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Baltimore County

Judicial Proceedings Committee

Joint Committee on Children, Youth,
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Joint Committee on the Chesapeake
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TESTIMONY OF SENATOR SHELLY HETTLEMAN
SB521 Landlord and Tenant - Access to Counsel in Evictions Special Fund –
Mandatory Appropriation

The Access to Counsel bill (HB 18) enacted into law this past October mandates that eligible tenants “shall have access to counsel” when faced with the possibility of eviction. We have learned much about the dramatic consequences of displacing someone from their home: the public health effects, the increased costs of education, shelter, transportation for homeless youth. And, the disparate impact of eviction on Black and Brown households.

We have also learned that tenants who have counsel are substantially more likely to avoid displacement than those who do not. Having counsel creates a more level playing field before a court where over 90% of landlords have either attorneys or highly trained agents to represent them while barely 10% do.

While we made substantial progress ensuring Access to Counsel in last year’s General Assembly, we did not provide a sustainable funding source for the program. Sb 521 is meant to address that issue.

The Maryland Legal Services Corporation (MLSC) estimates that full implementation of Access to Counsel will cost approximately \$30 million per year based on an extrapolation of a consulting firm’s study of access to counsel in Baltimore City.

SB521 requires, beginning in fiscal 2023, that if the Governor appropriates federal rental assistance through a budget amendment, the maximum amount of any assistance that may be used for legal representation must be appropriated to the Access to Counsel in Evictions (ACE) Special Fund. In fiscal 2024, the Governor must include in the annual budget bill an appropriation to the ACE Special Fund that is equal to the maximum amount of any federal rental assistance money that may be used for legal representation that is (1) available to the State but unappropriated or (2) anticipated to be received by the State before the end of the fiscal year for which the appropriation is proposed. Finally, subject to federal law, any excess federal rental assistance money received by the State in fiscal 2022 must be appropriated to the ACE Special Fund.

This bill ensures that the maximum allowable appropriation that can be directed to the ACE fund is directed there. Legal services providers across Maryland have represented tenants in and out of the courtroom to prevent homelessness and evictions. This bill ensures that a reliable funding source is maximized to support the ACE fund.