



Judiciary Committee

**Bill #: HB 18, Landlord and Tenant, Right to Counsel
Hearing Date February 17, 2020**

Position: SUPPORT

Members of the Judiciary Committee:

Thank you for the opportunity to submit testimony in support of House Bill 18, 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 between landlords and tenants 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 effectively 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 studies have shown this impact is felt most heavily by Black and Latinx women and mothers, which is due to years of discriminatory housing laws, policies, and practices. While this bill cannot begin to right all of those wrongs, it is a step toward justice.

Support for tenants' right to counsel has grown significantly in the last five years. Seven cities have established such a right, and many others are working towards that goal. 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. HB 18 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 Connecticut, Indiana, Minnesota, Nebraska, South Carolina, and

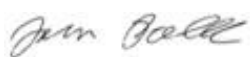
Washington State, and momentum is gathering at the state level in California, Delaware, Massachusetts, Pennsylvania, and Virginia.

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%. 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. And in Cleveland, 93% of those represented avoided eviction or an involuntary move, 83% who were seeking additional time to move were able to get it, and 89% of those seeking to mitigate damages were able to do so. 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 outcomes. Additionally, the right to counsel not only improves outcomes for tenants, but also deters landlords from clogging the courts with frivolous cases and reduces strain on homeless services providers. At a time when the pandemic has severely impacted 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 a right to counsel for tenants would return many dollars in savings.

A right to counsel also makes recent federal aid impactful. President Biden directed the CDC to extend its eviction moratorium until the end of March, and Congress 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, evictions have continued to rise across the country, and 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 HB 18, 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 HB 18.

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