

**mvls\_sb968\_testimony.pdf**

Uploaded by: Chance, Timothy

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**EXPANDING ACCESS TO JUSTICE FOR 40 YEARS**

MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE  
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE  
IN SUPPORT OF SB0698: REAL PROPERTY TRANSFER–ON–DEATH DEED  
TASK FORCE

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WEDNESDAY, FEBRUARY 24, 2021

Chair Smith and distinguished members of the Committee, thank you for the opportunity to testify in support of Senate Bill 698.

My name is Timothy Chance, and I am the Tangled Title Attorney at the Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest provider of pro bono civil legal services to low-income Marylanders. MVLS was founded in 1981 by a group of concerned Maryland lawyers, legal services providers and leadership of the Maryland State Bar Association. Since then, our statewide panel of over 1,700 volunteers has provided free legal services to over 100,000 Marylanders in a wide range of civil legal matters. In FY20, MVLS volunteers provided legal services to 4,459 people across the state. As part of our Advance Planning Project and My Home, My Deed, My Legacy Project, we encounter numerous clients facing economic barriers, such as probate fees and large property tax bills, which make it impossible to transfer property. For the reasons explained below, we respectfully request a favorable report on Senate Bill 698.

The Advanced Planning Project is an outreach effort designed to stabilize neighborhoods, preserve family assets and reduce the number of Baltimore City properties with deed and title entanglements that prevent homes from being in productive use. In conjunction with community partners across the city, MVLS is raising awareness about the importance of estate planning, especially in the context of community stabilization. As part of the My Home, My Deed, My Legacy,

MVLS provides homeowner clinics to help Baltimore City residents stabilize their homes, through estate planning discussions, and secure critically important resources, including the Homeowners' Property Tax Credit. One of the main focuses of these discussions is avoiding probate, through payable on death accounts, vehicle beneficiaries, and life estate deed. Although the clinics are focused in Baltimore City, MVLS's community outreach and provision of legal services on these issues are statewide as the challenges with deeds and estate administration is a statewide problem. Additionally, the My Home, My Deed, My Legacy Project provides continuing direct representation, both by volunteer attorneys and myself, to clients navigating the probate process.

Probate is a costly and time-consuming process. In addition to the fees associated with probate, it can cost several hundred dollars and take a minimum of nine months to open, administer, and close an estate. Our clients are homeowners who are facing financial hardship and they often do not have the resources to cover these expenses. It is imperative that they pass as many assets outside of probate as possible. MVLS provides a comprehensive estate planning approach that includes life estate deeds to protect the home for the client. Life estate deeds are an alternative to the client adding their children to the deed, which would open the client up to exploitation. Life estate deeds are a great tool to addressing the barriers that probate raises but they have their own challenges which include deed recording requirements and cost. Transfer-on-death deeds provide another alternative to the probate barrier for many of Maryland's most vulnerable residents. Transfer-on-death deeds provide a statutory form that will allow Maryland homeowners a more accessible vehicle to keep their homes in their families. Transfer-on-death deeds are worth exploring as an additional option because of the challenges. MVLS is committed to removing all barriers so that all Marylanders can participate in the judicial system and the creation of this task force would provide the opportunity to explore a tool to make the system more equitable.

MVLS supports SB0698 because it would remove a huge barrier standing in the way of Maryland families' ability to sustain homeownership.

Mister Chair and members of the Committee, thank you again for the opportunity to testify.

# **SB698 Testimony.pdf**

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Testimony for Senate Bill 698  
Real Property Transfer–on–Death Deed Task Force  
Judicial Proceeding Committee  
February 24, 2021

Chairman Smith and Members of the Committee:

Thank you for the opportunity to present Senate Bill 698 - Real Property Transfer–on–Death Deed Task Force.

Many low income Marylanders and families face barriers when trying to transfer property to the next generations, including liens. These challenges create unreasonable economic burdens for families and can many times displace families, leading to homelessness.

Senate Bill 698 establishes a task force to study the use of a transfer-on-deed in the State, which would allow real property to transfer to a beneficiary automatically upon death. In consultation with relevant experts, the task force will study other jurisdictions that have implemented the use of a transfer-on-death deed and report its findings by December 1, 2022.

Thank you for your consideration and I respectfully ask for a favorable report of Senate Bill 698.

Best regards,

A handwritten signature in black ink that reads "Addie C. Eckardt".

Senator Addie C. Eckardt

# **SB698\_Real Property Transfer on Death Deed\_MSPB Te**

Uploaded by: Lathbury Girard, Meredith

Position: FAV



February 22, 2021

**BILL NO:** SB698 Real Property Transfer on Death Deed Task Force  
**COMMITTEE:** Senate Judicial Proceedings  
**FROM:** Mid-Shore Pro Bono, Inc.  
**POSITION:** SUPPORT

*Connecting Low-Income  
Individuals and Families who  
need Civil Legal Services with  
Volunteer Attorneys and  
Community Resources*

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Mid-Shore Pro Bono (MSPB) recommends a favorable report on SB698, Real Property Transfer on Death Deed Task Force. By removing barriers to intergenerational transfer of ownership of property, this bill would help heirs of real property with limited means to maintain financial and housing stability, reduce homelessness, and prevent the loss of family homes.

Mid-Shore Pro Bono, Inc. is a Maryland nonprofit that connects low-income clients throughout Maryland's Eastern Shore with essential community resources. Each year, MSPB helps over 3,000 of our community's most vulnerable people access the legal system in times of need. Our network of volunteer lawyers provides free civil legal services that help families gain financial and housing stability and create safe, secure home environments for children.

During the COVID-19 emergency, MSPB has seen a significant increase in challenges faced by families with limited financial means to navigate the legal and financial impacts of losing a loved one. Surviving family members often lack the cash resources needed to pay for funeral expenses, medical bills, taxes, and other debts, or to open and administer an estate. Too often families are forced to sell the family home where surviving family members are still living in order to pay relatively minor bills. Surviving family members may be forced into bankruptcy, foreclosure, and homelessness as a result.

Some families suffer from long term impacts of the lack tools for intergenerational transfer of property, particularly when title becomes clouded by several generations living on a property without the deed ever changing. These cases require significant legal resources and time to untangle and can ultimately result in displacement of family members.

We need to provide efficient, low-cost tools for families to plan for the future and remove barriers to intergenerational transfer of property. We would like to see this task force review and consider transfer on death deeds, which are available in many other jurisdictions. We are hopeful that the task force will come up with recommendations that if passed will empower people with limited financial means to ensure that family properties pass down to the next generation.

For these reasons, MSPB urges the Judicial Proceedings Committee's support for SB698. If you have any questions regarding our position on this bill, please contact Meredith Lathbury Girard, Esq., managing attorney, Mid-Shore Pro Bono at 410-690-8128 or [mgirard@midshoreprobono.org](mailto:mgirard@midshoreprobono.org).

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