

# HOUSE BILL 18

N1, P1

(PRE-FILED)

11r1420  
CF SB 154

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By: **Delegates W. Fisher, Rosenberg, Stewart, and Wilkins**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2021

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Landlord and Tenant – ~~Eviction Action~~ Residential Tenants – Right to Counsel**

3 FOR the purpose of establishing that certain individuals have a right to legal  
4 representation in eviction proceedings; establishing the ~~position of~~ Right to Counsel  
5 in Evictions ~~Coordinator in the Office of the Attorney General~~ Program; providing  
6 for the purpose, ~~appointment, duties, and expenses of the Coordinator~~ of the  
7 Program; requiring the Maryland Legal Services Corporation to administer the  
8 Program; requiring the Maryland Legal Services Corporation, under the Program,  
9 to provide access to legal representation to certain individuals in eviction  
10 proceedings under certain circumstances; providing exceptions to the Program;  
11 ~~requiring the legal representation of certain individuals in certain civil proceedings~~  
12 ~~and matters by certain organizations; authorizing the Coordinator to contract with~~  
13 ~~certain organizations to manage all or part of certain services provided to certain~~  
14 ~~individuals~~; requiring the ~~Coordinator~~ Maryland Legal Services Corporation to  
15 develop a certain pamphlet and for a sheriff or constable to provide certain  
16 individuals with the pamphlet when serving process for certain civil proceedings;  
17 ~~requiring the Coordinator to designate certain community groups for a certain~~  
18 ~~purpose~~; requiring the ~~Coordinator~~ Maryland Legal Services Corporation to report  
19 to the Governor and the General Assembly on or before a certain date, ~~to publish the~~  
20 ~~report on the Attorney General's website, and to hold a public hearing on the report;~~  
21 establishing the Right to Counsel in Evictions Task Force; providing for the  
22 composition, staffing, and chair of the Task Force; prohibiting a member of the Task  
23 Force from receiving certain compensation, but authorizing the reimbursement of  
24 certain expenses; requiring the Task Force to study and make recommendations

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 regarding certain matters; requiring the Task Force to report to the Governor and  
 2 the General Assembly on or before a certain date; authorizing the Task Force to  
 3 apply for certain grants for a certain purpose; establishing the Right to Counsel in  
 4 Evictions Special Fund as a special, nonlapsing fund; specifying the purpose of the  
 5 Fund; requiring the ~~Right to Counsel in Evictions Coordinator~~ Maryland Legal  
 6 Services Corporation to administer the Fund; requiring the State Treasurer to hold  
 7 the Fund and the Comptroller to account for the Fund; specifying the contents of the  
 8 Fund; specifying the purpose for which the Fund may be used; providing for the  
 9 investment of money in and expenditures from the Fund; requiring interest earnings  
 10 of the Fund to be credited to the Fund; exempting the Fund from a certain provision  
 11 of law requiring interest earnings on State money to accrue to the General Fund of  
 12 the State; requiring that the provisions of this Act be fully implemented within a  
 13 certain period of time; providing that priority of funding under this Act be given to  
 14 tenants in certain local jurisdictions; authorizing a local jurisdiction to adopt certain  
 15 local law; requiring the ~~Coordinator~~ Maryland Legal Services Corporation to provide  
 16 funds to certain local jurisdictions under certain circumstances; requiring the  
 17 ~~Coordinator~~ Maryland Legal Services Corporation to adopt certain regulations;  
 18 making the provisions of this Act severable; defining certain terms; and generally  
 19 relating to the right to counsel in housing proceedings.

20 BY adding to

21 Article – Real Property

22 Section 8–901 through 8–912 to be under the new subtitle “Subtitle 9. Right to Legal  
 23 Representation in Eviction Cases”

24 Annotated Code of Maryland

25 (2015 Replacement Volume and 2020 Supplement)

26 BY repealing and reenacting, without amendments,

27 Article – State Finance and Procurement

28 Section 6–226(a)(2)(i)

29 Annotated Code of Maryland

30 (2015 Replacement Volume and 2020 Supplement)

31 (As enacted by Chapter 20 of the Acts of the General Assembly of 2020 and  
 32 Chapters 4, 8, 25, 28, 33, and 36 of the Acts of the General Assembly of 2021)

33 BY repealing and reenacting, with amendments,

34 Article – State Finance and Procurement

35 Section 6–226(a)(2)(ii)128. and 129.

36 Annotated Code of Maryland

37 (2015 Replacement Volume and 2020 Supplement)

