director of Government Affairs, at cconner@baltimorecountymd.gov.

SB 154 RTC.pdf

Uploaded by: Crutchfield, Adria

Position: FAV

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/>



20 South Charles Street, Suite 801
Baltimore, Maryland 21201

410-223-2222
www.brhp.org

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



Written Testimony - SB154.pdf

Uploaded by: Davis, Katie

Position: FAV

SB 154/HB 018: Landlord and Tenant - Eviction Action - Right to Counsel
HEARING BEFORE THE JUDICIAL PROCEEDINGS COMMITTEE, JANUARY 28, 2021
POSITION: SUPPORT

The Pro Bono Resource Center of Maryland (“PBRC”), an independent 501(c)(3) non-profit organization, is the statewide clearinghouse for volunteer civil legal services in Maryland. As the designated pro bono arm of the Maryland State Bar Association, PBRC provides training, mentorship, and pro bono service opportunities to members of the private bar. We respond to acute legal needs identified in areas across the state by piloting innovative pro bono service projects targeting specific legal problems or populations.

In May 2017, with a grant from the Maryland Judiciary’s Access to Justice Department, PBRC launched the **Tenant Volunteer Lawyer of the Day Program (TVLD Program)** in Baltimore City Rent Court to provide day-of-court legal representation to tenants who appear unrepresented for their proceedings. Typically among the poorest residents of Baltimore, tenants appearing in Rent Court often contend with difficult and unsafe living conditions, are nearly always unrepresented, and are often unaware of the judicial process, their rights as renters, or valid defenses they could raise in the face of eviction proceedings. Indeed, a recent report by Stout Risius Ross, LLC found that only 1% of Baltimore City tenants were represented by an attorney, whereas 96% of landlords – who, unlike tenants, can be represented by either attorneys or agents – were represented.

This representation disparity has a devastating impact on options and outcomes for tenants. For example, one 2016 survey of Baltimore City renters found that although 80% of tenants had a defense to their eviction case, only 8% of those without legal representation successfully raised a defense based on the conditions of disrepair present in their unit. And, as shown in the Stout report, while unrepresented tenants were likely to experience disruptive displacement in about 93% of eviction proceedings, that likelihood dropped to just 8% when a tenant had representation. In our own TVLD Program, 76% of clients represented in FY20 avoided eviction entirely or were granted a postponement based on a defense or issue raised by a staff or volunteer attorney.

SB 154 will ensure that tenants across the state have access to counsel during eviction proceedings. PBRC’s TVLD Program was the first in the state to utilize volunteer attorneys along-side staff attorneys for day-of-court representation in Rent Court. We have seen firsthand the dramatic effect of providing free counsel in eviction proceedings, and our TVLD Program shows that with appropriate organization and funding, it is possible for staff and volunteer attorneys to provide tenants with this critical legal help. Since the program’s inception, PBRC staff and volunteer attorneys have represented over 1,500 Baltimore City tenants in eviction proceedings. But the need spreads far beyond Baltimore City, and this landmark legislation would enable PBRC and other organizations to provide representation to tenants across the state using staff and volunteer attorneys.

Eviction laws and protections are only as good as the resulting enforcement of them, and establishing a right to counsel in eviction proceedings is the right step to take to help protect Maryland tenants. **PBRC supports SB 154/HB 018 because it will ensure that Maryland tenants have access to free representation in eviction proceedings and allow organizations like PBRC to expand upon their proven success in helping to level the playing field and prevent tenants from being improperly removed from their homes.** Thank you for the opportunity to testify.

For the above reasons,
PBRC urges a FAVORABLE report on SB 154/HB 018.
Please contact Katie Davis, Director of PBRC’s Courtroom Advocacy Project, with any questions.
kdavis@probonomd.org • 443-703-3049

Health Care for the Homeless - SB 154 FAV - Right

Uploaded by: Diamond, Joanna

Position: FAV

**HEALTH CARE FOR THE HOMELESS TESTIMONY
IN SUPPORT OF
SB 154 Landlord and Tenant - Eviction Action - Right to Counsel**

**Senate Budget and Taxation Committee and Judicial Proceedings
Committee
January 28, 2021**



Health Care for the Homeless strongly supports SB 154, which would provide low-income renters a right to a lawyer (“right to counsel”) in eviction cases. With hundreds of thousands of Maryland households on the brink of eviction, the right to counsel empirically reduces housing displacement and stands to save the state significant costs.

For nearly 40 years Health Care for the Homeless has supported thousands of adults and families in their struggle to find safe and secure homes in the Baltimore metropolitan area. As part of our full, integrated medical and behavioral health care, Health Care for the Homeless provides permanent supportive housing to over 400 people every year. By passing SB 154, Maryland can help further access to safe, secure housing — because a safe place to call home is necessity for all, not a luxury for the few.

Housing is the proven first-line response to fixing dramatic health disparities across populations. When tenants experience unsafe conditions or are unable to pay an unnecessarily high amount of money up front, they are often forced to live unsafely or even be pushed into homelessness. This is unacceptable. Tenants should not have to experience homelessness or live in unsafe conditions because they do not have enough resources to keep them safe and healthy. After decades of enduring a housing crisis and a pandemic that exacerbated such a crisis, this bill helps ensure that Maryland’s tenants are treated with the dignity and fairness they deserve.

A recent [report](#), *The Impact of an Eviction Right to Counsel in Baltimore City*,¹ underscored the social and financial devastation eviction has on tenants and families and, conversely, the clear social and economic benefits as a direct result of tenants having legal representation at their eviction hearings. Among other findings, this report highlighted the following:

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

- For tenants facing eviction, having legal representation is often the difference between keeping their home or experiencing homelessness. **Eviction is the leading cause of homelessness.** As reported in the study, Baltimore’s 2019 point-in-time count of people experiencing homelessness asked respondents what the primary cause(s) of their homelessness were. Twenty-two percent of people experiencing homelessness indicated that eviction was the primary cause of their current homelessness.²
- The report estimated that 92% of represented tenants would avoid disruptive displacement with a right to counsel in Baltimore City. This translates to 5,777 households and 17,300 people each year. Even apart from the current COVID-19 emergency, Baltimore’s eviction rate is almost 2.5 times the national average, with 6,500 families evicted each year.
- Aside from the state’s cruelty in the lack of attempts to prevent eviction and curb homelessness, the State can realize significant cost savings in investing in the right to counsel for tenants. As shown in the Stout study, **an annual investment of \$5.7 million in a right to counsel for tenants in one Md. jurisdiction would yield \$18.1 million in benefits/costs avoided to the State** (and \$17.5 million to the locality). Cost savings or benefits include costs related to homeless shelters, Medicaid spending in hospitals, homeless student transportation, and foster care costs. [See our report fact sheet](#). According to Stout, **92% of represented tenants would avoid disruptive displacement** with a right to counsel in one Maryland jurisdiction, and **in areas of New York City where right to counsel was implemented, 86% of represented tenants stayed in their homes.**
- Included in these cost savings is the significant savings in the provision of health care. The connection between housing and health cannot be overstated. According to data received from the Maryland Hospital Association, the average charge per patient for inpatient hospital care is approximately \$37,200 for patients not experiencing homelessness in Baltimore.¹⁹² For patients experiencing homelessness, the average charge per patient for inpatient hospital care is approximately \$37,900.¹⁹³ The average length of stay for inpatient hospital care is approximately nine days for patients not experiencing homelessness and approximately 15 days for patients experiencing homelessness – a length of stay 66 percent longer than patients not experiencing homelessness.¹⁹⁴ The average charge per patient for emergency department care in Baltimore for patients not experiencing homelessness is approximately \$2,100.¹⁹⁵ For patients experiencing homelessness, the average charge per patient for emergency department care in Baltimore is approximately \$7,600 – more than 3.5 times the cost for patients not experiencing homelessness.

² <https://bmorerentersunited.org/rtc/stoutreport/>

Housing is a significant determinant of health. Poor housing conditions are associated with many adverse health outcomes in both adults and children, according to a well-established body of evidence. These include, but are not limited to: a) infectious diseases such as respiratory infections, tuberculosis, and HIV; b) chronic illnesses such as asthma and cardiovascular disease; c) chronic health problems from toxic exposures, such as asbestos and lung cancers, or lead poisoning and neurodevelopmental deficits; d) injuries, especially falls and burns; e) mental health disorders such as anxiety, depression, substance misuse, and post-traumatic stress disorder; and f) poor nutrition.³ As such, it is no surprise that the Baltimore study found significantly increased costs on the public health system as a result of homelessness.

For the aforementioned reasons, Health Care for the Homeless strongly urges a favorable report on this bill.

Health Care for the Homeless proudly supports the Housing Justice Package, of which Right to Counsel in Eviction cases is a part. For more information, visit www.rentersunitedmaryland.org.

Health Care for the Homeless is Maryland's leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We work to prevent and end homelessness for vulnerable individuals and families by providing quality, integrated health care and promoting access to affordable housing and sustainable incomes through direct service, advocacy, and community engagement. We deliver integrated medical care, mental health services, state-certified addiction treatment, dental care, social services, and housing support services for over 10,000 Marylanders annually at sites in Baltimore City, and in Harford, and Baltimore Counties. For more information, visit www.hchmd.org.

³ See Office of the Surgeon General. The Surgeon General's Call to Action to Promote Healthy Homes. Rockville (MD): Office of the Surgeon General; 2009; Krieger J, Higgins DL. Housing and Health: Time Again for Public Health Action. Am J Public Health. 2002 May; 92(5): 758–768; Fazel S, Geddes JR, Kushel M. The health of homeless people in high-income countries: descriptive epidemiology, health consequences, and clinical and policy recommendations. Lancet. 2014 Oct 25;384(9953):1529-40; Hwang SW, Burns T. Health interventions for people who are homeless. Lancet. 2014 Oct 25;384(9953):1541-7.

MD Judiciary - Testimony SB 154.pdf

Uploaded by: Elalamy, Sara

Position: FAV

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 154
Landlord and Tenant – Eviction Action – Right to Counsel
DATE: January 21, 2021
(1/28)
POSITION: Support

The Maryland Judiciary supports Senate Bill 154. This bill would create a right to legal representation for covered individuals and provides supervision through the Attorney General's Office.

The Judiciary supports this bill as it will enhance access to justice in rent court matters and meets an unmet need. It will be essential, however, that significant funding be provided going forward to ensure the program can continue into the future.

cc. Hon. Shelly Hettleman
Judicial Council
Legislative Committee
Kelley O'Connor

MLSC_SB154 RTC_Favorable sme1.pdf

Uploaded by: Erlichman, Susan

Position: FAV



MLSC

MARYLAND LEGAL SERVICES CORPORATION

IOLTA - INTEREST ON LAWYER TRUST ACCOUNTS

Testimony Concerning SB 154
“Landlord and Tenant - Eviction Action - Right to Counsel”
Submitted to the Senate Judicial Proceedings Committee
Hearing Date: January 28, 2021

Position: Support

Contact: Susan Erlichman, Executive Director, 410-576-9494 x1005, serlichman@mlsc.org

Maryland Legal Services Corporation requests a favorable report on SB 154, enactment of which would establish a right to legal representation in eviction proceedings for income-eligible Marylanders and facilitate delivery of that representation.

MLSC’s mission is to ensure low-income Marylanders have access to stable, efficient and effective civil legal assistance through the distribution of funds to nonprofit legal services organizations. It currently funds 36 organizations to work toward that mission across the entire state. The Maryland General Assembly created MLSC in 1982 to administer the state’s Interest on Lawyer Trust Accounts (IOLTA) program, and since that time MLSC grantees have assisted nearly 3.7 million Marylanders with a wide variety of civil legal needs.

Over the past several years, MLSC has sought to complement the growth of advice and referral resources available to Marylanders. Time and time again, MLSC heard from its nonprofit grantees that large numbers of Marylanders had to proceed without an attorney in complex court cases due to the fact that the legal services programs did not have dedicated resources to adequately assist clients in litigation. In response, we launched the Extended Representation Project in July 2018, which prioritizes placing attorneys in court with clients – clients who otherwise would have gone unrepresented.

Through the Extended Representation project, several grantees launched or expanded rent court projects. With just a handful of staff, pro bono and low bono attorneys, these organizations have seen remarkable results. They helped tenants avoid evictions from both private and public rental housing, prevent termination of rental subsidies, obtain redress for illegal charges and enforce their rights to decent, habitable housing.

With Extended Representation money, other grants from MLSC and various other funding, Maryland’s legal services organizations assisted in nearly 4,600 cases that benefited more than 12,000 tenants from July 2018 through June 2020. They would have helped even more clients if not for the court closures and various moratoria resulting from the COVID-19 pandemic.

Unfortunately, a total of 4,600 cases barely moves the needle when compared to the million-plus evictions that were filed over those two fiscal years. While legal services providers helped these 12,000 tenants avoid displacement and potential homelessness, hundreds of thousands more went without representation – many not knowing legal help was available. Most tenants facing eviction in Maryland do not even attend their hearing, feeling frightened and believing there is no hope with nowhere to turn.

Eviction cases are filed in every Maryland jurisdiction, and the number of people facing eviction due to the COVID-19 pandemic has increased exponentially. According to court data, in 2019 there were nearly 672,000 failure-to-pay-rent filings across the state, from Western Maryland to the Eastern Shore and everywhere in between. This is an astounding number considering there are fewer than 705,000 rent-paying households in Maryland. Legal representation is essential in these cases, and more resources are needed to expand this valuable service statewide.

SB 154 also creates a Right to Counsel in Evictions Coordinator in the Office of the Attorney General. Should the Office of the Attorney General choose to contract out the role of the Coordinator, with sufficient funding, MLSC would be willing and able to fill this role. MLSC has long been a trusted convener and funder of such services and has the expertise necessary to ensure the most effective distribution of legal services funding.

MLSC urges favorable consideration of SB 154.

SB 154 - Right to Counsel in Eviction Hearings Esp

Uploaded by: Esposito, Lindsay

Position: FAV

Dear Members of the Senate Judicial
Proceedings Committee,

This testimony is being submitted by Showing
Up for Racial Justice Baltimore, a group of white
folks working as part of a multi-racial movement
for equity and racial justice in Baltimore City and
Baltimore County. We are also working in
collaboration with the CASA de Maryland. I am a
resident of MD District 45. I'm proud to have

been a resident of Baltimore City since 2008 and a homeowner and voter in the Greenmount West
neighborhood for the last 8 years. I am testifying **in support of Senate Bill 154.**



While landlords almost always have a lawyer or agent for eviction hearings, the vast majority of renters are not represented. This imbalance means hearings almost always end in eviction. Evictions destabilize families and communities and prevent safe distancing during the pandemic. This bill guarantees Maryland renters legal counsel in eviction courts. Take action now to ensure that renters in eviction court have a voice!

In Baltimore City alone, there are over 140,000 eviction cases filed each year and nearly 70,000 evictions are ordered. The main reason we see this huge imbalance is because only 1% of tenants have a lawyer: that should be considered illegal. The report *The Impact of an Eviction Right to Counsel in Baltimore City*, authored by Stout Risius Ross, LLC, and funded by a grant from the Abell Foundation, estimates that 92% of represented tenants would avoid disruptive displacement with a right to counsel in Baltimore City. That translates to 5,777 households and 17,300 people each year just in one city. Imagine how many families could avoid sudden homelessness if this common-sense law applied state-wide.

In a Baltimore Sun Editorial from May 2020, it was stated *“The problems created by coronavirus today aren’t going to disappear tomorrow — especially if we’re not planning for them now. The consequences of losing a home are devastating even without a pandemic in place. Baltimore must do all it can to help struggling residents uphold their responsibilities.”*

Baltimore successfully passed legislation this year to ensure Right to Counsel, let’s do it across the state of Maryland. To conclude, I strongly encourage you to vote **in support of Senate Bill 154.**

Thank you for your time, service, and consideration.

Sincerely,
Lindsay Esposito
434 E Oliver
Baltimore, MD 21202
Showing Up for Racial Justice Baltimore

SB0154 Landlord and Tenant Eviction Action Right

Uploaded by: Frey, Leslie

Position: FAV



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

SB 154 - Right to Counsel in Eviction Hearings.pdf

Uploaded by: Gorny, Daniel

Position: FAV

Dear Members of the Senate Judicial
Proceedings Committee,

This testimony is being submitted by Showing
Up for Racial Justice Baltimore, a group of white
folks working as part of a multi-racial movement
for equity and racial justice in Baltimore City and
Baltimore County. We are also working in
collaboration with the CASA de Maryland. I am a
resident of MD District 8. I am testifying in
support of Senate Bill 154.



While landlords almost always have a lawyer or agent for eviction hearings, the vast majority of renters are not represented. This imbalance means hearings almost always end in eviction. Evictions destabilize families and communities and prevent safe distancing during the pandemic. This bill guarantees Maryland renters legal counsel in eviction courts. Take action now to ensure that renters in eviction court have a voice!

