

Baltimore court expands tenant aid in housing cases

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The Baltimore City District Court Self-Help Resource Center provides free legal aid to tenants in rent court. (Lloyd Fox, Baltimore Sun video)



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Catanna Anderson still remembers the grip of fear after discovering an eviction notice pinned to her Calvert Street apartment door two decades ago. And she never forgot the confusion of appearing in Baltimore District Court for her hearing.

“I didn’t know how to get help and where to turn,” said Anderson, 41. “When I showed up at court I didn’t know what was happening.”

More than 20 years later Anderson found a way to help other renters facing the same daunting task of navigating the city’s landlord-tenant court system. She and two dozen other University of Baltimore students signed up to participate in the college’s pilot “Navigator” program that has helped nearly 300 tenants through a confusing legal process that research shows tilts toward landlords.

“I think it is geared in favor of the landlords,” said Anderson, a graduate student of human services administration. “If tenants had more knowledge they could have an advantage.”

The navigator program is among several initiatives launched last year by the Maryland Judiciary to address that inequity in the busy district court downtown, where nearly 151,000 landlord-tenant cases are processed each year in Baltimore, almost a quarter of all such cases in the state and third most in Maryland. Still, some advocates criticize the new assistance efforts as inadequate to help low-income tenants who typically come to court without a lawyer to face off against landlords who usually understand the system.

A year-long investigation by The Baltimore Sun reported in April that city judges who oversee tenant complaints of substandard living conditions in “rent escrow” actions routinely ruled in favor of landlords — even when city inspectors had confirmed code violations that should have entitled renters to judgments of lowered or waived rents. On the eviction side of district court — which issued nearly 70,000 eviction notices in fiscal year 2016, leading to nearly 7,500 evictions — hearings zip through landlord allegations of unpaid rent.

To devise way to improve the process, judges, tenant advocates and landlord groups have met regularly over the years, finally settling on three measures that have assisted about 2,500 people with housing cases since being rolled out in May.

That month the Pro Bono Resource Center of Maryland began training lawyers to provide free legal assistance under the “tenant volunteer lawyer of the day” program financed by a nearly \$65,000 Maryland Judiciary grant that ends June 30. Through December, 28 of the 42 lawyers who were trained donated 306 hours to provide brief advice to 613 tenants and to represent 200 tenants in hearings for failure-to-pay-rent actions filed against them.

Nearly three-quarters of those hearings ended in a favorable outcomes for tenants through dismissals, postponements, judgments for renters and the establishment of rent escrow cases.

The volunteer lawyers would announce their services in the courtroom and meet tenants in the first floor hallway or stairway to quickly determine if they had valid defenses against the landlords.

“It’s a fast paced, fluid process. We try to triage cases as best as we can,” said Sharon E. Goldsmith, executive director of the Pro Bono Resource Center of Maryland. “It’s come a long way. We got it up and running in breakneck speed.”

In July, the Maryland Judiciary opened a “Self Help Resource Center” with four full-time lawyers on the third floor of district court’s downtown building. Since then, they have helped nearly 1,900 people with housing cases — mostly tenants but also individual “mom-and-pop” landlords.

And from mid-September through Dec. 8, the “Navigator” students assisted 282 tenants — with 191 consenting to have their cases documented. The navigators introduced tenants to lawyers in other programs, helped them fill out paperwork, sat with them in court, explained future court dates and hugged them as they cried after losing an eviction case.

District Court Judge Mark F. Scurti, who oversees civil matters in Baltimore, said he has been pleased with the impact of the efforts.

“The tenants feel there’s a level playing field when their cases are called,” Scurti said. “I can tell you many people go from the courtrooms up to the third floor [Self Help Resource Center] because they want to know, ‘What do I do now that I’ve lost my motion or a judgment?’ ”

But that also explains critics’ lukewarm review of the efforts so far.

Zafar Shah, a Public Justice Center attorney, said assistance is needed before cases begin. That’s how similar efforts work in housing court in Brooklyn, NY., which Scurti visited and The Sun detailed in a July article.

“It’s about people walking into a court where they have an opportunity to figure out how to use those resources and the court understanding that people are not using those services before trial but on the day of,” said Shah, whose nonprofit maintains an office on the second floor of Baltimore District Court.

The Public Justice Center is pushing for legislation in this year’s General Assembly that would allow tenants to request a postponement up to seven days to build a defense against landlords, Shah said. Currently, the law allows for delays only when witnesses need to be found.

“We’re seeing a lot of band-aids on a problem that is very structural,” Shah said. “And without changing the structure at all we can’t expect a whole lot more out of these programs.

“We’re not fully there in terms of providing the structure to make those services fully effective,” he added.

Anderson agreed, saying, “All the help is happening after the fact.”

She and the other “navigators” assisted tenants in two- or four-hour shifts each week after receiving intensive training on how to avoid unauthorized practice of law. They are supervised by Michele Cotton, a professor whose past study of rent escrow has criticized judges for misapplying housing law.

“The navigators made tenants feel better,” Cotton said. “But that’s not to say things are going well in rent escrow court.”

In a [video](#) that the “navigators” produced, one student, Zharde Todman, was surprised by judges’ actions.

“The worst thing would be the judges, mostly because the judges are not the very nicest people,” Todman said in the video. “I see a bunch of tenants living in horrible conditions and still have to pay rent.”

Scurti said the goal of the self-help center is “to provide a forum for litigants to be able to seek advice and direction — something that we cannot do from the bench.”

It is up to tenants to seek the assistance that clerks and signs tell them is available, the judge said. The judiciary promoted the new city center with a 12-week advertising campaign starting in late June on mass transit in Baltimore city and county.

“People coming into court are better prepared and better armed to litigate their cases because they have information,” he said.

Syeetah Hampton-El, director of government affairs for the Maryland Multi-Housing Association and a former tenant attorney, said reform talks have long called for recruiting more tenant lawyers.

“The outcome everyone was looking for was more resources. Well, now you have more resources,” Hampton-El said. “That speaks to the success of these programs, whatever the case outcomes may be. It’s not the judge’s responsibility to give them legal assistance. Now they can go and get their questions answered.”

So can landlords.

“The self-represented mom-and-pop, or accidental, landlord has the same or similar misconceptions about what their rights may or may not be as tenants,” said Kathy K. Howard, a lobbyist for the landlord group. “It’s great that they can get some assistance outside of having to hire an attorney, which they may not be able to afford. It’s been amazingly effective.”

Since July, the Self Help Resource Center has provided legal services to 2,515 litigants. Of those 1,855 sought help with housing matters. The state did not have data yet on how many of those were tenants or small individual landlords.

Statewide, 55 percent of the people who use the three self-help centers are tenants. The percentage is expected to increase with the opening of the Baltimore center.

“Baltimore city is pushing it more in the direction of more tenants,” said Pamela Ortiz, director of the Maryland Judiciary’s Access to Justice department.

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