



**MARYLAND  
LEGAL AID**

*Advancing*  
**Human Rights and  
Justice for All**

**STATEWIDE  
ADVOCACY SUPPORT UNIT**

**Cornelia Bright Gordon, Esq.**  
Director of Advocacy  
for Administrative Law  
(410) 951-7728  
cbgordon@mdlalab.org

**Gregory Countess, Esq.**  
Director of Advocacy  
for Housing & Community  
Economic Development  
(410) 951-7687  
gcountess@mdlalab.org

**Anthony H. Davis, II, Esq.**  
Director of Advocacy  
for Consumer Law  
(410) 951-7703  
adavis@mdlalab.org

**Erica I. LeMon, Esq.**  
Director of Advocacy  
for Children's Rights  
(410) 951-7648  
elemon@mdlalab.org

January 31, 2022

The Honorable Luke Clippinger  
Judiciary Committee  
Room 101  
House Office Building  
Annapolis, Maryland 21401

**RE: Maryland Legal Aid's Testimony in Opposition to House Bill 176 -  
Courts - Service of Process - Fees Collected by Sheriff**

Dear Chair Clippinger and Members of the Committee:

Thank you for the opportunity to testify in opposition to House Bill ("HB") 176. Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. MLA's 12 offices serve residents in each of Maryland's 24 jurisdictions. MLA handles various civil legal matters, including family law, housing, public benefits, consumer law (e.g., bankruptcy and debt collection), and criminal record expungements to remove barriers to obtaining child custody, housing, a driver's license, and employment. Maryland Legal Aid opposes HB 176 and asks that the committee give it an unfavorable report.

This letter serves as notice that Jamie Miliman, Esq. will testify in opposition to HB 176 on behalf of MLA at Delegate Wanika Fisher's request. This bill increases the fees for obtaining a warrant of restitution from \$40 to \$60. In a failure to pay rent case, if the landlord obtains a judgment of possession against a tenant, the tenant has the right to redeem the property a certain amount of times, before the landlord can seek to foreclose the right to redeem. To exercise their right to redeem and avoid eviction for non-payment of rent, a tenant must pay the amount of rent the Court finds to be due and owing, which often includes late fees on top of the rent, plus court costs, and, if obtained, the additional cost of the warrant of restitution. This right is often referred to as the right to "pay to stay." An increase in the warrant of restitution fee means an increase in the amount a tenant must pay to stay in their home.

One of the most significant expenses a family faces is the cost of securing a safe and decent place to live. Over the past approximately two years, MLA clients have expressed how difficult it has been to find a place to live, let alone one that is

**EXECUTIVE STAFF**

**Wilhelm H. Joseph, Jr., Esq.**  
Executive Director

**Stuart O. Simms, Esq.**  
Chief Counsel

**Gustava E. Taler, Esq.**  
Chief Operating Officer

**Administrative Offices**  
500 East Lexington Street  
Baltimore, MD 21202  
(410) 951-7777  
(800) 999-8904  
(410) 951-7778 (Fax)

www.mdlalab.org  
04.2021



safe and decent. MLA serves low-income tenants who very often live paycheck to paycheck. While coming up with the rent alone is a struggle for many tenants, scraping together additional money for late fees, court costs, and the warrant of restitution fees makes it more challenging, if not impossible at times, for tenants to pay to stay. This translates to increased evictions and increased homelessness at a time where protection from evictions and homelessness is most important due to the COVID-19 pandemic. This bill penalizes low-income tenants who are unable to pay their rent on time due to factors including but not limited to: a loss of income as a result of the pandemic, unexpected medical or other expenses, a delay in receiving certain benefits, and as a result, they must rely on their right to redeem.

Thank you for considering this written testimony. **Maryland Legal Aid urges an unfavorable report on House Bill 176.**

/S/ Jamie D. Miliman

Jamie D. Miliman, Esq.  
Senior Attorney for Housing Law  
Maryland Legal Aid  
(443) 397-9547  
jmiliman@mdlab.org