

Robert Van Rens

NVR Associates LLP Government Affairs

***HB 0018 Landlord and Tenant – Eviction Action – Right to Counsel***  
**SUPPORT**

Chair Clippinger, Vice-Chair Atterbeary, and members of the Committee:

Thank you for the opportunity to present testimony regarding **HB0018 Landlord and Tenant – Eviction Action – Right to Counsel**. This bill provides important protection to members of marginalized communities at a time of great need and vulnerability and does so out of the interest of fundamental fairness and dedication to due process.

Many renters do not possess a detailed understanding the legal process and the rights tenants have when facing the termination of a lease and eviction. In a diverse and multicultural state like Maryland, this can be compounded when language and cultural barriers present additional barriers to communication and comprehension of complex legal topics, sometimes combined with a reluctance to engage with what tenants from marginalized communities perceive as an actively hostile judicial system.

It is a positive duty of the state and its bodies to act to protect the rights of those residents, regardless of their currency on their rental agreements or even the status of their citizenship. It is in the common interest to extend protection of rights to prevent unfair expulsion from housing, homelessness, and dependency upon public resources. It is both just and compassionate to act to assist tenants who may be facing an unfair eviction proceeding and a prudent expenditure of the state's resources. Both imperatives can be satisfied at once.

Loss of housing during a time of economic disaster is fundamentally damaging individuals and communities, especially when it need not happen. It is not unheard of for eviction to take place unfairly, with property owners filing the proceedings in the full confidence that their tenants will not show up in court or will not be able to mount an effective defense if they do.

It is well-established that access to housing is a property interest, and as such revocation of that access is already subject to due process in the courts. There is a case to be made, and the legislature has the chance to make it, that housing is a liberty interest. As such, it is in the interest of fundamental fairness that tenants facing eviction have a right to counsel and be provided with an avenue to such if they cannot afford it (which is likely the case.)

Eviction proceedings do not happen in a vacuum, and they are almost always accompanied by financial catastrophe of some kind. Whether it be job loss, crippling medical costs, or other factors, the likelihood of a renter facing eviction being able to afford legal assistance approaches nil. Instead, if they engage in the court process at all (by no means guaranteed) they do so alone and unaided while their landlord or property management cartel is almost always represented by an attorney well-versed in relevant law. The degree of injury suffered by marginalized persons who are evicted in times of economic crisis can be unrecoverable; already in financial distress, an eviction can make it more difficult to secure another housing situation. When unhoused, the likelihood that individuals are victims of violent crime go up considerably. Finding new or better work is correspondingly more difficult, increasing dependency upon governmental and non-profit aid programs. The clear damage to personal liberty caused by unjust or improper eviction is usually accompanied by an increased resource impact on social services, as the state and the umbrella of non-profits and charities tasked with supporting the marginalized struggle to encompass a steadily growing number of clients.

Dozens of community organizations across the state undertake herculean efforts to mitigate this problem, but the funding they can attract and in turn provide is a drop in the proverbial bucket. Having the state regularize the inherent right to counsel in these cases, provide direct funding, and help coordinate these efforts, will protect a liberty interest.

Undeniably, not all evictions are unfair, and not all property owners abuse their tenants. But the number of tenant organizations and community aid non-profits existent to support renters, particularly in lower-income or minority communities, is a testament to the fact this is a pervasive problem. **HB0018** is not a panacea to the problems facing these communities, particularly in the wake of COVID, but it is an tool in addressing those problems. The state should act to protect the rights of tenants facing eviction, who often cannot look to their own interests. I urge you to support **HB0018**.