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Testimony of Delegate Samuel Rosenberg

Before the House Judiciary Committee

In support of

House Bill 571

### **Access to Counsel in Evictions Special Fund - Alteration**

Mister Chairman and Members of the Committee:

*Any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him.*

*-Gideon v. Wainwright (1963)*

The US constitution guarantees the rights of the people to be secure in their homes and to not be deprived of property without due process. But what good are laws designed to protect the people and their homes if the people do not know them or how to exercise them?

In 2020, 99% of tenants were unrepresented in Baltimore City District Court, while only 4% of landlords were unrepresented.<sup>1</sup> Among the fortunate few who were represented, 92% avoided “disruptive displacement.” Of the mass of unrepresented tenants, 93% did experience disruptive displacement.<sup>2</sup>

Last year, this committee and the General Assembly enacted House Bill 18, establishing the Access to Counsel in Evictions Special Fund (ACE) for tenants in landlord-tenant administrative and judicial proceedings. The passage of that bill acknowledged the great injustice unrepresented tenants face. House Bill 571 reinforces the importance of that access to counsel by providing a source of funding.

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<sup>1</sup> Steinkamp, N. (2020). The Economic Impact of an Eviction Right to Counsel in Baltimore City. Page 10. Stout Risius Ross, LLC. <https://www.stout.com/-/media/pdf/baltimore-rtc-report.pdf>

<sup>2</sup> *Id.* at 11.

Under House Bill 571, the Fund would receive the money from a final judgment in an action brought by the Division of Consumer Protection stemming from a violation of the Maryland Consumer Protection Act. Establishing an equitable source of funding for the Fund strengthens our landlord-tenant system and legal system as a whole.

Access to counsel in eviction cases is both effective and financially sound. Evictions, and their consequences, result in a net financial drain on state resources and the legal system. There are potential cost savings related to Medicaid, incarceration, foster care for children, and administrative costs. However, this will come about only if tenants are provided adequate access to counsel during eviction proceedings.

There is precedent in Maryland law for judgments levied against industry members being used to help individuals harmed by that industry. The Opioid Restitution Fund and the Cigarette Restitution Fund both show this body's commitment to ensuring that settlement money is used to prevent the harm that prompted the legal action.

I urge a favorable report on House Bill 571.

February 16, 2022