

BRIAN E. FROSH
Attorney General



ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.
410-576-6584

February 16, 2022

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: HB 712 – Landlord and Tenant – Access to Counsel in Evictions Special Fund –
Mandatory Appropriation – **Support**

Chair Clippinger, Vice Chair Moon, and distinguished Members of the Judiciary Committee, I write to urge you to favorably report House Bill 712. This legislation is Delegate Rosenberg's bill requiring the Governor to appropriate to the Access to Counsel in Evictions Special Fund the maximum amount of any federal rental assistance money that may be used for legal representation (i) available to the state, but unappropriated; or (ii) anticipated to be received by the State before the end of the fiscal year for which the appropriation is proposed.

House Bill 712 is necessary because Governor Hogan has not allocated anything to the Access to Counsel in Evictions Fund. Chapter 746 of 2021 created a right to counsel in eviction matters for qualifying individuals and created the Access to Counsel in Evictions Task Force ("Task Force") consisting of 15 members the Attorney General appointed. Between October 1, 2021, and January 2022, the Task Force convened multiple stakeholder meetings and drafted its first annual report. That January 2022 report, in turn, recommended that Maryland provide the Access to Counsel in Evictions Fund with sufficient funding to serve tenants in need.¹ Working with the Maryland Legal Services Corporation ("MLSC"), the Task Force "estimated that approximately \$12 million in funding was needed for fiscal 2023."² However, Governor Hogan's 2023 allowance omits funding for the Access to Counsel in Evictions Program. The Task Force placed heavy emphasis upon the need for dedicated, sustainable, and reliable funding

¹ See Report of the Access to Counsel in Evictions Task Force 24-27 (Jan. 2022), available online at: https://www.marylandattorneygeneral.gov/A2C_Docs/ATC_Task_Force_Report.pdf; see also, 2023FY Office of the Attorney General Budget Analysis 12-13 (2022), available online at: <https://mgaleg.maryland.gov/pubs/budgetfiscal/2023fy-budget-docs-operating-C81C-Office-of-the-Attorney-General.pdf>.

² 2023FY Office of the Attorney General Budget Analysis 13 (2022), available online at: <https://mgaleg.maryland.gov/pubs/budgetfiscal/2023fy-budget-docs-operating-C81C-Office-of-the-Attorney-General.pdf>.

in the out years. Moreover, MLSC, the administrator of the program, projects that full implementation will require \$30 million annually. House Bill 712 will ensure that the so long as federal funding for rental assistance flows into Maryland, the State will utilize the maximum amount of such funding allowable to provide people of limited means with counsel.

For the foregoing reasons, Attorney General Frosh urges a favorable report on House Bill 712.

cc: Committee Members