

SENATE BILL 154

N1, P1

(PRE-FILED)

1lr1423
CF HB 18

By: Senators Hettleman, Carter, Jackson, Lee, Smith, Sydnor, and Waldstreicher, and West

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings and Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2021

CHAPTER _____

AN ACT concerning

Landlord and Tenant – ~~Eviction Action – Right~~ Residential Tenants – Access to Counsel

FOR the purpose of establishing that certain procedural notice requirements must be fulfilled prior to the filing of a complaint by a landlord or a landlord's duly qualified agent for the repossession of residential rental property for failure to pay rent; requiring that, before a landlord may file a complaint to repossess property for the failure to pay rent, the landlord provide certain written notice containing certain information to the tenant in a certain manner; establishing that certain individuals ~~have a right~~ shall have access to legal representation in eviction proceedings; establishing the ~~position of Right~~ Access to Counsel in Evictions Coordinator in the Office of the Attorney General Program; providing for the purpose, ~~appointment, duties, and expenses of the Coordinator; requiring the legal representation of certain individuals in certain civil proceedings and matters by certain organizations; authorizing the Coordinator to contract with certain organizations to manage all or part of certain services provided to certain individuals;~~ of the Program; requiring the Maryland Legal Services Corporation to administer the Program; requiring the Maryland Legal Services Corporation, under the Program, to provide access to legal representation to certain individuals in eviction proceedings under certain circumstances; requiring the legal representation of certain individuals in certain civil proceedings and matters by certain organizations; authorizing the Maryland Legal Services Corporation to contract with certain organizations to manage all or part of certain services provided to certain individuals; authorizing the Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Legal Services Corporation to contract with a certain organization to manage all or part of certain services provided to certain individuals; requiring the ~~Coordinator~~ Maryland Legal Services Corporation to develop a certain pamphlet and for a sheriff or constable to provide certain individuals with the pamphlet when serving process for certain civil proceedings; requiring the ~~Coordinator~~ Maryland Legal Services Corporation to designate certain community groups for a certain purpose; requiring the ~~Coordinator~~ Maryland Legal Services Corporation to report to the Governor and the General Assembly on or before a certain date, ~~to publish the report on the Attorney General's website, and to hold a public hearing on the report;~~ establishing the Right Access to Counsel in Evictions Task Force; providing for the composition, staffing, and chair of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report to the Governor and the General Assembly on or before a certain date; authorizing the Task Force to apply for certain grants for a certain purpose; establishing the Right Access to Counsel in Evictions Special Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the ~~Right to Counsel in Evictions Coordinator~~ Maryland Legal Services Corporation to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring interest earnings of the Fund to be credited to the Fund; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; requiring that the provisions of this Act be fully implemented within a certain period of time; providing that priority of funding under this Act be given to tenants in certain local jurisdictions; authorizing a local jurisdiction to adopt certain local law; requiring the ~~Coordinator~~ Maryland Legal Services Corporation to provide funds to certain local jurisdictions under certain circumstances; ~~requiring the Coordinator to adopt certain regulations~~ requiring the Maryland Judiciary to develop and publish a certain form; making the provisions of this Act severable; defining certain terms; and generally relating to ~~the right~~ access to counsel in housing proceedings.

BY repealing and reenacting, with amendments,

Article – Real Property

Section 8–401

Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)

BY adding to

Article – Real Property

Section 8–901 through ~~8–912~~ 8–911 to be under the new subtitle “Subtitle 9. ~~Right~~ Access to Legal Representation in Eviction Cases”

Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(i)

Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)

(As enacted by Chapter 20 of the Acts of the General Assembly of 2020 and Chapters 4, 8, 25, 28, 33, and 36 of the Acts of the General Assembly of 2021)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)128. and 129.

Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)

(As enacted by Chapter 20 of the Acts of the General Assembly of 2020 and Chapters 4, 8, 25, 28, 33, and 36 of the Acts of the General Assembly of 2021)

BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)130.

Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)

(As enacted by Chapter 20 of the Acts of the General Assembly of 2020 and Chapters 4, 8, 25, 28, 33, and 36 of the Acts of the General Assembly of 2021)

Preamble

WHEREAS, Over 655,000 eviction cases are filed each year in the State with only 805,000 renter households; and

WHEREAS, Evictions exacerbate the public health crisis posed by COVID–19; and

WHEREAS, Evictions create significant costs for state and local government related to shelter funding, education funding, health care provided in hospitals instead of community–based providers, transportation costs for homeless youth, and foster care; and

WHEREAS, A study of eviction actions in one local jurisdiction found that while only 1% of tenants are represented in eviction proceedings, approximately 96% of landlords are represented by an attorney or specialized agent in eviction proceedings; and

WHEREAS, Evictions have a disparate impact on black and brown households in the State; and

WHEREAS, The General Assembly seeks to end the disparate impact of evictions based on race and gender; and

WHEREAS, Providing ~~a right~~ access to counsel to tenants in eviction cases is a proven means of preventing the disruptive displacement of families and the resulting social, economic, and public health costs of such displacement; ~~and now, therefore,~~

~~WHEREAS, Tenants must be able to invoke and enforce the right to legal representation in any eviction-related proceeding to provide for equal access to justice and the courts; and~~

~~WHEREAS, It is the policy of the State that tenants facing an eviction from their home shall have a right to legal representation in eviction proceedings, and the State shall provide such representation to tenants to assist in the fair administration of justice; now, therefore,~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Real Property

8–401.

