

HB 1050 - Access to Counsel in Evictions – Funding
Hearing before the Appropriations Committee on March 7, 2023

Position: SUPPORT (FAV)

Hello,

My name is Michael English, and while I am writing in my own personal capacity, I am a member of several housing/ rental advocacy groups, including Montgomery for All, Jews United for Justice, and the Coalition both are members of, Renters United Maryland (RUM) . I would like to see a favorable report on HB 1050, which would extend beyond FY 24 the annual transfer of \$14 million from the Abandoned Property Fund to the Access to Counsel in Evictions (ACE) Fund.

I and other RUM members made it a priority the last several years to get a right to counsel passed, because we know that having legal representation in court can make all the difference in the world to a tenant facing a fast, confusing legal process that could see them homeless if a ruling goes against them. Adequate funding is essential to make sure this right is assured in practice, not just in word.

Maryland is a leader in the Right to Counsel movement – becoming only the second state in the nation to recognize the proven, cost-effective benefits of a right to counsel in evictions. As detailed further in the testimony of the National Coalition for a Civil Right to Counsel: Right to counsel in evictions is a proven, cost-effective model around the country of preventing disruptive displacement in eviction cases. While Maryland’s initial implementation of the law only started about 8 months ago and still has a long way to go to reach full implementation, the ACE Task Force report notes that families have begun obtaining representation and fighting back against eviction. Attorneys working in ACE have helped families avoid disruptive displacement including by avoiding eviction, delaying eviction so the tenant has additional time to move, avoiding a loss of a housing subsidy, enforcing a tenant’s rights under a lease and more. In many jurisdictions, services are now available both through pre-trial intake with individual providers and through day-of-court intake.

Access to Counsel in Evictions furthers racial equity. Study after study in Maryland and nationally show that persons of color are much more likely to have to face an eviction case. 82% of families behind on the rent in Maryland and facing evictions are headed by persons of color. Ensuring that each of those families is represented by legal counsel helps empower those persons to enforce existing legal protections that safeguard due process, prohibit illegal fees, and address unsafe housing conditions.

A secure baseline of \$14 million/year to fund ACE through HB 1050 is important to address implementation challenges with ACE. In a tight labor market, legal services organizations have struggled to recruit and retain highly skilled attorneys for ACE implementation. The stable baseline of funding for implementation in HB 1050 would provide assurances to organizations and attorneys who are considering this field that there would be some stability of funding moving forward. We understand

ACE is not a silver bullet to address all housing stability needs. Increasing the supply of affordable housing, emergency rental assistance, and other economic supports are important as well. But in 2021 the state recognized that right to counsel in evictions is a proven, cost-effective tool to enforce the laws already on the books. Secure, stable funding for implementation is critical to the initiative's success.

I urge the Committee's report of Favorable on HB 1050.

Thank you

Mike English
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