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To: Members of the House Judiciary Committee

From: Richard A. Montgomery III
Director of Legislative Relations
Maryland State Bar Association

Date: February 17, 2021

Subject: **House Bill 18 – Landlord and Tenant - Eviction Action - Right to Counsel**

Position: **Support with Amendments**

The Maryland State Bar Association (MSBA) Support House Bill 18 - Landlord and Tenant - Eviction Action - Right to Counsel, with two (2) minor amendments. House Bill 18 would establish that individuals below a certain income level have a right to legal representation in eviction proceedings and would create the Right to Counsel in Evictions Coordinator position in the Office of the Attorney General. Under the bill, the Coordinator would organize and direct services and resources to provide covered individuals with legal representation for a judicial or administrative proceeding. Further, the bill provides for the legal representation of qualified individuals in certain organizations, as well as providing for outreach and education regarding tenants' rights by qualified community groups.

Providing low-income Marylanders facing eviction with quality legal representation will help keep at-risk individuals, families with children, and seniors in their homes. Recent studies (most notably ***The Economic Impact of an Eviction Right to Counsel in Baltimore City, prepared for the Public Justice Center, with the assistance of the Abell Foundation, prepared by Stout Risius Ross, LLC (“Stout”)***) found that barely 1% of renters facing eviction in court have legal representation. By contrast, generally over 90% of landlords are represented in court. This disparity has shown a longstanding history of leading to often unnecessary homelessness, and the attendant disintegration of familial units. It is proven that an attorney can assist a tenant in many ways, from realistic payment agreements with the landlord to assisting with the transition if ultimately the tenant needs to relocate. The MSBA strongly believes that a basic right to legal representation in eviction proceedings would improve the chances that low-income renters would clearly understand their obligations and options going into court. Undeniably, renters assisted by counsel in eviction proceedings stand a far better chance at avoiding homelessness. Further, as noted in the Preamble to HB 18, *“Evictions exacerbate the public health crisis posed by COVID-19.”*

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Invariably, the MSBA finds, the reflexive objection to enactment of a right to counsel in eviction proceedings centers on the up-front costs of establishing the infrastructure associated of providing mechanisms to administer and provide the right to legal representation. Yet the Stout study concluded in analyzing the Baltimore City ordinance providing a right to counsel that an investment of \$5.7 million a year to provide legal representation for Baltimore renters would result in \$35.6 million in savings to the city and state on homeless shelters, Medicaid spending, school funding and foster care costs.

The MSBA believes the right to legal representation in eviction proceedings, as provided under HB 18, is long overdue. Several nationwide municipalities, including Baltimore City, have enacted measures similar to HB 18, and multiple state legislatures are presently evaluating substantially similar legislation. Moreover, we believe that Maryland should remain at the forefront, nationally, in caring for its most vulnerable populations. Having the right to a lawyer while facing potential homelessness represents a small overall net cost to our State. We strongly believe that those individuals and families are worth that investment.

Amendments

The MSBA would propose **two (2) amendments to HB 18**, both related to the composition of the **Right to Counsel in Evictions Task Force**. First, we believe that the membership of the Task Force should be set forth more specifically. Presently, the bill states on page 7, line 5: “THE TASK FORCE CONSISTS OF UP TO 15 MEMBERS APPOINTED BY THE ATTORNEY GENERAL AND MAY INCLUDE.” The MSBA would suggest a “shall” clause instead, followed by the enumerated composition of the Task Force. Additionally, the MSBA has observed that the Task Force membership does not include representation of any segment of the landlord community. We believe that in the interest of balance and fairness, there should be representation of providers of rental housing.

For all of the reasons stated above, **the Maryland State Bar Association supports HB 18, with amendments, and urges a Favorable (with amendments) Committee Report**. Should you have any questions, please contact me at richard@msba.org or (410) 269-6464.