(a) Whenever the tenant or tenants fail to pay the rent when due and payable, it shall be lawful for the landlord to have again and repossess the premises **IN ACCORDANCE WITH THIS SECTION.**

(b) (1) Whenever any landlord shall desire to repossess any premises to which the landlord is entitled under the provisions of subsection (a) of this section, the landlord or the landlord’s duly qualified agent or attorney shall **ENSURE THAT THE LANDLORD HAS COMPLETED THE PROCEDURES REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.**

(2) AFTER COMPLETING THE PROCEDURES REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, A LANDLORD OR THE LANDLORD’S DULY QUALIFIED AGENT OR ATTORNEY MAY file the landlord’s written complaint under oath or affirmation, in the District Court of the county wherein the property is situated:

(i) Describing in general terms the property sought to be repossessed;

(ii) Setting forth the name of each tenant to whom the property is rented or any assignee or subtenant;

(iii) Stating the amount of rent and any late fees due and unpaid, less the amount of any utility bills, fees, or security deposits paid by a tenant under § 7–309 of the Public Utilities Article;

(iv) Requesting to repossess the premises and, if requested by the landlord, a judgment for the amount of rent due, costs, and any late fees, less the amount of any utility bills, fees, or security deposits paid by a tenant under § 7–309 of the Public Utilities Article;

(v) If applicable, stating that, to the best of the landlord’s knowledge, the tenant is deceased, intestate, and without next of kin; and

(vi) If the property to be repossessed is an affected property as defined in § 6–801 of the Environment Article, stating that the landlord has registered the affected property as required under § 6–811 of the Environment Article and renewed the registration as required under § 6–812 of the Environment Article and:

1. A. If the current tenant moved into the property on or after February 24, 1996, stating the inspection certificate number for the inspection conducted for the current tenancy as required under § 6–815(c) of the Environment Article;
or

B. On or after February 24, 2006, stating the inspection certificate number for the inspection conducted for the current tenancy as required under § 6–815(c), § 6–817(b), or § 6–819(f) of the Environment Article; or

2. Stating that the owner is unable to provide an inspection certificate number because:

A. The owner has requested that the tenant allow the owner access to the property to perform the work required under Title 6, Subtitle 8 of the Environment Article;

B. The owner has offered to relocate the tenant in order to allow the owner to perform work if the work will disturb the paint on the interior surfaces of the property and to pay the reasonable expenses the tenant would incur directly related to the relocation; and

C. The tenant has refused to allow access to the owner or refused to vacate the property in order for the owner to perform the required work.

(2) For the purpose of the court’s determination under subsection [(c)] (E) of this section the landlord shall also specify the amount of rent due for each rental period under the lease, the day that the rent is due for each rental period, and any late fees for overdue rent payments.

(3) The District Court shall issue its summons, directed to any constable or sheriff of the county entitled to serve process, and ordering the constable or sheriff to notify the tenant, assignee, or subtenant by first-class mail;

(i) To appear before the District Court at the trial to be held on the fifth day after the filing of the complaint; and

(ii) To answer the landlord's complaint to show cause why the demand of the landlord should not be granted.

(4) (i) The constable or sheriff shall proceed to serve the summons upon the tenant, assignee, or subtenant or their known or authorized agent as follows:

1. If personal service is requested and any of the persons whom the sheriff shall serve is found on the property, the sheriff shall serve any such persons; or

2. If personal service is requested and none of the persons whom the sheriff is directed to serve shall be found on the property and, in all cases where personal service is not requested, the constable or sheriff shall affix an attested copy of the summons conspicuously upon the property.

(ii) The affixing of the summons upon the property after due notification to the tenant, assignee, or subtenant by first-class mail shall conclusively be presumed to be a sufficient service to all persons to support the entry of a default judgment for possession of the premises, together with court costs, in favor of the landlord, but it shall not be sufficient service to support a default judgment in favor of the landlord for the amount of rent due.

(5) Notwithstanding the provisions of paragraphs (1) through (4) of this subsection:

(i) In an action to repossess nonresidential property under this section, service of process on a tenant:

1. Shall be directed to the sheriff of the appropriate county or municipality; and

2. On plaintiff's request, may be directed to any person authorized under the Maryland Rules to serve process; and

(ii) In Wicomico County, in an action to repossess any premises under this section, service of process on a tenant may be directed to any person authorized under the Maryland Rules to serve process.

