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Disability Rights Maryland

Judiciary Committee

February 16, 2022

SB 662 – Access to Counsel in Evictions Special Fund – Funding

POSITION: SUPPORT

Disability Rights Maryland (DRM – formerly Maryland Disability Law Center) is the federally designated Protection and Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM works to increase opportunities for Marylanders with disabilities to be part of their communities and live in safe, affordable and accessible housing. This includes representing persons with disabilities in eviction proceedings to prevent unnecessary homelessness and institutionalization.

DRM supports SB 662. This legislation positively alters the Access to Counsel in Evictions Special Fund by allocating \$11.8 million in FY 23. This allocation would help thousands Maryland families avoid disruptive displacement in eviction actions. SB 662 would transfer \$11.8 million from the Abandoned Property Fund to the Access to Counsel in Evictions Fund in FY 2023. Because the Governor recently allocated \$5.4 million for this purpose, we support a sponsor amendment to reduce the amount sought in SB 662 to \$6.4 million.

The \$5.4 million proposed by Governor Hogan for counsel in eviction cases is insufficient because local jurisdictions are slated to lose about \$4.4M in one-time, federal funding for eviction representation that is running out. The State and local jurisdictions have used mostly federal money to expand access to counsel in FY 21 & 22. SB 662 provides necessary funding to align with recommendations from the Attorney General's Access to Justice Commission.

When tenants have access to counsel in eviction proceedings, their outcomes in Court improve. DRM frequently represents tenants facing evictions because of their disabilities. For example, DRM successfully dismissed three failure to pay rent (FTPR) actions against a client after showing the tenant paid rent for the months alleged on the complaints. DRM successfully preserved a client's tenancy asserting her rights to inherit the lease from her deceased mother, and therefore the landlord could not pursue an unlawful detainer. It is because these clients had representation that they remain housed.

Without DRM's representation, these families would have most certainly been evicted. SB 662 will allow DRM and other legal service providers to represent more families and prevent more unnecessary evictions. SB 662 advances Maryland's policy of affording the right to counsel in eviction proceedings. Access to Counsel has had a positive benefit for people with disabilities by providing housing security and preventing unnecessary institutionalization. Therefore, we encourage a favorable report. Thank you for considering our views.

Please do not hesitate to contact Kane Levings at kanel@disabilityrightsmd.org for any questions.