In Baltimore City alone, there are over 140,000 eviction cases filed each year and nearly 70,000 evictions are ordered. The main reason we see this huge imbalance is because only 1% of tenants have a lawyer: that should be considered illegal. The report *The Impact of an Eviction Right to Counsel in Baltimore City*, authored by Stout Risius Ross, LLC, and funded by a grant from the [Abell Foundation](#), estimates that 92% of represented tenants would avoid disruptive displacement with a right to counsel in Baltimore City. That translates to 5,777 households and 17,300 people each year just in one city. Imagine how many families could avoid sudden homeless if this common-sense law applied state-wide.

In a Baltimore Sun Editorial from May 2020, it was stated *“The problems created by coronavirus today aren’t going to disappear tomorrow — especially if we’re not planning for them now. The consequences of losing a home are devastating even without a pandemic in place. Baltimore must do all it can to help struggling residents uphold their responsibilities.”*

Baltimore successfully passed legislation this year to ensure Right to Counsel, let’s do it across the state of Maryland. To conclude, I strongly encourage you to vote **in support of Senate Bill 154.**

Thank you for your time, service, and consideration.

Sincerely,

Daniel Gorny
3411 Upton Rd.
Parkville, MD 21234

Showing Up for Racial Justice Baltimore

Homeless Persons Representation Project_FAV_SB 154

Uploaded by: Hatfield, Carisa

Position: FAV



Homeless Persons Representation Project, Inc.
201 North Charles Street, Suite 1104
Baltimore, MD 21201
Phone: 410-685-6589
www.hprplaw.org

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.



Homeless Persons Representation Project, Inc.
201 North Charles Street, Suite 1104
Baltimore, MD 21201
Phone: 410-685-6589
www.hprplaw.org

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.

Please contact Carisa A. Hatfield, Homeless Persons Representation Project, at 410-685-6589 ext. 32 or chatfield@hprplaw.org with any questions.

SB 154 - Right to Counsel in Eviction Hearings BH.

Uploaded by: Hauck, Barbara

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 43. I am also a longtime member of Baltimore's vibrant theatre community, as well as the Artistic Director at the Fells Point Corner Theatre. I am testifying **in support of Senate Bill 154**.



While landlords almost always have a lawyer or agent for eviction hearings, the vast majority of renters are not represented. This imbalance means hearings almost always end in eviction. Evictions destabilize families and communities and prevent safe distancing during the pandemic. This bill guarantees Maryland renters legal counsel in eviction courts. It is important that we take action now to ensure that renters in eviction court have a voice.

In Baltimore City alone, there are over 140,000 eviction cases filed each year and nearly 70,000 evictions are ordered. The main reason we see this huge imbalance is because only 1% of tenants have a lawyer — this should be considered illegal. The report *The Impact of an Eviction Right to Counsel in Baltimore City*, authored by Stout Risius Ross, LLC, and funded by a grant from the Abell Foundation, estimates that 92% of represented tenants would avoid disruptive displacement with a right to counsel in Baltimore City. That translates to 5,777 households and 17,300 people each year just in one city. Imagine how many families could avoid sudden homeless if this common-sense law applied state-wide.

In a *Baltimore Sun* editorial from May 2020, it states, “The problems created by coronavirus today aren’t going to disappear tomorrow — especially if we’re not planning for them now. The consequences of losing a home are devastating even without a pandemic in place. Baltimore must do all it can to help struggling residents uphold their responsibilities.”

Baltimore successfully passed legislation this year to ensure Right to Counsel, now it’s time to do it across the state of Maryland.

To conclude, I strongly encourage you to vote **in support of Senate Bill 154**.

Thank you for your time, service, and consideration.

Sincerely,
Barbara Hauck (she/her)
3420 Harford Road
Baltimore, MD 21218
Showing Up for Racial Justice Baltimore

Public Justice Ctr SB 154 Favorable.pdf

Uploaded by: Hill, Matt

Position: FAV



C. Matthew Hill, Attorney
Public Justice Center
201 North Charles Street, Suite 1200
Baltimore, Maryland 21201
410-625-9409, ext. 229
hillm@publicjustice.org

SB 154 - Landlord and Tenant – Eviction Action – Right to Counsel
Hearing before the Judicial Proceedings Committee on January 28, 2020

Position: Favorable

Even with COVID-19 legal protections, over 2,500 renter families were evicted in MD in the past 10 months. Legal protections are only as good as their enforcement. These protections have grown more complex in the wake of COVID – making enforcement through legal representation even more critical. While rental assistance and more affordable housing are necessary, the State should start by enforcing the current legal protections that support families seeking habitable, fair, accessible, affordable housing.

SB 154 will ensure that low-income tenants in Maryland facing eviction have the right to an attorney to enforce existing legal protections. SB 154’s language is based on the successful programs being instituted in 7 jurisdictions: Balt. City, Philadelphia, Boulder, New York City, San Francisco, Cleveland, and Newark. By passing this bill, Maryland will join these cities in recognizing that the right to counsel in eviction cases is a proven, cost-effective means of preventing the disruptive displacement of residents. Provisions include:

- Establishing a Coordinator in the Attorney General’s Office to contract with nonprofit legal services orgs to provide limited-income tenants with representation – Maryland Legal Services Corp. has agreed to administer the program in practice;
- Establishing a task force of stakeholders to advise on implementation;
- Implementing the right over a four-year period and requiring annual reports and hearings;
- Requiring Sheriff to post notice of right to counsel with eviction complaint and funding community-based organizations to conduct outreach and education with tenants.

COVID-19 has reinforced that housing security, particularly during a pandemic, is a matter of life and death. A [recent study](#) concluded: “Lifting [eviction] moratoriums translated to a total of 433,700 excess cases and 10,700 excess deaths between March 1 and September 3, 2020.” The cost of inaction in the current pandemic is far higher than providing for a right to counsel.

Right to Counsel is cost effective at preventing disruptive displacement in eviction cases. A recent [Stout report](#) shows that an annual investment of \$5.7 million in a right to counsel for tenants in one Md. jurisdiction would yield \$18.1 million in benefits/costs avoided to the State (and \$17.5 million to the locality). [Costs savings or benefits include costs related to homeless](#)

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

[shelters, Medicaid spending in hospitals, homeless student transportation, and foster care costs.](#) According to Stout, **92% of represented tenants would avoid disruptive displacement** with a right to counsel in one Maryland jurisdiction, and [in areas of New York City where right to counsel was implemented, 84% of represented tenants stayed in their homes.](#)

Right to Counsel helps address the disparate racial/gender impact of eviction. Due to COVID, **36% of Black households in Maryland are likely facing an eviction action, compared to 14% of white households.** In Baltimore City, even prior to COVID-19 the number of Black women evicted was [3.9 times higher \(296% more\)](#) than the number of white men evicted. [Black and Latinx persons are also more likely to be infected and die from COVID-19.](#) In sum, due to centuries of institutionalized, systemic racism, Black and Latinx residents upon whom our state now relies for essential services during the pandemic are disproportionately subject to death and displacement from COVID-19. As one [recent study concluded](#): “Protecting public health during the pandemic requires protecting those most likely to contract, spread, and die from COVID-19, especially people in poverty and people of color, who are more likely to be evicted and more likely to suffer severe harm during the pandemic.”

Right to counsel levels the scales of justice. 96% of landlords in the Stout study were represented in eviction cases, while only 1% of tenants were represented. This bill will level the field and ensure tenants are treated with respect and dignity.

Renters have rights and defenses in eviction cases, but those rights are often not enforced. [In one 2016 survey of Baltimore renters, 80% of respondents had a defense to their eviction case, but only 8% of renters without counsel successfully raised a defense based on conditions of disrepair.](#) In addition to conditions of severe disrepair, tenants have defenses depending on the type of eviction action including: retaliation, lack of landlord licensing/lead paint compliance, illegal/excessive fees or non-rent charges, payment already made, not a substantial breach of the lease, and others.

The price of inaction is far higher than an investment in right to counsel. We estimate full implementation of a right to counsel in evictions in Maryland after 4 years would require \$28.5 million annually to represent 34,750 families, but would result in \$90.5 million in annual State savings from reduced costs to Medicaid, foster care, and other social services for persons who are homeless. Like other jurisdictions, Maryland could pay for full implementation with general funds, federal pass-through funds, and the proposed eviction case filing fee increase legislation. COVID-19 and the eviction tsunami we face reinforces that the cost of inaction is far higher.

Right to Counsel in Eviction Cases is part of a larger package of Housing Justice bills necessary to support safe, healthy, fair, and affordable housing in Maryland. For more information visit www.rentersunitedmaryland.org #MDHousingJustice

Please issue a report of FAVORABLE on SB 154. If you have any questions, please contact Matt Hill, hillm@publicjustice.org, 410-625-9409, ext. 229.

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

Right to Housing Alliance Testimony SB 154 Support

Uploaded by: Hill, Matt

Position: FAV



Right to Housing Alliance

Hearing of the Judicial Proceedings Committee, January 28, 2021

Senate Bill 154 – Landlord and Tenant – Eviction Action – Right to Counsel

Position: Support

Dear Chairman Smith and Committee Members,

My name is Detrese, I'm currently the President of an organization called Right to Housing Alliance and I'm writing this testimony in favor of the Right to Counsel bill. We believe that this bill will help provide relief for tenants who face injustices in rent court. Being in this organization for years I have seen and worked with tenants who are afraid to face their landlord alone. I have also seen situations where if a tenant does defend themselves they aren't always given a fair shake in court even when there is evidence that the landlord is in the wrong. Tenants aren't given the opportunity to bring up a defense as to why their rent isn't paid. In some cases, it can be a situation where they are living in deplorable conditions without remediation from the landlord and bad accounting practices (which I went through as a tenant). When tenants feel their voices aren't being heard they often give up and feel what's the use the landlord will win anyway. But, with an attorney by their side it gives them a glimmer of hope that their voice is being heard.

Thank You

Detrese Dowridge

President/Leadership Council Member

Right to Housing Alliance

443.863.9607

MAP_ SB 154 Right to Counsel_FAVORABLE.pdf

Uploaded by: Jefferson , Stacey

Position: FAV



TESTIMONY IN SUPPORT OF SB 154

Landlord and Tenant - Eviction Action - Right to Counsel

Senate Budget and Taxation and Judicial Proceedings Committees

January 28, 2021

Submitted by Stacey Jefferson and Julia Gross, Co-Chairs

Member Agencies:

Advocates for Children and Youth
Baltimore Jewish Council
Behavioral Health System Baltimore
CASH Campaign of Maryland
Catholic Charities
Episcopal Diocese of Maryland
Family League of Baltimore
Fuel Fund of Maryland
Health Care for the Homeless
Homeless Persons
Representation Project
Job Opportunities Task Force
League of Women Voters of Maryland
Loyola University Maryland
Maryland Catholic Conference
Maryland Center on Economic Policy
Maryland Community Action
Partnership
Maryland Family Network
Maryland Hunger Solutions
Paul's Place
Public Justice Center
St. Vincent de Paul of Baltimore
Welfare Advocates

Marylanders Against Poverty

Stacey Jefferson, Co-Chair
P: 410-637-1900 ext 8578
C: 443-813-9231

E: stacey.jefferson@bhsbaltimore.org

Julia Gross, Co-Chair
P: 410-528-0021x6029

E: jgross@mdhungersolutions.org

Marylanders Against Poverty (MAP) strongly supports SB 154, will ensure that low-income tenants in Maryland facing eviction have the right to an attorney to enforce existing legal protections.

Even with COVID-19 legal protections in place, over 2,500 renter families were evicted during COVID-19 in MD. Eviction laws and protections are only as good as their enforcement, and right to counsel will lay the foundation for more equitable, sustainable housing in Maryland as we recover.

This bill will level the playing field for tenants in rent court. 96% of landlords in the Stout study were represented, while only 1% of tenants were represented. This bill will level the field and ensure tenants are treated with respect and dignity. Further, in a 2016 survey of Baltimore renters, 80% of respondents had a defense to their eviction case, but only 8% of renters without counsel successfully raised a defense based on conditions of disrepair.

The right to counsel in eviction cases will also provide significant social and economic benefits to the State. A [recent report](#) by Stout shows that an annual investment of \$5.7 million in a right to counsel for tenants in one Md. jurisdiction would yield \$18.1 million in benefits/costs avoided to the State (and \$17.5 million to the locality). Costs savings or benefits include costs related to homeless shelters, Medicaid spending in hospitals, homeless student transportation, and foster care costs. According to Stout, 92% of represented tenants would avoid disruptive displacement with a right to counsel in one Maryland jurisdiction, and in areas of New York City where right to counsel was implemented, 86% of represented tenants stayed in their homes.

MAP appreciates your consideration and urges the committee to issue a favorable report for SB 154.

Right to Counsel in Eviction Cases is part of a larger package of Housing Justice bills necessary to support safe, healthy, fair, and affordable housing in Maryland. Marylanders Against Poverty proudly supports this package. For more information visit www.rentersunitedmaryland.org

Marylanders Against Poverty (MAP) is a coalition of service providers, faith communities, and advocacy organizations advancing statewide public policies and programs necessary to alleviate the burdens faced by Marylanders living in or near poverty, and to address the underlying systemic causes of poverty.

2021-01-28 SB 154 (Support).pdf

Uploaded by: Kemerer, Hannibal

Position: FAV

BRIAN E. FROSH
Attorney General



ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.

410-576-6584

January 28, 2021

TO: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: The Office of the Attorney General

RE: SB 154 – Landlord and Tenant - Eviction Action - Right to Counsel – **Letter of Support**

The Office of Attorney General supports the goal of SB 154 to ensure fair opportunities for tenants so they may be treated with respect and dignity. Senate Bill 154 is a response to the rising rate of eviction cases and findings that many Marylanders relinquish their defenses because they are not represented. In Baltimore, for example, landlords were represented in 96% of cases, while tenants were represented in 1% of cases.¹ Senate Bill 154 creates a right to counsel for tenants to level the field and allow tenants to successfully raise any defenses they have.

For tenants, emotional and physical effects from eviction are exceedingly detrimental. In a recent study, eviction or a mere threat of eviction, is “associated with numerous mental health conditions including anxiety, depression, exposure to violence, mental health hospitalization, and suicide.”² Eviction is particularly “traumatizing to children and affects emotional and physical well-being and development for years, if not for lifetimes.”³ Also, the post-eviction effects are

¹ Matt Hill et al., *Reports show the effectiveness of providing a right to counsel to challenge Baltimore’s high rate of evictions and its disparate racial and gender impact*, PUBLIC JUSTICE CENTER (May 18, 2020) <https://www.publicjustice.org/en/news/dual-reports-show-the-effectiveness-of-providing-a-right-to-counsel-to-challenge-baltimores-high-rate-of-evictions-and-its-disparate-racial-and-gender-impact/>.

² Emily A. Benefer et al., *Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy*, J. URB. HEALTH 1, 4 (last revised Dec. 7, 2020).

³ *See id.*

as detrimental as effects from eviction itself.⁴ These detrimental health conditions lead to high health care costs, which ultimately “make[s] future evictions more likely.”⁵ Thus, to tenants, eviction is not a simple legal process but a life-changing event that creates an inescapable cycle into poverty.

Contrarily, many “landlords, particularly large corporate property owners, increasingly use eviction filings not to displace tenants, but rather to collect rent.”⁶ In Baltimore city, for example, “[e]ighty-four percent of [] eviction actions are filed with only one month rent due.”⁷ Even worse, these actions are filed when tenants are only a few days late.⁸ Many tenants are unable to raise their defense against these unfair actions, not because tenants do not have a case, but because they did not get an opportunity to be fairly represented.⁹ This imbalance in the landlord’s unfair usage of the eviction process and what tenants may experience supports the need for a right to counsel for disadvantaged and abused tenants.

The detrimental effect of the pandemic further supports the need to provide a right to counsel. It is critical to contain the COVID-19 pandemic and protect Marylanders. However, evictions “force families into transiency, homelessness, and crowded resident[s] . . . that increase new contact with others and make compliance with pandemic health guidelines difficult or impossible.”¹⁰ And avoiding eviction can be “lifesaving.”¹¹ Thus, to help our State contain the pandemic and to protect the lives of Marylanders, a right to counsel in eviction cases is absolutely necessary.

For the foregoing reasons, the Office of the Attorney General urges a favorable report of Senate Bill 154.

cc: Senator Hettleman & Members of the Judicial Proceedings Committee

⁴ See *id.* (“[I]ncreased incidence of high blood pressure, higher mortality[,] . . . increased risk of coronary heart disease[,] . . . sexually transmitted infections, . . . and drug use[.]”).

⁵ See *id.*

⁶ Brian Frosh, *Attorney General: Maryland Eviction Process ‘Unfair to Tenants’ | Commentary*, BALTIMORE SUN (Dec. 11, 2020), <https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-1213-frosh-serial-evictions-20201211-nnlu6zmiqjgc7dyohvqx5k3cu-story.html>.