(6) (i) Notwithstanding the provisions of paragraphs (3) through (5) of this subsection, if the landlord certifies to the court in the written complaint required under paragraph (1) of this subsection that, to the best of the landlord's knowledge, the tenant is deceased, intestate, and without next of kin, the District Court shall issue its summons, directed to any constable or sheriff of the county entitled to serve process, and ordering the

constable or sheriff to notify the occupant of the premises or the next of kin of the deceased tenant, if known, by personal service:

1. To appear before the District Court at the trial to be held on the fifth day after the filing of the complaint; and

2. To answer the landlord's complaint to show cause why the demand of the landlord should not be granted.

(ii) 1. The constable or sheriff shall proceed to serve the summons upon the occupant of the premises or the next of kin of the deceased tenant, if known, as follows:

A. If any of the persons whom the sheriff is directed to serve are found on the property or at another known address, the sheriff shall serve any such persons; or

B. If none of the persons whom the sheriff is directed to serve are found on the property or at another known address, the constable or sheriff shall affix an attested copy of the summons conspicuously upon the property.

2. The affixing of the summons upon the property shall conclusively be presumed to be a sufficient service to all persons to support the entry of a default judgment for possession of the premises, together with court costs, in favor of the landlord, but it shall not be sufficient service to support a default judgment in favor of the landlord for the amount of rent due.

(C) (1) BEFORE A LANDLORD MAY FILE A COMPLAINT UNDER THIS SECTION, THE LANDLORD SHALL PROVIDE TO THE TENANT A WRITTEN NOTICE OF THE LANDLORD'S INTENT TO FILE A CLAIM IN THE DISTRICT COURT AGAINST THE TENANT TO RECOVER POSSESSION OF THE RESIDENTIAL PREMISES IF THE TENANT DOES NOT CURE WITHIN 10 DAYS AFTER THE WRITTEN NOTICE IS PROVIDED TO THE TENANT.

(2) THE WRITTEN NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IN A FORM CREATED BY THE MARYLAND JUDICIARY AND NOTICE SHALL OCCUR WHEN THE NOTICE IS:

(I) SENT BY FIRST-CLASS MAIL, CERTIFICATE OF MAILING;

(II) AFFIXED TO THE DOOR OF THE PREMISES; OR

(III) IF ELECTED BY THE TENANT, SENT BY ELECTRONIC DELIVERY IN AT LEAST ONE OF THE FOLLOWING FORMS:

1. AN E-MAIL MESSAGE;

2. A TEXT MESSAGE; OR

3. THROUGH AN ELECTRONIC TENANT PORTAL.

(3) (I) A COMPLAINT FOR REPOSSESSION FILED IN ACCORDANCE WITH THIS SECTION SHALL INCLUDE A STATEMENT THAT STATES AND AFFIRMS THE DATE ON WHICH THE LANDLORD PROVIDED THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(II) A TENANT MAY CHALLENGE ASSERTIONS MADE BY A LANDLORD UNDER THIS PARAGRAPH, AND THE COURT MAY DISMISS THE LANDLORD'S COMPLAINT ON A SHOWING OF SUFFICIENT CAUSE.

[(b-1)] (D) (1) This subsection applies only to an action for the repossession of residential property for failure to pay rent due during a government shutdown.

(2) Notwithstanding any other law, the court shall stay the proceeding if the tenant or an occupant of the property that is the subject of the proceeding presents evidence satisfactory to the court that the occupant:

(i) Uses the property as the individual's primary residence;

(ii) Is an employee of the federal or State government or an employee of a local government in the State; and

(iii) Is involuntarily furloughed from work without pay because of a government shutdown, regardless of whether the employee is required to report to work during the furlough.

(3) (i) Subject to subparagraph (ii) of this paragraph, a stay under this subsection shall be granted for a time that the court considers reasonable.

(ii) A stay under this subsection may not be granted for a period that ends more than 30 days after the end of the government shutdown without a showing of sufficient cause by a party to the action.

[(c)] (E) (1) If, at the trial on the fifth day indicated in subsection (b) of this section, the court is satisfied that the interests of justice will be better served by an adjournment to enable either party to procure their necessary witnesses, the court may adjourn the trial for a period not exceeding 1 day, except with the consent of all parties, the trial may be adjourned for a longer period of time.

(2) (i) The information required under subsection (b)(1)(vi) of this section may not be an issue of fact in a trial under this section.

(ii) If, when the trial occurs, it appears to the satisfaction of the court, that the rent, or any part of the rent and late fees are actually due and unpaid, the court shall determine the amount of rent and late fees due as of the date the complaint was filed less the amount of any utility bills, fees, or security deposits paid by a tenant under § 7–309 of the Public Utilities Article, if the trial occurs within the time specified by subsection (b)(3) of this section.

