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February 17, 2021

The Honorable Luke Clippinger
Judiciary Committee
Room 101, House Office Building
Annapolis, MD 21401

**RE: Testimony of Maryland Legal Aid in Support of House Bill 18 – Landlord
Tenant - Eviction Action- Right to Counsel**

Dear Chair Clippinger and Committee Members:

Thank you for the opportunity to testify in support of House Bill 18, 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) strongly supports HB 18 and asks that this Committee give it a favorable report.

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. MLA is providing testimony in support of HB 18 at the request of Delegate Wanika Fisher.

Evictions have 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. Including 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.

House Bill 18 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.

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 HB 18 a favorable report.

/S/ Rachel Wolpert
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