38 (As enacted by Chapter 20 of the Acts of the General Assembly of 2020 and  
 39 Chapters 4, 8, 25, 28, 33, and 36 of the Acts of the General Assembly of 2021)

40 BY adding to

41 Article – State Finance and Procurement

42 Section 6–226(a)(2)(ii)130.

43 Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)  
(As enacted by Chapter 20 of the Acts of the General Assembly of 2020 and  
Chapters 4, 8, 25, 28, 33, and 36 of the Acts of the General Assembly of 2021)

Preamble

WHEREAS, Over 655,000 eviction cases are filed each year in the State with only 805,000 renter households; and

WHEREAS, Evictions exacerbate the public health crisis posed by COVID–19; and

WHEREAS, Evictions create significant costs for state and local government related to shelter funding, education funding, health care provided in hospitals instead of community–based providers, transportation costs for homeless youth, and foster care; and

WHEREAS, A study of eviction actions in one local jurisdiction found that while only 1% of tenants are represented in eviction proceedings, approximately 96% of landlords are represented by an attorney or specialized agent in eviction proceedings; and

WHEREAS, Evictions have a disparate impact on black and brown households in the State; and

WHEREAS, The General Assembly seeks to end the disparate impact of evictions based on race and gender; and

WHEREAS, Providing a right to counsel to tenants in eviction cases is a proven means of preventing the disruptive displacement of families and the resulting social, economic, and public health costs of such displacement; and

WHEREAS, Tenants must be able to invoke and enforce the right to legal representation in any eviction–related proceeding to provide for equal access to justice and the courts; and

WHEREAS, It is the policy of the State that tenants facing an eviction from their home shall have a right to legal representation in eviction proceedings, and the State shall provide such representation to tenants to assist in the fair administration of justice; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Real Property**

**SUBTITLE 9. RIGHT TO LEGAL REPRESENTATION IN EVICTION CASES.**

**8–901.**

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
2 INDICATED.

3 (B) "COMMUNITY GROUP" MEANS A NONPROFIT ENTITY WITH THE  
4 CAPACITY TO CONDUCT TENANT OUTREACH AND PROVIDE ENGAGEMENT,  
5 EDUCATION, AND INFORMATION.

6 ~~(C) "COORDINATOR" MEANS THE RIGHT TO COUNSEL IN EVICTIONS~~  
7 ~~COORDINATOR.~~

8 ~~(D)~~ (C) "COVERED INDIVIDUAL" MEANS AN INDIVIDUAL WHO:

9 (1) OCCUPIES A RESIDENTIAL PROPERTY UNDER A CLAIM OF LEGAL  
10 RIGHT OTHER THAN OWNER, INCLUDING A TENANT IN A BUILDING OWNED,  
11 OPERATED, OR MANAGED BY A PUBLIC HOUSING AUTHORITY; AND

12 (2) IS A MEMBER OF A HOUSEHOLD WITH AN INCOME THAT IS NOT  
13 GREATER THAN 50% OF THE MEDIAN INCOME, ADJUSTED FOR HOUSEHOLD SIZE, IN  
14 THE STATE AS DETERMINED BY THE UNITED STATES DEPARTMENT OF HEALTH AND  
15 HUMAN SERVICES OR ITS SUCCESSOR.

16 ~~(E) "DESIGNATED ORGANIZATION" MEANS A NONPROFIT ENTITY~~  
17 ~~DESIGNATED BY THE COORDINATOR WITH THE ABILITY TO PROVIDE LEGAL~~  
18 ~~REPRESENTATION TO COVERED INDIVIDUALS.~~

19 ~~(F)~~ (D) "FUND" MEANS THE RIGHT TO COUNSEL IN EVICTIONS SPECIAL  
20 FUND.

21 ~~(G)~~ (E) "LEGAL REPRESENTATION" INCLUDES ALL REPRESENTATION BY  
22 AN ATTORNEY BEYOND BRIEF LEGAL ADVICE AND IS NOT LIMITED TO THE FORMAL  
23 ENTRY OF APPEARANCE IN COURT.

24 (F) "MLSC" MEANS THE MARYLAND LEGAL SERVICES CORPORATION.

25 (G) "PROGRAM" MEANS THE RIGHT TO COUNSEL IN EVICTIONS PROGRAM.

26 (H) "TASK FORCE" MEANS THE RIGHT TO COUNSEL IN EVICTIONS TASK  
27 FORCE.

