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TESTIMONY IN SUPPORT OF HB18/SB154
Landlord and Tenant – Eviction Action – Right to Counsel

TO: Chair Clippinger, Vice Chair Atterbeary, and members of the Judiciary Committee
FROM: Mark Martin

My name is Mark Martin and I live in Baltimore City in District 40. This testimony is **in support of HB18/SB154**, Landlord and Tenant – Eviction Action – Right to Counsel.

Courts are supposed to be evenhanded forums for resolving disputes. But, **as a lawyer, my experience is that rent courts in Maryland are so tilted in favor of landlords as to make a mockery of fair and just process.**

This judicial failure fuels unconscionably high eviction rates (Baltimore City's rate, for example, is 2.5 times the national average). The consequences are devastating for individuals and the larger community. Evictions not only displace people from their homes, but have other lasting effects, including job loss and barriers to re-employment, increased truancy, mental depression, declining credit, and roadblocks to re-renting. These effects overwhelmingly fall on already vulnerable populations (notably poor Black women) and generate a pernicious cycle of disruption, homelessness, and poverty.

One proven, cost-effective way to redress the power imbalance between landlords and tenants is to guarantee legal representation for tenants in eviction cases. As it is, some 90-95% of landlords are represented in rent court while at best 5% of tenants are. Without lawyers, most tenants are denied any meaningful opportunity to present their defenses – such as substandard housing conditions, incorrect rental ledgers, illegal fees, expired rental licenses, or unlawful retaliation by landlords – and so lose their cases. It is hardly a fair fight.

When tenants have counsel, landlords cannot obtain evictions simply by filing a lawsuit. Lawyers can help tenants prevail in eviction cases by marshaling the relevant facts. They can also help resolve cases in other ways that permit tenants to stay in their homes, such as negotiating payment plans or securing rental assistance. (For Baltimore City, a study has estimated that if tenants had lawyers, 92% of evictions could be avoided.) Further, having a lawyer will help to secure safe and healthy living conditions by reducing fears of landlord retaliation against tenants who ask for needed repairs. And even if tenants are evicted, attorneys can help minimize the disruptive effects by negotiating reasonable amounts of time for tenants to move out, arranging for alternative housing, or keeping eviction filings off tenants' records.

Crucially, **a right to counsel will save the State and local jurisdictions many millions of dollars.** Evictions cost far more than providing lawyers. When tenants are evicted, they are forced to draw heavily on public services, paid for by the State or local jurisdictions, including homeless shelters and transitional housing, foster care, and emergency room and in-patient medical care. In the case of Baltimore City, one study estimated savings from reduced use of services of more than six times the cost of providing lawyers (\$35.6 million in total savings, \$18.1 million of which accrues to the State vs. \$5.7 million in costs).¹ A statewide right to counsel can be expected to produce similar savings.

Numerous cities have recently adopted and begun successfully implementing a right to counsel. New York City started phasing in its program in 2018. In the first year of implementation, evictions declined five times faster in the zip codes where tenants were provided with lawyers than in comparable zip codes where they were not; 84% of the tenants represented in rent court remained in their homes.² Other cities currently implementing a right to counsel include San Francisco (approved in 2018), Newark (end of 2018), Philadelphia (fall 2019), and Cleveland (fall 2019).³ And just last December Baltimore City joined this accelerating trend.

Now is the time for Maryland to become a national leader by providing such a right throughout the state. Doing so will promote residential stability and economic security – and yield fiscal rewards. **I respectfully urge a favorable report on HB18.** Thank you.

¹https://abell.org/sites/default/files/files/Baltimore%20RTC%20Report_FINAL_5_8_2020.pdf

²<https://www.cssny.org/news/entry/nyc-right-to-counsel>

³<https://www.stout.com/en/insights/article/right-to-counsel-nationwide-movement-fight-eviction-crisis#NewYork>