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Marylanders Against Poverty

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TESTIMONY IN SUPPORT OF SB 223

Landlord and Tenant - Eviction Actions - Filing Surcharge and Prohibited Lease Provisions

Senate Judicial Proceedings Committee

February 3, 2022

Submitted by Julia Gross and Kali Schumitz, Co-Chairs

Marylanders Against Poverty (MAP) supports SB 223, which would raise the filing fee surcharge for eviction actions in Maryland. However, **we would oppose SB 223 if the bill is amended to allow the increased surcharge to be passed through to tenants under any circumstances.**

Do not make tenants pay more for their own eviction!

Each year in Maryland, more than 30,000 people experience homelessness. Leading researchers with the Aspen Institute and others have [documented the ways in which eviction cause homelessness and other forms of immense human suffering](#):

- [Following eviction](#), a person's likelihood of experiencing homelessness increases, mental and physical health are diminished, and the probability of obtaining employment declines.
- Eviction is linked to [numerous poor health outcomes](#), including depression, suicide, and anxiety, among others.
- Eviction is also [linked with respiratory disease](#), which could increase the risk of complications if COVID-19 is contracted, as well as mortality risk during COVID-19.
- Eviction makes it more expensive and more difficult for tenants who have been evicted to [rent safe and decent housing](#), apply for credit, borrow money, or purchase a home.
- Instability, like eviction, is [particularly damaging to children](#), who suffer in ways that impact their educational development and well-being for years.

This does not include the [enormous public costs of eviction and homelessness](#) from Medicaid-insured homeless persons forced to use the emergency room as their primary care physician or the increased number of children forced to enter foster care due to eviction.

A critical component of ending evictions and homelessness is creating new affordable housing opportunities for families with limited incomes. Yet another component must be reducing the incentive for landlords to seek eviction and protecting tenants' current legal rights to secure, habitable housing in any eviction action.

Raising the fee would give landlords an incentive to communicate with tenants before filing for eviction. Namely, landlords would have an incentive to work out a payment plan or find out whether severe conditions of disrepair on the property should be fixed to facilitate the payment of rent. Raising the filing fee is but one small way in which the State can discourage eviction actions and the devastating consequences of eviction. **However, if the bill is amended to allow landlords or the court to pass on this \$65 increase to the tenant under any circumstances, the purpose of the bill is eviscerated.** There would no longer be any disincentive for the landlord to file an eviction action or work with the tenant if the landlord or the court can pass that surcharge onto the tenant.

MAP and Renters United Maryland would oppose any surcharge increase in which that surcharge may be passed onto the tenant under any circumstances. As such, MAP asks the Committee to issue a favorable report without amendments on SB 223.

***Marylanders Against Poverty (MAP)** is a coalition of service providers, faith communities, and advocacy organizations advancing statewide public policies and programs necessary to alleviate the burdens faced by Marylanders living in or near poverty, and to address the underlying systemic causes of poverty.*