



<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 service 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 Risius 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 attached 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, and/or the City's trust fund.

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 from COVID-19.

Organizations supporting Right to Counsel in Evictions include:

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