28 **8-902.**

29 A COVERED INDIVIDUAL HAS A RIGHT TO LEGAL REPRESENTATION AS  
30 PROVIDED UNDER THIS SUBTITLE.

1 8-903.

2 (A) THERE IS A RIGHT TO COUNSEL IN EVICTIONS ~~COORDINATOR IN THE~~  
3 ~~OFFICE OF THE ATTORNEY GENERAL~~ PROGRAM ADMINISTERED BY MLSC.

4 (B) THE PURPOSE OF THE ~~COORDINATOR~~ PROGRAM IS TO ORGANIZE AND  
5 DIRECT SERVICES AND RESOURCES IN ORDER TO PROVIDE ALL COVERED  
6 INDIVIDUALS IN THE STATE WITH ACCESS TO LEGAL REPRESENTATION AS  
7 REQUIRED UNDER THIS SUBTITLE.

8 (C) (1) ~~THE ATTORNEY GENERAL SHALL APPOINT THE COORDINATOR.~~

9 (2) ~~THE COORDINATOR SERVES AT THE PLEASURE OF THE~~  
10 ~~ATTORNEY GENERAL.~~

11 (D) ~~SALARIES OF THE COORDINATOR AND STAFF FOR THE COORDINATOR~~  
12 ~~AND EXPENSES RELATED TO THIS SUBTITLE SHALL BE AS PROVIDED IN THE STATE~~  
13 ~~BUDGET.~~

14 8-904.

15 (A) ~~THE COORDINATOR~~ UNDER THE PROGRAM, MLSC SHALL PROVIDE  
16 FOR ACCESS TO LEGAL REPRESENTATION BY A COVERED INDIVIDUAL FOR A  
17 JUDICIAL OR ADMINISTRATIVE PROCEEDING, INCLUDING THE FIRST APPEAL OF A  
18 DECISION IN THE PROCEEDING IF ~~THE DESIGNATED ORGANIZATION~~ MLSC  
19 DETERMINES THAT THERE ARE SUFFICIENT LEGAL GROUNDS FOR THE APPEAL:

20 (1) ~~TO EVICT OR TERMINATE THE TENANCY OR HOUSING SUBSIDY OF~~  
21 A COVERED INDIVIDUAL; AND

22 (2) FOR A VIOLATION OF ANY OF THE FOLLOWING ~~SECTIONS OF THIS~~  
23 ~~SUBTITLE~~ PROVISIONS OF THIS ARTICLE:

24 (I) RETALIATORY ACTION BY A LANDLORD UNDER § 8-208.1;

25 (II) RETALIATORY ACTION FOR INFORMING A LANDLORD OF  
26 LEAD POISONING HAZARDS UNDER § 8-208.2;

27 (III) RENT ESCROW AWAITING REPAIR OF DANGEROUS DEFECTS  
28 UNDER § 8-211;

29 (IV) FAILURE OF A LESSOR TO REMOVE LEAD-BASED PAINT  
30 UNDER § 8-211.1;

1 (V) NONJUDICIAL EVICTION BY THE WILLFUL DIMINUTION OF  
2 SERVICES UNDER § 8-216 OF THIS SUBTITLE; AND

3 (VI) THE LOCAL EQUIVALENT OF ANY PROVISION IN ITEMS (I)  
4 THROUGH (V) OF THIS PARAGRAPH.

5 (B) (1) ~~THE COORDINATOR~~ UNDER THE PROGRAM, MLSC SHALL  
6 ENSURE THAT A COVERED INDIVIDUAL RECEIVES ACCESS TO LEGAL  
7 REPRESENTATION BY AN ATTORNEY IN A PROCEEDING AS REQUIRED UNDER THIS  
8 SUBTITLE AS SOON AS POSSIBLE AFTER:

9 (I) ~~A LANDLORD PROVIDES NOTICE TO TERMINATE OR NOT~~  
10 ~~RENEW A TENANCY;~~

11 ~~(H)~~ THE INITIATION OF AN EVICTION PROCEEDING; OR

12 ~~(H)~~ (II) THE DETERMINATION BY ~~A DESIGNATED~~  
13 ~~ORGANIZATION~~ MLSC THAT A PROCEEDING ON BEHALF OF A COVERED INDIVIDUAL  
14 SHOULD BE INITIATED.

15 (2) IF FEASIBLE, LEGAL REPRESENTATION REQUIRED UNDER THIS  
16 SUBSECTION SHOULD BEGIN NO LATER THAN THE TIME OF THE COVERED  
17 INDIVIDUAL'S FIRST APPEARANCE IN A PROCEEDING.

