

February 17, 2021

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

TO: Chair Clippinger, Vice Chair Atterbeary, and members of the Judiciary 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 HB18/SB154, 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 HB18/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.

HB18/SB154 the potential to reduce the long-term havoc this pandemic will inflict on all of us in Maryland. **I respectfully urge you to support HB18/SB154 with a favorable report.**