



**Bill No:** HB 571-- Access to Counsel in Evictions Special Fund - Alteration

**Committee:** Judiciary

**Date:** 2/16/22

**Position:** Favorable with Amendments

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George's Counties.

This bill alters the funding sources of the Access to Council in Evictions Special Fund to include funds received by the Consumer Protection Division in the Office of the Attorney General from any settlement, agreement, or judgment related to an investigation or enforcement of the Maryland Consumer Protection Act for an unfair, abusive, or deceptive trade practice regarding residential rental property. The bill excludes from the fund any monies received by the aggrieved party and the AG's costs to bring the action.

AOBA supports the creation of a dedicated funding source for the Access to Counsel in Evictions program. As such, AOBA supports the intent of this legislation.

AOBA supports an amendment to ensure that this bill is not construed to allow for fees from informal mediation. The Consumer Protection Division of the Attorney General's Office can suggest informal mediation between housing providers and residents when complaints are brought. These matters are often smaller in scope, handled swiftly and do not involve large monetary amounts. When housing providers mediate complaints, AOBA believes the proceeds should be excluded from the Fund. AOBA also seeks to ensure that housing providers are not required to pay into the fund merely for investigations into complaints, but only after a housing provider has been found in violation of the Consumer Protection Act, and that they are entitled to exhaust all their administrative remedies.

### **Amendments to HB 571**

1. On page 2, line 27 after the words "EXCLUDING ANY MONEY" insert "RESULTING FROM COMPLAINTS RESOLVED THROUGH THE DIVISION'S INFORMAL MEDIATION PROCESS AND FUNDS"

2. On page 2 line 25, strike "INVESTIGATION".

**For these reasons AOBA requests a favorable with amendment report on HB 571.**

For further information contact Erin Bradley, AOBA Vice President of Government Affairs, at 301-904-0814 or [ebradley@aoba-metro.org](mailto:ebradley@aoba-metro.org).