

BRIAN E. FROSH
Attorney General



ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.

410-576-6584

February 17, 2021

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Brian E. Frosh
Attorney General

RE: HB 729 – Landlord and Tenant – Eviction Actions – Filing Surcharge and Prohibited
Lease Provisions – **Support**

Chairman Clippinger, Vice Chair Atterbeary, and distinguished Members of the Judiciary Committee, thank you for the opportunity to testify in support of HB 729. Like a number of other bills this Committee has considered, HB 729 is a recommendation of our COVID-19 Access to Justice Task Force.¹

This bill would increase Maryland's eviction filing fee from \$15 to the approximate national average of \$120. The increased revenues would serve as a stable funding stream for the Maryland Legal Services Corporation.

Many Maryland families were facing housing instability long before the pandemic. In 2019, more than 660,000 evictions were filed in Maryland district courts. And as with the health outcomes of COVID-19, communities of color are facing the greatest hardships. In Baltimore City, for example, the number of eviction removals of Black households in 2018 and 2019 was three times higher than those for white households. The pandemic further exacerbated these challenges, with more than 200,000 Marylanders are estimated to face evictions once court proceedings resume and state and federal moratoria and defenses are lifted.

¹ See generally MD. ATT'Y GEN. BRIAN E. FROSH'S COVID-19 ACCESS TO JUST. TASK FORCE, CONFRONTING THE COVID-19 ACCESS TO JUSTICE CRISIS (Jan. 2021), https://www.marylandattorneygeneral.gov/A2JC%20Documents1/AG_Covid_A2J_TF_Report.pdf.

The landlord's cost of filing is \$15, one of the lowest nationwide.² Some states impose fees over \$300. These low filing fees cause landlords to engage in a practice called "serial eviction filings."³ Over 660,000 eviction cases are filed each year in Maryland.⁴ The filing rate in some counties is over 100%, meaning more eviction actions are brought than there are homes for rent.⁵ Baltimore City has 125,000 rental units, but roughly 140,000 eviction cases per year.⁶ About 6,500 result in removal.⁷ Why the discrepancy, and what happens to all the other cases? 84 percent of Baltimore City eviction actions are filed with only one month's rent due.⁸ Worse, many landlords file as soon as tenants are a few days late. This practice has made courts "more like an extension of the residential rental business than an impartial arbitrator between landlords and tenants."⁹

Maryland's low barriers for filing eviction actions make it an outlier. Eviction filing rates in neighboring states range from 5.3% in Pennsylvania¹⁰ to 16.9% in Delaware.¹¹ Rates in New Jersey¹², the District of Columbia¹³, and Virginia¹⁴ range from 12.5% to 15.7%. **Maryland's rate in excess of 80% dwarfs them all.**¹⁵

² *See id.*

³ *See generally* Lillian Leung et al., *Serial Eviction Filing: Civil Courts, Property Management, and the Threat of Displacement*, SOCIAL FORCES, Sep. 11, 2020, at 1, <https://academic.oup.com/sf/advance-article-pdf/doi/10.1093/sf/soaa089/33732959/soaa089.pdf> ("Serial eviction filings occur when a property manager files to evict the same household repeatedly from the same address.").

⁴ *See* Bennett Leckrone, *Chief Judge: Eviction Filings Face Court Backlog*, MD. MATTERS (Sep. 9, 2020), <https://www.marylandmatters.org/2020/09/09/chief-judge-eviction-filings-face-court-backlog/>.

⁵ Md. Eviction Filing Rate Interactive Map, Eviction Lab, <https://evictionlab.org/map/#/2016?geography=counties&bounds=-84.401,36.16,-71.463,41.132&type=efr&locations=24,-77.222,39.273> (last visited Feb. 15, 2021).

⁶ STOUT RISIUS ROSS, THE ECONOMIC IMPACT OF AN EVICTION RIGHT TO COUNSEL IN BALTIMORE CITY 19 (May 18, 2020), https://bmorerentersunited.org/wp-content/uploads/2020/05/Baltimore-RTC-Report_FINAL_5.8.2020.pdf.

⁷ *See id.*

⁸ *Id.*, at 23.

⁹ Leung et al., *supra* note 10, at 23.

¹⁰ Pa. Eviction Filing Rate Interactive Map, Eviction Lab, <https://evictionlab.org/map/#/2016?geography=states&bounds=-81.727,39.553,-73.482,42.43&type=efr&locations=42,-77.799,40.874> (last visited Feb. 15, 2021).

¹¹ Del. Eviction Filing Rate Interactive Map, Eviction Lab, <https://evictionlab.org/map/#/2016?geography=states&bounds=-90.784,35.387,-66.895,43.876&type=efr&locations=10,-75.42,38.821> (last visited Feb. 15, 2021).

¹² N.J. Eviction Filing Rate Interactive Map, Eviction Lab, <https://evictionlab.org/map/#/2016?geography=states&bounds=-90.784,35.387,-66.895,43.876&type=efr&locations=10,-75.42,38.821%2B34,-74.728,39.776> (last visited Feb. 15, 2021).

¹³ D.C. Eviction Filing Rate Interactive Map, Eviction Lab, <https://evictionlab.org/map/#/2016?geography=states&bounds=-78.346,38.465,-75.776,39.389&type=efr&locations=11,-77.016,38.905> (last visited Feb. 15, 2021).

¹⁴ Va. Eviction Filing Rate Interactive Map, Eviction Lab, <https://evictionlab.org/map/#/2016?geography=counties&bounds=-79.053,38.235,-74.946,39.711&type=efr&locations=51,-77.893,38.582> (last visited Feb. 15, 2021).

¹⁵ *Compare* Md. Eviction Filing Rate Interactive Map, *supra* note 12 (finding Maryland's eviction filing rate exceeds 100%) *with* Pa. Eviction Filing Rate Interactive Map, *supra* note 17 (finding Pennsylvania's eviction filing rate is 5.3%), Del. Eviction Filing Rate Interactive Map, *supra* note 18 (finding Delaware's eviction filing rate is 16.9%),

Forced displacement disrupts lives in profound and irrevocable ways. Its harms fall disproportionately on those least able to weather them.¹⁶ As one writer captures the impact of eviction, “without stable shelter, everything else falls apart.”¹⁷ We must do more to help Maryland families keep things together.

For all the foregoing reasons, I urge the Judiciary Committee to favorably report House Bill 729.

cc: Members of the Judiciary Committee

N.J. Eviction Filing Rate Interactive Map, *supra* note 19 (finding New Jersey’s eviction filing rate is 12.05%), D.C. Eviction Filing Rate Interactive Map, *supra* note 20 (finding District of Columbia’s eviction filing rate is 15.67%), and Va. Eviction Filing Rate Interactive Map, *supra* note 20 (finding Virginia’s eviction filing rate is 14.48%).

¹⁶ See HUNTER URB. POL’Y & PLAN., NEXT IN LINE: THE HUMAN COST OF THE EVICTION CRISIS 19 (2020), http://www.hunterurban.org/wp-content/uploads/2020/10/Studio-Spring-2020_Next-In-Line_The-Human-Cost-of-the-Eviction-Crisis.pdf.

¹⁷ Interview, *Eviction: Not Just a Condition, but a Cause of Poverty*, U.S. CATH. (Feb. 13, 2018), <https://uscatholic.org/articles/201802/eviction-not-just-a-condition-but-a-cause-of-poverty/>.