

SAMUEL I. "SANDY" ROSENBERG  
Legislative District 41  
Baltimore City

Health and Government Operations  
Committee

Chair

Government Operations and  
Health Facilities Subcommittee

House Chair

Joint Committee on Administrative,  
Executive, and Legislative Review



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

Respond to Office Indicated

□ Annapolis Office  
The Maryland House of Delegates  
6 Bladen Street, Room 365  
Annapolis, Maryland 21401  
410-841-3297 · 301-858-3297  
800-492-7122 Ext. 3297  
Samuel.Rosenberg@house.state.md.us

□ District Office  
4811 Liberty Heights Avenue  
Baltimore, Maryland 21207  
410-664-2646

Testimony of Delegate Samuel I. Rosenberg

Before the House Judiciary Committee

In Support Of

**House Bill 18**

**Landlord and Tenant – Eviction Action – Right to Counsel**

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)

We spend long hours writing the law. In the overwhelming majority of eviction cases, only one side knows what the law is.

Perhaps the starkest inequity to exist in our legal system occurs daily in eviction actions. 99 percent of tenants were unrepresented in the District Court of Maryland in Baltimore City while only four percent of landlords were represented, according to an analysis of a sample of eviction filings.<sup>1</sup> Moreover, when civil legal aid providers in Baltimore did provide representation in eviction cases, tenants avoided “disruptive displacement in 92 percent of cases.”<sup>2</sup>

There is no need for a pilot program or another study on this subject because the model already exists in Baltimore City and Prince George’s County with positive results.

Our judicial system should not act as a de facto, state-subsidized, rent collection mechanism for landlords against unrepresented tenants. Access to counsel in eviction cases is both effective and financially sound. Moreover, this pressing need has been magnified by the looming eviction crisis Maryland will experience due to the economic impact of the pandemic.

<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.

House Bill 18 would not only ensure justice and fairness; it would save money. Evictions, and their consequences, result in a net financial drain on state resources. There are potential cost-savings related to Medicaid, incarceration, and foster care for children that would result as the number of evictions decrease. However, this will come about only if tenants are provided adequate *access* to counsel during eviction proceedings.

In Baltimore City alone, for every dollar spent on free legal representation for tenants, the social safety net expense would decrease by at least \$3.06.<sup>3</sup> This is a significant number, particularly when extrapolated on a statewide basis.

The RELIEF Act provides for a \$3 million grant to the Maryland Legal Services Corporation “to pay for legal assistance for individuals facing eviction.”

Enactment of House Bill 18 is the imperative next step.

Whether there is a right to counsel in civil proceedings under the Maryland Constitution was the question presented in *Frase v. Bartnhart*.

Stephen Sachs, former Attorney General of Maryland, represented Ms. Frase in her private custody proceeding.

Asked afterwards what she thought of the oral argument, Ms. Frase replied, “Mr. Sachs speaks for me.”

I urge the Committee to speak for the thousands of Marylanders who face eviction – not knowing what the law is. I urge a favorable report on House Bill 18.

February 17, 2021

---

<sup>3</sup> *Id.* at 8.