

January 28, 2021

The Honorable William C. Smith Jr.
Senate Judicial Proceedings Committee
Miller Senate Office Building,
2 East Wing 11 Bladen St.,
Annapolis, MD, 21401

RE: Opposition to SB 154 (Landlord and Tenant – Eviction Action – Right to Counsel)

Dear Chairman Smith:

The Maryland Building Industry Association, representing 1,100 member firms statewide, appreciates the opportunity to participate in the discussion surrounding SB 154 (Landlord and Tenant – Eviction Action – Right to Counsel). MBIA Opposes the Act in its current version.

This bill would establish a right to legal counsel for individuals facing an eviction notice. The bill would also establish a task force for the distribution of funds to people facing evictions in the employ of the office of the Attorney General.

This bill, while well intentioned, will ultimately be harmful to both tenants and landlords and has the potential to cost the state of Maryland millions of dollars when implemented. This bill would incentivize tenants under the median income level to initiate legal proceedings in all eviction cases because those cases would represent no cost to them and could extend the period of time in which they can remain in their residence. All of these legal proceedings would come at the expense of the state and they would likely grow over time as more people became aware of their right to representation.

Additionally, landlords under threat of lawsuits for evictions of bad tenants will be forced to calculate the potential cost of an eviction when deciding to take on a tenant. This will ultimately drive prices up in order to build a legal reserve fund. Additionally, this bill would disincentivize landlords from taking tenants below the median income threshold because they represent a significantly higher likelihood of facing a potential lawsuit. This will culminate in a greater difficulty for low income renters to find housing and harm the efforts of the state to establish affordable housing options by placing low income renters in a higher risk category.

For these reasons, MBIA respectfully requests the Committee give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Senate Judicial Proceedings Committee