



**STATEWIDE  
ADVOCACY SUPPORT UNIT**

**Cornelia Bright Gordon, Esq.**  
Director of Advocacy  
for Administrative Law  
(410) 951-7728  
cbgordon@mdlaborg

**Gregory Countess, Esq.**  
Director of Advocacy  
for Housing & Community  
Economic Development  
(410) 951-7687  
gcountess@mdlaborg

**Anthony H. Davis, II, Esq.**  
Director of Advocacy  
for Consumer Law  
(410) 951-7703  
adavis@mdlaborg

**Erica I. LeMon, Esq.**  
Director of Advocacy  
for Children's Rights  
(410) 951-7648  
elemon@mdlaborg

February 21, 2022

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

**Re: Testimony in support of Senate Bill 564: Landlord and Tenant and  
Wrongful Detainer Actions– Eviction Prevention Services**

Dear Chair Smith and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 564. SB 564 would require the court to postpone hearings in Landlord Tenant and Wrongful Detainer actions at the tenant's request if certain conditions are met. Maryland Legal Aid (MLA) is a private, non-profit law firm that provides free legal services to indigent Maryland residents. From 12 offices around the state, MLA helps individuals and families in every Maryland county with many civil legal issues, including housing, consumer, public benefits, and family law matters. MLA also represents abused and neglected children and provides legal assistance to senior citizens and nursing home residents. This letter serves as notice that Gregory Countess, Esq. will testify on behalf of Maryland Legal Aid at the request of Senator Susan Lee.

The human right to housing is one of the most essential and broadly recognized human rights. It finds strong recognition in International Law, Federal Law, State Law, and case law at all levels. The Universal Declaration of Human Rights guarantees "the right to a standard of living adequate for the health and well-being of [the individual] and of his[her] family, including food, clothing, shelter, and medical care and necessary social services." The Universal Declaration of Human Rights, G.A. Res. 217, U.N. GAOR, 3d Sess., pt. 1, U.N. Doc. A/810 (1948) (hereinafter "the Declaration"). One of the basic precepts of the right to

**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  
01.2022



housing is that such housing should not be arbitrarily taken. Any deprivation of housing should be done lawfully, and the tribunal should be fair.<sup>1</sup>

Last year the Maryland General Assembly passed an Access to Counsel statute. This year, pending legislation offers funding to implement the program fully. SB 564 compliments the Access to Counsel statute and is nearly as important as the funding under consideration this year. Access to counsel not only means that there may be attorneys available but that, if available, counsel can represent the tenant in the hearing. SB 564 provides an opportunity for tenants to receive much-needed legal representation. There are occasions when MLA asks potential tenant clients to ask the court to postpone their hearing so that an MLA attorney can be available to represent the tenant. When these requests are made, the court sometimes postpones the action, but in many instances, a continuance is denied, despite MLA's observations that Landlords' requests to continue are liberally granted. SB 564 remedies that issue. By extending this right to a postponement to all Landlord-Tenant/Wrongful Detainer actions, the Maryland General Assembly would truly level the playing field for tenants.

Additionally, with millions of dollars of Emergency Rental Assistance still available, efficiency dictates that postponements make sense if a government representative of the Emergency Rental Assistance Programs (ERAP) is available at the court and can verify that the tenant has applied for rental assistance. Most of the ERAP programs in Maryland prioritize getting assistance to renters in court facing immediate eviction. This provision of SB 564 will also lessen the chance that a tenant will be homeless, as - ERAP funding is available, and all the parties will be in court together and can fashion an alternative to eviction to make the Landlord whole.

Enacting this bill will move Maryland closer to fulfilling its duty to respect, protect and promote the right to housing.

For these reasons, MLA asks for a favorable report on SB 564.

Sincerely,

---

<sup>1</sup>[https://www.americanbar.org/content/dam/aba/events/homelessness\\_poverty/2013\\_Midyear\\_Meeting\\_Right\\_To\\_Housing/housing\\_as\\_a\\_right\\_fact\\_sheet.pdf](https://www.americanbar.org/content/dam/aba/events/homelessness_poverty/2013_Midyear_Meeting_Right_To_Housing/housing_as_a_right_fact_sheet.pdf)

/S/

Gregory Countess

Director of Advocacy

for Housing and Community Development

410-951-7687

[gcountess@mdlab.org](mailto:gcountess@mdlab.org)