

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 498
Judiciary

(Delegate Cardin)

Judicial Proceedings

Real Property - Access to Counsel in Evictions Program - Mandated Reports

This bill alters the annual reporting requirements for the Access to Counsel in Evictions (ACE) Program that is administered by the Maryland Legal Services Corporation (MLSC). **The bill takes effect October 1, 2024, and terminates June 30, 2027.**

Fiscal Summary

State Effect: The bill does not directly affect State operations or finances.

Local Effect: The bill does not affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

Access to Counsel in Evictions – Overview

Chapter 746 of 2021 established the ACE Program that is administered by MLSC. The ACE Program was created to organize and direct services and resources in order to provide individuals meeting certain criteria with access to legal representation in specified judicial or administrative proceedings to evict or terminate a tenancy or housing subsidy. Chapter 746 also required that access to legal representation be phased in over time as MLSC deems appropriate, with the goal of full implementation before October 1, 2025.

Access to Counsel in Evictions – Reporting

Under current law, annually by August 31, MLSC must report to the Governor and the General Assembly on (1) the number of covered individuals provided legal representation during the previous fiscal year; (2) information on and metrics evaluating case outcomes; and (3) a summary of the engagement and education of tenants.

The bill alters these reporting requirements to instead require reporting of the following information (for the immediately preceding fiscal year):

- the number of cases in which a covered individual was provided legal representation, disaggregated by case type, including (1) failure to pay rent; (2) tenant holding over; and (3) breach of lease;
- the amount paid to attorneys for each case managed;
- the geographic distribution of cases;
- data on the disposition of cases decided;
- the amount of State and federal funds allocated to each designated organization (nonprofit entities designated by MLSC to provide legal representation); and
- the number of covered individuals provided legal representation for multiple cases.

Additional Comments: As noted above, the ACE Program is administered by MLSC (a nonprofit organization established by statute). Chapter 746 also created the ACE Special Fund for the purpose of providing funding to fully implement the ACE Program; the fund may be used for administrative expenses of MLSC. MLSC advises that it can handle the bill's requirements using existing resources.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 147 (Senator West) - Judicial Proceedings.

Information Source(s): Office of the Attorney General; Judiciary (Administrative Office of the Courts); Maryland Legal Services Corporation; Department of Legislative Services

Fiscal Note History: First Reader - January 26, 2024
km/jkb Third Reader - March 15, 2024
Revised - Amendment(s) - March 15, 2024

Analysis by: Donavan A. Ham

Direct Inquiries to:
(410) 946-5510
(301) 970-5510