

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 760
Judiciary

(Delegate Embry, *et al.*)

**Maryland Legal Services Corporation - Affordable Life, Wills, and Estate
Planning for Seniors Grant Program**

This bill establishes the Affordable Life, Wills, and Estate Planning for Seniors Grant Program within the Maryland Legal Services Corporation (MLSC) to provide eligible seniors access to affordable civil law-related services. Beginning December 1, 2023, and annually thereafter, MLSC must report to the Governor and the General Assembly on the implementation and utilization of the program. The Governor must include a \$225,000 appropriation for the program in the annual budget. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: General fund expenditures increase by \$225,000 annually for the program. Funding in FY 2024 is discretionary; future years reflect the mandated appropriation. Revenues are not affected. **This bill establishes a mandated appropriation beginning FY 2025.**

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	225,000	225,000	225,000	225,000	225,000
Net Effect	(\$225,000)	(\$225,000)	(\$225,000)	(\$225,000)	(\$225,000)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: The provision of services under the program must be in accordance with the Maryland Legal Services Corporation Title of the Human Services Article. The program must provide (1) an intake method, which may include a referral hotline, to screen clients by eligibility and by legal need; (2) an outreach method for matching eligible clients to a grantee, as specified; and (3) a grant program to fund grantees representing eligible clients, particularly in rural communities, when no other attorneys are readily available. MLSC must publicize the program, including in rural communities.

The program must provide eligible clients with legal services concerning primarily wills, powers of attorney, special needs trusts, advance health care directives, and life estate deeds. MLSC may contract with a grantee to provide all or part of the services under the program. MLSC may seek funds from any other source to aid in the administration of the program.

Current Law: MLSC was established by the General Assembly in 1982 to raise funds and make grants to nonprofit organizations for the provision of civil legal assistance to low-income persons in Maryland. MLSC is governed by a nine-person board of directors appointed by the Governor with the advice and consent of the Senate. The Maryland Legal Services Corporation Board appoints the executive director, who serves *ex officio* on the board and manages the organization.

As specified in Title 11 of the Human Services Article, MLSC has the purpose of receiving and distributing funds to “grantees” that provide legal assistance to eligible clients in civil proceedings or matters. A grantee means a nonprofit organization that is (1) qualified under § 501(c)(3) of the Internal Revenue Code; (2) provides legal assistance to eligible clients; and (3) receives financial assistance, as specified, from MLSC.

One of MLSC’s principal funding sources is the Interest on Lawyer Trust Account program, also established by State legislation in 1982. Other major funding is from specified surcharges on court filing fees and an annual distribution from the Abandoned Property Fund.

Additional Information

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

Designated Cross File: SB 351 (Senator M. Washington) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Budget and Management; Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2023
km/jkb Third Reader - April 6, 2023
Revised - Amendment(s) - April 6, 2023

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