

# **SB756 - Access to Counsel - Evictions Testimony HO**

Uploaded by: Abigail Snyder

Position: FAV

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 Zionist Organization of America  
 Baltimore District

**Written Testimony**

**Senate Bill 756 - Access to Counsel in Evictions – Funding  
 House Appropriations Committee – April 4, 2023**

**Support**

**Background: Senate Bill 756** would require that the Comptroller distributes \$14,000,000 of certain abandoned property funds to the Access to Counsel in Evictions Special Fund, and the Governor includes in the annual budget bill an appropriation of \$14,000,000 from the Fund to the Maryland Legal Services Corporation, through FY27.

**Written Comments:** The Baltimore Jewish Council represents The Associated: Jewish Federation of Baltimore and all of its agencies. This includes Jewish Community Services (JCS), which provides social services to low-income Marylanders.

Maryland has one of the highest rates of poverty in the country, with almost 50% of those living in poverty being considered as living in *deep* poverty. Evictions further entrench families into these adverse experiences, which can be expensive to address. Maryland should be working to prevent loss of housing as frequently as possible. Safe and reliable housing provides the stability needed to secure and maintain employment; promote good health; and invest in educational opportunities.

Just 1% of tenants appear in rent court with representation, compared to 98% of landlords who do have representation. This undoubtedly leaves tenants lost in the proceedings of rent court, and significantly more likely to face a negative outcome. Not only would this bill keep more tenants in their homes, it would save the state and local jurisdictions millions of dollars each year in services for would-be homeless families while reducing the workload for the court systems.

By mandating the appropriation of \$14M annually through FY27 to the Access to Counsel in Evictions Special Fund, Maryland will ensure that low-income tenants facing eviction across the state have the right to an attorney to enforce existing legal protections.

**For these reasons, the Baltimore Jewish Councils asks for a favorable report on SB756.**

*The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of The Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.*

**CDN SB 756 FAVORABLE AC.pdf**

Uploaded by: Claudia Wilson Randall

Position: FAV



**Testimony SB 756**  
**Appropriations Committee**  
**April 4, 2023**  
**Position: FAVORABLE**

Dear Chairman Barnes and Members of the Appropriations Committee:

The Community Development Network of Maryland (CDN) is the voice for Maryland's community development sector and serves nearly 200 member organizations. CDN—focuses on small affordable housing developers, housing counseling agencies and community-based non-profits across the state of Maryland. The mission of CDN is to promote, strengthen and advocate for the community development sector throughout Maryland's urban, suburban and rural communities.

SB 756 -Permanently requiring that \$11,800,000 of abandoned property funds to the Access to Counsel in Evictions Special Fund.

Access to counsel has been successful in preventing unnecessary evictions and increase housing stability for Marylanders who are struggling to make ends meet. Importantly, the program has helped to level the playing field in rent court, where landlords have held huge advantages for decades. The justice system only works fairly when both parties have access to professional representation.

Evictions exacerbate the public health crisis posed by COVID-19 and create significant costs for state and local governments including costs associated with shelters, education, transportation for homeless youth, foster care, and health care provided in hospitals rather than community-based care. Further, evictions continue to have disparate impact on Black and Brown households.

Over the past decade, research shows that evictions reinforce poverty and limit housing opportunities for Maryland's most fragile citizens. The stain of an eviction sets women of color on a path of housing insecurity that limits educational and economic opportunities, and increases health problems for them and their families.

We ask that the committee issue a favorable report on SB 756.

Submitted by Claudia Wilson Randall, Executive Director, Community Development Network

# **Testimony in Support 4.4.pdf**

Uploaded by: Daniel Rosenberg

Position: FAV

Daniel Rosenberg<sup>1</sup>  
Clinical Instructor  
Eviction Prevention Law Clinic  
University of Maryland Carey School of Law

500 W. Baltimore St.  
Baltimore, MD 21201

Testimony in Support of SB 0756 – FAVORABLE  
Access to Counsel in Evictions – Funding  
Before the Appropriations Committee – April 4, 2023

My name is Daniel L. Rosenberg, and I am the Clinical Instructor for the University of Maryland Francis King Carey School of Law’s Eviction Prevention Clinic. I expect others will testify to the profound need for continued funding Access to Counsel in Evictions from a tenant advocacy perspective. I would like to use my testimony as an opportunity to speak as a recipient of Access to Counsel in Evictions funding through MLSC and express why I believe that there are benefits to continuing the funding through 2027 beyond the benefits to tenants.

