



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

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February 24, 2021

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

RE: Testimony of Maryland Legal Aid in Support of Senate Bill 530 - Eviction
Actions- Filing Surcharge and Prohibited Lease Provisions

Dear Chair Smith and Members of Committee:

Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents, including abused and neglected children, nursing home residents, and veterans. With 12 office locations that serve residents in each of Maryland's 24 jurisdictions, 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, housing, a driver's license, and employment.

In response to the COVID-19 pandemic, the Office the Attorney General formed an Access to Justice Task Force. That Task Force evaluated the impacts of the crisis and offered suggestions to allow for and strengthen the recovery of Maryland and its residents from the devastating impacts of the health crisis. The change proposed by Senate Bill 530 for increasing the filing fees for eviction actions in District Court to a level consistent with the rest of the nation was one recommendation. This letter serves as notice that Gregory Countess will be testifying in support of Senate Bill 530 on behalf of MLA at Senator Shelly Hettleman's request.

While representing tenants throughout the state of Maryland, MLA frequently sees tenants facing monthly failure to pay rent complaints filed by their landlords in the District Court. Filing a monthly complaint if they allege any portion of rent for the month is late is easy for landlords and property managers, because the cost is so low. In many cases, those filings do not end in eviction, or even a judgment for the rent they claim is unpaid. While filings for ending

tenancies for breaches of lease or reclaiming the property after the end of a lease are not repeatedly filed by landlords, they are easily filed by landlords as well. With such a low cost court process, there is no incentive to negotiate a payment plan or other resolution between landlords and tenants. Utilizing the court process and resources to displace a family from their home should be the last resort. This imperative has become devastatingly obvious during the COVID-19 crisis. The speedy displacement of a family's housing has always been troubling, but in the current health crisis it is life threatening.

MLA has represented tenants with inconsistent income, so they are forced to either make partial payments or fall behind on their rent obligation for a month. When a landlord files a complaint each month, as soon as the rent is late, tenants fear losing their housing, miss work to attend court hearings, and are forced to wade through complicated ledgers to make sure their payments have been applied accurately. Even when tenants make efforts to work with landlords to ensure the amount due is accurate and seek rental assistance, they must also respond and appear at court dates on short notice, because the landlords continue to file new complaints about the rent.

MLA's responsibility is to serve indigent Marylanders' legal needs by advancing Human Rights and Justice for All. This includes 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. Making the landlord-tenant case process equivalent to other civil litigation would also protect the human right to safe and secure housing as outlined in the International Covenant on Economic, Social, and Cultural Right. Universal Declaration of Human Rights declares that "[e]veryone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including...housing..." The Committee on Economic, Social, and Cultural Rights, the body that monitors the International Covenant on Economic, Social and Cultural Rights (ICESCR), observed that this right requires that "all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats." Furthermore, the International Covenant on Civil and Political Rights (ratified by the US in 1993), affirms that "[n]o one shall be subjected to arbitrary or unlawful interference with his [or her]... home." By raising the cost on Landlords in filing these complaints and funding legal service organizations in order to safeguard tenant rights, this bill moves Maryland along the path toward securing housing as a human right in Maryland.

Additionally, SB 530 protects tenants from facing housing instability by prohibiting landlords from passing the cost of filing complaints in the District Court along to the tenants. In the current process, unlike any other litigants, landlords only have to pay a minimal fee to get into court and then charge that cost to the tenant whether they are successful or not. The passing on of the cost to the other side regardless of outcome is not able to happen in any other civil litigation. Landlords regularly assess those costs against tenants, but SB 530 would expressly prohibit that practice in Maryland by changing both the money judgment the court can award and prohibiting a lease term which would allow a landlord include the cost in a tenant's account.

SB 530 further improves and supports the rights of tenants to stable housing, because it provides that a portion of the increase in the fee would be used to level the playing field for

tenants by supporting adequate access to legal services assistance throughout the state. The COVID-19 health crisis has further exposed the disparities in our society and the barriers that exist which prevent all Marylanders from full access to justice. Robust funding of civil legal services will expand the access to justice for all in Maryland.

Thank you for your consideration of this written testimony. For the reasons stated above, Maryland Legal Aid urges a favorable report on Senate Bill 530.

/s/ Gregory Countess

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