



February 14, 2022

Re: Testimony in Support of HB 724, Concerning Access to Counsel in Evictions Special Fund – Funding

To Chair Clippinger, Vice-Chair Moon, and members of the Judiciary Committee:

Thank you for the opportunity to testify in support of HB 724, which would provide \$11.8 million of funding for Maryland's eviction right to counsel that was enacted in 2021 via HB 18.

My organization, the National Coalition for a Civil Right to Counsel, has been involved in [all sixteen successful eviction right to counsel bills to date](#), and we are currently supporting efforts in dozens of other jurisdictions around the country. At this stage, the other two states to enact a statewide right to counsel ([Washington State](#) and [Connecticut](#)) have not only funded the right, but have also launched their programs. Given that HB 18 specified that eligible tenants "shall have representation", Maryland must now follow Washington State and Connecticut in acting to implement that guarantee.

Despite the apparent easing of the pandemic, Maryland remains in a precarious position given that [62% of Maryland renters have reported feeling "very" or "somewhat" likely to be evicted in the next 2 months](#). Moreover, [as is the case throughout the country](#), the effects of this crisis are being felt disproportionately by tenants of color, particularly female tenants.

Eviction cases implicate virtually every basic human need a family can have: safety, mental and physical health, child custody, employment, education, and so on. Yet the massive imbalance of power between landlords and tenants in the courtroom has led to the evictions process becoming a pro forma procedure devoid of due process that nearly always yields the same result regardless of the facts or law. In Baltimore, where only 1% of tenants had representation prior to the passage of a right to counsel, a [study](#) found that 80% of tenants had a potential defense to eviction but only 8% successfully did so without representation.

Additionally, the COVID-19 protections put into place by the federal and state governments, such as rent relief and mediation, only become fully effective with the provision of counsel. For instance, many tenants without counsel will be unable to secure rental assistance or will secure it only to have their landlords evict them anyway. The right to counsel is what makes these other protections meaningful. In this vein, a [recent study of Cleveland's right to counsel](#) found that of the 21% of clients who were unaware of rental assistance at the time they contacted Legal Aid, approximately 98% wanted rental assistance and Legal Aid helped 81% of those clients obtain it. In other words, Legal Aid played a key role in both awareness and securing of rental assistance.

Funding HB 18 will have a massive impact: nearly 10,000 tenants, or roughly one-third of the tenants in need, stand to avoid disruptive displacement through the provision of counsel. Data from the second half of 2021 shows that nearly 90% of represented tenants in Maryland avoided disruptive displacement, and this is backed up by a [Baltimore-based study](#). But much of this representation relied on temporary funding, and that funding was in any case insufficient to reach all the tenants in need.

The \$11.8 million specified in HB 724 is supported by the [report](#) issued by the Access to Counsel in Evictions Task Force as well as the [General Assembly's Spending Affordability Committee](#). Moreover, [studies have repeatedly found](#) that an eviction right to counsel projects to save cities and states far more than it costs, so this Committee should take that into account as well. The \$5.4 million proposed by Governor Hogan will not meet the need or the demand.

We are happy to answer any questions you may have, as we have done for policymakers in many other jurisdictions. Thank you for your consideration of this important bill.

Sincerely,



John Pollock
Coordinator, NCCRC