

SB-530 Testimony on Filing Surcharge and Prohibited Lease Violations - Favorable
February 24, 2021

My name is Eva Rosen, I am an assistant professor at Georgetown in the McCourt School of Public Policy. Thank you for the opportunity to testify today. I am writing to express my support for SB-530 (cross filed with HB-729) which would raise the fee to file for eviction in Maryland.

In this testimony I draw on over a decade of experience conducting policy relevant academic research on housing in Maryland, the District of Columbia, and nationally. Broadly, my work focuses on how supply side actors (landlords and developers) respond to state federal, state, and local housing policies with important consequences for low-income families.

I have recently completed an analysis of all eviction records over the past 5 years in the District of Columbia. In this [report](#), we document the fees charged to file for eviction in the 50 largest cities in the U.S. Across these areas, the median filing fee is above \$100, well above the current fees charged in Maryland, which are among the lowest in the country. Importantly, we document that jurisdictions with *lower* filing fees tend to have much *higher* filings rates. Based on this research, the DC City Council has recommended that the Superior Court raise the filing fee to \$100, which is now under consideration.

This association is further substantiated by my qualitative interviews and fieldwork with over 150 landlords and property managers in four cities, including both Baltimore and Washington, DC. In places where fees are low, as they are in Maryland, it is cheap and easy for landlords to file on tenants as soon as they are legally allowed to do so, knowing full well that most filings will not result in an eviction. Landlords in my research study report doing exactly this. They explain that they do not expect, nor hope, to actually evict the tenant, given how costly eviction is for the property owners. This phenomenon, called “serial filing,” where a landlord files for eviction on the same tenant, in the same unit, multiple times per year, accounts for a substantial chunk of all filings. They are made *not* with the intent to evict – since again, the vast majority of filings do not result in eviction – but with the intent to intimidate the tenant, change the power dynamic, and leverage a threat to get them to pay.

Raising the filing fee in order to deter landlords from using the court system in this way is important for several reasons. Filings result in a legal record that makes it harder for tenants to find housing in the future. The landlords in my research say that a history of a filing – even when it does not result in an eviction – is one of the single biggest reasons they take prospective tenants out of the running. Indeed, substantial research shows that publicly available eviction records follow tenants and have a negative impact on their future housing opportunities. A family who misses one rental payment by a few days can struggle to find housing for years to come. In addition, families report that in some cases a filing may be enough for them to leave preemptively, either as a result of fear, threats, or pressure from the landlord.

Some have raised the question of whether increased filing fees would be passed on to tenants. This legislation includes a key clause, expressly prohibiting passing on such fees to tenants, or using any lease language that would stipulate for tenants to be responsible for such fees. With this clause in place, it is my view that raising the filing fee would reduce the amount of frivolous filing on such a large scale that far more tenants would avoid filing records altogether—and thus, future difficulties finding housing—than would face additional fees.

Others have wondered whether the high volume of filings in Maryland is due to its generous right to redemption rather than its low filing fee—in my view this is unlikely to be the case. In the cities I have studied where filings rates are higher, landlords have systematically reported to me that this fee acts as a deterrent. We can also look to the District of Columbia as a comparison case: DC has an even *more* generous right to redemption but has a *lower* filing rate (though still quite high).

Based on this body of research, I support the proposal to raise the filing fee, which I believe will lower the number of filings that would likely never have resulted in an eviction, and that serve to do little more than harm tenants and their housing stability. Thank you for the opportunity to testify today.



Eva Rosen, Ph.D.

Georgetown University McCourt School of Public Policy

Eva.rosen@georgetown.edu