⁷ *Id.*

⁸ See *id.*

⁹ In one 2016 survey of Baltimore renters, 80% of respondents had a defense to their eviction case, but only 8% of renters without counsel successfully raised a defense.

¹⁰ See Benefer et al., *supra* note 2, at 2.

¹¹ See *id.* at 5.

CC - SB 154 - Right to Council - Favorable.pdf

Uploaded by: Klingenmaier, Lisa

Position: FAV

**Senate Bill 154
Landlord and Tenant – Eviction Action – Right to Council****Senate Judicial Proceedings and Budget and Taxation Committees
January 28, 2021****Support**

Catholic Charities of Baltimore strongly supports SB 154, which establishes a right to council for low-income Marylanders renters in eviction cases.

Inspired by the gospel to love, serve and teach, Catholic Charities provides care and services to improve the lives of Marylanders in need. As the largest human service provider in Maryland working with tens of thousands of youth, individuals, and families each year, we see the traumatic impact of eviction and housing displacement every day. Homelessness and housing instability are public health crises, and the failure of Maryland's safety net systems to assist struggling low-income renters has only been exacerbated by the pandemic. COVID-19 has laid to bare longstanding inequities in our systems, including inequitable access legal representation. We strongly support SB 154, and the examples below outline how we see this legislation benefiting those we serve:

SB 154 will reduce the incidence and burdens of homelessness. We provide homeless services across central and western Maryland, and often those we work with tell us their households spiraled into homelessness due to an eviction they faced alone and without supports. Conversely, a study recently done on eviction actions found that approximately 96% of landlords had representation in court while only 1% of the tenants had council.¹ Establishing a right to council for low-income Marylanders – who can't afford to pay for council on their own – will lay the foundation for more equitable, stable housing in Maryland and more access to justice in our legal system.

Overhauling our eviction process will assist in the social and economic recovery from COVID. Tragically, during this historic public health challenge, over 115,000 failure to pay rent lawsuits were filed in Maryland from July to November, and over 2,500 households have been evicted during the pandemic. Without stable shelter, families are more susceptible to adverse childhood experiences (ACEs), hunger, behavioral health crises, and poor health - including increased risk of contracting COVID. This past year in our head start programs our caseworkers have talked to hundreds of parents that have told us they are at risk of eviction and looking for assistance. The pandemic has demonstrated the gaping holes in our safety net programs, especially for people of color. Evictions and homelessness have a disparate impact on black and brown communities. Establishing a right to council in eviction cases improves the socioeconomic outlook of low-income families, and is a tangible step in the effort to dismantle the inequities born of structural racism and oppression in our legal and social safety net systems.

Changing our eviction process is sound fiscal policy. Evictions further entrench families into homelessness, poverty, and adverse childhood experiences, which are extraordinarily expensive to address. Maryland should be working to prevent loss of housing, especially among households with children. Safe and reliable housing provides the stability needed to secure and maintain employment, promote good health, invest in educational opportunities and ultimately saves the state resources that otherwise go to maintain shelters and state-funded safety net programs. We know our individuals and families thrive in economically secure households with stable housing, and thriving families means a thriving economy.

On behalf of the individuals and families we work with, Catholic Charities of Baltimore appreciates your consideration, and urges the committee to issue a favorable report for SB 154.

Submitted By: Lisa Klengenmaier, Assistant Director of Advocacy

¹ Stout, Risius, Ross. 2002. *The Economic Impact of an Eviction Right To Counsel in Baltimore City*. Abell Foundation. Public Justice Center. <https://bmorerentersunited.org/rtc/stoutreport/>

MD Catholic Conference_FAV_SB0154.pdf

Uploaded by: Kraska, MJ

Position: FAV



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

January 28, 2021

SB 154

Landlord and Tenant - Eviction Action - Right to Counsel

Senate Judicial Proceedings Committee

Position: Support

The Maryland Catholic Conference ("Conference") represents the public-policy interests of the three Roman Catholic (arch) dioceses serving Maryland: the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington.

Senate Bill 154 establishes that certain individuals have a right to legal representation in eviction proceedings; establishing the Right to Counsel in Evictions Coordinator to organize and direct services and resources to provide covered individuals with legal representation for a judicial or administrative proceeding; providing for the legal representation of certain individuals in certain proceedings and civil matters by certain organizations; providing for outreach and education regarding tenants' rights by certain community groups.

The foundation of Catholic Social Teaching is the recognition of the life and dignity of the human person. The Church has traditionally viewed housing, not as a commodity, but as a basic human right. This conviction is grounded in our view of the human person and the responsibility of society to protect the life and dignity of every person by providing the conditions where human life and human dignity are not undermined, but enhanced. As Pope John Paul II stated, "*A house is much more than a roof over one's head. It is "a place where a person creates and lives out his or her life."*

Our legal system rests upon the principle that everyone is entitled to due process of law and a meaningful opportunity to be heard. Thus, Senate Bill 154 will provide essential legal representation for our most vulnerable populations during the Covid-19 crisis.

The Conference appreciates your consideration and respectfully urges a favorable report for Senate Bill 154.

Senate Bill 154-Landlord and Tenant - Eviction Act

Uploaded by: Legal Aid, Maryland

Position: FAV



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

**BALTIMORE COUNTY
OFFICE**

Janine Scott, Esq.
Chief Attorney
jscott@mdlaborg

N. Renae Davis, Esq.
Supervising Attorney
ndavis@mdlaborg

215 Washington Avenue
Suite 305
Towson, MD 21204

(410) 427-1800
(877) 878-5920
(410) 296-4837 (Fax)

January 26, 2021

Honorable William Smith, Jr.
Chair, Judicial Proceedings
Miller Senate Office Building
Annapolis, MD 21401

Re: Maryland Legal Aid’s Testimony in Support of Senate Bill 154-Landlord and Tenant - Eviction Action-Right to Counsel

Dear Chair Smith and Committee Members:

Thank you for the opportunity to testify in support of Senate Bill 154, legislation that would establish the right to legal representation in eviction cases for individuals whose income is not higher than fifty percent of Maryland's median income.

Maryland Legal Aid (MLA) is a private, nonprofit law firm that provides free legal services to indigent Maryland residents. MLA has twelve offices around the State that assist individuals and families with a wide array of civil legal issues, including landlord-tenant, consumer, public benefits, and family law matters.

Eviction has a severe impact on public health and the financial and mental well-being of those who face housing loss. Maryland is one of many states that understand the effect of an eviction and has established protection for tenants to ensure that they have the right to due process and a fair trial. The right to a fair trial incorporates the principles of procedural fairness and equality before the courts. MLA’s responsibility is to serve indigent Marylanders' legal needs by advancing Human Rights and Justice for All. This includes the right to safe and habitable housing and the equal protection of the law as enshrined in Articles 14 and 26 of the International Covenant on Civil and Political Rights.

Senate Bill 154 strengthens these principles by leveling the playing field to give tenants similar resources as landlords. Stout Risius Ross's recent report shows that approximately 96% of landlords were represented in the District Court of Maryland’s Baltimore City eviction court, while only 1% of tenants were represented. In a 2016 survey of Baltimore City renters, 80% of the respondents had a defense to their eviction case, but only 8% of unrepresented renters successfully raised a defense. Maryland must ensure that all tenants have a right to present defenses to the court to ensure fair determinations.

EXECUTIVE STAFF

Wilhelm H. Joseph, Jr., Esq.
Executive Director

Stuart O. Simms, Esq.
Chief Counsel

Gustava E. Taler, Esq.
Chief Operating Officer

Administrative Offices
500 East Lexington Street
Baltimore, MD 21202
(410) 951-7777
(800) 999-8904
(410) 951-7778 (Fax)

www.mdlaborg
10.2020



In 2018, through a grant, MLA established a landlord-tenant extended representation project providing tenants representation in rent actions in Baltimore City and Baltimore County. The project has revealed the tremendous impact that attorney representation can have when tenants have counsel and often lead to eviction avoidance.

When a tenant comes to MLA facing eviction, advocates can often resolve the matter immediately by communicating with the landlord's attorney to seek a resolution before the filing of any court action. Solutions include repayment plans, memorandums of understanding, and rescission of notices of evictions. If the matter cannot be settled, advocates present all available defenses to the court. Cases involving eviction include legal complexities, including defenses regarding rental registrations, lead certifications, and unsafe conditions in the properties. MLA does not always obtain favorable outcomes for housing clients, but advocates argue to extended time to vacate so that the clients can locate housing with dignity.

Both sides of the adversarial eviction process benefit from full representation. Out of court resolutions of these matters saves both parties time and money and relieves the pressure on the judicial system. When an attorney represents tenants, it is easier for landlords to communicate with the tenants, and tenants feel that their voices have been heard.

Tenants' counsel informs the court and all parties about potential payment resources beyond the tenant. During the COVID-19 pandemic, eviction prevention programs provide monetary rental assistance to both tenants and landlords. MLA advocates routinely convey the availability of these resources to clients and landlords. This funding is an incentive to initiate settlement of failure to pay rent matters. When all parties have access to updated tenant funding resources, efforts to resolve the case become more amicable.

The Right to Counsel would result in a fair, efficient, and dignified process for all parties in eviction actions. MLA thanks you for the opportunity to provide input and urge the Committee to give SB 154 a favorable report.

/s/ N. Renae Davis
N. Renae Davis, Esq.
Supervising Attorney
Maryland Legal Aid – Baltimore County Office
ndavis@mdlalab.org
(410) 427.1819

Broadview Apartments - SB154 - FAV.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 28, 2021

Thomas R. Knoche, Board Member
Broadview Apartments, LLC
105 W. 39th Street
Baltimore, MD 21210

TESTIMONY IN SUPPORT OF BILL SB154/HB18
Landlord and Tenant - Eviction Action - Right to Counsel

TO: Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee
FROM: Thomas R. Knoche, on behalf of Broadview Apartments, LLC

The Broadview Apartments, LLC family ownership Board encourages the Maryland legislature to adopt SB154/HB18, which would establish a right to counsel for low income tenants. The Broadview Apartments, LLC owns 500 units of rental housing on W. 39th Street in Baltimore City, where approximately 1,300 people are housed.

As a landlord, we might not be expected to support this legislation. But we do, for four reasons:

- (1) We see first-hand the impact the pandemic has had on the people who rent from us. Times are tougher than many ever expected to see, and the financial hardship comes at no fault of their own.
- (2) Our costs go down when turnover is reduced, so we want residents to live at our developments for as long as they can. Displacement is bad for them, and the turnover costs are bad for us.
- (3) Displacement can lead to homelessness, and the latter is to be avoided at all cost. The human cost is beyond measure. The cost to society – specifically taxpayers -- can be measured. Study after study, over decades, confirm that the most cost-effective way to address homelessness is to avoid it by preventing displacement, providing sufficient affordable housing units, and preventive social services.
- (4) Finally, we consider ourselves fortunate. Everyone needs a roof over their head, so most tenants see rent as a priority bill that must get paid. Consequently, our revenue has dropped by a small amount compared to what many other family-owned businesses have faced during this pandemic. Our business will survive, and so will many others that own rental property. Tragically, many other businesses will not. We can help our tenants get through this difficult time, and we should.

We consider decent housing to be a basic human right. The right to counsel will increase fairness and stability in the housing market long after the pandemic has waned. We believe this legislation will benefit landlords, as well as renters, in the State of MD. **We urge timely action to pass SB154/HB18.**

SB154 - Anna Levy.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 28, 2021

Anna Levy
Rockville, MD 20852

TESTIMONY IN SUPPORT OF BILL SB154/HB18
Landlord and Tenant - Eviction Action - Right to Counsel

TO: Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee
FROM: Anna Levy

My name is Anna T Levy, a resident of Rockville, MD, District 16. I am submitting this testimony in support of SB154/HB18, Landlord and Tenant - Eviction Action - Right to Counsel. Safe and stable housing has far reaching economic, health, and social benefits to individuals, families, and communities, and is key to reducing racial inequities. Renters routinely have little agency when faced with threats to maintaining stable housing. As a Jewish person, I am taught that all people should have *dei machsoro*, resources sufficient for each person's needs. (Deut. 15:7-8) Consequently, society has an obligation to make sure that people can stay in their homes, especially during a time of pandemic.

Over 655,000 eviction cases are filed each year in the State of Maryland among 805,000 renter households. A study of eviction actions in one local jurisdiction found that while only 1% of tenants are represented in eviction proceedings, approximately 96% of landlords are represented by an attorney or specialized agent in such cases. Providing a right to counsel to tenants in eviction cases is a proven means of preventing displacement of families and the resulting social, economic, and public health costs of loss of home. Renters who don't have the advantage of an attorney are typically unable to defend themselves even when they have a legitimate defense that would help to avoid eviction. Evictions create significant costs for state and local government related to funding for shelter and education, as well as health care provided in hospitals instead of by community-based providers, transportation costs for homeless youth, and foster care. An estimate from Renters United Maryland suggests that an annual investment of \$28.5 million by the State would result in approximately \$90.1 in savings for services described above to offset the costs of evictions and homelessness. Notably, evictions have a disparate impact on Black and brown households in Maryland. Reducing the numbers of evictions would help to reduce significant racial inequities and strengthen the financial status of individuals and our communities.

Passage of Bill SB154/HB18 will establish a Right to Counsel Coordinator in the Attorney General's Office to provide legal service to low-income tenants, establish a task force of stakeholders to advise on the implementation of the bill, require annual reports and hearings to advise on implementation and effectiveness of the programs, and provide means for outreach to tenants.

I respectfully urge a strong report from the Committee in support of passage of SB154.

SB154 - Claire Landers.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 28, 2021

Claire Landers
Baltimore, MD 21209

TESTIMONY IN SUPPORT OF BILL SB154/HB18
Landlord and Tenant - Eviction Action - Right to Counsel

TO: Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee

FROM: Claire Landers

My name is Claire Landers. I am a resident of Baltimore County, in state district 11.

I am submitting this testimony in support of SB154/HB18, Landlord and Tenant - Eviction Action - Right to Counsel.

In 2015, I volunteered in Baltimore City Rent Court as part of The Abell study conducted by the Public Justice Center (PJC) and Right to Housing Alliance. One afternoon in the lobby of Rent Court, another volunteer and I spoke with a renter who was there to defend herself from eviction after enduring a long-standing dispute with her landlord. The circumstances of her experience in this apartment were mind-boggling and the photographs of the uninhabitable conditions of disrepair were horrific. Ultimately, the story of this woman, identified as “Denise”, was included in the in-depth report Justice Denied: How Renters are Processed in Baltimore City Rent Court. I spent hours in Rent Court speaking with tenants about their experiences and observing the proceedings. What I saw and heard has never left me and so I share it with you, our legislators who have the power to bring justice into a broken system.

In the many evictions hearings I watched, I remember tenants trying to make their case by explaining to the judge why they were withholding rent and the nature of on-going disputes with their landlords. More than one renter attempted to present evidence of disrepair, mold, rodent infestation or other problems with photos or paperwork; repeatedly these same individuals were informed by the judge that “today’s proceeding is not about evidence” nor the opportunity for them to litigate their treatment by landlords. They were instructed the procedure was limited to deciding the question of whether or not they had paid the rent and, if not, would they be prepared to pay it immediately to prevent an order for eviction. I can only remember one or maybe two tenants represented by an attorney. On the other hand, the landlords were represented by private attorneys or “agents,” or had the benefit of their own significant professional experience filing previous cases in Rent Court. The judge often sent renters back into the lobby area “to negotiate” with the landlord, the agent or attorney: in those instances, clearly the power imbalance ensured renters would be held over a barrel to agree to terms that favored the landlord’s interests. I was more disturbed later on to learn that landlords are required by law to provide valid lead remediation certificate numbers on their court filing forms, yet 70% did not, according to one study. And still, these same landlords had full access to the services of a taxpayer-funded District Court to process their filings and utilize the Sheriff’s services in carrying out evictions.

Sitting in Rent Court was eye-opening for me as a middle-aged, white woman from Pikesville: I did not see Rent Court functioning in the way we believe American courtrooms are supposed to operate - especially when a legal proceeding will result in the most dire consequences for one party: that is, losing the roof over their head. As an observer, it appeared to me that court findings against a tenant became a foregone conclusion and that evictions were processed with less due process and mercy than speeding violations in traffic courts. I left with the impression that Rent Court was an eviction processing center unworthy of the judges and court administrators and all of us who believe in fundamentally fair and equal justice rendered by our courts.

It is therefore heartening to see SB154 come before you. Recently, Baltimore City has begun to address the imbalance in rent court by passing a renters' 'right to counsel' bill. SB154 will ensure this very basic way of inserting some fairness into eviction court proceedings will be available throughout the state of Maryland. Additionally, I ask you to remember that the covid pandemic has disproportionately imposed extreme economic pressures on Black, brown and immigrant individuals and families: these communities have most intensely experienced difficulties around plunging household incomes, accessing unemployment support, expensive healthcare crises, and even loss of life. When the covid-era eviction moratorium is lifted, rent court proceedings will resume and mass evictions will result. The damaging impact of that will be felt throughout Maryland, likely for years to come. We know that landlords will certainly be well-represented when that time comes and tenants deserve to be so, as well.