18 (C) ~~A DESIGNATED ORGANIZATION~~ UNDER THE PROGRAM, MLSC SHALL  
19 PROVIDE A COVERED INDIVIDUAL WITH LEGAL REPRESENTATION UNLESS:

20 (1) CIRCUMSTANCES SPECIFIC TO THE INDIVIDUAL OR CASE  
21 PROHIBIT LEGAL REPRESENTATION BY ~~THE DESIGNATED ORGANIZATION~~ MLSC  
22 UNDER THE MARYLAND RULES OF PROFESSIONAL CONDUCT; OR

23 (2) ~~THE DESIGNATED ORGANIZATION~~ MLSC LACKS THE CAPACITY  
24 AT THE TIME TO LEGALLY REPRESENT THE COVERED INDIVIDUAL.

25 ~~(D) THE COORDINATOR MAY CONTRACT WITH A DESIGNATED~~  
26 ~~ORGANIZATION TO PROVIDE ALL OR PART OF THE SERVICES REQUIRED UNDER THIS~~  
27 ~~SECTION.~~

28 8-905.

29 (A) ~~THE COORDINATOR~~ MLSC SHALL DEVELOP AN INFORMATIONAL  
30 PAMPHLET IN BOTH ENGLISH AND SPANISH:

1 (1) DESCRIBING THE LEGAL RIGHTS OF TENANTS, INCLUDING THE  
2 RIGHT TO COUNSEL ESTABLISHED UNDER THIS SUBTITLE; AND

3 (2) PROVIDING INFORMATION ON RESOURCES AVAILABLE TO  
4 TENANTS.

5 (B) A SHERIFF OR CONSTABLE SHALL PROVIDE A COPY OF THE PAMPHLET  
6 DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION IN ADDITION TO THE PROCESS  
7 SERVED ON A TENANT, AN ASSIGNEE, OR A SUBTENANT IN ACCORDANCE WITH THE  
8 FOLLOWING PROVISIONS OF THIS ARTICLE:

9 (1) AN EVICTION PROCEEDING FOR A FAILURE TO PAY RENT UNDER §  
10 8-401;

11 (2) AN EVICTION PROCEEDING FOR A TENANT HOLDING OVER UNDER  
12 § 8-402; AND

13 (3) AN EVICTION PROCEEDING FOR A BREACH OF LEASE UNDER §  
14 8-402.1.

15 8-906.

16 ~~THE COORDINATOR~~ MLSC SHALL DESIGNATE AND CONTRACT WITH  
17 APPROPRIATE COMMUNITY GROUPS TO CONDUCT OUTREACH AND PROVIDE  
18 EDUCATION TO TENANTS LOCALLY AND THROUGHOUT THE STATE REGARDING  
19 TENANTS' RIGHTS, INCLUDING THE RIGHT TO LEGAL REPRESENTATION UNDER THIS  
20 SUBTITLE.

21 8-907.

22 (A) ON OR BEFORE AUGUST 31 EACH YEAR, ~~THE OFFICE OF THE~~  
23 ~~COORDINATOR~~ MLSC SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE  
24 WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY:

25 (1) THE NUMBER OF COVERED INDIVIDUALS PROVIDED LEGAL  
26 REPRESENTATION DURING THE PREVIOUS CALENDAR YEAR;

27 (2) INFORMATION ON AND METRICS EVALUATING CASE OUTCOMES;  
28 AND

29 (3) A SUMMARY OF THE ENGAGEMENT AND EDUCATION OF TENANTS.

30 (B) ~~THE COORDINATOR SHALL PUBLISH THE REPORT ON THE ATTORNEY~~  
31 ~~GENERAL'S WEBSITE.~~

1        ~~(C) THE COORDINATOR SHALL HOLD A PUBLIC HEARING ON THE REPORT.~~  
 2        8-908.

3        (A) THERE IS A RIGHT TO COUNSEL IN EVICTIONS TASK FORCE.

