

Testimony on Raising the Eviction Filing Fee in Maryland
February 17, 2021

My name is Eva Rosen, I am an assistant professor at Georgetown in the McCourt School of Public Policy. Thank you for the opportunity to testify today. I am writing to express my support for HB-729 (and HB-31) which would raise the fee to file for eviction in Maryland.

In this testimony I draw on over a decade of experience conducting policy relevant academic research on housing in Maryland, the District of Columbia, and nationally. Broadly, my work focuses on how supply side actors (landlords and developers) respond to state federal, state, and local housing policies with important consequences for low-income families.

I have also recently completed an analysis of all eviction records over the past 5 years in the District of Columbia. In this [report](#), my co-author and I document the fees charged to file for eviction in the 50 largest cities in the U.S. Across these areas, the median filing fee is \$106, well above the current fees charged in Maryland. Importantly, we document that jurisdictions with *lower* filing fees tend to have much *higher* filings rates.

This association is further substantiated by my qualitative interviews and fieldwork with over 150 landlords in four cities. In places where fees are low, it is cheap and easy for landlords to file on tenants as soon as they are legally allowed to do so, knowing full well that most filings will not result in an eviction. Landlords in my research study report doing exactly this. This phenomenon, called “serial filing,” where a landlord files for eviction on the same tenant, in the same unit, multiple times per year, accounts for a substantial chunk of all filings. They are made *not* with the intent to evict – since again, most of these filings do not result in eviction – but with the intent to intimidate the tenant, change the power dynamic, and leverage a threat to get them to pay.

Raising the filing fee in order to deter landlords from using the court system in this way is important for several reasons. One, because filings result in a legal record that makes it harder for tenants to find housing in the future. The landlords in my research say that a history of a filing – even when it does not result in an eviction – is one of the single biggest reasons they take prospective tenant out of the running. Indeed, substantial research shows that publicly available eviction records follow tenants and have a negative impact on their future housing opportunities. In addition, families report that in some cases a filing may be enough for them to leave preemptively, either as a result of fear, threats, or pressure from the landlord.

Some have raised the question of whether increased filing fees would be passed on to tenants. It is my view that while this could be the case in some instances, raising the filing fee would change landlord behavior on such a large scale by reducing the amount of frivolous filing, that on balance, tenants would benefit from this change. Others have wondered whether the case of the high volume of filings in Maryland is its generous right to redemption – this is unlikely to be the case, since for example, the District of Columbia has an even more generous right to redemption, with a lower filing rate (though still quite high).

Based on this body of research, I support the proposal to raise the filing fee, which I believe will lower the number of frivolous filings that do little more than harm tenants. Thank you for the opportunity to testify today.

Sincerely,

Eva Rosen

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