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Right To Counsel in Evictions -- Baltimore City Ordinance No. 20-0625

On November 16, 2020, the City Council unanimously passed Bill 20-0625, sponsored by Mayor Brandon Scott, which will provide the right to an attorney to renters facing eviction cases in Baltimore City. Then-mayor Young signed the bill on December 2, 2020. By passing this law, Baltimore City has joined 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. The law will:

- Require 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;
- Implement the right over a four-year period;
- Add an additional low-income renter to the City's Affordable Housing Trust Fund Commission and requiring DHCD to consult with the Commission on implementation;
- Require yearly reports and hearings on implementation of the right to counsel;
- Fund community-based organizations to conduct outreach and education with tenants.

Frequently Asked Questions

1. What are the next steps in implementing this law?

- a. The law becomes effective on April 1, 2021. By April 2021, DHCD will need to start the four-year process of implementing a right to counsel.
- b. A new renter will be added to the City's Affordable Housing Trust Fund Commission which will consult with DHCD on the implementing plan.
- c. Baltimore Renters United (BRU) will ask DHCD to convene a stakeholder group to provide additional input to the DHCD on important questions like:
 - What Right-to-Counsel model will Baltimore City execute to achieve the right?? BRU wants to see a more integrated approach to eviction prevention that connects legal service providers and community service providers to better ensure families stay in their homes.
 - How will right to counsel be phased in and what population will be covered first?
 - Where will the money come from to implement the right and how will the funding be allocated in the four-year implementation phase ?
 - How will DHCD work with grassroots groups to do outreach and education with tenants about their rights?

2. 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.

3. 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.

4. 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.

5. 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.

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
Jews United for Justice
State's Attorney for Baltimore City
Md. Access to Justice Commission
Communities United Right
to Housing Alliance
Homeless Persons Representation Project
Disability Rights Maryland
The ACLU of Maryland
Bolton House Residents Association
Pro Bono Resource Center
Md. Consumer Rights Coalition
Fair Development Roundtable Maryland
Volunteer Lawyers Service Park Heights
Renaissance
SEIU 1199

Health Care for the Homeless
Chesapeake Physicians for Social Responsibility
Medical-Legal P'ship Clinic at Univ. of Md. Sch. of Law
Green & Healthy Homes Initiative
Civil Justice Network
Advocates for Children and Youth
Maryland Center on Economic Policy
Greater Baltimore Democratic Socialists of America Fair
Housing Action Center of Maryland
Baltimore Healthy Start Comm. Action Network
Bloom Collective
National Coalition for a Civil Right to Counsel
Social Work Comm. Out. Svcs. at Univ. of Md. Sch. of Social Work
Beyond the Boundaries
Architects of Justice
St. Vincent DePaul Society of Baltimore