



ACCESS TO COUNSEL IN EVICTIONS TASK FORCE



February 16, 2022

To: The Honorable Luke C. Clippinger
Chair, House Judiciary Committee

From: Vicki Schultz
Chair, Access to Counsel in Evictions Task Force

Re: House Bill 691 –Landlord and Tenant and Wrongful Detainer Actions – Eviction
Prevention Services (SUPPORT)

The Maryland Access to Counsel in Evictions Task Force supports House Bill 691, which would require courts to provide a recess or continuance for a reasonable amount of time to allow a party in an eviction proceeding to access eviction prevention resources, including legal representation.

There was broad consensus among Task Force members that connecting tenants who are facing eviction with resources—including financial assistance, social services, and legal assistance—is critically important to help prevent unnecessary evictions and promote housing stability. Because the Task Force is responsible for, among other things, making recommendations to improve the implementation of the Access to Counsel in Evictions Program, our work focused in particular on how best to connect income-eligible tenants to legal counsel. House Bill 691 would codify one of the Task Force’s recommendations, that eligible tenants have meaningful access to counsel by providing a continuance to allow a party to obtain and/or consult with legal counsel.

The Task Force recognized that connecting eligible tenants with legal assistance as early as possible should be a goal of the Program. However, invariably some tenants will be unaware of the availability of counsel in evictions and will come to court without having had the opportunity to connect with an attorney. As a result, the Task Force recommended that the court inform tenants that they may be entitled to free legal representation through the Program, and, when needed, offer a continuance to allow the tenant to meaningfully access the assistance of legal counsel and prepare a defense.

Such an approach is consistent with other right-to-counsel programs across the country. For example, both Washington State and New York City courts grant automatic continuances to ensure that eligible tenants can access counsel and receive effective legal representation. Based on the experience of other jurisdictions that have implemented right-to-counsel programs, the



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Task Force concluded that implementing these changes can have significant benefits and improve access to justice within our courts. Not only are these changes likely to make eviction proceedings in Maryland more fair and balanced, they have been shown to help the court operate more efficiently and effectively.¹

Finally, by requiring a continuance for a reasonable amount of time, House Bill 691 addresses the concern raised by landlord representatives on the Task Force that providing a continuance as-of-right would prejudice landlords by unduly delaying eviction proceedings.

For all of the foregoing reasons, the Task Force requests that the Judiciary Committee favorably report House Bill 691.

¹ See Report of the Access to Counsel in Evictions Task Force, at 20-21 (Jan. 2022), *available at* https://www.marylandattorneygeneral.gov/A2C_Docs/ATC_Task_Force_Report.pdf.