
SB: 279

HEARING BEFORE THE JUDICIAL PROCEEDINGS COMMITTEE, FEBRUARY 9, 2022 at 1:00 PM

POSITION: SUPPORT

The Pro Bono Resource Center of Maryland (“PBRC”), an independent 501(c)(3) non-profit organization, is the statewide clearinghouse for volunteer civil legal services in Maryland. As the designated pro bono arm of the Maryland State Bar Association, PBRC provides training, mentorship, and pro bono service opportunities to members of the private bar. We respond to acute legal needs identified in areas across the state by piloting innovative pro bono service projects targeting specific legal problems or populations.

PBRC urges a FAVORABLE report on SB 279. PBRC supports SB 279 because the Access to Counsel in Evictions Special Fund needs to be funded. Using the additional revenue recovered by the Division of Consumer Protection of the Office of the Attorney General to help fund legal representation for the most vulnerable residents of our state makes sense. SB 279 offers a logical way to increase funding for this critical service without imposing any additional burden on courts or landlords.

In May 2017, with a grant from the Maryland Judiciary’s Access to Justice Department, PBRC launched the **Tenant Volunteer Lawyer of the Day Program (TVLD Program)** in Baltimore City Rent Court to provide day-of-court legal representation to tenants who appear unrepresented for their proceedings. In September 2021, the TVLD Program received additional funding to expand to Baltimore County. Typically among the poorest residents of Baltimore City and Baltimore County, tenants appearing in Rent Court often contend with difficult and unsafe living conditions and are unaware of the judicial process, their rights as renters or valid defenses they could raise in the face of eviction proceedings. Because tenants rarely have counsel while landlords are nearly always represented, PBRC has stepped in to help level the playing field.

PBRC attorneys have seen first-hand that access to counsel makes a difference for tenants. In FY 2021, 76% of TVLD clients either avoided an eviction entirely or were granted a postponement delaying their eviction based upon a valid defense asserted at court – outcomes that would rarely be possible without the assistance of counsel. In acknowledgement of the existing inequities as well as the value of access to counsel, the General Assembly passed HB 18 in 2021. It provides access to counsel for residential tenants in eviction cases. However, access to counsel on paper is meaningless if there is insufficient funding to make it a reality. In order to realize HB 18’s guarantee of access to counsel in these important cases, all potential sources of funding should be considered.

SB 279 is a straightforward bill that makes sense as a supplemental funding source for the Access to Counsel in Evictions Special Fund. It simply ensures that penalties assessed against predatory landlords would, in part, be directed to the Fund. It does not alter existing law to increase these penalties, nor does it impose any additional burden on courts. As stated in the preamble to the bill itself, Maryland already permits penalties assessed against other bad actors to be directed to funds meant to ameliorate the consequences of their actions. It is logical that this pattern continue with respect to predatory landlords who violate Maryland’s consumer protection laws. Although far more funding for Access to Counsel is needed, SB 279 will help move the State in the right direction.

SB 279 will help to ensure the provision of critical legal services those who need them most. PBRC supports SB 279.

Thank you for the opportunity to testify.

For the above reasons,

PBRC urges a FAVORABLE report on SB 279.

Please contact Katie Davis, Director of PBRC’s Courtroom Advocacy Project, with any questions.

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