

**Senate Bill 454**  
**Real Property – Alterations in Actions for Repossession and  
Establishment of Eviction Diversion Program**  
**Senate Judicial Proceedings Committee**  
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The Maryland Access to Justice Commission (A2JC) is an independent entity supported by the Maryland State Bar Association (MSBA) that unites leaders to drive reforms and innovations to make the civil justice system accessible, fair and equitable for all Marylanders. Prominent leaders from different segments of the legal community in Maryland – including the deans of the two law schools, the attorney general, law firm partners, heads of the legal services providers and funders, corporate counsel, academics, legislators, the state bar and judiciary comprise the A2JC.

During the course of the COVID-19 pandemic, A2JC served as the lead partner in the [Maryland Attorney General's COVID-19 Access to Justice Task Force](#), with its executive director serving as the A2J Task Force's Vice Chair.

For the past six months, the Task Force has convened more than 300 stakeholders across the public and private sectors to confront COVID-19's access to justice crisis. The Task Force has developed strategies for reforming long-standing inequities in housing access and several other civil legal areas. The resulting report, "Confronting the COVID-19 Access to Justice Crisis" is available online [here](#). Senate Bill 454 arose as a key recommendation of the Task Force's Housing Security Committee, which extensively analyzed and made recommendations to avert the looming eviction crisis.

Eviction is a legal process carried out by District Courts in Maryland. In any given year, even before the COVID-19 pandemic, Maryland courts confronted, managed and adjudicated over 650,000 rent court filings. The number of actual evictions is wholly disproportionate to the number of filings, indicating that there are structural deficiencies that allow for an unnecessary number of filings, that there is opportunity to reduce case numbers, and that processes can be put in place that increase fairness for all parties in the civil justice system.

It is important to note, that beyond the constant stress and threat of eviction, there are additional costs associated with the continual churn of defending rent court cases, including time off from work, mounting court costs and fees, and barriers to finding future housing.

Now, as a result of the COVID-19 pandemic, Maryland faces an inordinate challenge to prevent mass eviction and displacement - which will cost the state a tremendous amount - in terms of health care costs, re-housing costs, and the human cost of lives lost as a result of evictions. An estimated 320,000 households are at risk of eviction by 2021.

One of the most critical ways that SB454 addresses the inordinate amount of unnecessary case filings is by establishing a 10 day notice period before a Failure to Pay Rent eviction case can be filed and requires landlords to attempt alternative resolutions. This makes sense. Currently, Maryland is an outlier among other states in that there is no pre-filing notice requirement. Taking 10 days to seek rental assistance or a payment plan could in itself could lower the volume of cases and the chances of eviction.

Further, once a case is filed, SB454 allows for cases to be diverted from the court docket so that courts could focus on housing stability of individuals coming before them, instead of housing loss. Maryland courts have been active in setting up diversion programs for other types of cases and individuals, including drug courts and more. The same approach can be used by the courts to prevent evictions at a time when so much is at stake in relation to the health and economic recovery of Marylanders and the state as a whole.

Overall, SB 454 is about putting processes in place to prevent evictions. The bill promotes early engagement, alternative resolutions, and effective use of public resources – including both rental assistance and free legal services. It also strengthens the fairness of the FTPR eviction process without unduly delaying landlords' right to repossess a property through the courts.

As Attorney General Frosh noted in his introduction to the Report:

COVID-19 did not create the systemic failings and inequities of our social safety net and civil justice system. Those most vulnerable to any setback have disproportionately experienced the effects of these deficiencies for generations. Yet the pandemic exacerbated and brought to light with painful clarity these deficiencies and the suffering that they cause. We must, therefore, seize this unprecedented chance and collectively work together to fix them.

For the reasons stated, A2JC urges the Committee's FAVORABLE report on SB 454. For more information, please contact Reena K. Shah, Executive Director of the Maryland Access to Justice Commission, at [reena@msba.org](mailto:reena@msba.org).