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01.2021



February 17, 2021

The Honorable Luke Clippinger
Judiciary Committee
Room 101, House Office Building
Annapolis, MD 21401

**RE: Testimony of Maryland Legal Aid in Support of House Bill 729 - Eviction
Actions- Filing Surcharge and Prohibited Lease Provisions**

Dear Chair Clippinger 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 locations serving 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, 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 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 Maryland and its residents' recovery from the devastating impacts of the health crisis. House Bill 729's proposed increase to 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 Rachel Wolpert Bitter will be testifying in support of House Bill 729 on behalf of MLA at Delegate Wanika Fisher's request.

In its work with tenants throughout the state, MLA has seen tenants in every jurisdiction who have faced 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 of the low filing cost. Those filings do not end in eviction or even a judgment for the rent they claim is unpaid in many cases. While landlords do not repeatedly file filings for ending tenancies for breaches of lease or reclaiming the property after the end of a lease, they are easily filed by landlords. There is no incentive to negotiate a payment plan or other resolution between landlords and tenants with such a low-cost court process. Utilizing the court process and resources to displace a family from their home should be the last resort. This has become devastatingly obvious during the COVID-19 crisis. The fast displacement of a family's housing has always been troubling, but it is life-threatening in the current health crisis.

MLA has worked with tenants whose income is inconsistent, 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 their 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 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 Rights. 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 to safeguard tenant rights, this bill moves Maryland along the path toward securing housing as a human right.

Additionally, HB 729 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 cannot happen in any other civil litigation regardless of the outcome. Landlords regularly assess those costs against tenants, but HB 729 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 to include the cost in a tenant's account.

HB 729 further improves and supports tenants' rights 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 preventing 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 House Bill 729.

/S/ Rachel Wolpert Bitter
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