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**MARYLAND HOUSE JUDICIARY COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE
IN SUPPORT OF HB0187: ESTATES AND TRUSTS –
ADMINISTRATION OF ESTATES – FEES**

WEDNESDAY, JANUARY 19, 2022

Chair Clippinger and distinguished members of the Committee, thank you for the opportunity to testify in support of House Bill 0187.

My name is Margaret Henn, and I am the Director of Program Management at the Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest provider of pro bono civil legal services to low-income Marylanders. MVLS was founded in 1981 by a group of concerned Maryland lawyers, legal services providers and leadership of the Maryland State Bar Association. Since then, our statewide panel of over 1,700 volunteers has provided free legal services to over 100,000 Marylanders in a wide range of civil legal matters. In FY21, MVLS volunteers provided legal services to 3,353 people across the state. As part of our Advance Planning Project and My Home, My Deed, My Legacy Project, we encounter numerous clients facing economic barriers, such as probate fees and large property tax bills, which make it impossible to transfer property. For the reasons explained below, we respectfully request a favorable report on House Bill 0187.

The Advanced Planning Project is an outreach effort designed to stabilize neighborhoods, preserve family assets and reduce the number of properties with deed and title entanglements that prevent homes from being in productive use. In conjunction with community partners, MVLS is raising awareness about the importance of estate planning, especially in the context of community stabilization in Baltimore City. As part of the My Home, My Deed, My Legacy Project, MVLS provides homeowner legal clinics to help clients stabilize their homes, through estate planning discussions, and secure critically important resources, including the Homeowners' Property Tax Credit. MVLS's community outreach and provision of legal services on these issues are statewide as the challenges with deeds and estate administration is a statewide problem. Additionally, the My Home, My Deed, My Legacy Project provides continuing direct representation, both by volunteer attorneys, MVLS staff attorneys, and myself, to clients navigating the probate process.

Many of these clients are the surviving relatives of deceased homeowners. Typically, the home is the only asset the family has, and the only property within the estate. Families often do not know they must open an estate and

record a new deed, and often cannot afford to pay the fees charged by the Register of Wills. The importance of opening an estate and transferring title to a family home cannot be understated. Clients who cannot afford to open an estate are at risk of becoming homeless, because they cannot access simple yet invaluable resources to help with the ownership and maintenance of the property.

Typical costs for an estate can include bond fees of \$100-400, publication costs of \$49-213, lien certificate fee of \$55, deed recordation fee of \$50-60, certified mailing fees, and probate fees of \$50-300 for estates under \$100,000. Other fees for things like obtaining a death certificate may also apply. These fees may not seem like much, but for many of the families that we serve, they can be an insurmountable barrier.

The bill that passed during 2019's session which required the waiver of probate fees in certain situations was a positive first step to address the barriers that estate fees create for homeownership and community stabilization. However, there has still been inconsistency with some Registers in following that law and additionally, barriers remain for other Maryland families. Amending the law to eliminate small estate fees entirely and adjust the remaining fee structure to correct its current regressive nature will further remove the existing barriers and serve to secure Marylanders' long-term ability to save their family homes. Additionally data from the Register of Wills shows that the fees collected from small estates make up a very small percentage of the Registers' overall budget.

Without the ability to open an estate and transfer title to the family home, many Maryland homeowners face numerous issues that lead to homelessness. Without families anchored in these homes, as they have been for generations, the communities around them will also suffer, and the potential for abandonment and blight increases significantly. MVLS supports HB0187 because it would remove yet another barrier standing in the way of housing stability.

Mister Chair and members of the Committee, thank you again for the opportunity to testify.