(iii) 1. If the trial does not occur within the time specified in subsection (b)(3)(i) of this section and the tenant has not become current since the filing of the complaint, the court, if the complaint so requests, shall enter a judgment in favor of the landlord for possession of the premises and determine the rent and late fees due as of the trial date.

2. The determination of rent and late fees shall include the following:

A. Rent claimed in the complaint;

B. Rent accruing after the date of the filing of the complaint;

C. Late fees accruing in or prior to the month in which the complaint was filed; and

D. Credit for payments of rent and late fees and other fees, utility bills, or security deposits paid by a tenant under § 7–309 of the Public Utilities Article after the complaint was filed.

(iv) In the case of a residential tenancy, the court may also give judgment in favor of the landlord for the amount of rent and late fees determined to be due together with costs of the suit if the court finds that the residential tenant was personally served with a summons.

(v) In the case of a nonresidential tenancy, if the court finds that there was such service of process or submission to the jurisdiction of the court as would support a judgment in contract or tort, the court may also give judgment in favor of the landlord for:

1. The amount of rent and late fees determined to be due;

2. Costs of the suit; and

3. Reasonable attorney's fees, if the lease agreement authorizes the landlord to recover attorney's fees.

(vi) A nonresidential tenant who was not personally served with a summons shall not be subject to personal jurisdiction of the court if that tenant asserts that

the appearance is for the purpose of defending an in rem action prior to the time that evidence is taken by the court.

(3) The court, when entering the judgment, shall also order that possession of the premises be given to the landlord, or the landlord's agent or attorney, within 4 days after the trial.

(4) The court may, upon presentation of a certificate signed by a physician certifying that surrender of the premises within this 4-day period would endanger the health or life of the tenant or any other occupant of the premises, extend the time for surrender of the premises as justice may require but not more than 15 days after the trial.

(5) However, if the tenant, or someone for the tenant, at the trial, or adjournment of the trial, tenders to the landlord the rent and late fees determined by the court to be due and unpaid, together with the costs of the suit, the complaint against the tenant shall be entered as being satisfied.

[(d)] (F) (1) (i) Subject to the provisions of (2) of this subsection, if judgment is given in favor of the landlord, and the tenant fails to comply with the requirements of the order within 4 days, the court shall, at any time after the expiration of the 4 days, issue its warrant, directed to any official of the county entitled to serve process, ordering the official to cause the landlord to have again and repossess the property by putting the landlord (or the landlord's duly qualified agent or attorney for the landlord's benefit) in possession thereof, and for that purpose to remove from the property, by force if necessary, all the furniture, implements, tools, goods, effects or other chattels of every description whatsoever belonging to the tenant, or to any person claiming or holding by or under said tenant.

(ii) If the landlord does not order a warrant of restitution within sixty days from the date of judgment or from the expiration date of any stay of execution, whichever shall be the later:

1. The judgment for possession shall be stricken; and

2. The judgment shall be applied to the number of judgments necessary to foreclose a tenant's right to redemption of the leased premises as established in subsection [(e)(2)] (G)(2) of this section unless the court in its discretion determines that the judgment may not apply for purposes of subsection [(e)(2)] (G)(2) of this section.

(iii) If the landlord orders a warrant of restitution but takes no action on the warrant within 60 days from the later of the date the court issues the order for the warrant or the date as otherwise extended by the court:

1. The warrant of restitution shall expire and the judgment for possession shall be stricken; and

2. The judgment shall be applied to the number of judgments necessary to foreclose a tenant's right to redemption of the leased premises as established in subsection [(e)(2)] (G)(2) of this section unless the court in its discretion determines that the judgment may not apply for purposes of subsection [(e)(2)] (G)(2) of this section.

(2) (i) The administrative judge of any district may stay the execution of a warrant of restitution of a residential property, from day to day, in the event of extreme weather conditions.

(ii) When a stay has been granted under this paragraph, the execution of the warrant of restitution for which the stay has been granted shall be given priority and completed within 3 days after the extreme weather conditions cease.

[(e)] (G) (1) Subject to paragraph (2) of this subsection, in any action of summary ejection for failure to pay rent where the landlord is awarded a judgment giving the landlord restitution of the leased premises, the tenant shall have the right to redemption of the leased premises by tendering in cash, certified check or money order to the landlord or the landlord's agent all past due amounts, as determined by the court under subsection [(c)] (E) of this section, plus all court awarded costs and fees, at any time before actual execution of the eviction order.

(2) This subsection does not apply to any tenant against whom 3 judgments of possession have been entered for rent due and unpaid in the 12 months prior to the initiation of the action to which this subsection otherwise would apply.

[(f)] (H) (1) The tenant or the landlord may appeal from the judgment of the District Court to the circuit court for any county at any time within 4 days from the rendition of the judgment.

