



2021 HOUSING JUSTICE PACKAGE

Overhauling the Eviction Process

The COVID-19 pandemic has put hundreds of thousands of Maryland households on the brink. Many believed they were protected from being taken to court for eviction.

Many believed their landlords would have to apply for rental assistance before they could resort to lawsuits. They were misled.

While renters waited for emergency assistance, nearly **115,000 “Failure to Pay Rent” lawsuits** were filed from July through November. For many households, eviction day came before unemployment insurance or rent relief applications could process. **Over 2,500 were evicted amid the surging public health crisis** (July-November 2020).

The COVID-19 crisis has spotlighted this reality: Maryland’s eviction process is, by design, a race to displace Maryland’s working families. For as little as \$15 in court fees, the system turns out nearly one eviction action per renter household in the state, per year. 99% of renters face eviction without the help of a lawyer. In a 2015 study of nearly 300 eviction cases, only 8% of renters who had a facial defense to eviction succeeded in raising it before a judge. We know Maryland can’t “build back better” if the General Assembly does not answer the call to ensure fair hearings, to prioritize stability over displacement, and to end the disproportionate impact of eviction on Black and Brown communities. Business as usual in Maryland courts means “loss, not just of a home,” as **Attorney General Brian Frosh recently wrote**, “but also of possessions, school, community, employment, mental and physical health, and the ability to find another place to live.”

Disparities in rental debt

36% of Black households aren’t current on their rent, compared to **14%** of white households

30% of households earning less than **\$50,000** are behind, compared to just **10%** of those earning **\$75,000+**

(12/07/20 Household Pulse Survey-Maryland)

3 Steps to overhaul the Maryland eviction process

Renters United Maryland urges state legislators to pass 3 bills to prioritize housing stability, leaving no one behind in a challenging economic recovery:

- **Eviction Diversion and Defense** (Sponsored by Del. Melissa Wells and Senator Sydnor)
 - Requires early resort to rental assistance before suing to evict;
 - Establishes a formal two-phase proceeding and Eviction Diversion Program that enable renters and landlords to engage financial and legal services and help judges to order alternative dispute resolution where appropriate;
 - Provides renters time to seek counsel, to raise a defense, and to prepare for trial;
 - Gives judges broader power to delay eviction in emergency situations - allowing time for renters to recover from critical health problems and to utilize financial assistance to relocate when necessary.



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- **Court Fee Reform** (Sponsored by Office of the Attorney General)
 - Establishes an eviction surcharge that effectively raises Maryland courts' rock-bottom \$15 court fee for evictions to the national average of \$120.
 - The surcharge incentivizes landlords to work with renters on repayment.
 - It also stands to lower the state's extraordinary volume of eviction litigation.
 - Decreasing the volume of eviction litigation will reduce rental debt and negative effects on credit and tenant screening. It will also relieve state courts and free up tax revenue to be used on court infrastructure or services.
 - Prohibits the pass-through of the eviction surcharge onto renters.
 - Directs surcharge revenue to funding for civil legal services.
- **Right to Counsel** (Sponsored by Del. Wanika Fisher and Sen. Shelly Hettleman)
 - Provides low-income renters a right to a lawyer ("right to counsel") in eviction cases.
 - Right to counsel empirically reduces housing displacement and stands to save the state significant costs. According to one study, an investment of \$5.7 million in right to counsel in evictions, in Baltimore City, would save the State \$18.1 million in Medicaid and foster care spending alone.

Together, these 3 bills recreate Maryland's eviction system as one that:

- ✓ Prioritizes rental assistance and mediated repayment plans
- ✓ Refashions the courts as a hub for financial, social, and legal service providers to engage litigants before any eviction is ordered
- ✓ Establishes and funds a right to a lawyer in all eviction actions
- ✓ Gives judges statutory discretion to send cases to mediation or to delay eviction for humanitarian reasons, when they find it necessary
- ✓ Projects to reduce dramatically Maryland's 650,000+ case volume of evictions



Tell your legislators to pass the 2021 Housing Justice Package

Sign on to endorse the Package