SB154 has the potential to reduce the long-term havoc this pandemic will inflict on all of us in Maryland. **I respectfully urge you to support SB154 with a favorable report.**

SB154 - Jeff Rubin - JUFJ.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 28, 2021

Jeffrey Rubin
Potomac, MD 20854



TESTIMONY IN SUPPORT OF SBI54/HB18
Landlord and Tenant – Eviction Action – Right to Counsel

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Jeffrey Rubin (on behalf of JUFJ)

My name is Jeff Rubin and I am a resident of Potomac, in District 15. I am the co-chair of the Labor and Housing Justice team of Jews United for Justice, which organizes more than 5,500 people around the state in support of local social, racial, and economic justice campaigns. I provide this testimony on behalf of JUFJ, in strong support of SBI54/HB18, Landlord and Tenant - Eviction Action - Right to Counsel.

Our support for this legislation is rooted in Jewish values that recognize the fundamental importance of the home for a person's well-being and the basic obligations of landlord to tenant. The Babylonian Talmud, a sacred text dating back over 1500 years, contains specific guidelines concerning the eviction of tenants (Baba Metzia, 101b). An enduring message is that the needs of the renter must be taken into account.

In his Pulitzer Prize-winning book about eviction and poverty in America, Matthew Desmond painted a vivid picture of the harm that befalls an individual, a family and its community as a consequence of eviction. It's a toxic blend of psychological instability, emotional turmoil, potential job loss, disruption of children's education, loss of property, and degradation of community spirit.

SBI54 would reduce the likelihood of eviction by enabling renters to have legal representation during eviction proceedings. Currently, landlords in Maryland have some form of representation in Rent Court in ~95% of cases, whereas renters are represented in ~ 5% of cases. Not surprisingly, renters rarely prevail in court. By contrast, in jurisdictions where renters have a right to counsel they are victorious in over 80% of cases.¹ Trends suggest that landlords in these jurisdictions have

¹ Just the Facts: Right to Counsel Stops Evictions in NYC; Right to Counsel NYC Coalition, 2020.

begun to seek remediation more often rather than routinely filing for eviction because they have learned that this is a more cost effective way to resolve disputes. Consequently, renters are far less likely to lose their homes and courts are less overwhelmed with an outrageous number of eviction cases.²

Moreover, a recent report indicated that implementation of the right to counsel in Baltimore City would save the local government ~\$35.6M in expenses for housing, foster care, homeless student transportation, Medicaid, and related expenses for the evicted population.³

In summary, a right to counsel would decrease the frequency of eviction and attendant personal hardships, while reducing the financial cost to the government. **JUFJ therefore respectfully urges a favorable report on SBI 54.**

² In recent years over 600,000 eviction proceedings have been filed annually in Maryland, corresponding to ~80% of rental units. In contrast, the eviction filing rate is ~5% in Pennsylvania and ~16% in Virginia. From Attorney General Brian Frosh, press conference December 28, 2020.

³ The Economic Impact of an Eviction Right to Counsel in Baltimore City; Stout, 2020.

SB154 - Joe Magar.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 28, 2021

Joe Magar
Baltimore, MD 21211

TESTIMONY IN SUPPORT OF SBI54/HBI8
Landlord and Tenant – Eviction Action – Right to Counsel

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Joe Magar

My name is Joe Magar. I live in Baltimore City District 41, and am submitting this testimony in strong support of SBI54/HBI8, Landlord and Tenant – Eviction Action – Right to Counsel. I respectfully urge this committee to give this bill a favorable review and assure that every Marylander has access to equal representation when facing eviction.

Advocates for this bill have presented the data on how the gross power imbalance in housing court contributes to a worsening eviction crisis, economic and racial disparities, and allows hazardous living conditions to go unaddressed. They have also outlined the economic benefits of assuring renters' rights are defended and reminded all of us how regardless of these benefits it is our moral imperative to defend the rights of all Marylanders.

I would like to address the inevitable rebuttals from landlords and property managers that SBI54 would place undue burden on them or that it would make it too difficult to evict tenants who are in violation of their lease. The only burden is one that should already be the responsibility of anyone conducting business in the State of Maryland, to follow the rules.

Anyone whose parents are small business owners knows, at the very least, two things; they work hard, long hours, and the kids spend A LOT of time at work. Both of my parents are property managers in the Metro Detroit and pretty much grew up in their office. I went along with them visiting properties all over the city, meeting contracts and prospective tenants and inspecting damage and subsequent repairs. I also sat quietly for what felt like millions of hours as the phone calls poured in about everything from broken lights and leaky pipes, to fires and illegal activity on the premises. Each one of these calls was documented and addressed.

It's hard work, but all broken lights get fixed. The leaky pipes get replaced. Fires usually aren't too big, but even the small ones require special contractors are called to come clean the smoke damage. When there are complaints of illegal activity, the appropriate authorities are alerted, and incidents documented. They manage units all over Detroit and everything—from luxury to subsidize—is kept up to code. They don't cut corners.

Of course, eviction happened too and was handled with the same strict adherence to regulation that guided all of my parent's business practices. They didn't bring the kids to court, but they did put us to work filing as soon as we could reliably alphabetize documents, so I can attest to the detailed nature of their record keeping. Documentation of every work order, payment and request assured that when they did go to court their case was presented clearly and in accordance with the law.

I don't think my parents are champions of housing justice any more than I think that SBI 54 is the silver bullet that will solve a housing crisis deeply rooted in inequality. They are just small business owners who don't break the law. My parents raised two kids in a nice neighborhood and helped us both get through college and grad school, without breaking the law or weaponizing eviction.

SBI 54 won't have much of an impact on law abiding landlords like my parents. Landlords who say it would place undue burdens on their ability to do business need to re-examine their business practices. **I respectfully urge a favorable report on SBI 54.**

SB154- Samantha Blau.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 28, 2021

Samantha Blau
Baltimore MD 21224

TESTIMONY IN SUPPORT OF SB154/HB18
Landlord and Tenant - Eviction Action - Right to Counsel

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Samantha Blau

My name is Samantha Blau and I am a resident of Baltimore City in the 46th district. I write to you to ask for your support of SB154/HB18, Landlord and Tenant - Eviction Action - Right to Counsel.

Being a renter can be a relief, when there is a plumbing issue it is someone else's responsibility to call a plumber and pay the bill. Being a renter can also be precarious, your access to safe housing is reliant on a person who is trying to make a profit from your basic human need for housing. Landlords have much more power than the typical seller in a transaction. If you buy a pear from the supermarket and it turns out to be rotten you can easily return it for a refund and move on. If you discover mold in the bathroom of your rental property it is up to the landlord to do the right thing and hire an abatement team. Supermarkets seem to plan for a margin of loss due to rotting produce, but from the terrible stories shared in rent court it would seem many landlords do not plan for such loss.

Whether the situation is mold, pests, or a loss of income due to a global pandemic, there are many legitimate reasons a renter may have an issue making regular payments for their housing. Attending a court hearing to sort out the issues might make sense, if there was a balance of power. If landlords can begin proceedings for eviction without any prior mediation, can use sheriff resources to forcibly remove a person from their living space, then the least the state can do is to ensure that the tenant is represented by someone who understands the laws being used in the case. That one change in the balance of power could go a long way to ensuring that tens of thousands of Maryland residents have access to safe housing, that thousands of children avoid disruption to their education by moving schools, that sheriff resources are conserved, and that court time can be better used. **I respectfully urge this committee to give a favorable report on SB154.**

Latonya Abrom. Right to Counsel SB 154.pdf

Uploaded by: Losak, Matthew

Position: FAV

Testimony of Latonya Abrom
In favor of SB 154, Right to Counsel
Judicial Proceedings Committee
8415 Flower Avenue
Silver Spring 20910
Thursday, January 28, 2021

Good Afternoon Chairman Smith and Vice-Chairman Waldstreicher and committee members. My name is Latonya Abrom and I live in Sky Properties in Silver Spring.

From January 10 until February 20 of last year I was without heat. I first complained to the property manager—every day, but they ignored my complaints saying they would fix it the next day, but did not. I had to use the stove and space heaters to keep warm.

I contacted the county code enforcement who demanded that the heat be fixed. The property manager told also said that the problem would be fixed the next day. But when code learned that it was not fixed a week later, they threatened to fine the property.

The heat was finally fixed in late February. Later, property staff attempted to enter my apartment to repair a damaged wall that preexisted my tenancy. As I keep a door chain on the front door and exit my home through the back door to the parking lot, maintenance staff claimed that I was blocking their ability to make repairs—though they were perfectly capable of entering my home through the back entrance.

Instead, without my permission, the property management removed the door chain. When I replaced it the next day, they threatened me saying I was violating the lease by preventing them from entering, a falsehood verified again by the county who told property staff that I had every right to maintain a door chain and that property management was not prohibited from entering my apartment with proper notice through the back door.

On March 4, I received a threatening notice to vacate that was obviously retaliatory for seeking county assistance.

Not knowing where to turn, I reached out to the Renters Alliance who helped me find probono legal assistance for me from Maryland Legal Aid. Upon review of

my case, and the discovery that the property staff was attempting to evict me not only out of retaliation, but in an attempt to empty the complex because they were about to sell the property. My attorney immediately reached the property attorney, who, once learning that I was represented by Counsel, dropped the case, which was then dismissed.

Had I not been helped by the Renters Alliance and a Legal Aid lawyer and had to handle this myself, I know that I would now be homeless in the middle of a pandemic. What the old property staff did was reprehensible, and obviously wrong. Having a lawyer allowed me to keep my home. And now, under new property management, I live safe and secure in my home.

I ask you to support SB 154 and give renters like me a fair chance to protect our homes from unjust attempts at eviction.

SB154 written testimony - Murray.pdf

Uploaded by: Murray, Kerriann

Position: FAV

Dear Members of the Senate Judicial
Proceedings Committee,

This testimony is being submitted by Showing
Up for Racial Justice Baltimore, a group of white
folks working as part of a multi-racial movement
for equity and racial justice in Baltimore City and
Baltimore County. We are also working in
collaboration with the CASA de Maryland. I am a
resident of MD District 10. I am testifying **in
support of Senate Bill 154.**



While landlords almost always have a lawyer or agent for eviction hearings, the vast majority of renters are not represented. This imbalance means hearings almost always end in eviction. Evictions destabilize families and communities and prevent safe distancing during the pandemic. This bill guarantees Maryland renters legal counsel in eviction courts. Take action now to ensure that renters in eviction court have a voice!

In Baltimore City alone, there are over 140,000 eviction cases filed each year and nearly 70,000 evictions are ordered. The main reason we see this huge imbalance is because only 1% of tenants have a lawyer: that should be considered illegal. The report *The Impact of an Eviction Right to Counsel in Baltimore City*, authored by Stout Risius Ross, LLC, and funded by a grant from the [Abell Foundation](#), estimates that 92% of represented tenants would avoid disruptive displacement with a right to counsel in Baltimore City. That translates to 5,777 households and 17,300 people each year just in one city. Imagine how many families could avoid sudden homelessness if this common-sense law applied state-wide.

In a Baltimore Sun Editorial from May 2020, it was stated *“The problems created by coronavirus today aren’t going to disappear tomorrow — especially if we’re not planning for them now. The consequences of losing a home are devastating even without a pandemic in place. Baltimore must do all it can to help struggling residents uphold their responsibilities.”*

Baltimore successfully passed legislation this year to ensure Right to Counsel, let’s do it across the state of Maryland. To conclude, I strongly encourage you to vote **in support of Senate Bill 154.**

Thank you for your time, service, and consideration.

Sincerely,
Kerriann Eileen Murray
221 Northway Road, Reisterstown, 21136
Showing Up for Racial Justice Baltimore

Right to Counsel Written Testimony.pdf

Uploaded by: Ortega, Chelsea

Position: FAV



SANTONI, VOCCI & ORTEGA LLC

409 Washington Avenue, Suite 1000, Towson, Maryland 21204

Telephone: 443-921-8161 • Facsimile: 410-525-5704

www.svolaw.com

Jane Santoni
jsantoni@svolaw.com

Matthew Thomas Vocci
mvocci@svolaw.com

Chelsea Ortega
cortega@svolaw.com

January 26, 2021

Senate Bill 154 – Right to Counsel

Before the Senate Judicial Proceedings Committee, January 28, 2021

Position: FAVORABLE

I write in support of SB 154. Our firm regularly represents tenants who live in terrible conditions (rats, mold, sewage back-ups, etc.), receive illegal threats from their landlords when the tenants try to assert their legal rights, and tenants who are overcharged on fees and forced to pay them on threat of eviction. We have witnessed the difficulties tenants face in trying to raise defenses to failure to pay rent complaints in rent court. Because of the overwhelming number of failure to pay rent complaints filed in Maryland’s courts, rent court is designed to move at lightning speed and the clerks and judges err on the side of moving the cases along versus providing tenants the time to present a defense. Often the court’s question is “Do you owe the rent?” and if the tenant answers “yes,” the tenant has no opportunity present legal defenses – provided right in the law – such as conditions that pose a threat to their life, health and safety. The attorneys at our firm have heard rent court judges give openings such as, “the only thing we are here for is whether you owe the money. I don’t want to hear about anything else.” If a judge gives this speech to a roomful of unrepresented tenants, then those tenants are certainly not going to raise defenses.

The difficulties tenants face in rent court has been highlighted by the Court of Appeals, which routinely reprimand trial courts for failing to allow tenants to raise defenses. The latest case is *Pettiford v. Next Generation Tr. Serv.*, 467 Md. 624, 665 (2020), where the court recounted the trial court’s refusal to hear the tenant’s defenses:

[T]he District Court cut off Pettiford's defenses at the knees, effectively denying her the right to seek relief and defend against the summary ejection proceeding. Indeed, when Pettiford's counsel attempted to raise breach of the warranty of habitability as a defense, rather than accepting evidence or hearing argument from Pettiford's counsel on the issue, the District Court stated: “[I]f you don't think [that] it's habitable[,] I'm not going [to] let her stay in the property.” Pettiford's counsel attempted to assert a claim for rent escrow, and the District Court stated: “Well[,] if it's uninhabitable[,] I'm not going to let her stay in it.... [Bec]ause[,] if something happens to her[,] and you've told me [that] it's uninhabitable[,] it's on me. *So, she'll be out by midnight tonight if she wants to claim [that] it's uninhabitable.*”

While Ms. Pettiford had counsel and was ultimately able to appeal and overturn the district court's judgment, most tenants do not have an attorney and would have likely been evicted.

Finally, some opponents of the Right to Counsel have proposed mediation between the landlords and tenants as an alternative. Mediation does not work in these cases. Leverage is all on the landlord's side; they have all the power and literally hold the keys to tenants' homes and all of their belongings. Further, mediation ignores the reality that most landlords are represented by an attorney or rent court agent who have no authority to settle the case or any knowledge of the tenant's circumstances. Rent court agents only come to court armed with a spreadsheet of the amount a tenant owes and the only options presented to the tenant are pay or get out.

I urge this committee to give SB 154 a favorable report to ensure that more Maryland tenants have access to representation to ensure their basic human needs are being met. Thank you.

Very truly yours,



Chelsea Ortega

CASA_FAV_SB154.pdf

Uploaded by: Paul, Cathryn

Position: FAV



Testimony in SUPPORT of SB154

SB154: Landlord and Tenant - Eviction Action - Right to Counsel

Jonathan Riedel, On Behalf of CASA

Judicial Proceedings & Budget and Taxation Committee

January 28, 2021

Good Afternoon Chairman Smith, Chairman Guzzone and Members of the Committees:

CASA is pleased to provide strong support for SB154, Landlord and Tenant - Eviction Action - Right to Counsel. CASA is the largest membership-based immigrant services and advocacy organizations in the mid-Atlantic region, with a membership of over 100,000 Black and Brown immigrants and working families. Thank you for this opportunity to testify today in support of SB154.

The facts are clear on housing law: there is a gross disparity of power between landlords and tenants. Thousands of families every year are evicted, whether by a court's judgment, a sheriff's execution, a landlord's illegal lockout, or a tenant's departure because they feel they have no other choice. Many of these evictions and quasi-evictions occur despite tenants having good defenses and legitimate complaints that are never heard. This does not have to be the case.

CASA's experience with housing law is deep and long-standing. We see a number of disputes between landlords and tenants that can be resolved simply and easily through a tenant's right to counsel. We very frequently observe landlords engaging in acts, whether willful, negligent, or unintentional, that are clearly prohibited by law. However, tenants are rarely able to fight these illegal acts without competent legal advice and representation. Our members are primarily Spanish-speaking immigrants whose language barriers and cultural unfamiliarity with housing court create tremendous obstacles. Currently, there is simply not enough legal representation to go around, either from legal services organizations, private attorneys, or pro bono counsel.

