



<https://bmorerentersunited.org/rtc>

## Right To Counsel in Evictions -- Baltimore City Council Bill No. 20-0625

Council Bill 20-0625 will ensure that tenants have the right to an attorney in eviction cases in Baltimore City. By passing this bill, Baltimore City will join Philadelphia, New York City, San Francisco, Cleveland and others in recognizing that the right to counsel in eviction cases is a proven, cost-effective means of preventing disruptive displacement of residents from their homes. Bill provisions include:

- Requiring that the Dept. of Housing and Comm. Dev. (DHCD) contract with nonprofit legal services orgs to provide tenants access to an attorney in eviction actions in Baltimore City;
- Implementing the right over a four-year period;
- Adding an additional low-income renter to the City's Affordable Housing Trust Fund Commission and requiring DHDC to consult with the Commission on implementation;
- Requiring yearly reports and hearings on implementation of the right to counsel;
- Funding community-based organizations to conduct outreach and education with tenants.

### Frequently Asked Questions

#### 1. Why do we need a right to counsel in eviction cases in Baltimore City?

##### *a. Cost Effective At Preventing Disruptive Displacement*

A recent [report by Stout Risisus Ross](#) shows that an annual investment of \$5.7 million in a right to counsel for Baltimore tenants facing eviction would yield \$35.6 million in benefits or costs avoided to the City and State by reducing homelessness caused by eviction. Costs savings or benefits include costs related to homeless shelters, Medicaid spending in hospitals, lost state funding to City schools, and foster care costs. [See our report fact sheet](#) for details.

##### *b. Proven*

According to Stout, 92% of represented tenants would avoid disruptive displacement with a right to counsel in Baltimore City. This translates to 5,777 households and 17,300 people each year.

##### *c. Help Address Disparate Racial/Gender Impact*

Right to Counsel would also address the disparate impact of evictions on Black people and women in Baltimore. A [recent study by Dr. Timothy Thomas PhD](#), of the University of California at Berkeley's Evictions Study and Urban Displacement Project, shows that the number of Black women evicted is 3.9 times higher (296% more) than the number of white men evicted.

##### *d. Level the Field -- Respect and Dignity*

No one should face an eviction action alone. 96% of landlords in the Stout study were represented, while only 1% of tenants were represented. This bill will level the field and ensure tenants are treated with respect and dignity.

#### 2. Do other jurisdictions have a right to counsel in evictions?

Yes, Philadelphia, New York City, Newark, Cleveland, and San Francisco have passed right to counsel laws, and bills are pending in other jurisdictions. In areas of New York City where right to counsel was implemented, evictions dropped by 29% and 84% of represented tenants stayed in their homes.

**3. Do renters really have defenses to these eviction cases?**

Yes, in one 2016 survey of Baltimore renters, 80% of respondents had a defense to their eviction case, but only 8% of renters without counsel successfully raised a defense based on conditions of disrepair.

**4. How much will this cost and how will the City pay for it?**

Stout estimated that a right to counsel in evictions for tenants who earn less than 50% of the Baltimore Area Median Income (AMI) would require an investment of \$5.7 million, but result in cost savings or benefits of \$17.5 million for Baltimore City and \$18.1 million for the state of Maryland. We estimate that without an income restriction, full implementation would require \$6.8 million and produce cost savings or benefits in the total amount of \$42.7 million. Like other jurisdictions, Baltimore could pay for implementation with general funds, federal pass-through funds, State funds, and/or the City’s trust fund. COVID-19 and the eviction tsunami we face reinforces that the cost of inaction is far higher.

**5. How will the right be implemented?**

DHCD will study best practices in other jurisdictions, consult with stakeholders and the Affordable Housing Trust Fund Commission, and propose an implementation plan over 4 years. Baltimore Renters United wants to see a more integrated approach to eviction prevention that combines counsel with rental assistance and other social services.

**6. How will tenants know about the right to counsel?**

The bill requires the Department to fund tenant outreach and education by community groups.

**7. Will this end evictions in Baltimore?**

No, while a right to counsel is proven to significantly reduce the disruptive displacement of families in evictions, the City also needs more community-controlled, permanently affordable housing and rental assistance to reduce evictions even further.

**8. Why do we need a right to counsel in evictions right now during COVID-19?**

COVID-19 has created an even greater need for representation for tenants to assert their legal rights and avoid eviction. COVID-19 has placed tens of thousands of Baltimore residents at imminent risk of eviction. This bill will lay the foundation for more sustainable housing in Baltimore as we recover.

Organizations supporting Right to Counsel in Evictions include:

- |   |  |
|---|--|
| Public Justice Center                   | Health Care for the Homeless                                     |
| Jews United for Justice                 | Chesapeake Physicians for Social Responsibility                  |
| State’s Attorney for Baltimore City     | Medical-Legal P’ship Clinic at Univ. of Md. Sch. of Law          |
| Md. Access to Justice Commission        | Green & Healthy Homes Initiative                                 |
| Communities United                      | Civil Justice Network  |
| Right to Housing Alliance               | Advocates for Children and Youth                                 |
| Homeless Persons Representation Project | Maryland Center on Economic Policy                               |
| Disability Rights Maryland              | Greater Baltimore Democratic Socialists of America               |
| The ACLU of Maryland                    | Fair Housing Action Center of Maryland                           |
| Bolton House Residents Association      | Baltimore Healthy Start Comm. Action Network                     |
| Pro Bono Resource Center                | Bloom Collective   |
| Md. Consumer Rights Coalition           | National Coalition for a Civil Right to Counsel                  |
| Fair Development Roundtable             | Social Work Comm. Out. Svcs. at Univ. of Md. Sch. of Social Work |
| Maryland Volunteer Lawyers Service      | Beyond the Boundaries  |
| Park Heights Renaissance                | Architects of Justice  |
| SEIU 1199                               | St. Vincent DePaul Society of Baltimore                          |