4        (B) (1) THE TASK FORCE CONSISTS OF UP TO 15 MEMBERS APPOINTED  
 5 BY THE OFFICE OF THE ATTORNEY GENERAL AND ~~MAY~~ SHALL INCLUDE:

6                    (I) ~~REPRESENTATIVES~~ AT LEAST TWO REPRESENTATIVES OF  
 7 THE MARYLAND STATE BAR ASSOCIATION;

8                    (II) ~~REPRESENTATIVES~~ AT LEAST TWO REPRESENTATIVES OF  
 9 TENANT ADVOCACY GROUPS;

10                    (III) ~~REPRESENTATIVES~~ AT LEAST TWO REPRESENTATIVES OF  
 11 THE JUDICIARY;

12                    (IV) ~~REPRESENTATIVES~~ AT LEAST TWO REPRESENTATIVES OF  
 13 COMMUNITY GROUPS; ~~AND~~

14                    (V) TENANTS AND OTHER INTERESTED CITIZENS; AND

15                    (VI) AT LEAST TWO REPRESENTATIVES OF LANDLORDS.

16                    (2) AT LEAST THREE MEMBERS OF THE TASK FORCE MUST BE  
 17 TENANTS WHOSE INCOME DOES NOT EXCEED 50% OF THE STATE MEDIAN INCOME  
 18 ADJUSTED FOR HOUSEHOLD SIZE.

19        (C) THE ATTORNEY GENERAL SHALL DESIGNATE THE CHAIR OF THE TASK  
 20 FORCE.

21        (D) THE OFFICE OF THE ATTORNEY GENERAL SHALL PROVIDE STAFF FOR  
 22 THE TASK FORCE.

23        ~~(E)~~ (E) A MEMBER OF THE TASK FORCE:

24                    (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE TASK  
 25 FORCE; BUT

26                    (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
 27 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

28        ~~(F)~~ (F) THE TASK FORCE SHALL:



1 (1) EVALUATE THE PROVISION OF SERVICES UNDER THIS SUBTITLE;  
 2 ~~INCLUDING THE PERFORMANCE OF DESIGNATED ORGANIZATIONS AND DESIGNATED~~  
 3 ~~COMMUNITY GROUPS;~~

4 (2) STUDY POTENTIAL FUNDING SOURCES; AND

5 (3) MAKE RECOMMENDATIONS TO IMPROVE THE IMPLEMENTATION  
 6 OF THIS SUBTITLE, INCLUDING NECESSARY POLICY AND STATUTORY CHANGES.

7 (G) ON OR BEFORE JANUARY 1, 2022, AND EACH YEAR THEREAFTER, THE  
 8 TASK FORCE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE  
 9 GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT  
 10 ARTICLE, THE GENERAL ASSEMBLY.

11 ~~(F)~~ (H) THE TASK FORCE MAY APPLY FOR GRANTS FROM PUBLIC AND  
 12 PRIVATE ENTITIES TO CARRY OUT THE DUTIES OF THE TASK FORCE.

13 8-909.

14 (A) THERE IS A RIGHT TO COUNSEL IN EVICTIONS SPECIAL FUND.

15 (B) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING TO FULLY  
 16 IMPLEMENT A CIVIL RIGHT TO LEGAL REPRESENTATION IN EVICTIONS AND OTHER  
 17 RELATED PROCEEDINGS IN THE STATE.

18 (C) ~~THE COORDINATOR~~ MLSC SHALL ADMINISTER THE FUND.

19 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
 20 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

21 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,  
 22 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

23 (E) THE FUND CONSISTS OF:

24 (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

25 (2) INTEREST EARNINGS OF THE FUND; AND

26 ~~(2)~~ (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED  
 27 FOR THE BENEFIT OF THE FUND.

28 (F) THE FUND MAY BE USED ONLY FOR:

1 (1) SERVICES PROVIDED BY ~~A DESIGNATED ORGANIZATION OR~~  
2 ~~ACTIVITY BY A COMMUNITY GROUP~~ MLSC TO IMPLEMENT THE ~~RIGHT TO COUNSEL~~  
3 ~~IN EVICTION PROCEEDINGS~~ PROGRAM AS PROVIDED IN THIS SUBTITLE, INCLUDING  
4 ALL COSTS ASSOCIATED WITH REQUIRED LEGAL REPRESENTATION IN ANY  
5 PROCEEDING AND ANY OUTREACH AND EDUCATION ACTIVITIES; AND

6 (2) ~~IF A LOCAL JURISDICTION ENACTS A PROGRAM AUTHORIZED~~  
7 ~~UNDER THIS SUBTITLE, SERVICES PROVIDED BY THE LOCAL JURISDICTION TO~~  
8 ~~IMPLEMENT THE RIGHT TO COUNSEL IN EVICTION PROCEEDINGS AS PROVIDED FOR~~  
9 ~~IN THIS SUBTITLE, INCLUDING ALL COSTS ASSOCIATED WITH REQUIRED LEGAL~~  
10 ~~REPRESENTATION IN ANY PROCEEDING AND ANY OUTREACH AND EDUCATION~~  
11 ~~ACTIVITIES;~~