Our members, who are uniquely vulnerable to exploitation by landlords, come to us with a variety of housing complaints. I would like to mention a few of these here in order to explain how a right to counsel is invaluable to helping tenants vindicate their rights.

Attorneys Can Help Enforce Landlord Obligations to Provide Safe and Sanitary Living Conditions.

First, landlords often ignore tenant complaints about conditions in their apartments and homes, including mold, roaches, bedbugs, rodents, inadequate heating and cooling, electrical hazards, faulty plumbing, major structural defects, and flooding. In our experience, these are not minor problems, such as a drafty window or a roach infestation that can be remediated through a monthly extermination. Rather, they are conditions that cause physical and economic injury to tenants, from electrical shocks to flooded apartments that destroy the tenants' property.

Under the law, these conditions would absolutely justify avoidance of the contract (“constructive eviction”), a reduction in rent, or damages in a civil action. But tenants can rarely assert these rights on their own: county enforcement is often lax, and is especially difficult in the pandemic, while rent escrow protections are very narrowly available, procedurally confusing, and extremely risky for vulnerable tenants. So many tenants simply continue living in deplorable conditions and paying their rent in full, without knowing that they have the right to safe and sanitary housing under their contracts and under state law. We see in many cases that tenants fall behind or terminate their contracts early due to the horrendous conditions, only to receive notice of a landlord initiating eviction proceedings and sometimes civil suits to obtain money judgments of several thousand dollars. Under the law, the most just result is that the landlord should pay damages to the tenant for failing to provide adequate living quarters, but in practice, the landlord often wins in the courtroom because the landlord has a lawyer and the tenant does not. A tenant’s attorney could effectively address this disparity.

Attorneys Can Fight Prohibited Fees and Rental Increases.

Second, landlords frequently charge fees to tenants that are prohibited by state and local law. *Legal fees* are prohibited in Montgomery County absent a court order. The amount of *late fees* are capped by law. With emergency pandemic legislation, more jurisdictions are providing for prohibitions and limitations on *rental increases* and late fees. Many *other kinds of fees* are arbitrarily added to tenant ledgers, including for parking, method of rent payment, maintenance, and general “violations”, even when there is nothing in the lease or the law providing for such penalties. Many landlords continue to charge these fees and refuse to remove them from tenant ledgers until CASA gets involved to fight them. Thus, some tenants have paid thousands upon thousands of dollars in fees that are not legally collectible. We see this most frequently with multi-family properties managed by professional property management companies.

Attorneys Can Ensure Return of Tenant Property Such as Security Deposits.

Third, landlords frequently withhold security deposits for ordinary wear and tear, in clear and unambiguous violation of state law. We have seen landlords charge all sorts of renovation expenses to the last tenant, from carpet replacement to new flooring to repainting the walls, none of which are the tenant’s responsibility. We see this equally among large companies, small companies, and individual landlords. There is enormous confusion about the scope of what is permissible, and the Attorney General’s office receives countless complaints each year about illegal security deposit withholding.

A security deposit may be just a few hundred dollars, but is typically a full month’s rent. To a landlord, withholding a month of rent merely reduces or eliminates their reletting costs, but does not make or break their books. By contrast, for many tenants who were expecting the return of their security deposit and had paid the entirety of their rent in reliance on that expectation, this is a catastrophic blow to their finances. Our members sometimes have to take out personal loans in order to pay for the initial costs of a new apartment; the loss of a security deposit may therefore become the difference between restoring an economic foundation and spiraling into debt. An attorney on the tenant’s side to help resolve these disputes in advance would greatly help clarify this area of the law and ensure compliance by both landlord and tenant.

Attorneys Can Help Ensure Landlords' Compliance with Existing Housing Law.

Fourth, in many of the more populous jurisdictions including Baltimore, Montgomery County, and Prince George's County, a rental license is required to rent a property. Without this rental license, the collection of rent from the tenant is flatly prohibited. Many tenants have therefore been paying under a contract that is void or voidable. For this violation of law, tenants can not only entirely avoid certain kinds of evictions, but also recover thousands of dollars in damages. Yet the tenant is almost never aware of this defense without the advice of a competent lawyer. With the right to counsel, a lawyer who can help the tenant investigate whether the landlord has a license to operate will almost certainly save tenants thousands of dollars and promote landlords' compliance with existing license laws.

As you can see from this testimony, no landlord is perfect. Some make mistakes; some refuse to uphold their end of the bargain; and some willfully violate tenants' rights. Regardless of the motivation of the landlord, it is the tenants who suffer. The massive power imbalance perpetuated by the current system means that thousands of people who should not be evicted each year lose their homes, or are forced to continue to live in conditions that are unsafe and unsanitary. By establishing a right to counsel for tenants, SB154 helps facilitate access to justice, leveling the playing field in court and helping to keep Maryland families where they belong: in their homes.

For the reasons outlined above, CASA strongly supports SB154. The savings to the government of upholding tenants' rights will far outweigh the costs.

Jonathan Riedel
Legal Fellow, CASA
jriedel@wearecasa.org

SB0154 MD NARAL SUPPORT.pdf

Uploaded by: Philip, Diana

Position: FAV



SB0154 - Landlord and Tenant - Eviction Action - Right to Counsel

Presented to the Hon. Will Smith and Members of the Senate Judicial Proceedings Committee

January 28, 2020 1:00 p.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland urges the Senate Judicial Proceedings Committee to issue **a favorable report on SB0154 - Landlord and Tenant - Eviction Action - Right to Counsel**, sponsored by Senator Shelly Hettleman.

Our organization is an advocate for reproductive health, rights, and justice. Reproductive justice calls upon us to fight to ensure sustainable communities.ⁱ As reproductive justice advocates, access to affordable housing is essential to promoting safety for marginalized communities.ⁱ In Maryland, access to affordable housing is a reproductive justice issue that directly impacts the environment, the safety, and the well-being of Maryland residents and their families.

In Maryland, there is no statewide mandate for right to counsel for tenants in rent court. Maryland's eviction filing process is different than most states. The first step is eviction filing in court.ⁱⁱ The cost of filing for a landlord is \$15, compared to other states where it may cost hundreds of dollars.ⁱⁱⁱ Many landlords take advantage of the low filing costs to file eviction actions.ⁱⁱ Currently, many tenants do not have legal representation in court. In Baltimore rent court, a 2017 study found that judges routinely ruled in favor of landlords, despite tenants living in unsafe conditions.^{iv} Before the pandemic, 71% of low-income American households faced at least one civil legal issue, yet only 14% of those households received legal help.^v These conditions highlight the lack of tenant protections and its effects, especially on communities of color.

Maryland's eviction filing rates are one of the highest in the country. Over 660,000 eviction cases are filed every year in our state.^{vi} In some counties, the filing rate is over 100%, which means that there are more eviction actions brought to court than there are homes for rent.^{vii} In general, the state's rate of eviction filings goes above more than 80%, which is dramatically higher than neighboring states.ⁱⁱ In eviction proceedings, one study found that approximately 96% of landlords are represented by an attorney, while 1% of tenants are represented in eviction proceedings.^{viii} These statistics illuminate the gravity of the eviction crisis in Maryland and the need for tenant protections statewide.

SB0154 can help to further tenant protections and protects the interests of Maryland residents. This bill helps to establish a right to counsel for tenants in rent court, provides necessary resources for tenants, and outreach from community groups. This bill also recognizes the impact of COVID-19, as the pandemic exacerbated economic hardship for many residents nationwide and evictions contribute to the public health crisis, along with the impact on how evictions disproportionately affect Black and Brown communities in Maryland.

For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on SB0154**. Thank you for your time and consideration.

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- ⁱ “Reproductive Justice.” Sister Song, n.d. <https://www.sistersong.net/reproductive-justice>.
- ⁱⁱ Frosh, Brian. “Attorney General: Maryland Eviction Process 'Unfair to Tenants': Commentary.” baltimoresun.com. Baltimore Sun, December 11, 2020. <https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-1213-frosh-serial-evictions-20201211-nnlu6zmiqjc7dyohvqx5k3cu-story.html>.
- ⁱⁱⁱ DISTRICT COURT OF MARYLAND COST SCHEDULE, n.d. <https://www.courts.state.md.us/sites/default/files/import/district/forms/acct/dca109.pdf>.
- ^{iv} Baltimore Sun. “Sun Investigates: Baltimore's Housing Court.” baltimoresun.com. Baltimore Sun, n.d. <https://www.baltimoresun.com/news/investigations/bal-baltimore-sun-rent-court-series-storygallery.html>.
- ^v Attorney General's COVID-19 Access to Justice Task Force, n.d. <https://www.marylandattorneygeneral.gov/Pages/A2IC/default.aspx>.
- ^{vi} Leckrone, Bennett. “Chief Judge: Eviction Filings Face Court Backlog,” September 9, 2020. <https://www.marylandmatters.org/2020/09/09/chief-judge-eviction-filings-face-court-backlog/>.
- ^{vii} “Eviction Map & Data.” Eviction Lab, n.d. <https://evictionlab.org/map/#/2016?geography=states&bounds=-81.682,36.74,-72.797,40.638&type=efr&locations=24,-77.268,38.817>.
- ^{viii} “Study: Providing Lawyers for Baltimore Tenants to Fight Eviction Can Save City and State Money.” =. Baltimore Sun, n.d. <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-eviction-free-lawyers-20200518-fb6f6pn2kzatbkwuezc5wktpz4-story.html>.

TESTIMONY FOR SB0154 Landlord and Tenant - Evictio

Uploaded by: Plante, Cecilia

Position: FAV



**TESTIMONY FOR SB0154
LANDLORD AND TENANT – EVICTION ACTION – RIGHT TO CONSEL**

Bill Sponsor: Senator Lam

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0154 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Our Coalition members support the rights of tenants. Low-income tenants are particularly vulnerable to landlords who allow their buildings to become dilapidated and unsafe. For tenants like these, retaliation for demanding repairs be made or informing the landlord of lead poisoning hazards is usually eviction. For these tenants, that fear often makes them live in sub-standard conditions.

This bill, if passed, would help mitigate that fear by establishing a Right to Counsel in Evictions Coordinator to organize and direct services and resources for tenants who are evicted in this manner. This alone will help give those who are evicted a path forward, and support when they need it most.

We support this bill and recommend a **FAVORABLE** report in committee.

NCCRC MD SB 154 written testimony FINAL.pdf

Uploaded by: Pollock, John

Position: FAV



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

SB154_Disability Rights Maryland_Written Support.p

Uploaded by: Prater, David

Position: FAV

Disability Rights Maryland
Senate Judicial Proceedings Committee
January 26, 2021
SB 154 – Right to Counsel
POSITION: SUPPORT

Disability Rights Maryland (DRM – formerly Maryland Disability Law Center) is the federally designated Protection and Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM works to increase opportunities for Marylanders with disabilities to be part of their communities and live in safe, affordable and accessible housing.

DRM **supports** SB 154 to provide representation to Maryland residents facing eviction from housing.

People with disabilities live in poverty at more than twice the rate of people without disabilities,¹ thereby facing greater rental burdens than their non-disabled peers. Additionally, for persons with disabilities who do not participate in the work-force and survive only on monthly SSI payments \$783,² the average cost of a one-bedroom apartment not including utilities is \$1,223 is beyond most of their reach.³ The consequence is that persons with disabilities are more like to participate in rental arrangements that may be more informal without sophisticated actors and more therefore more prone to violations of the law. SB 154 protects the rights of renters with disabilities by guaranteeing a right to counsel in eviction proceedings, and protecting their rights.

There is also a need for legal representation persons with disabilities who participate in more subsidized housing programs. DRM provides representation to persons facing eviction because of disability related reasons. In many of these instances, evictions will result in long-term homelessness, institutionalization, or incarceration. As an example of eviction defense work, DRM represented a client who was facing eviction resulting from allegations of hoarding. During our representation it appeared the client had early dementia that could be ameliorated with medication and appropriate supports from family. DRM coordinated appropriate support services and developed a plan to clean the unit ensure future compliance with lease terms with assistance from family and neighbors. Without DRM representation, the client would have been evicted and likely ended up in a costly facility. As explained by a report from Stout, the savings to the State in Baltimore City alone for providing legal representation in these and similar cases is \$10.7 million.⁴

¹ National Council on Disability, *National Disability Policy: A Progress Report* (October 26, 2017)

² *Priced Out: The 2020 Edition*, Technical Assistance Collaborative (2020), <http://www.tacinc.org/knowledge-resources/priced-out-v2/>.

³ *Out of Reach 2020: Maryland*, National Low Income Housing Coalition (2020), [https://reports.nlihc.org/sites/default/files/oor/OOR_BOOK_2020.pdf?utm_source=NLIHC+All+Subscribers&utm_campaign=c50650487d-OOR_Update_071320&utm_medium=email&utm_term=0_e090383b5e-c50650487d-293263629&ct=t\(OOR_Update_071320\)](https://reports.nlihc.org/sites/default/files/oor/OOR_BOOK_2020.pdf?utm_source=NLIHC+All+Subscribers&utm_campaign=c50650487d-OOR_Update_071320&utm_medium=email&utm_term=0_e090383b5e-c50650487d-293263629&ct=t(OOR_Update_071320)).

⁴ *The Economic Impact of an Eviction – Right to Counsel in Baltimore City*, Stout Risius Ross, LLC (2020), https://abell.org/sites/default/files/files/Baltimore%20RTC%20Report_FINAL_5_8_2020.pdf



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www.DisabilityRightsMD.org

Even when the termination of a tenancy may be the end result in a case, DRM legal services are essential to ensure a non-disruptive displacement. For example, DRM was asked by the District Court of Maryland to represent a tenant and her son with significant intellectual disabilities who were facing an eviction after the tenant had fallen too far into arrears after losing her voucher and had utilities shut off. DRM provided full representation to the tenant, helping the client obtain a new housing choice voucher and achieving a payment plan to have utilities restored. Ultimately, the client was able to move. Without our representation the family would have been homeless.

For all of these reasons, DRM urges a **favorable** report on HB 18.

Please do not hesitate to contact me with any questions.

David A. Prater
Managing Attorney
Disability Rights Maryland
1500 Union Ave.
Suite 2000
Baltimore, MD 21211
davidp@disabilityrightsmd.org
443-692-2500

SB 154 - Right to Counsel in Eviction Hearings.pdf

Uploaded by: Rochkind, Jonathan

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 43. I am testifying in **support of Senate Bill 154.**



While landlords almost always have a lawyer or agent for eviction hearings, the vast majority of renters are not represented. This imbalance means hearings almost always end in eviction. Evictions destabilize families and communities and prevent safe distancing during the pandemic. This bill guarantees Maryland renters legal counsel in eviction courts. Take action now to ensure that renters in eviction court have a voice!

In Baltimore City alone, there are over 140,000 eviction cases filed each year and nearly 70,000 evictions are ordered. The main reason we see this huge imbalance is because only 1% of tenants have a lawyer: that should be considered illegal. The report *The Impact of an Eviction Right to Counsel in Baltimore City*, authored by Stout Risius Ross, LLC, and funded by a grant from the Abell Foundation, estimates that 92% of represented tenants would avoid disruptive displacement with a right to counsel in Baltimore City. That translates to 5,777 households and 17,300 people each year just in one city. Imagine how many families could avoid sudden homelessness if this common-sense law applied state-wide.

In a Baltimore Sun Editorial from May 2020, it was stated *"The problems created by coronavirus today aren't going to disappear tomorrow — especially if we're not planning for them now. The consequences of losing a home are devastating even without a pandemic in place. Baltimore must do all it can to help struggling residents uphold their responsibilities."*

Baltimore successfully passed legislation this year to ensure Right to Counsel, let's do it across the state of Maryland. To conclude, I strongly encourage you to vote **in support of Senate Bill 154.**

Thank you for your time, service, and consideration.

Sincerely,

Jonathan Rochkind
755 Melville Ave
Baltimore MD 21218

Showing Up for Racial Justice Baltimore

sachs.civilgideon.tmy.pdf

Uploaded by: Sachs , Steve

Position: FAV

TO: Senate Judicial Proceedings Committee

FROM: Stephen H. Sachs

DATE: January 26, 2021

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

The right to be heard in court, is meaningless if you do not also have the right to competent counsel. Lawyers are necessities, not mere luxuries for those who can afford one, in the cases which affect basic needs.

A home is a basic need.

In *Gideon v. Wainwright*, 372 U.S. 355 (1963), the Supreme Court held that the Due Process clause of the Fourteenth Amendment, by its incorporation of the Sixth Amendment, required the appointment of counsel for indigent criminal defendants in state courts. As Justice Hugo Black's opinion asserts:

“Even the intelligent and educated layman has small and sometimes no skill in the science of the law... He lacks both the skill and knowledge adequately to prepare his defense... He requires the guiding hand of counsel at every step in the proceeding against him.”¹

The plaintiff in that case, Clarence Earl Gideon, created an enduring moment in our constitutional history when he handwrote a petition to the U.S. Supreme Court arguing that he should have had court appointed counsel when he was on trial for petty larceny. After a lengthy court process and a second trial Mr. Gideon got his lawyer and was acquitted. The lesson learned, lawyers make a difference.

