
HB 724 - Access to Counsel in Evictions Special Fund - Funding
HEARING BEFORE THE JUDICIARY COMMITTEE, FEBURARY 16, 2022 at 1:00 PM
POSITION: SUPPORT

The Pro Bono Resource Center of Maryland (“PBRC”), an independent 501(c)(3) non-profit organization, is the statewide coordinator, thought leader and clearinghouse for volunteer civil legal services in Maryland. As the designated pro bono arm of the Maryland State Bar Association, PBRC provides training, mentorship, and pro bono service opportunities to members of the private bar. We respond to acute legal needs identified in areas across the state by piloting and - operating innovative pro bono service projects targeting specific legal problems or populations.

PBRC urges a FAVORABLE report on HB 724. PBRC supports HB 724 because the Access to Counsel in Evictions Special Fund must be funded. HB 724 would transfer \$11.8 million from the Abandoned Property Fund to the Access to Counsel in Evictions Fund in FY 2023.

In May 2017, with a grant from the Maryland Judiciary’s Access to Justice Department, PBRC launched the **Tenant Volunteer Lawyer of the Day Program (TVLD Program)** in Baltimore City Rent Court to pilot a unique day-of-court model for leveraging the private bar to work along with staff attorneys to provide legal representation to tenants who appear unrepresented in rent court. In September 2021, the TVLD Program received additional funding to expand its services to Baltimore County. Typically among the poorest residents of Baltimore City and Baltimore County, tenants appearing in Rent Court often contend with difficult and unsafe living conditions and are unaware of the judicial process, their rights as renters or valid defenses they could raise in the face of eviction proceedings. Because tenants rarely have counsel while landlords are nearly always represented, PBRC has stepped in to help level the playing field. Since 2017, PBRC staff and pro bono attorneys have represented over 1687 tenants, 76% of whom either avoided an eviction entirely or were granted a postponement delaying their eviction based upon a valid defense asserted at court – outcomes that would rarely be possible without the assistance of counsel. To accomplish this, PBRC as has engaged the private bar, leveraging over 1277 hours of pro bono legal services and training over 180 private attorneys.

Nonetheless, PBRC and other legal services organization are far from able to meet the current need. Despite holding two clinics in Baltimore County each week, engaging the private bar and hiring additional staff, we estimate that our same-day in-court services have reached far less than one-third of the renters in need of legal representation in Baltimore County. In fact, the Maryland Legal Services Corporation (MLSC) estimates that there are 29,683 limited-income residents who currently have an unmet need for legal representation in eviction cases.

Representation balances the scales and saves the state money. By fully implementing Access to Counsel, the State can help save an estimated \$62M from reduced emergency room, shelter, and foster care costs. It is much less expensive to keep people housed than provide services when they are homeless. Passed in recognition of these facts in 2021, HB 18 mandates that all limited-income tenants in eviction cases “shall have access to legal representation as provided under this subtitle.” RP § 8-902. It is time for the General Assembly to begin to fulfill this promise by passing HB 724.

HB 724 is a straightforward bill that will help make HB 18 a reality. The General Assembly must act to fully fund Access to Counsel in Evictions to prevent the law from becoming an empty promise. PBRC is a member of the Renters United Maryland coalition and asks that the Committee issue a report of FAVORABLE on HB 724.

HB 724 will help to ensure the provision of critical legal services those who need them most. Thank you for the opportunity to testify.

For the above reasons,

PBRC urges a FAVORABLE report on HB 724.

Please contact Katie Davis, Director of PBRC’s Courtroom Advocacy Project, with any questions.

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