



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

**STATEWIDE
ADVOCACY SUPPORT UNIT**

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March 28, 2022

The Honorable Luke Clippinger
Judiciary Committee
Room 101, House Office Building
Annapolis, Maryland 21401

**Re: Testimony in support of Senate Bill 564 Landlord and Tenant
Actions– Eviction Prevention Services**

Dear Chair Clippinger and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 564. SB 564 would require the court to postpone hearings in Landlord Tenant and Wrongful Detainer actions on the request of the tenant if certain conditions are met. Maryland Legal Aid (MLA) is a private, non-profit law firm that provides free legal services to indigent Maryland residents. From 12 offices around the state, MLA helps individuals and families in every Maryland county with many civil legal issues, including housing, consumer, public benefits, and family law matters. MLA also represents abused and neglected children and provides legal assistance to senior citizens and nursing home residents. This letter serves as notice that Gregory Countess, Esq. will testify on behalf of Maryland Legal Aid at the request of Delegate David Moon.

The human right to housing is one of the most essential and broadly recognized human rights. It finds strong recognition in International Law, Federal Law, State Law, and case law at all levels. The Universal Declaration of Human Rights guarantees “the right to a standard of living adequate for the health and well-being of [the individual] and of his[/her] family, including food, clothing, shelter and medical care and necessary social services.” The Universal Declaration of Human Rights, G.A. Res. 217, U.N. GAOR, 3d Sess., pt. 1, U.N. Doc. A/810 (1948) (hereinafter “the Declaration”). One of the basic precepts of the right to housing is that such

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housing should not be arbitrarily taken. Any deprivation of housing should be done lawfully and the tribunal should be fair.¹

Last year this body passed an Access to Counsel statute. This year this body is considering funding to fully implement the program. SB 564 is a compliment to the Access to Counsel statute and is nearly as important as the funding under consideration this year. Access to Counsel not only means that there may be attorneys available but that if available counsel can actually represent the tenant in the hearing. SB 564 provides an opportunity to get representation. MLA has often asked applicants to our program, if we are not available for a rent court hearing or even a because the time between the filing and receipt of the complaint and the scheduling of the hearing is so short in other Landlord Tenant matters, to ask the court for a postponement so that a MLA attorney can be available to represent the tenant. Sometimes the court postponed the action but in many courts the judge does not grant a postponement even though the court, as MLA has observed, liberally postpones matters at the request of the Landlord. This bill remedies that issue. And by extending this right to a postponement to all Landlord Tenant actions this body would truly level the playing field for tenants.

Additionally, with millions of dollars of Emergency Rental Assistance still available it only makes good sense to allow a postponement if a government representative of the Emergency Rental Assistance Programs (ERAP) is available at the court and can verify that the tenant has applied for rental assistance. Most of the ERAP programs in the state prioritize getting assistance to those renters who are in court facing eviction. This provision of the bill will also lessen the chance that a tenant will be homeless because they can't pay the rent- not only is funding available but now all the parties will be in court together and can fashion an alternative to eviction and make the Landlord whole.

Enacting this bill will move Maryland closer to fulfilling its duty to respect, protect and promote the right to housing.

For these reasons MLA ask for a favorable report on SB 564.

Sincerely,

/s/ Gregory Countess
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¹https://www.americanbar.org/content/dam/aba/events/homelessness_poverty/2013_Midyear_Meeting_Right_To_Housing/housing_as_a_right_fact_sheet.pdf