I have long been a vocal advocate for the right to counsel in civil trials in Maryland. I think Maryland's Constitution, has been as well. One need not look past the Articles found in the Declaration of Rights, which some argue, mandate appointment of counsel for impoverished civil litigants. Advocates stress this is particularly apparent in those cases where an individual's basic needs and fundamental rights are being disputed. For example, Article 19 of the Maryland Declaration of Rights declares:

“That every man, for any injury done to him in his person or property, ought to have remedy by the course of the Law of the Land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the Law of the Land.”

In our society, which is eager to litigate any and all matters, what good is *access* to a convoluted court proceeding if it is not also assisted by the guidance of counsel.

¹ *Gideon v. Wainwright*, 372 U.S. 335, 344-345 (1963) (quoting *Powell v. Alabama*, 287 U.S. 45, 68-69 (1932)).

I, and many others, would assert that housing is a basic human right. The burden of proof ought to be high for one to deprive another individual of a place to live.

In 2006, the House of Delegates of the American Bar Association unanimously adopted a resolution supporting the right to counsel for low income people in civil cases regarding basic needs.² The General Assembly should follow their lead and establish a Civil Gideon for eviction cases.

I urge the committee to give a favorable report to Senate Bill 154.

² See American Bar Association Task Force on Access to Civil Justice, *ABA Resolution on Right to Counsel*, 15 TEMP. POL. & CIV. RTS. L. REV. 507, available at https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_06A112A.pdf.

SB 154 FINAL -ACDS Testimony in Support of SB 154

Uploaded by: Sarro, Lisa

Position: FAV



January 28, 2021

Senate Bill 154

Landlord-Tenant — Eviction Action — Right to Counsel

Judicial Proceedings

Position: Favorable

Thank you for the opportunity to provide testimony in support of Senate Bill 154, legislation that would provide a right to counsel for low income renters in Maryland who are facing eviction actions in court. Arundel Community Development Services, Inc., (ACDS) serves as Anne Arundel County's nonprofit housing and community development agency, helping Anne Arundel County residents and communities thrive through the provision of safe and affordable housing opportunities, programs to prevent and end homelessness, and community development initiatives. In fulfilling this role, ACDS administers grants to nonprofit partners, directly develops and implements programming, and advises the County on housing and community development policy initiatives.

As the program administrator for Anne Arundel County's emergency rental assistance funds, **ACDS knows from experience that legal representation matters in eviction cases. It makes a difference in outcomes, and it results in fewer evictions.** In April, 2020, ACDS quickly stood up the State's first Eviction Prevention Program (EPP) to provide emergency rental assistance for low-income Anne Arundel County residents facing eviction due to the COVID-19 crisis. When the courts began reopening to hear Failure to Pay Rent cases in late-summer, 2020, Anne Arundel County took action to add a legal component to the assistance provided to EPP applicants. **ACDS partnered with non-profit legal services provider Community Legal Services to ensure EPP applicants have quick, reliable access to legal representation in the event they are sued for eviction during the EPP application process. The legal assistance partnership has been incredibly successful.**

Making direct referrals to legal counsel and having legal counsel ready and available to provide representation for EPP applicants - much like this bill would ensure for all low-income tenants facing eviction - has made a huge difference in outcomes for tenants in the ACDS Eviction Prevention Program. **Virtually every EPP applicant ACDS has referred for legal representation has had their case dismissed, postponed, or settled, giving the tenant/EPP applicant and ACDS time to complete the application process and get the landlord paid.** The attorneys have the legal knowledge necessary to implement available protections on behalf of the tenants, and the gravitas and credibility necessary to ensure that both the court and the

attorneys representing the landlords (or the landlords themselves) take the tenants' positions seriously.

Ours is not a perfect world, and the reality remains that tenants represented by attorneys get a much fairer shake in the legal system than do tenants without attorneys. **When there is a rental assistance program involved, legal representation for a tenant not only means the tenant is likely to avoid eviction, it also means the landlord is likely to get paid.** Our only concern with this bill is the use of *statewide* AMI for determining eligibility. The statewide AMI is lower than the AMI in some jurisdictions, and that could result in individuals and families in those jurisdictions from eligibility despite a financial need. **We would suggest that financial eligibility for the appointment of counsel be based on the AMI of the jurisdiction where the eviction case is being heard in order to ensure access to counsel for all those most in need in each County.** This will be all the more important as we proceed through the upcoming months and likely years in the aftermath of the pandemic.

For the reasons noted above, we urge a FAVORABLE report on SB 154.

Lisa Marie Sarro

General Counsel

SB 154_MDCEP_FAV.pdf

Uploaded by: Schumitz, Kali

Position: FAV

Guaranteed Access to Legal Assistance is Vital to an Equitable Eviction Review Process

Position Statement Supporting Senate Bill 154

Given before the Judicial Proceedings Committee

As Maryland braces for a rising wave of evictions due to the economic impacts of the COVID-19 pandemic, it is increasingly important to take all steps possible to keep people from becoming homeless. A recent report indicated that establishing a right to counsel in eviction cases would dramatically reduce the number of tenants displaced by eviction and yield \$35.6 million in benefits or costs avoided in Maryland.ⁱ Evictions exacerbate poverty and lead to homelessness, job loss, deteriorating health, poor education outcomes, poor credit scores, loss of assets, and increase the risk of children being placed into foster care. At least 23% of homelessness begins with an eviction.

The Maryland Center on Economic Policy supports Senate Bill 154 because more evictions following COVID-19 will risk the health of all Marylanders, further jeopardizing the state's economy, and halt pandemic recovery.

The economic and health impacts of evictions will exacerbate the effects of the COVID-19 pandemic. More households will require assistance from the state's safety net programs, which have already seen sharp increases in enrollment. Many families will not be able to comply with social distancing orders as many will have to double up with their relatives or turn to shelters for assistance. A recent study shows that states that lifted their eviction moratorium saw an increase in the number of COVID-19 cases and mortality rates.ⁱⁱ This same report also noted that people experiencing eviction were more likely to experience severe illness. Rates of both COVID-19 and eviction are higher among Black and Brown Marylanders due to barriers created the structural and institutional racism.

Ensuring people facing possible eviction have guaranteed access to a lawyer is an essential to prevent a rising wave of evictions. Even before COVID, Baltimore City had the following staggering annual statics:

- 5.3% eviction rate, which is one of the highest in the country
- 140,000 evictions filings per year, despite there only being 125,000 renter households
- 70,000 eviction warrants
- 6,500 families evicted

The impact of these high numbers of eviction cases is not shared equally. A recent study found that the number of evictions of Black women is 3.9 times more than the number of evictions of white men.ⁱⁱⁱ Cities and states across the country have already adopted right to counsel policies to address these disparities, level the playing field between landlord and tenant, and reduce evictions. If Maryland joins with the other states,

the benefits or costs avoided are estimated as follows:

- For every \$1 spent on right to counsel, there is a cost avoidance of \$6.24
- \$7.7 million reduction in foster care spending
- \$12.5 million reduction in Medicaid spending on emergency room and inpatient care
- \$2.4 million in reduced cost to Baltimore City schools transporting homeless students
- Recouping the estimated \$2.3 million in state funding lost to Baltimore City schools because of chronically absent homeless students
- \$10.6 million in lower costs for shelter, transitional housing and health institution housing for persons with disabilities.

Guaranteeing a right to counsel in eviction cases will not only level out the imbalance of power between landlords and tenants, but will ensure many families can stay in their homes and save the state money over time. **For these reasons, the Maryland Center on Economic Policy respectfully requests the Judicial Proceedings Committee to make a favorable report on Senate Bill 154.**

Equity Impact Analysis: Senate Bill 154

Bill Summary

Senate Bill 154 will ensure tenants have a right to legal representation for civil cases in Maryland, as they do for criminal cases.

Background

The economic and health impact of evictions will exacerbate the effects of the COVID-19 pandemic as households will rely more heavily on safety net programs and families will not be able to comply with social distancing orders as many will have to double up with their relatives or turn to shelters for assistance. As Maryland braces for a rising wave of evictions due to COVID-19, it is even more important to keep as many tenants as possible in their homes. A recent report, indicated that establishing a right to counsel would dramatically reduce the number of tenants displaced by eviction and yield \$35.6 million in benefits or costs avoided in Maryland. Evictions worsen poverty, and lead to homelessness, job loss, deteriorating health, poor education outcomes, poor credit scores, loss of assets, and increased risk of children being placed into foster care. At least 23% of homelessness is caused by eviction.

Equity Implications

A recent study found that the number of evictions of Black women is 3.9 times than the number of evictions of white men.

Impact

Right to counsel in eviction cases will not only level out the imbalance of power between landlords and tenants, it will ensure many families can stay in their homes, which saves the state money over time.

Legal counsel can hold landlords accountable to comply with new laws around COVID-19 to protect renters. This is crucial as the data shows that 92% of tenants with representation avoided displacement in Baltimore City. The data further showed the following:

- 80% of renters could raise a defense in eviction court, however only 8% were successful in doing this without representation
- 96% of landlords had representation in court compare to only 1% of tenants

Passing Senate Bill 154 would likely increase racial, gender, disability, and economic equity in Maryland.

ⁱ Public Justice Center (2019) The Economic Impact of a Right to Council in Baltimore City. <https://bmorerentersunited.org/rtc/stoutreport/>

ⁱⁱ Senate Judicial Proceedings Committee Workgroup Report on Covid-19 and Housing http://mgaleg.maryland.gov/Pubs/Committee/2020-Senate_JPR_Committee_Workgroup_Report_on_COVID-19_and_Housing.pdf

ⁱⁱⁱ Thomas, T. (PhD) Baltimore Evictions Study. <https://evictions.study/maryland/report/baltimore.html>

MSBA Support_SB 154 - Eviction Action - Rt to Coun

Uploaded by: Scurti, Judge Mark

Position: FAV

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**

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.”*

Senate Judicial Proceedings
SB 154 – Support
Page 2

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 or (410) 997-3475.

SB0154- Testimony- JS.pdf

Uploaded by: Sell, Jennifer

Position: FAV

Provide a Right to Counsel in Eviction Hearings

Bill number and link: [SB0154](#)

Position: SUPPORT

To the members of the Judicial Proceedings Committee,

I am a resident of **District 33** and a member of Showing Up for Racial Justice Baltimore. I am testifying in **support** of bill [SB0154](#). This bill ensures renters are guaranteed legal counsel in court hearings where they face eviction.

While landlords almost always have a lawyer or agent for eviction hearings, the vast majority of renters are not represented. This imbalance means hearings almost always end in eviction. Evictions destabilize families and communities and prevent safe distancing during the pandemic. This bill guarantees Maryland renters legal counsel in eviction courts. Take action now to ensure that renters in eviction court have a voice!

In Baltimore City alone, there are over 140,000 eviction cases filed each year and nearly 70,000 evictions are ordered. The main reason we see this huge imbalance is because only 1% of tenants have a lawyer: that should be considered illegal. The report *The Impact of an Eviction Right to Counsel in Baltimore City*, authored by Stout Risius Ross, LLC, and funded by a grant from the Abell Foundation, estimates that 92% of represented tenants would avoid disruptive displacement with a right to counsel in Baltimore City. That translates to 5,777 households and 17,300 people each year just in one city. Imagine how many families could avoid sudden homeless if this common sense law applied state-wide.

In a Baltimore Sun Editorial from May 2020, it was stated *“The problems created by coronavirus today aren’t going to disappear tomorrow — especially if we’re not planning for them now. The consequences of losing a home are devastating even without a pandemic in place. Baltimore must do all it can to help struggling residents uphold their responsibilities.”*

Baltimore successfully passed legislation this year to ensure Right to Counsel, let’s do it across the state of Maryland. To conclude, I strongly encourage you to vote in SUPPORT of Bill [SB0154](#).

Thank you for your time, service, and consideration.

Sincerely,
Jennifer Sell
444 Lynwood Dr
Severna Park, MD 21146
Showing Up for Racial Justice

Tisha Guthrie Bolton House Residents Assoc - FAV -

Uploaded by: Shah, Zafar

Position: FAV

Hearing of the Housing and Urban Affairs Committee
SB154 Right to Counsel in Eviction Cases
Judicial Proceeding Committee
Position: FAVORABLE
Testimony of Tisha Guthrie
January 28, 2021

Dear Chairperson and Members of the committee:

My name is Tisha Guthrie, a native of Baltimore City, an active member of the Affordable Housing Trust Fund commission, and currently residing in the Mt. Vernon neighborhood. This testimony is to convey our state's dire need for initiatives that address the current power imbalances between landlords and renters and the role of a Right to Counsel (RTC) bill in creating a more equitable relationship. In supporting the establishment of RTC legislation for residents who are facing eviction, we will be assisting families encountering various life altering struggles ranging from income loss to medical and mental health crisis. In the midst of such stressful conditions, having legal assistance to navigate through what can be a very intimidating system is an investment in families, communities and the city at large.

Though under the best of circumstances appropriate representation is essential, COVID-19 has proven this even more crucial. By possibly avoiding a family's disruptive displacement, this bill has the potential to change the trajectory of health, well-being and overall life outcomes. Studies draw a clear line between housing instability, job loss, truancy amongst children, anxiety and a number of other negative outcomes.

Who are those who would most benefit from allocated resources to provide RTC: Black single mothers, people with disabilities, the elderly, children and the working poor. These are the very segments of our population who are most vulnerable and experience some of the highest COVID-19 positivity rates. During this current pandemic it has become painfully clear that the need to address the power disparity can no longer be ignored. Landlords enter rent court with the valuable resource of legal representation, without which virtually guarantees the eviction of renters. Simple legal representation could disrupt this obstacle that stands between vulnerable populations and housing stability. As our city and society seeks to address inequities and the infrastructure that proliferates its legacy, we, in the family of humanity, can never be too vigilant in our work toward realizing true justice for all.

As many families and individuals face harsh economic realities, some pressured into mortgage foreclosures while others can barely afford the cost of rent while also battling food insecurity, politicians are bombarded tirelessly with demands to address these issues. The implementation of new programs or the budget expansion of existing ones is often the suggested remedy. This bill falls right in line as it seeks to empower this given populations. As a commissioner for the AHTF, I am well aware of the already high demand for affordable dwellings. Putting in place legislation that seeks to reduce disruption and housing displacement also works to optimize the AHTF. This bill makes not only good financial sense but also speaks to our moral compass. In light of these various factors, I urge a favorable report for SB154.

Respectfully,

Tisha Guthrie, MSW, LMSW
Bolton House Residents Association (BHRA)

2021.01.26 Martha Shaheen Written Testimony.pdf

Uploaded by: Shaheen, Martha

Position: FAV

To Whom It May Concern:

I moved into my apartment in Worcester County in March of 2018. Right after I moved in, I started getting court notices stating that I was late with rent. My landlord kept taking me to court each month and adding fees. I went to court by myself each month. I showed the Judge my receipts each month saying that I had paid rent. The Judge would throw the case out. I thought I won the case, but the next month I would get a notice saying that I owed them money and another court notice. I had all of my receipts and knew I was right, but my landlord kept harassing me for the money. This went on every month for almost two years.

I was scared and nervous. I thought I was going to be evicted and homeless, with nowhere to go. I felt hopeless. Finally I said enough is enough and went to Maryland Legal Aid for help and I didn't have any money to hire a lawyer. My landlord stopped harassing me. They showed my landlord that I had been paying my rent. My landlord stopped filing on me in court and I stopped receiving notices since the attorney stepped in. I'm not nervous anymore. I feel like I was given a voice.

I couldn't have done it without a lawyer. I borrowed money from people for two years to pay the money that my landlord kept claiming I owed. I paid money that I shouldn't have had to pay. I haven't gotten any more notices or late fees since getting a lawyer. It was pure hell what they put me through.


Martha Shaheen

1-22-21

SB 154 - Landlord and Tenant - Eviction Action - R

Uploaded by: Siri, Michelle

Position: FAV



The Delivery of Legal Services Section Council

BILL NO: Senate Bill 154
TITLE: Landlord and Tenant – Eviction Action – Right to counsel
COMMITTEE: Judicial Proceedings
HEARING DATE: January 28, 2021
POSITION: **SUPPORT**

The Delivery of Legal Services Section (DLS) is a section of the Maryland State Bar Association formed to promote the fair administration of justice in the State of Maryland. The Section supports and encourages free or low cost legal services for people of limited means through legal services programs for the indigent, public interest legal organizations, *pro bono publico*, reduced fee, and other alternatives to traditional fee-for-service representation to provide access to the courts, and court alternatives for the resolution of disputes. The areas include legal practice and legal reform for the indigent and persons of modest means, for example, civil rights, consumer advocacy, civil and criminal legal services, and lawyer referral services. The Section Council is comprised of a mix of practicing attorneys, including those working for civil legal aid organizations, private practitioners, and government attorneys, who all share a common goal: increasing access to justice.

