



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

**STATEWIDE
ADVOCACY SUPPORT UNIT**

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February 15, 2022

The Honorable William C. Smith, Jr.
2 East Miller Senate Office Building
Annapolis, Maryland 21401

**RE: Testimony of Maryland Legal Aid in Support of Senate Bill 521 –
Landlord and Tenant- Access to Counsel in Evictions Special Fund-
Mandatory Appropriations**

Dear Chairmen Smith and Members of Committee:

Thank you for the opportunity to provide testimony on this important bill. Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to Maryland's low-income and vulnerable residents. MLA handles civil legal cases involving a wide range of issues, including family law, housing, public benefits, consumer law (e.g., bankruptcy and debt collection), and criminal record expungements to remove barriers to obtaining child custody and housing a driver's license, and employment. Maryland Legal Aid supports SB 521 and asks that this committee give it a favorable report. This letter serves as notice that Gregory Countess, Esq., will testify in support of S B 521 on behalf of Maryland Legal Aid.

In 2010, the Maryland Access to Justice Commission recommended in its 2009 Interim Report the establishment of a right to counsel poor persons in this state. The Commission supported the principle that low-income Marylanders should have a right to counsel at public expense for adversarial proceedings where basic human needs are at stake, including shelter.¹ In 2021, the Maryland General Assembly supported this principle by enacting legislation that would provide counsel access in certain cases. The bill did not guarantee a right to counsel or provide funding to support the Access to Counsel program. Though the enacted statute did not create a right to counsel, it took another step toward providing meaningful access to justice for poor Maryland renters.

While MLA represents thousands of poor Marylanders each year in Landlord/Tenant matters, a report from the Legal Service Corporation programs reveals that 86% of the civil legal needs of low-income Americans receive

¹ <https://www.mdcourts.gov/mdatjc/civilrightscounsel>

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04.2021



inadequate or no legal help.² The Legal Services Corporation, which provides some funding to MLA, reported that 98% of tenants were unrepresented in eviction cases across the country.³ The story is little different in Maryland. A recent report found that 99% of Baltimore renters were unrepresented in eviction cases while only 4% of Landlords were unrepresented.⁴ This bill will provide dedicated funding for the Access to Counsel Program by making unspent Federal Rental Assistance funds available.

The right to housing is a principle established in the Universal Declaration of Human Rights, and access to counsel to protect that right from arbitrary deprivation is also a precept propounded in the Declaration.⁵ Under the current scheme, tenants cannot effectively protect their right to housing. They face an unfamiliar court system and landlords who are experts in ensuring evictions. Tenants need representation for fundamental fairness and justice in this process. Thus, providing funding for access to counsel is necessary. For these reasons, MLA asks for a favorable report on SB 521.

/S/ Gregory Countess

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² <https://www.lsc.gov/our-impact/publications/other-publications-and-reports/justice-gap-report>

³ <https://www.lsc.gov/our-impact/publications/other-publications-and-reports/justice-gap-report>

⁴ <https://bmorerentersunited.org/rtc/stoutreport/>

⁵ https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf