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TESTIMONY ON SB0662/HB0724 - POSITION: FAVORABLE
Access To Counsel In Evictions Special Fund-Funding

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Mark Martin

My name is Mark Martin and I live in Baltimore City in District 40. This testimony is in support of SB0662/HB0724.

As a lawyer who has for years provided, pro bono, legal information to people caught up in Landlord-Tenant court, I have seen first-hand the problems tenants face, most devastatingly, the fears and disruption associated with evictions. Regrettably, Maryland rent courts are so tilted in favor of landlords that they contribute to the state's unconscionably high eviction rates, with tragic consequences for those made homeless, disproportionately Black women, and the larger community.

Last year, the General Assembly acknowledged these serious deficiencies and took an historic step toward redressing them by passing HB 018. The program created by that statute, when fully implemented, will ensure that low income Marylanders facing eviction will have access to legal counsel in rent court.

Providing tenants with legal representation is a proven, cost-effective way to level the judicial playing field and thereby prevent unnecessary evictions and increase housing stability. When tenants have counsel, landlords cannot obtain evictions just by filing suit. Other jurisdictions around the country have implemented access to counsel laws, resulting in both fewer evictions and substantial savings in the form of reduced service costs.

The General Assembly expected implementation of the new statewide access to counsel program to be phased in over several years. Now is the time for the legislature to take the most crucial next step: fund the program. HB 018 established an Access to Counsel in Evictions Special Fund, but the legislature has not yet allocated any money to it. In its January 2022 Report, the Access To Counsel In Evictions Task Force (a body created by HB 018) emphasized that “[f]unding is the most urgent and critical need” (at 25) and urged the legislature to “[p]rovide sufficient funding . . . to fully implement the Program throughout the State as required by the statute” (at 24).

SB0662/HB 0724 does just this. It requires the Comptroller, in FY2023, to distribute \$11.8 million to the Special Fund from proceeds held by the State as a result of the sale of abandoned properties. The dollar amount is right on target: The Task Force projected that the “funding needed for the upcoming fiscal year is approximately \$12 million” (at 24). (The dollar figure required under this bill may properly be adjusted to take account of the Governor’s just last week allocating \$5.4 million to the Special Fund.) And the bill provides funding that is straightforward, immediate, and non-contingent, which is consistent with the principle that monies for the Special Fund come from “the gold standard and most stable source of funding—an annual state appropriation” (at 25).

There is no excuse for delay; the need for tenants’ counsel is greater than ever. As the Task Force warned, without funding “this Program cannot be implemented and nothing will change for the many low-income Marylanders who face eviction” (at 25). Simply put, funding the program can make the difference between a tenant’s staying in her home and facing homelessness. Failure to fund access to legal representation now would be a betrayal and turn the new program into a Potemkin Village. The General Assembly should carry through on what it so wisely started. I urge the committee to return a favorable report on SB0662/HB 0724.

Reference: https://www.marylandattorneygeneral.gov/A2C_docs/ATC_Task_Force_Report.pdf