

House Bill 1312
COVID-19 Eviction & Housing Relief Act of 2021
House Judiciary Committee
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The Maryland Access to Justice Commission (A2JC) is an independent entity supported by the Maryland State Bar Association (MSBA) that unites leaders to drive reforms and innovations to make the civil justice system accessible, fair and equitable for all Marylanders. Prominent leaders from different segments of the legal community in Maryland – including the deans of the two law schools, the attorney general, law firm partners, heads of the legal services providers and funders, corporate counsel, academics, legislators, the state bar and judiciary comprise the A2JC. During the course of the COVID-19 pandemic, A2JC served as the lead partner in the Maryland Attorney General's COVID-19 Access to Justice Task Force, with its executive director serving as the A2J Task Force's vice chair.

HB1312 is supported by the recommendations of the Attorney General's Task Force Report entitled, [Confronting the COVID-19 Access to Justice Crisis](#).

The mission of the Task Force is to ensure that as Marylanders struggle to survive and overcome the pandemic, they are housed, fed, safe, secure and connected to justice. We highlighted that pandemic-related hardships have created heightened levels of conflict and difficulties related to health, food, employment, housing, debt, estate planning, and family issues that only the civil justice system can resolve. The result is a crisis in access to justice of unprecedented scale and magnitude. The impact of this crisis, as with that of the pandemic itself, has also fallen disproportionately on Maryland's Black and Latinx communities and other vulnerable groups, including persons with disabilities.

A key component of the Task Force's work revolved around data. The Task Force worked to launch a "Civil Justice Data Dashboard" because information on the civil justice system was not available in a single place for us to have a data-informed approach to addressing key civil legal issues, like eviction.

For the Dashboard, information on evictions in Maryland was hard to come by. If you search the Eviction Lab database, Maryland is one of the very few states that does not have publicly available data on evictions. In a time when evictions are directly related to increased numbers of COVID-19 cases and deaths, we must have a way to track eviction information in real time so that we can target our responses appropriately.

While the Commission is starting to collect this information in one place, tracking and disaggregating this data for public consumption should be housed in a government agency to ensure that this data is available to decision-makers and available on an ongoing basis.

Why is tracking eviction data important?

After sociologist Matthew Desmond published his Pulitzer Prize winning book, *Evicted: Poverty and Profit in the American City* in 2017, there has been a sea-change in understanding among policy-makers of the deleterious impacts of evictions. The book laid bare what civil legal aid attorneys working on housing issues knew too well - that America had an eviction epidemic and that mass eviction was to the civil justice system as mass incarceration was to the criminal justice system.

As a follow-up to his book, in 2018, The Eviction Lab at Princeton University launched its first-ever national database on U.S. evictions. Prior to the launch of this dataset, little was known about the prevalence of eviction in America, so studying its causes and consequences was impossible. The data was eye-opening and made headlines because it revealed how eviction happens more often than thought and in places, unexpected.

The state of eviction data in Maryland

Unfortunately, most Maryland-specific data was inaccessible to researchers at Princeton's Eviction Lab. The site currently states that there were around 4,900 evictions in Maryland in 2016, but Baltimore City alone has between 6,000 and 7,000 evictions annually, so the data reported on the Eviction Lab is incomplete for the state. Only three counties have been able to report eviction data to the Eviction Lab (Garrett, Caroline and Prince George's), but all other counties in Maryland, the Eviction Lab map shows an empty bubble indicating that there is no data available for that jurisdiction.

This is because there is no central location where Maryland eviction data is collected, stored or analyzed. The Maryland Judiciary has data on eviction filings - well over 600,000 filings in "rent court" alone - but does not have data on actual evictions. In Maryland, sheriffs are tasked with conducting evictions, but not all sheriffs' offices collect or track eviction data, and those that do, do it in different formats and with different data points. Further, neither individual counties nor the state as a whole has open, transparent and accessible data portal on evictions in Maryland.

"If you cannot measure it, you cannot improve it."

The use of the term eviction epidemic above is significant. Epidemics must be measured in order to be contained so as to avoid significant societal damage. In technical terms, an eviction happens when a landlord expels tenants from property he or she owns (after a court process and a court order is acquired). However, evictions are more than a loss of a roof over one's head, they are a loss to dignity. More and more research on evictions suggests negative impacts on physical and mental health,

educational outcomes and job retention. Cost benefit studies in New York City and Philadelphia also assert that the cost of stopping an eviction through the provision of legal representation is far less than the law enforcement costs of conducting an eviction and shelter costs associated with dealing with homelessness as an aftermath of an eviction.

Such data points are essential if policy-makers are to understand the scope of the eviction epidemic and present solutions to abate the crisis. In Richmond, VA, where the Eviction Lab data pointed to one of the highest rates of evictions in the country, the data moved policy-makers to swiftly act and launch an Eviction Prevention and Diversion program. In 2019, the data helped persuade policy-makers in Cleveland and Philadelphia to become the 4th and 5th U.S. cities to guarantee a right to a lawyer in eviction cases after other cities, such as New York City, saw significant declines in evictions and reductions in costs to the city after implementing such a program.

HB1312 would create a one-stop source for eviction data so that simple questions about when, where and how many evictions are taking place in Maryland can be answered. The Maryland Access to Justice Commission sees the need for basic eviction data as an important foundational step to aid policy-makers in presenting viable solutions to address evictions in Maryland.

For the reasons stated, the Maryland Access to Justice Commission requests the House Judiciary Committee to issue a FAVORABLE report on HB1312. For more information, please contact Reena K. Shah, Executive Director of the Maryland Access to Justice Commission, at reena@msba.org.