



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

**STATEWIDE
ADVOCACY SUPPORT UNIT**

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February 14, 2022

The Honorable Luke Clippinger
Maryland House of Delegates
Judiciary Committee
Room 101
House Office Building
Annapolis, Maryland 21401 House Office Building, Room 251
Annapolis, Maryland 21401

**RE: Maryland Legal Aid's Written Testimony in Support of HB
712 –
Landlord and Tenant – Access to Counsel in Evictions Special
Fund – Mandatory Appropriation**

Dear Chairperson Clippinger and Committee Members:

Thank you for the opportunity to present testimony in support of HB 712, a bill that seeks to address the continuation of funding for vital legal services to low-income persons facing evictions in Maryland. 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.

In 2010, the Maryland Access to Justice Commission recommended in its 2009 Interim Report the establishment of a right to counsel for poor persons in this state. The Commission supported the principle that low-income Marylanders should have a right to counsel at public expense for adversarial proceedings where basic human needs are at stake, including shelter.¹ In 2021, the Maryland General Assembly supported this principle by enacting legislation to provide access to counsel in certain cases. This bill did not guarantee a right to counsel or provide funding to support the Access to Counsel program. Though the enacted statute did not create a right to counsel, it took another step toward providing meaningful access to justice for poor Maryland renters.

¹ <https://www.mdcourts.gov/mdatjc/civilrightcounsel>

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While MLA represents thousands of poor Marylanders each year in Landlord/Tenant matters, a report from the Legal Service Corporation programs reveals that 86% of the civil legal needs of low-income Americans receive inadequate or no legal help.² The Legal Services Corporation, which provides some funding to MLA, reported that 98% of tenants were unrepresented in eviction cases across the country.³ The story is little different in Maryland. A recent report found that 99% of Baltimore renters were unrepresented in eviction cases while only 4% of Landlords were unrepresented.⁴

MLA advocates know that each day a tenant will be evicted, and had that tenant had the benefit of counsel, they could have prevented the loss of their home or improved the circumstances when evicted. MLA's 2020 annual report speaks to the difference having counsel can make. In two cases, vulnerable tenants with representation were able to remain in their homes until they could arrange to move to a new location. In another case, the advocate was able to show the Court that the tenant was up to date on rent and that the action for failure to pay rent should be dismissed. These examples demonstrate that legal advocacy in cases where housing loss is the central issue improve housing stability and provide tenants with equal access to the judicial system.⁵ This bill will provide dedicated funding for the Access to Counsel Program by making unspent Federal Rental Assistance funds available.

The right to housing is a principle established in the Universal Declaration of Human Rights.. Access to counsel to protect this right from arbitrary deprivation is also a precept propounded in the Declaration. Under the current scheme, tenants cannot effectively protect their right to housing. They face an unfamiliar court system and landlords who are experts in ensuring evictions. Tenants need representation for fundamental fairness and justice in this process. Thus, providing funding to access counsel is necessary to ensure Maryland is in accordance with these human rights laws. For these reasons, MLA asks for a favorable report on HB 712.

/S/ Gregory Countess

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² <https://www.lsc.gov/our-impact/publications/other-publications-and-reports/justice-gap-report>

³ <https://www.lsc.gov/our-impact/publications/other-publications-and-reports/justice-gap-report>

⁴ <https://bmorerentersunited.org/rtc/stoutreport/>

⁵ [MLA_AnnualReport2020.pdf \(mdlab.org\)](#), p.8