

February 22, 2022

Jeffrey S. Rubin
Potomac, MD 20854

TESTIMONY ON SB0662 –POSITION: FAVORABLE
ACCESS TO COUNSEL IN EVICTIONS SPECIAL FUND - FUNDING

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Jeffrey Rubin

My name is Jeffrey Rubin. I am a resident of District 15. I am submitting this testimony in support of SB0662, Access to Counsel in Evictions Special Fund - Funding.

In his Pulitzer Prize-winning book about eviction and poverty in America, Matthew Desmond painted a vivid picture of the harm that befalls an individual, a family and its community as a consequence of eviction. It's a toxic blend of psychological instability, emotional turmoil, potential job loss, disruption of children's education, loss of property, and degradation of community spirit.

A growing amount of evidence has shown that the lack of legal representation for tenants during eviction proceedings has a hugely negative effect on their ability to avoid losing their homes. In recent years, landlords in Maryland have had some form of representation in Rent Court in ~95% of cases, whereas renters have been represented in only ~5% of cases. Not surprisingly, renters have rarely prevailed in court. By contrast, in jurisdictions where renters have had a right to counsel they have been victorious in over 80% of cases.¹ Trends suggest that landlords in these jurisdictions have begun to seek remediation more often rather than routinely filing for eviction because they have learned that this is a more cost effective way to resolve disputes. Consequently, renters have been far less likely to lose their homes and courts have been less overwhelmed with an outrageous number of eviction cases.² Moreover, a report in 2020 indicated that implementation of the right to counsel in Baltimore City would save the local government ~\$18M in expenses for housing, foster care, transportation and related expenses for the evicted population.³

Last year the Maryland General Assembly took an important step to remedy this problem by passing Access to Counsel legislation. However, this notable achievement has little practical value until funds are allocated for low-income renters to receive the legal counsel they deserve and critically need. SB0662 provides a source of funding that would enable legal representation for a large number of renters facing eviction in 2023. In all likelihood, this funding would have a beneficial impact on the majority of these renters, their families and communities by preventing them from losing their homes.

For this reason, I respectfully urge a favorable report for SB0662.

¹Just the Facts: Right to Counsel Stops Evictions in NYC; Right to Counsel NYC Coalition, 2020.

²Prior to the COVID pandemic, over 600,000 eviction proceedings had been filed annually in Maryland, corresponding to ~80% of rental units. In contrast, the eviction filing rate is ~5% in Pennsylvania and ~16% in Virginia. From Attorney General Brian Frosh, press conference December 28, 2020.

³The Economic Impact of an Eviction Right to Counsel in Baltimore City; Stout, 2020.