



ACCESS TO COUNSEL IN EVICTIONS TASK FORCE



February 16, 2022

To: The Honorable Luke Clippinger
Chair, House Judiciary Committee

From: Vicki Schultz
Chair, Access to Counsel in Evictions Task Force

Re: House Bill 712 – Landlord and Tenant – Access to Counsel in Evictions Special Fund –
Mandatory Appropriation (SUPPORT)

The Maryland Access to Counsel in Evictions Task Force strongly supports House Bill 712, which directs the Governor to appropriate federal rental assistance money that may be used for legal representation to the Access to Counsel in Evictions Special Fund. The Access to Counsel in Evictions Program, once funded, is an effective strategy to prevent evictions, promote housing stability and address the disproportionate impact evictions have on people and communities of color.

As noted in the Task Force’s first annual report in January 2022, funding the Access to Counsel in Evictions Program is an “urgent and critical need.” Maryland Legal Services Corporation, the administrator of the Program, has projected that full implementation of the Program will require \$30 million per year.¹ As yet, no money has been deposited into the Special Fund, delaying implementation of the Program and depriving low-income Marylanders facing eviction of the legal representation that they desperately need and the General Assembly intended to provide.

The Task Force has recommended an annual appropriation in the State’s operating budget as the primary source of funding for the Special Fund because stable funding is crucial to ensure the Program’s success. As the Task Force explained, “[f]luctuations that come from relying on intermittent funding sources could have deleterious impacts on staffing levels, outreach efforts, and more.” The Task Force also recommended that federal rental assistance funds be used to help jumpstart the Access to Counsel in Evictions Program.² The federal government has encouraged the use of these funds to provide legal services to tenants facing eviction. House Bill 712 is consistent with both of those recommendations, and the Task Force therefore respectfully requests that the Judiciary Committee issue a favorable report on the bill.

¹ That projection—which includes funding for legal services, required outreach and education, administration, and evaluation of the Program—will be revisited and changed as needed as implementation progresses.

² Accounting for a phased implementation period, the Task Force asked Governor Hogan to allocate approximately \$12 million to the Special Fund for this fiscal year. Although the Department of Housing and Community Development recently announced that approximately \$5.4 million of the second phase of federal emergency rental assistance (ERAP 2) funds will be used for legal services, those funds have not yet been deposited into the Special Fund and there has been no formal announcement that they will ultimately be directed there.