(2) The tenant, in order to stay any execution of the judgment, shall give a bond to the landlord with one or more sureties, who are owners of sufficient property in the State of Maryland, with condition to prosecute the appeal with effect, and answer to the landlord in all costs and damages mentioned in the judgment, and other damages as shall be incurred and sustained by reason of the appeal.

(3) The bond shall not affect in any manner the right of the landlord to proceed against the tenant, assignee or subtenant for any and all rents that may become due and payable to the landlord after the rendition of the judgment.

SUBTITLE 9. ~~RIGHT~~ ACCESS TO LEGAL REPRESENTATION IN EVICTION CASES.

8-901.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COMMUNITY GROUP” MEANS A NONPROFIT ENTITY WITH THE CAPACITY TO CONDUCT TENANT OUTREACH AND PROVIDE ENGAGEMENT, EDUCATION, AND INFORMATION.

~~(C) “COORDINATOR” MEANS THE RIGHT TO COUNSEL IN EVICTIONS COORDINATOR.~~

~~(D)~~ (C) “COVERED INDIVIDUAL” MEANS AN INDIVIDUAL WHO:

(1) OCCUPIES A RESIDENTIAL PROPERTY UNDER A CLAIM OF LEGAL RIGHT OTHER THAN OWNER, INCLUDING A TENANT IN A BUILDING OWNED, OPERATED, OR MANAGED BY A PUBLIC HOUSING AUTHORITY; AND

(2) IS A MEMBER OF A HOUSEHOLD WITH AN INCOME THAT IS NOT GREATER THAN 50% OF THE MEDIAN INCOME, ADJUSTED FOR HOUSEHOLD SIZE, IN THE STATE AS DETERMINED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES OR ITS SUCCESSOR.

~~(E)~~ (D) “DESIGNATED ORGANIZATION” MEANS A NONPROFIT ENTITY DESIGNATED BY ~~THE COORDINATOR~~ MLSC WITH THE ABILITY TO PROVIDE LEGAL REPRESENTATION TO COVERED INDIVIDUALS.

~~(F)~~ (E) “FUND” MEANS THE ~~RIGHT~~ ACCESS TO COUNSEL IN EVICTIONS SPECIAL FUND.

~~(G)~~ (F) “LEGAL REPRESENTATION” INCLUDES ALL REPRESENTATION BY AN ATTORNEY BEYOND BRIEF LEGAL ADVICE AND IS NOT LIMITED TO THE FORMAL ENTRY OF APPEARANCE IN COURT.

(G) “MLSC” MEANS THE MARYLAND LEGAL SERVICES CORPORATION.

(H) “PROGRAM” MEANS THE ACCESS TO COUNSEL IN EVICTIONS PROGRAM.

~~(I)~~ (I) “TASK FORCE” MEANS THE ~~RIGHT~~ ACCESS TO COUNSEL IN EVICTIONS TASK FORCE.

8-902.

A COVERED INDIVIDUAL ~~HAS A RIGHT~~ SHALL HAVE ACCESS TO LEGAL REPRESENTATION AS PROVIDED UNDER THIS SUBTITLE.

8-903.

(A) ~~THERE IS A RIGHT~~ AN ACCESS TO COUNSEL IN EVICTIONS COORDINATOR IN THE OFFICE OF THE ATTORNEY GENERAL PROGRAM ADMINISTERED BY MLSC.

(B) THE PURPOSE OF THE ~~COORDINATOR~~ PROGRAM IS TO ORGANIZE AND DIRECT SERVICES AND RESOURCES IN ORDER TO PROVIDE ALL COVERED INDIVIDUALS IN THE STATE WITH ACCESS TO LEGAL REPRESENTATION AS REQUIRED UNDER THIS SUBTITLE.

~~(C) (1) THE ATTORNEY GENERAL SHALL APPOINT THE COORDINATOR.~~

~~(2) THE COORDINATOR SERVES AT THE PLEASURE OF THE ATTORNEY GENERAL.~~

~~(D) SALARIES OF THE COORDINATOR AND STAFF FOR THE COORDINATOR AND EXPENSES RELATED TO THIS SUBTITLE SHALL BE AS PROVIDED IN THE STATE BUDGET.~~

8-904.

(A) ~~THE COORDINATOR~~ UNDER THE PROGRAM, MLSC SHALL PROVIDE FOR ACCESS TO LEGAL REPRESENTATION BY A COVERED INDIVIDUAL FOR A JUDICIAL OR ADMINISTRATIVE PROCEEDING TO EVICT OR TERMINATE THE TENANCY OR HOUSING SUBSIDY OF A COVERED INDIVIDUAL, INCLUDING THE FIRST APPEAL OF A DECISION IN THE PROCEEDING IF THE DESIGNATED ORGANIZATION DETERMINES THAT THERE ARE SUFFICIENT LEGAL GROUNDS FOR THE APPEAL.