This historic legislation would establish a mandate across Maryland to provide the right to an attorney to low-income tenants facing eviction. The bill enshrines the concept of “Civil Gideon” in the state’s highest volume docket – there were just under 670,000 evictions cases filed in 2019, equating to “roughly four eviction notices for every five of the state’s rental units, a ratio with few if any equals elsewhere.”¹ But, further, SB 154 adopts a proven, cost-effective means of preventing the disruptive displacement that plagues low-income Maryland families.

Based on a study of approximately 900 cases in which tenants were represented by Maryland legal service providers, a recent report projects that 92% of represented tenants would avoid disruptive displacement with a right to counsel in one of Maryland’s three high-volume-eviction jurisdictions². The report also concludes that an annual investment of \$5.7 million in a right to counsel for tenants in would yield \$18.1 million in benefits/costs avoided to the State (and \$17.5 million to the locality).³ Costs savings or benefits include costs related to homeless shelters, Medicaid spending in hospitals, homeless student transportation, and foster care costs.

¹ Editorial Board, “Maryland’s laws skew mercilessly in landlords’ favor, and evictions are out of control. Here’s a fix.” Washington Post, Jan. 14, 2021, https://www.washingtonpost.com/opinions/marylands-laws-skew-mercilessly-in-landlords-favor-and-evictions-are-out-of-control-heres-a-fix/2021/01/14/7d33bc52-52ce-11eb-b96e-0e54447b23a1_story.html

² Stout Risius Ross, LLC, *The Economic Impact of an Eviction Right to Counsel in Baltimore City 65* (May 2020), <https://bmorerentersunited.org rtc/stoutreport> (study based on case data reported by Maryland Legal Aid, Pro Bono Resource Center of Maryland, Homeless Persons Representation Project, Disability Rights Maryland, and Public Justice Center).

³ Id. at 80-82.



The Delivery of Legal Services Section Council

SB 154 is not an appropriations bill. It establishes (1) the right to counsel for certain covered individuals and (2) its administration via a coordinator in the Office of the Attorney General and in partnership with the Maryland Legal Services Corporation and existing Maryland legal services organizations. The bill also creates a taskforce of stakeholders to advise on the implementation of the right to counsel and requires annual reporting on the number of households served and case outcomes.

Legal representation is fundamental to safeguarding fair, equal, and meaningful access to the legal system. Yet, in the United States, millions of people who are poor or low-income are unable to obtain legal representation. The United Nations has identified the importance of a right to counsel in civil cases for protecting the rights of racial minorities, women, and immigrants⁴. According to the Maryland Access to Justice Commission, there are only 1.49 lawyers available to help every 10,000 low-income individuals in Maryland.⁵ Yet, there is no right to appointed counsel in civil matters, including in housing proceedings. Nonetheless, we know that litigants with representation are more likely to have a successful outcome than those without representation.

While many legal services organizations in Maryland work to bridge the representation gap for low-income tenants, these organizations are under-funded and under-staffed; the need for quality, affordable representation is still incredibly large and acute.

Because we strongly support a civil right to counsel, particularly in areas of the law where fundamental human rights are at stake, the DLS strongly supports SB 154 and urges a favorable report.

⁴ Access to Justice: Ensuring Meaningful Access to Counsel in Civil Cases, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_NGO_USA_15241_E.pdf

⁵ Maryland Access to Justice Commission, Strategic Vision Report, 2020, <https://www.mdaccesstojustice.org/reports>

SB 154 - Landlord Tenant - Eviction Action - Right

Uploaded by: Siri, Michelle

Position: FAV

BILL NO: Senate Bill 154
TITLE: Landlord and Tenant – Eviction Actions – Right to Counsel
COMMITTEE: Judicial Proceedings
HEARING DATE: January 28, 2021
POSITION: **SUPPORT**

The Women's Law Center of Maryland (WLC) is a statewide nonprofit law firm that seeks to ensure the safety, economic security, and autonomy of women. Our mission is advanced through advocacy and also through direct legal representation of survivors of domestic violence. We provide these services at no cost in protective order hearings, family law matters, and immigration proceedings. Across the board, more than 95% of our clients would not have access to an attorney without our services.

As a provider of legal services in Maryland and a member of a dedicated community of civil legal aid providers, the WLC fully supports SB154 and any legislation poised to create a civil right to counsel. This historic legislation would establish a mandate across Maryland to provide the right to an attorney to low-income tenants facing eviction. Legal representation is fundamental to safeguarding fair, equal, and meaningful access to the legal system. Yet, in the United States, millions of people who are poor or low-income are unable to obtain legal representation. The United Nations has identified the importance of a right to counsel in civil cases for protecting the rights of racial minorities, women, and immigrants¹. According to the Maryland Access to Justice Commission, there are only 1.49 lawyers available to help every 10,000 low-income individuals in Maryland². Yet, there is no right to appointed counsel in civil matters, including in eviction proceedings. Nonetheless, we know that litigants *with* representation are more likely to have a successful outcome than those without representation.

While many legal services organizations in Maryland work to bridge the representation gap for immigration services, these organizations are under-funded and under-staffed; the need for quality, affordable representation is still incredibly large and acute. Because we strongly support a civil right to counsel, particularly in areas of the law where fundamental human rights are at stake, the WLC strongly supports SB 154 and urges a favorable report.

The Women's Law Center operates two legal hotlines, and three direct legal services projects: the Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County, the Collateral Legal Assistance for Survivors Project, and the Multi-Ethnic Domestic Violence Project.

¹ Access to Justice: Ensuring Meaningful Access to Counsel in Civil Cases, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_NGO_USA_15241_E.pdf

² Maryland Access to Justice Commission, Strategic Vision Report, 2020, <https://www.mdaccessjustice.org/reports>

SB 154 - Right to Counsel in Eviction Hearings.pdf

Uploaded by: Smeton, Jonathan

Position: FAV

Dear Members of the Senate Judicial
Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 43. I am testifying in **support of Senate Bill 154.**



While landlords almost always have a lawyer or agent for eviction hearings, the vast majority of renters are not represented. This imbalance means hearings almost always end in eviction. Evictions destabilize families and communities and prevent safe distancing during the pandemic. This bill guarantees Maryland renters legal counsel in eviction courts. Take action now to ensure that renters in eviction court have a voice!

In Baltimore City alone, there are over 140,000 eviction cases filed each year and nearly 70,000 evictions are ordered. The main reason we see this huge imbalance is because only 1% of tenants have a lawyer: that should be considered illegal. The report *The Impact of an Eviction Right to Counsel in Baltimore City*, authored by Stout Risius Ross, LLC, and funded by a grant from the [Abell Foundation](#), estimates that 92% of represented tenants would avoid disruptive displacement with a right to counsel in Baltimore City. That translates to 5,777 households and 17,300 people each year just in one city. Imagine how many families could avoid sudden homelessness if this common-sense law applied state-wide.

In a Baltimore Sun Editorial from May 2020, it was stated *“The problems created by coronavirus today aren’t going to disappear tomorrow — especially if we’re not planning for them now. The consequences of losing a home are devastating even without a pandemic in place. Baltimore must do all it can to help struggling residents uphold their responsibilities.”*

Baltimore successfully passed legislation this year to ensure Right to Counsel, let’s do it across the state of Maryland. To conclude, I strongly encourage you to vote in SUPPORT of Bill SB154.

Thank you for your time, service, and consideration.

Sincerely,
Jonathan Smeton
3140 Ellerslie Avenue, Baltimore, MD 21218
Showing Up for Racial Justice Baltimore

SB 154_FAV_ACLU_Spielberger.pdf

Uploaded by: Spielberg, Joe

Position: FAV



**Testimony for the Senate Judicial Proceedings Committee
January 28, 2021**

**SB 154 – Landlord and Tenant – Eviction Action – Right to
Counsel**

JOSEPH SPIELBERGER
PUBLIC POLICY COUNSEL

The ACLU of Maryland supports SB 154, which would provide a right to counsel for tenants in eviction proceedings, giving them a fair chance to access legal protections and stay in their homes.

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
or 240-274-5295
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
JOHN HENDERSON
PRESIDENT

DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

As the COVID-19 pandemic continues, countless individuals and families across Maryland have lost their jobs and ability to pay rent, leaving far too many tenants facing the additional threat of eviction and losing their homes. Unlike in criminal cases, however, there is no right to counsel in eviction proceedings, even though the consequences are severe. Systemic income, wealth, and housing inequalities put communities of color and women – particularly Black women – at disproportionate risk of eviction. In addition to the detrimental impacts on residents' health and safety, and the mental, emotional, and psychological toll that eviction may cause, eviction records often follow people for years, stigmatizing people who are already vulnerable, and creating another barrier to stability.

A recent Stout analysis found that Baltimore City residents without legal representation lost their homes 93 percent of the time in eviction proceedings. The same study found that a \$5.7 million investment in the right to counsel would generate \$35.6 million in benefits to Baltimore City and Maryland, by reducing the social safety net response to disruptive displacement caused by eviction.¹ Last month, citing this study, Baltimore City became the seventh city in the country to ensure that residents facing eviction have legal representation.

It is time for Maryland to take meaningful action to ensure that all people across the state – regardless of circumstances – have access to safe and stable housing, during the pandemic and beyond.

For the foregoing reasons, the ACLU of Maryland urges a favorable vote on SB 154.

¹ Stout Risius Ross, LLC. *The Impact of an Eviction Right to Counsel in Baltimore City*. May 8, 2020. <http://bmorerentersunited.org/rtc/stoutreport/>

SB154_MCRC_FAV.pdf

Uploaded by: Stern, Isadora

Position: FAV



Maryland Consumer Rights Coalition

Testimony to the Senate Judicial Proceedings Committee
SB0154: Landlord and Tenant - Eviction Action - Right to Counsel
Position: Favorable

January 28, 2021

The Honorable William Smith Jr., Chair
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401
cc: Members, Judicial Proceedings Committee

Honorable Chair Smith and Members of the Committee:

The Maryland Consumer Rights Coalition (MCRC) is a statewide coalition of individuals and organizations that advances economic rights and financial inclusion for Maryland consumers through research, education, direct service, and advocacy. Our 8,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

We are writing today in support of SB0154.

SB0154 proposes a cost-effective means of preventing disruptive displacement of residents from their homes by ensuring that tenants have the right to an attorney in eviction cases. A recent report by Stout Risius Ross shows that an annual investment of \$5.7 million in a right to counsel for one Maryland jurisdiction alone would yield \$35.6 million in benefits or costs avoided to the City and State by reducing homelessness caused by eviction¹. Costs savings or benefits include costs related to homeless shelters, Medicaid spending in hospitals, lost state funding to City schools, and foster care costs. State savings from these programs are estimated at \$90.1 million.

Even with COVID-19 legal protections, over 2,500 renter families were evicted in Maryland in the past 9 months. MCRC's Tenants' Rights program empowers tenants to advocate for themselves by providing information about housing rights and responsibilities, legal information, mediation, and referrals to other nonprofits and legal services. The requests we have received for assistance with eviction have skyrocketed by 1086% since the beginning of the pandemic. COVID-19 has exponentially increased the housing insecurity impacting Maryland tenants.

More evictions during the COVID-19 pandemic will jeopardize the health of Maryland families. The CDC is now citing stable housing as a vital tool to control the spread of coronavirus². Among other factors, evictions drive homelessness and are linked to deteriorating health. At least 23% of homelessness is

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

² <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/homelessness.html>



Maryland Consumer Rights Coalition

caused by eviction.³ Curbing evictions is both a matter of public health, as well as a civil rights issue. Due to COVID-19, 36% of Black households in Maryland are likely facing an eviction action, compared to 14% of white households. A report by Dr. Timothy Thomas finds that in Baltimore City, the number of evictions of Black women is 3.9 times higher than the number of evictions of white men⁴.

Legal representation matters. Currently, only 1% of tenants are represented in court, compared to 96% of landlords. In Baltimore City, where Right to Counsel legislation was recently adopted, 92% of represented tenants will avoid disruptive displacement. This translates to 5,777 households and 17,300 people each year.

Maryland should join Baltimore City, Philadelphia, New York City, San Francisco, Cleveland, Boulder and Newark in recognizing that the right to counsel in eviction cases is a proven, cost-effective means of preventing disruptive displacement of residents from their homes.

For all these reasons, we support SB154 and ask for a favorable report.

Best,

Isadora Stern
Economic & Tenants' Rights Organizer

³, <https://evictions.study/maryland/report/baltimore.html>

⁴ <https://evictions.study/maryland/report/baltimore.html>

GHHI Writen Testimony - SB154.pdf

Uploaded by: Stewart, Wesley

Position: FAV



2714 Hudson Street
Baltimore, MD 21224-4716
P: 410-534-6447
F: 410-534-6475
www.ghhi.org

January 26, 2021

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

Re: **SB154 - Landlord and Tenant - Eviction Action - Right to Counsel - Support**

Dear Chairman Smith and Members of the Committee:

The Green & Healthy Homes Initiative (GHHI) writes in support of SB154. GHHI has a long-standing history of advocating for families and children on the important issue of lead poisoning prevention and healthy homes. We provide multiple direct services including legal representation of tenants in District Court rent court for the repair of lead and other home-based environmental health hazards and compliance assistance for rental property owners across the state.

SB154 will ensure that low income tenants in Maryland that are facing eviction have the right to an attorney to enforce their existing rights under current Maryland laws. Rental property owner compliance with the Maryland Reduction of Lead Risk in Housing Law and local landlord licensing and occupancy permitting are important legal requirements to be upheld in order to increase compliance. Tenant's rights to pursue valid rent escrow claims are key rights to support in leveling the playing field between the parties and better protecting the health and well-being of occupants by increasing the stock of safer rental housing in Maryland. Having a right to counsel will support all of those important objectives.

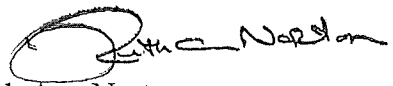
Tenant eviction is highly disruptive and has substantial societal costs in causing financial and housing instability as well impacting school performance for children who forced to frequently relocate and start anew at another school. In fact, having a right to counsel in Maryland is projected to result in net cost savings. A recent *Economic Impact of an Eviction Right to Counsel Report* by Stout demonstrates that an annual investment of \$5.7 million in a right to counsel for tenants in one Maryland jurisdiction alone would yield \$18.1 million in benefits/costs avoided to the State (and \$17.5 million to the locality). Costs savings or benefits include costs related to among others: homeless shelters, Medicaid spending on hospital care, homeless student transportation and foster care costs. According to Stout, 92% of represented tenants would avoid disruptive displacement with a right to counsel in one Maryland jurisdiction.

GHHI Written Testimony – Senate Bill 154
January 26, 2021
Page Two

By passing SB154, Maryland would join seven other jurisdictions in the following cities that have established a right to counsel in eviction cases: Baltimore, Boulder, Cleveland, Newark, New York, Philadelphia and San Francisco. In looking at areas of New York City where right to counsel was implemented, 86% of represented tenants stayed in their rental homes.

We ask you to **Support SB154.**

Respectfully Yours,

A handwritten signature in black ink, appearing to read "Ruth Ann Norton". The signature is written in a cursive style with a large, looping initial "R".

Ruth Ann Norton
President and CEO

SB 154 - Right to Counsel in Eviction Hearings.doc

Uploaded by: Todd, Tamara

Position: FAV

Dear Members of the Senate Judicial
Proceedings Committee,

This testimony is being submitted by Showing
Up for Racial Justice Baltimore, a group of white
folks working as part of a multi-racial movement
for equity and racial justice in Baltimore City and
Baltimore County. We are also working in
collaboration with the CASA de Maryland. I am a
resident of MD District 10. I am testifying **in
support of Senate Bill 154.**



While landlords almost always have a lawyer or agent for eviction hearings, the vast majority of renters are not represented. This imbalance means hearings almost always end in eviction. Evictions destabilize families and communities and prevent safe distancing during the pandemic. This bill guarantees Maryland renters legal counsel in eviction courts. Take action now to ensure that renters in eviction court have a voice!

In Baltimore City alone, there are over 140,000 eviction cases filed each year and nearly 70,000 evictions are ordered. The main reason we see this huge imbalance is because only 1% of tenants have a lawyer: that should be considered illegal. The report *The Impact of an Eviction Right to Counsel in Baltimore City*, authored by Stout Risius Ross, LLC, and funded by a grant from the Abell Foundation, estimates that 92% of represented tenants would avoid disruptive displacement with a right to counsel in Baltimore City. That translates to 5,777 households and 17,300 people each year just in one city. Imagine how many families could avoid sudden homelessness if this common-sense law applied state-wide.

