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HB712

**Landlord and Tenant - Access to Counsel in Evictions Special Fund -
Mandatory Appropriation**

House Judiciary Committee

SUPPORT

The Maryland Access to Justice Commission (A2JC) is an independent entity supported by the Maryland State Bar Association (MSBA) that unites leaders to drive reforms and innovations to make the civil justice system accessible, fair and equitable for all Marylanders. Prominent leaders from different segments of the legal community in Maryland – including the deans of the two law schools, the attorney general, law firm partners, heads of the legal services providers and funders, corporate counsel, academics, legislators, the state bar and judiciary comprise the A2JC.

**The Maryland Access to Justice Commission Supports the Principle of Funding the
Access to Counsel in Evictions Fund**

Last year, the Maryland General Assembly passed HB18, creating a statewide Access to Counsel in Eviction Program. The bill became law, effective October 1, 2021. However, the Program remains unfunded. The law mandated the [Access to Counsel in Evictions Task Force](#), whose leadership was composed of members of the Access to Justice Commission, started its work on October 1, 2021 and delivered its [final report](#) on January 1, 2022. The report is clear to highlight that *“[f]unding is the most urgent and critical need.”*

Indeed, the report goes on to state the following:

Without [funding], this Program cannot be implemented and nothing will change for the many low-income Marylanders who face eviction. The Task Force strongly recommends that the necessary funding be identified and deposited into the Fund so that phased implementation for the Program can begin. The recommendations for sufficient Program funding begin with the gold standard and most stable source of funding—an annual state appropriation for the Program—and progress to recommend other sources as well.

The Maryland Access to Justice Commission supports the use of Federal Funds to Fund the Access to Counsel Program

Since the passage of HB 18, the Maryland Access to Justice Commission has spearheaded efforts and sent two letters to Governor Hogan requesting the use of a small portion of the billions in federal funds coming into the state through the Emergency Rental Assistance Program (ERAP) to be used to jumpstart funding for the Access to Counsel Program.

Further, the Access to Counsel Task Force also sent a letter to Governor Hogan requesting use of federal funds to fund the Access to Counsel Program.

Several Other Jurisdictions have used Federal Funds to Fund Right to Counsel in Eviction Programs

Several other jurisdictions with eviction right-to-counsel programs, as well as others who ramped up eviction prevention legal services in response to the COVID-19 pandemic, have made use of federal funds. Connecticut, one of two other states with similar programs, has allocated \$20 million of Coronavirus State Fiscal Recovery Funds (CSFRF) for eviction prevention legal services. Local jurisdictions—including Maricopa County, Arizona; Louisville, Kentucky; Cuyahoga County, Ohio; and Milwaukee County, Wisconsin—have also used COVID-related federal funding to launch or shore up services.

The Federal Government has Supports the Use of Federal Funds for Legal Services

The federal government has expressly and repeatedly encouraged states to use ERAP 2 funds to support legal services programs. The federal government has given guidance that up to 10% of ERAP 2 funds may be used for housing stability services, including legal services.

Eviction is a Legal Process and the Access to Counsel in Evictions Program must be Funded

Eviction is a legal process. Evictions in Maryland have continued despite moratoriums and despite rental assistance. Having legal representation in court during eviction proceedings has been proven to be a cost-effective way to prevent evictions. The Access to Counsel in Eviction Program must be funded to have the intended effect of preventing evictions.

For the reasons stated, the Maryland Access to Justice Commission requests the House Judiciary Committee to issue a FAVORABLE report on HB712. For more information, please contact Reena K. Shah, Executive Director of the Maryland Access to Justice Commission, at reena@msba.org.