

## BEYOND THE BOUNDARIES

### SB 279 Access to Counsel in Evictions Special Fund – Alteration Hearing before the Senate Judicial Proceedings Committee,

February 9, 2022  
Position: FAVORABLE

---

*Beyond the Boundaries* is an Archdiocese of Baltimore program, with members from churches throughout Maryland, raising awareness among Catholics and advocating for inclusionary housing and affordable housing in Baltimore City and surrounding Counties. We recognize the need for Catholic organizations to advocate for social justice, especially as it relates to stable and permanent housing—be it rental housing or owner-occupied housing. We urge legislators in counties and in the General Assembly to be aware of the pressing need—especially for lower income residents—to have the tools to effectively defend their interests when coming to court especially in eviction cases.

The United States Conference of Catholic Bishops has repeatedly stated that to effectively love our neighbor, we must care for the conditions in which they live, and we must acknowledge decent housing as a human right.<sup>1</sup> “Since decent housing is a human right, its provision involves a public responsibility.”<sup>2</sup> Such public responsibility includes providing Maryland low-income *tenants* facing eviction the ability to hire a pro-bono attorney to see that the tenant’s interests are safeguarded when the tenant faces the landlord in rent court.

In turn, as a recent study found, more than 90% of eviction case in which the tenant had legal representation resulted in favorable outcomes for the tenant. That is certainly *not* the case when the tenant has no legal representation at all.

**So, we support SB 279 as part of a larger plan to fully fund implementation of the Access to Counsel (ATC) in Evictions legislation.** SB 279 would require that any monetary recovery from certain Consumer Protection Act litigation brought by the Attorney General be deposited into the Access to Counsel in Evictions Special Fund. SB 279 is not sufficient by itself to provide a consistent source of funding for implementation of the Access to Counsel in Evictions legislation, but it would be an important part of a comprehensive plan.

Passed in 2021, the Access to Counsel in Evictions legislation mandates that all limited-income tenants in eviction cases “*shall have access to legal*

**92%** of eviction cases in which the renter had legal representation resulted in prevention of disruptive displacement, in a 2020 study by Stout Risius Ross.

**\$62M** of state costs could be avoided through Access to Counsel in eviction cases, by preventing emergency room, shelter, and foster care costs.

---

<sup>1</sup> <https://www.usccb.org/resources/right-decent-home-pastoral-response-crisis-housing>

<sup>2</sup> See above footnote 1.

*representation* as provided under this subtitle.” Maryland Annotated Code, Real Property § 8-902.

**Governor Hogan and the General Assembly should allocate \$11.8M to fund Access to Counsel implementation in Fiscal Year 2023.** With [105,000 Maryland households behind on rent and facing eviction in the wake of COVID-19 – 74% of whom are persons of color; 51% are families with children](#) – we cannot wait.

**An allocation of \$11.8 million in Fiscal Year 2023 would help 9,762 Maryland families avoid disruptive displacement in eviction actions.** The Access to Counsel in Evictions Task Force issued a [report](#) laying out a framework for equitable, effective implementation.

The Task Force called on the State to allocate \$11.8 million in Fiscal Year 2023, *with full implementation by 2025*. The General Assembly’s Spending Affordability Committee recommended [\\$14 million for Fiscal Year 2023](#) for initial implementation. Relying on court data and analysis from Stout Risius Ross, the Maryland Legal Services Corporation (MLSC) estimates that there are 29,683 limited-income residents who have an *unmet need* for legal representation in eviction cases. MLSC estimates that with an additional allocation of \$11.8 million for Fiscal Year 2023, the State can meet approximately 1/3 of that need.

**The \$5.4 million proposed by Governor Hogan for counsel in eviction cases is insufficient** because Maryland residents are slated to lose approximately \$4.4 million in one-time, mostly federal funding for eviction representation that is running out. The State and local jurisdictions have used mostly federal money to expand access to counsel in Fiscal Years 2021 and 2022. This funding will mostly be spent in Fiscal Year 2022 and tenants will actually lose current levels of representation if ATC is not fully funded.

**Legal services are unable to meet current demand.** Legal services providers such as Community Legal Services of Prince George’s County and Public Justice Center report that in the last six months of 2021, they have only been able to provide representation to approximately 1/3 of renter clients due to limited capacity. Similarly, for same-day in-court services, Pro Bono Resource Center of MD estimates that – due to limited capacity - it has reached less than 1/3 of renters who are in need of legal representation in Baltimore County.

**Representation balances the scales and saves the state money.** Over 90% of landlords are represented by an attorney or specialized agent while over 90% of tenants are not. [Counsel is 92% effective in preventing disruptive displacement in evictions according to a study of one jurisdiction in Maryland.](#) By implementing Access to Counsel, the State can help level the scales and save an estimated \$62 million in reduced emergency room, shelter, and foster care costs. *It is much less expensive to keep people housed than provide services when they are homeless. Thus, SB 279 is an essential legislation in funding ATC.* Beyond the Boundaries is a member of the Renters United Maryland coalition and asks that the Committee **issue a FAVORABLE REPORT on SB 279.** If you have any questions, please contact:

**Chuck Michaels, Esq.**  
**Beyond the Boundaries Program Manager**  
[cwmichaels@igc.org](mailto:cwmichaels@igc.org)