In a Baltimore Sun Editorial from May 2020, it was stated *"The problems created by coronavirus today aren't going to disappear tomorrow — especially if we're not planning for them now. The consequences of losing a home are devastating even without a pandemic in place. Baltimore must do all it can to help struggling residents uphold their responsibilities."*

Baltimore successfully passed legislation this year to ensure Right to Counsel, let's do it across the state of Maryland. To conclude, I strongly encourage you to vote **in support of Senate Bill 154.**

Thank you for your time, service, and consideration.

Sincerely,
Tamara Todd
221 Northway Rd, Reisterstown, MD 21136
Showing Up for Racial Justice Baltimore

SB154_StrongFutureMaryland_FAV.pdf

Uploaded by: Wilkerson, Alice

Position: FAV



**Testimony in Support of Senate Bill 154 (Senator Hettleman)
Landlord and Tenant - Eviction Action - Right to Counsel**

January 28, 2021

Dear Chairman Smith and Members of the Judicial Proceedings Committee:

On behalf of Strong Future Maryland, we write in strong support of Senate Bill 154. Strong Future Maryland works to advance bold, progressive policy changes to address systemic inequality and promote a sustainable, just and prosperous economic future for all Marylanders. We urge you to support this legislation as part of our efforts to address discriminatory housing practices in the state of Maryland and to ensure that everyone is treated fairly and equitably, regardless of background or income level.

Although the Constitution guarantees the right of criminal defendants to legal representation, it does not guarantee that right to those who have been charged in civil cases. SB 154 aims to address this issue by providing free legal representation and assistance to low income households and helping to create a level playing field in which landlords do not have an unfair advantage over tenants. Numerous [studies](#) have shown that the legislation currently in place has had a disproportionately negative impact on people of color and marginalized groups and that tenants from disadvantaged backgrounds experienced significantly higher rates of eviction than the general population. The current status quo is not only the primary reason why many families who have been evicted have had to move to unsafe neighborhoods, but it has also had an enormous negative impact on the health outcomes of those affected by these policies. This not only affects adults and parents who often report significantly higher rates of depression and stress following an eviction but is also a particularly traumatic experience for children as well. The impact that such an experience can have on children cannot be emphasized enough, with many of those who have been affected by these policies developing conditions that can often be lifelong, preventing them from achieving their full potential and living a happy and fulfilling life that most people take for granted.

A number of studies also found that nationally only ten percent of tenants involved in eviction proceedings had legal representation. **This figure is even lower in Maryland which according to a [study](#) conducted by the Justice in Government Project, found that 99 percent of the tenants who had to take part in legal proceedings relating to evictions in the state were unable to obtain professional representation and were forced to represent themselves during those hearings.** This is concerning because without the representation and assistance of experienced professionals, the vast majority of tenants often end up losing their cases and are evicted from their homes.

If SB154 were signed into law, it is expected that the incidence of evictions will drop dramatically and that low income households will finally be able to receive the assistance they need from qualified professionals who will be able to help tenants find safe and conveniently located housing at a rent they can afford and to negotiate a reasonable time for them to move out. Maryland needs to do more to assist tenants in their dealings with landlords which is why the adoption of this legislation is so important and why action needs to be taken to address this issue.

Strong Future Maryland urges the committee to vote favorably on SB154.

SB 154 - Right to Counsel in Eviction Hearings.pdf

Uploaded by: Yoder, Daryl

Position: FAV

Dear Members of the Senate Judicial
Proceedings Committee,

This testimony is being submitted by Showing
Up for Racial Justice Baltimore, a group of white
folks working as part of a multi-racial movement
for equity and racial justice in Baltimore City and
Baltimore County. We are also working in
collaboration with the CASA de Maryland. I am a
resident of MD District 12. I am testifying in
support of Senate Bill 154.

SURJ
BALTIMORE
showing up for racial justice

While landlords almost always have a lawyer or agent for eviction hearings, the vast majority of renters are not represented. This imbalance means hearings almost always end in eviction. Evictions destabilize families and communities and prevent safe distancing during the pandemic. This bill guarantees Maryland renters legal counsel in eviction courts. Take action now to ensure that renters in eviction court have a voice!

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Baltimore successfully passed legislation this year to ensure Right to Counsel, let’s do it across the state of Maryland. To conclude, I strongly encourage you to vote **in support of Senate Bill 154.**

Thank you for your time, service, and consideration.

Sincerely,
Daryl Yoder

309 Glenmore Ave.

Catonsville, MD 21228

Showing Up for Racial Justice Baltimore

SB 154--AOBA statement.pdf

Uploaded by: Bradley, Erin

Position: UNF



Bill No: SB 154, Landlord and Tenant—Eviction Action—Right to Counsel

Committee: Judicial Proceedings

Date: 1/28/2021

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George’s Counties. AOBA has joined the rental housing industry in publicly supporting a right to counsel for tenants and small landlords, if right to counsel is funded at public expense. While AOBA supports establishment of a Right to Counsel program, SB 154 as drafted raises numerous concerns.

This bill establishes free legal counsel for tenants during eviction proceedings, including the first appeal. The free legal counsel extends to households with an income that is 50% or less of the state’s median income. SB 154 also establishes a coordinator position within the Office of the Attorney General to administer the Right to Counsel in Evictions Fund. This fund would finance legal representation in evictions and other related proceedings.

The role of the Attorney General’s Office raises questions about independent oversight and governance. AOBA believes the bill creates a conflict of interest by making the Attorney General’s office responsible for governance of the Right to Counsel program and the Coordinator that oversees the program, appointing the head of the Taskforce that monitors the program, and sole oversight of the program while the Office also regulates the multifamily housing industry in its consumer protection role. Members believe that it is appropriate for a Right to Counsel Program to have independent oversight from the General Assembly or other state level actor. If contrasting this new Right to Counsel Program—which is akin to a public defender for civil matters—to the Maryland Public Defenders Office, we must note that the Public Defender’s Office is independent of other agencies. The General Assembly also entrusted a Board of Trustees to review the administration of the Public Defender system and advise on its operations. Further, members of the Board are appointed by the Governor with General Assembly advice and with one member each selected by the Senate President and House Speaker. The

structure of the Public Defender's office ensures the office's independence; AOBA is in favor of a similar independent structure for the Right to Counsel Program.

AOBA also notes that there is no housing industry representation on the Taskforce established in the bill. As outlined in SB 154, the taskforce comprised of up to 15 members appointed by the Attorney General may include: representatives of the Maryland State Bar Association; representatives of Tenant Advocacy Groups; representatives of the Judiciary; representatives of community groups; and tenants and other interested citizens. Housing providers are clearly left out of the process, but representation on the taskforce would be invaluable for facilitating communication and improvements of the eviction process as a whole—for both residents and housing providers. AOBA would support amendments to create a role for housing providers and/or industry representatives on the taskforce.

The Taskforce is charged with many responsibilities, including examining potential funding mechanisms. The bill currently states that the funding for the program is to come from the state budget generally, and notes that funding for the Right to Counsel in Evictions Fund may come from any source. AOBA reiterates its position that housing providers should not be required to pay for residents' attorneys. In Maryland, there is data to show that more than 98% of eviction filings are failure to pay rent actions. Thus, the legal action is solely based on a resident's action, for which there is no legal defense and the case is summary in nature. Attorneys may have little to offer, nonetheless AOBA believes it is a resident's right to have counsel. However, this Session there are several bills to increase unrecoverable surcharges on eviction filings. AOBA views establishing a Right to Counsel Program funded by unrecoverable filing fees as a tax on housing providers and a potential barrier to the industry's access to courts. This sets an unacceptable precedent which AOBA has long opposed. This could be addressed by prohibiting the use of filing fees to fund the Right to Counsel program outlined in SB 154.

As previously noted, the majority of eviction cases are for failure to pay rent and thus summary in nature. AOBA members believe the presence of lawyers in the 2% of eviction filings not related to non-payment of rent will be useful; but in the overwhelming majority of cases, lawyers will serve to slow down the eviction process and clog courts on cases for which—absent COVID-19-- there is no affirmative defense. The bill may also inadvertently increase the amount of lawsuits against housing providers as lines 7-14 on page 5 allows for the right to counsel when a housing provider chooses to terminate or not renew a tenancy-- as is their right under the lease. In the event of non-renewal because a resident breaches the lease through numerous noise complaints or violates the no-smoking addendum to the lease; in the event a housing provider wishes to sell the property and must terminate or not renew a tenancy, a designated organization may initiate a proceeding on behalf of the resident. It appears that this bill goes beyond merely establishing right to counsel for evictions and allows a designated organization to bring cases against housing providers as they deem fit. AOBA supports the right to counsel for eviction proceedings but takes issue with legislation that would create a cadre of publicly funded attorneys charged with bringing suit against housing providers.

AOBA understands that evictions greatly upset a household's stability and are often difficult for residents to navigate. Thus, a publicly funded Right to Counsel Program for eviction cases is appropriate and useful for Marylanders. However, AOBA cannot support a program that is not independent of the Attorney General's office; does not grant the industry representation on the taskforce; is funded on the backs of the rental housing industry and allows publicly funded attorneys to proactively sue housing providers.

For these reasons, AOBA asks that the bill be amended and would look forward to working with the Sponsor to address our stated concerns.

For further information contact Erin Bradley, AOBA Vice President of Government Affairs, at 301-904-0814 or ebradley@aoba-metro.org .

MBIA Testimony SB 154.pdf

Uploaded by: Graf, Lori

Position: UNF

January 28, 2021

The Honorable William C. Smith Jr.
Senate Judicial Proceedings Committee
Miller Senate Office Building,
2 East Wing 11 Bladen St.,
Annapolis, MD, 21401

RE: Opposition to SB 154 (Landlord and Tenant – Eviction Action – Right to Counsel)

Dear Chairman Smith:

The Maryland Building Industry Association, representing 1,100 member firms statewide, appreciates the opportunity to participate in the discussion surrounding SB 154 (Landlord and Tenant – Eviction Action – Right to Counsel). MBIA Opposes the Act in its current version.

This bill would establish a right to legal counsel for individuals facing an eviction notice. The bill would also establish a task force for the distribution of funds to people facing evictions in the employ of the office of the Attorney General.

This bill, while well intentioned, will ultimately be harmful to both tenants and landlords and has the potential to cost the state of Maryland millions of dollars when implemented. This bill would incentivize tenants under the median income level to initiate legal proceedings in all eviction cases because those cases would represent no cost to them and could extend the period of time in which they can remain in their residence. All of these legal proceedings would come at the expense of the state and they would likely grow over time as more people became aware of their right to representation.

Additionally, landlords under threat of lawsuits for evictions of bad tenants will be forced to calculate the potential cost of an eviction when deciding to take on a tenant. This will ultimately drive prices up in order to build a legal reserve fund. Additionally, this bill would disincentivize landlords from taking tenants below the median income threshold because they represent a significantly higher likelihood of facing a potential lawsuit. This will culminate in a greater difficulty for low income renters to find housing and harm the efforts of the state to establish affordable housing options by placing low income renters in a higher risk category.

For these reasons, MBIA respectfully requests the Committee give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Senate Judicial Proceedings Committee

SB 154 - MMHA - Unfavorable 1.28.pdf

Uploaded by: Wiggins, Grason

Position: UNF



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

Committee: Judicial Proceedings Committee

Date: January 28, 2021

Position: Unfavorable

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities. Our members house over 538,000 residents of the State of Maryland. MMHA also represents over 250 associate member companies who supply goods and services to the multi-housing industry.

SB 154 establishes free legal counsel for tenants during eviction proceedings, including the first appeal. To qualify for free legal counsel, tenants must be members of households with an income that is 50% or less of the state's median income. To accomplish its purpose, SB 154 establishes a coordinator position within the Office of the Attorney General to administer the Right to Counsel in Evictions Fund. This fund would finance legal representation in evictions and other related proceedings.

MMHA has publically supported a right to counsel program, **at public expense**, for all pro se litigants in eviction proceedings, including residents and small landlords. While MMHA supports an eviction right to counsel program, we cannot support SB 154 due to the following concerns.

I. Funding Mechanism

Landlords should not be required to pay for their tenants' attorneys. SB 154 notes that funding for the Right to Counsel in Evictions Fund may come from any source. Other bills before the General Assembly this session increase unrecoverable surcharges on eviction filings. Establishing a right to counsel funded by unrecoverable filing fees is nothing less than a tax targeted at housing providers designed to restrict and chill the industry's access to courts. This fundamentally unacceptable precedent must be addressed by prohibiting the use of filing fees imposed on landlords to fund the programs delineated within SB 154.

According to information from the District Court of Maryland, more than 98% of eviction filings are a direct response to unpaid rent. These failure to pay rent cases are summary in nature; they are not complex cases subject to the same time constraints and litigious issues found in other types of landlord-tenant cases. When the decision in an eviction case is predicated solely on a tenant's failure to pay rent, attorneys will have little to offer.

Over the past decade, the defendant appearance rate in landlord-tenant cases is 3.64%. As the task force established under SB 154 reviews data from the District Court, it will quickly conclude that the vast majority of landlord-tenant cases will be unaffected by an attorney's presence. Thus, the



MARYLAND MULTI-HOUSING ASSOCIATION, INC.

change sought in SB 154 can be accomplished with specifically delineated, limited funding directed at the 2% of eviction filings that are **not** related to a tenant's failure to pay rent.

II. Role of the Attorney General

SB 154 creates an apparent conflict of interest by placing responsibility for implementation of the right to counsel program, the appointment of a Task Force that monitors the program, and the choice of the Coordinator of the program solely under the authority of the Attorney General. Further, SB 154 invests the Attorney General with total control for overseeing the genesis of a project designed to recruit and coordinate attorneys to provide representation to indigent client across all of Maryland's 24 counties. Thus, it is concerning that this important matter is being placed solely within the confines of the administrative office of the Attorney general with no independent oversight by the General Assembly or the Governor.

When the General Assembly formed the Maryland Public Defender's Office to represent indigent criminal defendants it constructed the office to be independent of other administrative agencies. Further, a Board of Trustees was formed to review the administration of the Public Defender system and advise the Public Defender on its operation. The Board of Trustees coordinates the activities of Public Defender Regional Advisory Boards and consults on matters such as fees and the formation of panels of attorneys. Members of the Board of are appointed by the Governor with senate advice and consent, one member each is selected by the Senate President and House Speaker. Moreover, all members must be practicing attorneys-at-law.¹

As the General Assembly now contemplates the genesis of a "Civil Public Defender to support Maryland's most vulnerable citizens, it should be keenly cognizant of assuring independence of this powerful and important program.

III. Equal Task Force Representation

SB 154 establishes the Right to Counsel in Eviction Task Force, which consists of up to 15 members appointed by the Attorney General that may include:

- Representatives of the Maryland State Bar Association;
- Representatives of Tenant Advocacy Groups;
- Representatives of the Judiciary;
- Representatives of Community Groups; and
- Tenants and Other Interested Citizens.

Landlords, housing providers, and their representatives are conspicuously absent from the task force. Without equal representation from landlords on the task force, SB 154 fails to ensure that tenants and landlords have an opportunity to better communicate and improve the industry for all Maryland residents.

IV. Clarify the Purpose



The stated purpose of SB 154 is to provide a public right to counsel to defend against evictions, yet on page 4 lines 23-29, the purpose of the bill changes to establish that tenants will be provided with publicly funded attorneys who may bring civil actions against landlords. Moreover, on page 5, lines 7-14, the bill ensures a right to counsel when a landlord notifies a tenant that they will not renew a tenancy and when a designated organization determines that a proceeding on behalf of a covered individual should be initiated.

Plainly stated, SB 154 grants tenants a right to counsel when landlords choose not to renew a lease in order to sell a property or whenever an organization decides tenants should sue their landlords. The wide scope established by SB 154 will lead to unnecessary, protracted litigation that will disrupt the housing industry and further clog the court system.

On page 8, lines 9-10, the overly broad scope of the bill is further delineated. Specifically, SB 154 establishes that the Right to Counsel in Evictions Fund may be used to, “fully implement a civil right to legal representation in evictions *and other related proceedings in the state.*” To be clear, MMHA has supported an eviction right to counsel at public expense, but MMHA cannot support a program that exposes landlords to publicly funded civil actions. In its current posture, SB 154 exposes landlords to excessive and frivolous lawsuits that may be brought at public expense with simple affirmation from a designated organization. Funding these legislative mandates against property owners increases operating costs, which may lead to increased rent prices.

MMHA understands that the legal system can be difficult to navigate and supports a right to counsel program at public expense. However, SB 154 lacks independent oversight for the right to counsel program, fails to guarantee equal representation of landlords on the task force, exposes landlords to a broad scope of publicly funded lawsuits, and potentially requires landlords to fund attorneys for their tenants. For these reasons, MMHA respectfully requests an unfavorable report from the committee.

Grason Wiggins, MMHA Senior Manager, Government Affairs, 912.687.5745