

HOUSE BILL 712

N1

2lr0516
CF SB 521

By: **Delegate Rosenberg**

Introduced and read first time: January 31, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Landlord and Tenant – Access to Counsel in Evictions Special Fund –**
3 **Mandatory Appropriation**

4 FOR the purpose of requiring the Governor to appropriate a certain amount of federal
5 rental assistance money to the Access to Counsel in Evictions Special Fund;
6 requiring certain excess federal rental assistance funds to be appropriated to the
7 Fund; and generally relating to the Access to Counsel in Evictions Special Fund.

8 BY repealing and reenacting, with amendments,
9 Article – Real Property
10 Section 8–909
11 Annotated Code of Maryland
12 (2015 Replacement Volume and 2021 Supplement)

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

15 **Article – Real Property**

16 8–909.

17 (a) There is an Access to Counsel in Evictions Special Fund.

18 (b) The purpose of the Fund is to provide funding to fully implement access to
19 legal representation in evictions and other related proceedings in the State.

20 (c) MLSC shall administer the Fund.

21 (d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of
22 the State Finance and Procurement Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) The State Treasurer shall hold the Fund separately, and the
2 Comptroller shall account for the Fund.

3 (e) The Fund consists of:

4 (1) Money appropriated in the State budget to the Fund;

5 (2) Interest earnings of the Fund; and

6 (3) Any other money from any other source accepted for the benefit of the
7 Fund.

8 (f) The Fund may be used only for:

9 (1) Services provided by a designated organization or activity by a
10 community group to implement the Program as provided in this subtitle, including all costs
11 associated with required legal representation in any proceeding and any outreach and
12 education activities;

13 (2) If a local jurisdiction enacts a program authorized under this subtitle,
14 services provided by the local jurisdiction to implement access to counsel in eviction
15 proceedings as provided for in this subtitle, including all costs associated with required
16 legal representation in any proceeding and any outreach and education activities;

17 (3) Administrative expenses of MLSC; and

18 (4) Expenses related to the study and evaluation of:

19 (i) Services and activities provided under this subtitle; and

20 (ii) Funding amounts and sources necessary to fully effectuate
21 access to counsel in eviction proceedings.

22 (g) (1) The State Treasurer shall invest the money of the Fund in the same
23 manner as other State money may be invested.

24 (2) Any interest earnings of the Fund shall be credited to the Fund.

25 (h) Expenditures from the Fund may be made only in accordance with the State
26 budget.

27 (i) Money expended from the Fund is supplemental to and is not intended to take
28 the place of funding that otherwise would be appropriated for civil legal services from any
29 other source.

30 **(J) (1) FOR FISCAL YEAR 2024 AND EACH FISCAL YEAR THEREAFTER,**
31 **THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION**

1 TO THE FUND EQUAL TO THE MAXIMUM AMOUNT OF ANY FEDERAL RENTAL
2 ASSISTANCE MONEY THAT MAY BE USED FOR LEGAL REPRESENTATION THAT IS:

3 (I) AVAILABLE TO THE STATE, BUT UNAPPROPRIATED; OR

4 (II) ANTICIPATED TO BE RECEIVED BY THE STATE BEFORE THE
5 END OF THE FISCAL YEAR FOR WHICH THE APPROPRIATION IS PROPOSED.

6 (2) BEGINNING IN FISCAL YEAR 2023, IF THE GOVERNOR
7 APPROPRIATES FEDERAL RENTAL ASSISTANCE THROUGH A BUDGET AMENDMENT,
8 THE MAXIMUM AMOUNT OF ANY ASSISTANCE THAT MAY BE USED FOR LEGAL
9 REPRESENTATION SHALL BE APPROPRIATED TO THE FUND IN ACCORDANCE WITH §
10 7-217 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

11 SECTION 2. AND BE IT FURTHER ENACTED, That:

12 (a) Subject to subsection (b) of this section, any excess federal rental assistance
13 money received by the State in fiscal year 2022 shall be appropriated to the Access to
14 Counsel in Evictions Special Fund in accordance with § 7-217 of the State Finance and
15 Procurement Article.

16 (b) The total amount of federal rental assistance funds appropriated to the Fund
17 under this section may not exceed limits enacted in federal law.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
19 1, 2022.