~~(1) TO EVICT OR TERMINATE THE TENANCY OR HOUSING SUBSIDY OF A COVERED INDIVIDUAL; AND~~

~~(2) FOR A VIOLATION OF ANY OF THE FOLLOWING SECTIONS OF THIS SUBTITLE:~~

~~(I) RETALIATORY ACTION BY A LANDLORD UNDER § 8-208.1;~~

~~(II) RETALIATORY ACTION FOR INFORMING A LANDLORD OF LEAD POISONING HAZARDS UNDER § 8-208.2;~~

~~(III) RENT ESCROW AWAITING REPAIR OF DANGEROUS DEFECTS UNDER § 8-211;~~

~~(IV) FAILURE OF A LESSOR TO REMOVE LEAD-BASED PAINT UNDER § 8-211.1;~~

~~(V) NONJUDICIAL EVICTION BY THE WILLFUL DIMINUTION OF SERVICES UNDER § 8-216; AND~~

~~(VI) THE LOCAL EQUIVALENT OF ANY PROVISION IN ITEMS (I) THROUGH (V) OF THIS PARAGRAPH.~~

(B) (1) THE COORDINATOR UNDER THE PROGRAM, A DESIGNATED ORGANIZATION SHALL ENSURE THAT A COVERED INDIVIDUAL RECEIVES ACCESS TO LEGAL REPRESENTATION BY AN ATTORNEY IN A PROCEEDING AS REQUIRED UNDER THIS SUBTITLE AS SOON AS POSSIBLE AFTER:

(I) A LANDLORD PROVIDES NOTICE TO TERMINATE ~~OR NOT RENEW~~ A TENANCY;

(II) THE INITIATION OF AN EVICTION PROCEEDING; OR

(III) THE DETERMINATION BY A DESIGNATED ORGANIZATION THAT A PROCEEDING RELATED TO A CONSTRUCTIVE EVICTION ON BEHALF OF A COVERED INDIVIDUAL SHOULD BE INITIATED.

(2) IF FEASIBLE, LEGAL REPRESENTATION REQUIRED UNDER THIS SUBSECTION SHOULD BEGIN NO LATER THAN THE TIME OF THE COVERED INDIVIDUAL'S FIRST APPEARANCE IN A PROCEEDING.

~~(C) A DESIGNATED ORGANIZATION SHALL PROVIDE A COVERED INDIVIDUAL WITH LEGAL REPRESENTATION UNLESS:~~

~~(1) CIRCUMSTANCES SPECIFIC TO THE INDIVIDUAL OR CASE PROHIBIT LEGAL REPRESENTATION BY THE DESIGNATED ORGANIZATION UNDER THE MARYLAND RULES OF PROFESSIONAL CONDUCT; OR~~

~~(2) THE DESIGNATED ORGANIZATION LACKS THE CAPACITY AT THE TIME TO LEGALLY REPRESENT THE COVERED INDIVIDUAL.~~

~~(D)~~ (C) THE COORDINATOR MLSC MAY CONTRACT WITH A DESIGNATED ORGANIZATION TO PROVIDE ALL OR PART OF THE SERVICES REQUIRED UNDER THIS SECTION.

8-905.

(A) ~~THE COORDINATOR~~ MLSC SHALL DEVELOP AN INFORMATIONAL PAMPHLET IN BOTH ENGLISH AND ~~SPANISH~~ OTHER LANGUAGES MLSC DETERMINES APPROPRIATE:

(1) DESCRIBING THE LEGAL RIGHTS OF TENANTS, ~~INCLUDING THE RIGHT AND THE ACCESS TO COUNSEL ESTABLISHED UNDER THIS SUBTITLE;~~ AND

(2) PROVIDING INFORMATION ON RESOURCES AVAILABLE TO TENANTS.

(B) A SHERIFF OR CONSTABLE SHALL PROVIDE A COPY OF THE PAMPHLET DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION IN ADDITION TO THE PROCESS SERVED ON A TENANT, AN ASSIGNEE, OR A SUBTENANT IN ACCORDANCE WITH THE FOLLOWING PROVISIONS OF THIS ARTICLE:

(1) AN EVICTION PROCEEDING FOR A FAILURE TO PAY RENT UNDER § 8-401;

(2) AN EVICTION PROCEEDING FOR A TENANT HOLDING OVER UNDER § 8-402; AND

(3) AN EVICTION PROCEEDING FOR A BREACH OF LEASE UNDER § 8-402.1.

8-906.

~~THE COORDINATOR~~ MLSC SHALL DESIGNATE AND CONTRACT WITH APPROPRIATE COMMUNITY GROUPS TO CONDUCT OUTREACH AND PROVIDE EDUCATION TO TENANTS LOCALLY AND THROUGHOUT THE STATE REGARDING TENANTS' RIGHTS, ~~INCLUDING THE RIGHT AND THE ACCESS TO LEGAL REPRESENTATION UNDER THIS SUBTITLE.~~

8-907.

