

February 15, 2021

Committee Chair Delegate Luke Clippinger
Committee Vice-Chair Delegate Vanessa E. Atterbeary
Judiciary Committee
Room 101
House Office Building
Annapolis, Maryland 21401

**RE: House Bill 18, Landlord and Tenant – Eviction Action – Right to Counsel
Position: Support**

Dear Committee Members:

The Baltimore Regional Housing Partnership is dedicated to providing housing assistance and counseling to some of Baltimore’s most low-income families. Our counselors and rental assistance associates work tirelessly to keep families in stable, quality housing. We know that housing instability and frequent moves can have a serious negative impact on long-term outcomes for children, and the threat of eviction is a grave detriment to their success. Most families facing eviction could mount a successful legal defense, but only those with legal counsel are likely to do so. In order to level the playing field in rent court and promote positive outcomes for Maryland families, BRHP strongly supports House Bill 18 to establish Right to Counsel in Eviction Cases.

The scales of justice in Rent Court are remarkably imbalanced. Most landlords have representation while most tenants do not. Many landlords are represented by agents when they file for failure to pay rent (FTPR), and therefore do not have to appear in person. The ability for a non-attorney to represent a plaintiff is a legal anomaly, and it makes FTPR filings astoundingly cheap and easy. Services such as MarylandRentCourt.com help landlords take full advantage of this anomaly. Their agents often bring hundreds of filings for many landlords to court on a single day. Although these agents are not legal professionals, they have specialized experience in getting people evicted. Tenants contesting an FTPR case without counsel are at an extreme disadvantage because of their comparative inexperience, and because they must appear in person.

Most renters facing eviction could mount a successful defense, but often are unaware or do not know how. Having representation dramatically increases the likelihood of mounting a defense. Tenants often fail to appear because of difficulties with transportation, childcare, or work schedule. When this happens, the judge automatically decides in the landlord’s favor. Even when a tenant does show up, their hearing is likely to be over in minutes or even seconds¹. If the judge asks whether they agree that they owe the amount claimed by the landlord, and they answer “Yes” or “Yes, but...”, the judge will usually decide in the landlord’s favor. Tenants lawyers know how to slow down the eviction meat grinder and raise a defense. Tenants without representation do not.

¹ https://law.stanford.edu/wp-content/uploads/2020/02/Petersen_Final.pdf

Disparate impacts in Rent Court reflect the social inequalities among renter households. In Milwaukee, for example, 30 percent of evicted tenants are Black women, although they comprise only 9.6 percent of the city population². Legal non-profits have been researching a class action on behalf of single Black mothers in the Baltimore region. The main obstacle to understanding the social inequality of eviction in Maryland is the unavailability of demographic data, but that does not erase the vulnerability of local agencies to a disparate impacts suit. A civil Gideon would effectively mitigate this issue.

Opposition to Tenant Right to Counsel (RTC) usually stems from the associated public costs. However, recent analysis¹ shows that RTC will generate \$35.6 million in benefits for Baltimore City alone³. In addition to these direct benefits, there are desirable positive externalities of a Civil Gideon in Rent Court. Many landlords habitually evict people despite maintaining units that would not meet health and quality standards. Eviction is part of a profitable business model for certain property owners, but this model is seriously detrimental to the value of homes throughout the state. Tenant Right to Counsel, by dramatically increasing the number of successful defensive escrow cases, would effectively strengthen compliance with local and state housing code. A civil Gideon for tenants would encourage landlords to adopt a business model centered on long-term improvements rather than maintenance of substandard conditions. An investment in public defense against evictions is an investment in community development.

Maryland should join New York City, San Francisco, Newark, Philadelphia and, [most recently, Baltimore](#) in the 21st century. A Civil Gideon will be an important step in stabilizing and developing Maryland neighborhoods and balancing the scales. The Baltimore Regional Housing Partnership encourages the committee to submit a favorable report, without amendments, on HB 18.

Sincerely,



Adria Crutchfield
Executive Director

² https://www.macfound.org/media/files/HHM_Research_Brief_-_Poor_Black_Women_Are_Evicted_at_Alarming_Rates.pdf

³ <http://bmorerentersunited.org/rtc/stoutreport/>