12 (3) ~~ADMINISTRATIVE EXPENSES OF THE OFFICE OF THE~~  
13 ~~COORDINATOR; AND~~

14 (4) EXPENSES RELATED TO THE STUDY AND EVALUATION OF:

15 (I) SERVICES AND ACTIVITIES PROVIDED UNDER THIS  
16 SUBTITLE; AND

17 (II) FUNDING AMOUNTS AND SOURCES NECESSARY TO FULLY  
18 EFFECTUATE A RIGHT TO COUNSEL IN EVICTION PROCEEDINGS.

19 (G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND  
20 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

21 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO  
22 ~~THE GENERAL FUND OF THE STATE FUND.~~

23 (H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE  
24 WITH THE STATE BUDGET.

25 (I) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS NOT  
26 INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE  
27 APPROPRIATED FOR CIVIL LEGAL SERVICES FROM ANY OTHER SOURCE.

28 8-910.

29 (A) LEGAL REPRESENTATION AS REQUIRED UNDER THIS SUBTITLE SHALL  
30 BE PHASED IN OVER TIME IN A MANNER THAT ~~THE COORDINATOR~~ MLSC  
31 DETERMINES APPROPRIATE ~~AFTER CONSULTATION WITH THE TASK FORCE~~ AND  
32 SHALL BE FULLY IMPLEMENTED BEFORE OCTOBER 1, 2025.

1 (B) PRIORITY IN FUNDING DURING THE PHASE-IN PERIOD WILL BE GIVEN  
 2 TO TENANTS IN A LOCAL JURISDICTION THAT PROVIDES OR AGREES TO PROVIDE  
 3 SIGNIFICANT ADDITIONAL LOCAL FUNDING TO EFFECTUATE A RIGHT TO COUNSEL  
 4 IN EVICTION PROCEEDINGS IN THE LOCAL JURISDICTION.

5 8-911.

6 (A) A LOCAL JURISDICTION MAY ENACT A LOCAL LAW PROVIDING FOR  
 7 LEGAL REPRESENTATION IN EVICTION PROCEEDINGS FILED IN THE LOCAL  
 8 JURISDICTION.

9 (B) IF A LOCAL JURISDICTION ENACTS A LOCAL LAW UNDER SUBSECTION  
 10 (A) OF THIS SECTION PROVIDING FOR LEGAL REPRESENTATION IN EVICTION  
 11 PROCEEDINGS SUBSTANTIALLY SIMILAR TO THAT DESCRIBED IN THIS SUBTITLE,  
 12 ~~THE COORDINATOR~~ MLSC SHALL DIRECT FUNDING THAT WOULD HAVE BEEN  
 13 ALLOCATED UNDER THIS SUBTITLE FOR THE BENEFIT OF THAT LOCAL  
 14 JURISDICTION'S TENANTS TO THE LOCAL PROGRAM.

15 8-912.

16 ~~THE COORDINATOR~~ MLSC SHALL ADOPT REGULATIONS TO CARRY OUT THE  
 17 PROVISIONS OF THIS SUBTITLE.

18 **Article – State Finance and Procurement**

19 6-226.

20 (a) (2) (i) Notwithstanding any other provision of law, and unless  
 21 inconsistent with a federal law, grant agreement, or other federal requirement or with the  
 22 terms of a gift or settlement agreement, net interest on all State money allocated by the  
 23 State Treasurer under this section to special funds or accounts, and otherwise entitled to  
 24 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General  
 25 Fund of the State.

26 (ii) The provisions of subparagraph (i) of this paragraph do not apply  
 27 to the following funds:

28 128. the Michael Erin Busch Sports Fund; [and]

29 129. the Coordinated Community Supports Partnership Fund;

30 **AND**

31 **130. THE RIGHT TO COUNSEL IN EVICTIONS SPECIAL**  
 32 **FUND.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or  
2 the application thereof to any person or circumstance is held invalid for any reason in a  
3 court of competent jurisdiction, the invalidity does not affect other provisions or any other  
4 application of this Act that can be given effect without the invalid provision or application,  
5 and for this purpose the provisions of this Act are declared severable.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2021.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.