~~(A)~~ ON OR BEFORE AUGUST 31 EACH YEAR, ~~THE OFFICE OF THE COORDINATOR~~ MLSC SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY:

(1) THE NUMBER OF COVERED INDIVIDUALS PROVIDED LEGAL REPRESENTATION DURING THE PREVIOUS CALENDAR YEAR;

(2) INFORMATION ON AND METRICS EVALUATING CASE OUTCOMES; AND

(3) A SUMMARY OF THE ENGAGEMENT AND EDUCATION OF TENANTS.

~~(B) THE COORDINATOR SHALL PUBLISH THE REPORT ON THE ATTORNEY GENERAL'S WEBSITE.~~

~~(C) THE COORDINATOR SHALL HOLD A PUBLIC HEARING ON THE REPORT.~~

8-908.

(A) THERE IS ~~A RIGHT~~ AN ACCESS TO COUNSEL IN EVICTIONS TASK FORCE.

(B) (1) THE TASK FORCE CONSISTS OF UP TO 15 MEMBERS APPOINTED BY THE OFFICE OF THE ATTORNEY GENERAL AND ~~MAY~~ SHALL INCLUDE:

(I) ~~REPRESENTATIVES~~ AT LEAST TWO REPRESENTATIVES OF THE MARYLAND STATE BAR ASSOCIATION;

(II) ~~REPRESENTATIVES~~ AT LEAST TWO REPRESENTATIVES OF TENANT ADVOCACY GROUPS OR DESIGNATED ORGANIZATIONS;

(III) ~~REPRESENTATIVES~~ AT LEAST TWO REPRESENTATIVES OF THE JUDICIARY;

(IV) ~~REPRESENTATIVES~~ AT LEAST TWO REPRESENTATIVES OF COMMUNITY GROUPS; ~~AND~~

(V) AT LEAST TWO REPRESENTATIVES OF LANDLORDS;

(VI) REPRESENTATIVES OF MLSC; AND

(VII) TENANTS AND OTHER INTERESTED CITIZENS.

(2) AT LEAST THREE MEMBERS OF THE TASK FORCE MUST BE TENANTS WHOSE INCOME DOES NOT EXCEED 50% OF THE STATE MEDIAN INCOME ADJUSTED FOR HOUSEHOLD SIZE.

(C) THE ATTORNEY GENERAL SHALL DESIGNATE THE CHAIR OF THE TASK FORCE.

(D) THE OFFICE OF THE ATTORNEY GENERAL SHALL PROVIDE STAFF FOR THE TASK FORCE.

~~(D)~~ (E) A MEMBER OF THE TASK FORCE:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE TASK FORCE; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

~~(E)~~ (F) THE TASK FORCE SHALL:

(1) EVALUATE THE PROVISION OF SERVICES UNDER THIS SUBTITLE, INCLUDING THE PERFORMANCE OF DESIGNATED ORGANIZATIONS AND ~~DESIGNATED~~ COMMUNITY GROUPS;

(2) STUDY POTENTIAL FUNDING SOURCES; AND

(3) MAKE RECOMMENDATIONS TO IMPROVE THE IMPLEMENTATION OF THIS SUBTITLE, INCLUDING NECESSARY POLICY AND STATUTORY CHANGES.

(G) ON OR BEFORE JANUARY 1, 2022, AND EACH JANUARY 1 THEREAFTER, THE TASK FORCE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

~~(F)~~ (H) THE TASK FORCE MAY APPLY FOR GRANTS FROM PUBLIC AND PRIVATE ENTITIES TO CARRY OUT THE DUTIES OF THE TASK FORCE.

8-909.

(A) THERE IS ~~A RIGHT~~ AN ACCESS TO COUNSEL IN EVICTIONS SPECIAL FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING TO FULLY IMPLEMENT ~~A CIVIL RIGHT~~ ACCESS TO LEGAL REPRESENTATION IN EVICTIONS AND OTHER RELATED PROCEEDINGS IN THE STATE.

(C) ~~THE COORDINATOR~~ MLSC SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

~~AND~~

(2) INTEREST EARNINGS OF THE FUND; AND

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) THE FUND MAY BE USED ONLY FOR:

(1) SERVICES PROVIDED BY A DESIGNATED ORGANIZATION OR ACTIVITY BY A COMMUNITY GROUP TO IMPLEMENT THE ~~RIGHT TO COUNSEL IN EVICTION PROCEEDINGS~~ PROGRAM AS PROVIDED IN THIS SUBTITLE, INCLUDING ALL COSTS ASSOCIATED WITH REQUIRED LEGAL REPRESENTATION IN ANY PROCEEDING AND ANY OUTREACH AND EDUCATION ACTIVITIES;

