



SB0154 - Landlord and Tenant - Eviction Action - Right to Counsel

Presented to the Hon. Will Smith and Members of the Senate Judicial Proceedings Committee

January 28, 2020 1:00 p.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland urges the Senate Judicial Proceedings Committee to issue **a favorable report on SB0154 - Landlord and Tenant - Eviction Action - Right to Counsel**, sponsored by Senator Shelly Hettleman.

Our organization is an advocate for reproductive health, rights, and justice. Reproductive justice calls upon us to fight to ensure sustainable communities.ⁱ As reproductive justice advocates, access to affordable housing is essential to promoting safety for marginalized communities.ⁱ In Maryland, access to affordable housing is a reproductive justice issue that directly impacts the environment, the safety, and the well-being of Maryland residents and their families.

In Maryland, there is no statewide mandate for right to counsel for tenants in rent court. Maryland's eviction filing process is different than most states. The first step is eviction filing in court.ⁱⁱ The cost of filing for a landlord is \$15, compared to other states where it may cost hundreds of dollars.ⁱⁱⁱ Many landlords take advantage of the low filing costs to file eviction actions.ⁱⁱ Currently, many tenants do not have legal representation in court. In Baltimore rent court, a 2017 study found that judges routinely ruled in favor of landlords, despite tenants living in unsafe conditions.^{iv} Before the pandemic, 71% of low-income American households faced at least one civil legal issue, yet only 14% of those households received legal help.^v These conditions highlight the lack of tenant protections and its effects, especially on communities of color.

Maryland's eviction filing rates are one of the highest in the country. Over 660,000 eviction cases are filed every year in our state.^{vi} In some counties, the filing rate is over 100%, which means that there are more eviction actions brought to court than there are homes for rent.^{vii} In general, the state's rate of eviction filings goes above more than 80%, which is dramatically higher than neighboring states.ⁱⁱ In eviction proceedings, one study found that approximately 96% of landlords are represented by an attorney, while 1% of tenants are represented in eviction proceedings.^{viii} These statistics illuminate the gravity of the eviction crisis in Maryland and the need for tenant protections statewide.

SB0154 can help to further tenant protections and protects the interests of Maryland residents. This bill helps to establish a right to counsel for tenants in rent court, provides necessary resources for tenants, and outreach from community groups. This bill also recognizes the impact of COVID-19, as the pandemic exacerbated economic hardship for many residents nationwide and evictions contribute to the public health crisis, along with the impact on how evictions disproportionately affect Black and Brown communities in Maryland.

For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on SB0154**. Thank you for your time and consideration.

-
- ⁱ “Reproductive Justice.” Sister Song, n.d. <https://www.sistersong.net/reproductive-justice>.
- ⁱⁱ Frosh, Brian. “Attorney General: Maryland Eviction Process 'Unfair to Tenants': Commentary.” baltimoresun.com. Baltimore Sun, December 11, 2020. <https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-1213-frosh-serial-evictions-20201211-nnlu6zmiqjc7dyohvqx5k3cu-story.html>.
- ⁱⁱⁱ DISTRICT COURT OF MARYLAND COST SCHEDULE, n.d. <https://www.courts.state.md.us/sites/default/files/import/district/forms/acct/dca109.pdf>.
- ^{iv} Baltimore Sun. “Sun Investigates: Baltimore's Housing Court.” baltimoresun.com. Baltimore Sun, n.d. <https://www.baltimoresun.com/news/investigations/bal-baltimore-sun-rent-court-series-storygallery.html>.
- ^v Attorney General's COVID-19 Access to Justice Task Force, n.d. <https://www.marylandattorneygeneral.gov/Pages/A2IC/default.aspx>.
- ^{vi} Leckrone, Bennett. “Chief Judge: Eviction Filings Face Court Backlog,” September 9, 2020. <https://www.marylandmatters.org/2020/09/09/chief-judge-eviction-filings-face-court-backlog/>.
- ^{vii} “Eviction Map & Data.” Eviction Lab, n.d. <https://evictionlab.org/map/#/2016?geography=states&bounds=-81.682,36.74,-72.797,40.638&type=efr&locations=24,-77.268,38.817>.
- ^{viii} “Study: Providing Lawyers for Baltimore Tenants to Fight Eviction Can Save City and State Money.” =. Baltimore Sun, n.d. <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-eviction-free-lawyers-20200518-fb6f6pn2kzatkvwuezc5wktpz4-story.html>.