(2) IF A LOCAL JURISDICTION ENACTS A PROGRAM AUTHORIZED UNDER THIS SUBTITLE, SERVICES PROVIDED BY THE LOCAL JURISDICTION TO IMPLEMENT ~~THE RIGHT~~ ACCESS TO COUNSEL IN EVICTION PROCEEDINGS AS PROVIDED FOR IN THIS SUBTITLE, INCLUDING ALL COSTS ASSOCIATED WITH REQUIRED LEGAL REPRESENTATION IN ANY PROCEEDING AND ANY OUTREACH AND EDUCATION ACTIVITIES;

(3) ADMINISTRATIVE EXPENSES OF ~~THE OFFICE OF THE COORDINATOR~~ MLSC; AND

(4) EXPENSES RELATED TO THE STUDY AND EVALUATION OF:

(i) SERVICES AND ACTIVITIES PROVIDED UNDER THIS SUBTITLE; AND

(ii) FUNDING AMOUNTS AND SOURCES NECESSARY TO FULLY EFFECTUATE ~~A RIGHT~~ ACCESS TO COUNSEL IN EVICTION PROCEEDINGS.

(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE ~~GENERAL FUND OF THE STATE~~ FUND.

(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(I) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR CIVIL LEGAL SERVICES FROM ANY OTHER SOURCE.

8-910.

(A) LEGAL REPRESENTATION AS REQUIRED UNDER THIS SUBTITLE SHALL BE PHASED IN OVER TIME IN A MANNER THAT ~~THE COORDINATOR MLSC~~ DETERMINES APPROPRIATE ~~AFTER CONSULTATION WITH THE TASK FORCE AND SHALL BE FULLY IMPLEMENTED~~ WITH THE GOAL OF FULL IMPLEMENTATION BEFORE OCTOBER 1, 2025.

(B) PRIORITY IN FUNDING DURING THE PHASE-IN PERIOD WILL BE GIVEN TO TENANTS IN A LOCAL JURISDICTION THAT PROVIDES OR AGREES TO PROVIDE SIGNIFICANT ADDITIONAL LOCAL FUNDING TO EFFECTUATE ~~A RIGHT~~ ACCESS TO COUNSEL IN EVICTION PROCEEDINGS IN THE LOCAL JURISDICTION.

(C) ACCESS TO LEGAL REPRESENTATION UNDER THIS SUBTITLE IS SUBJECT TO THE AVAILABILITY OF FUNDING.

8-911.

(A) A LOCAL JURISDICTION MAY ENACT A LOCAL LAW PROVIDING FOR LEGAL REPRESENTATION IN EVICTION PROCEEDINGS FILED IN THE LOCAL JURISDICTION.

(B) IF A LOCAL JURISDICTION ENACTS A LOCAL LAW UNDER SUBSECTION (A) OF THIS SECTION PROVIDING FOR LEGAL REPRESENTATION IN EVICTION PROCEEDINGS SUBSTANTIALLY SIMILAR TO THAT DESCRIBED IN THIS SUBTITLE, ~~THE COORDINATOR MLSC~~ SHALL DIRECT FUNDING THAT WOULD HAVE BEEN ALLOCATED UNDER THIS SUBTITLE FOR THE BENEFIT OF THAT LOCAL JURISDICTION'S TENANTS TO THE LOCAL PROGRAM.

~~**8-912.**~~

~~THE COORDINATOR SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.~~

Article – State Finance and Procurement

6-226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

128. the Michael Erin Busch Sports Fund; [and]

129. the Coordinated Community Supports Partnership Fund;

AND

130. THE ACCESS TO COUNSEL IN EVICTIONS SPECIAL FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before October 1, 2021, the Maryland Judiciary shall develop and publish on its website a form titled “Notice of Intent to File a Complaint for Summary Ejectment” to facilitate the implementation of § 8–401(c) of the Real Property Article, as enacted by Section 1 of this Act.

(b) The form required under subsection (a) of this section shall include:

(1) The date the notice is provided to the tenant and a description of the manner of delivery of the notice;

(2) A description of the past due rent in dispute, including:

(i) The amounts of rent and late fees due to the landlord, excluding charges related to utilities, services, other fees, fines, or court costs; and

(ii) The specific periods of time to which the past due rent and fees correspond;

(3) A statement informing the tenant that, on request of the tenant, the landlord will promptly provide an itemized accounting of debits and credits;

(4) A statement containing information on rental assistance programs;

(5) The contact information of the landlord;

(6) A statement that the landlord may initiate an action for repossession in the District Court if the tenant does not cure within 10 days after form notice is provided and that the tenant has the legal right to dispute the charges;

(7) Contact information for nonprofit legal services organizations that may provide legal advice or access to legal representation to the tenant, as compiled by the Maryland Legal Services Corporation; and

(8) Contact information for the following resources of the court:

- (i) The Alternative Dispute Resolution Office; and
- (ii) The Self-Help Center.

SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.