The University of Maryland’s Eviction Prevention Clinic exists because of Access to Counsel in Evictions funding from the Maryland Legal Services Corporation. I began working with the Clinic in December of 2022 after working nearly seven years at Maryland Legal Aid. Although we faced some quick deadlines in getting the Clinic up and running in a short period of time, we have a full enrollment of 8 student attorneys who are actively representing tenants facing eviction. Already, my students have prevented three evictions, and are actively preparing many more cases for trial. I am confident that but for the involvement of legal representation, those tenants would have been evicted from their residences.

The Clinic provides benefits beyond the representation of low-income Baltimore City tenants. It also provides a unique learning opportunity for law students. Through the Clinic, students develop professional skills in a supervised, practice-based setting. They learn how to interact with and manage clients in a client-centered way. They learn how to conduct practical legal research and develop legal theories. Finally, the students represent clients in court. For students, this experience is invaluable. Litigation-based clinics allow students to translate what they learn in their doctrinal courses into practical knowledge. The direct representation of clients also helps students develop self-confidence so that they have real-world experience before they enter the professional ranks.

The Clinic also exposes students to the real-world need for Access to Counsel in Evictions and fosters interest in legal services careers and pro bono participation. As others will no doubt testify, hiring and retaining staff is a constant challenge in legal services. By providing a positive and meaningful clinical experience, the Eviction Prevention Clinic shows students what a career in legal services looks like and shows that it is a realistic and fulfilling career option. Programs like the Eviction Prevention Clinic are essential in allowing law schools to help create future

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<sup>1</sup> This testimony in support of this Bill represents the personal opinions of the faculty members of the respective clinics and is based on their knowledge and experience. This support may not represent the position of the University of Maryland Carey School of Law; the University of Maryland, Baltimore; or the University of Maryland System.

generations of informed and passionate legal services attorneys. Moreover, for those students who pursue careers in other legal fields, the Clinic will engender a respect for the need for pro bono partnerships, and hopefully inspire those students to volunteer and help foster cultures of volunteerism in their practices.

The Clinic I teach exists because of Access to Counsel in Evictions funding. Without that funding, the Clinic would cease to exist, and students would no longer receive the benefits of clinical education in this essential field. It is, in my estimation, essential that the law schools in the state take an active role in cultivating future generations of legal services attorneys, and in inspiring a deeply-held commitment to pro bono participation. In order for the work we do to continue, there must be continued funding. Thus, I support Senate Bill 0756, and encourage this committee to pass the Bill.

**SB756\_MLSC\_FAV\_APP.pdf**

Uploaded by: Deb Seltzer

Position: FAV





# MLSC

MARYLAND LEGAL SERVICES CORPORATION

IOLTA - INTEREST ON LAWYER TRUST ACCOUNTS

**Testimony Concerning SB 756**  
**“Access to Counsel in Evictions - Funding”**  
**Submitted to the House Appropriations Committee**  
**Hearing Date: April 4, 2023**

**Position: Favorable**

**Contact:** *Deb Seltzer, Executive Director, 410-576-9494 x1009, dseltzer@mlsc.org*  
*Karen Wabeke, Program Manager, 410-576-9494 x1015, kwabeke@mlsc.org*

Maryland Legal Services Corporation requests a favorable report on Senate Bill 756, enactment of which would extend an annual distribution from the Abandoned Property Fund to the Access to Counsel in Evictions Special Fund.

MLSC is a legislatively created nonprofit organization with a mission to ensure low-income Marylanders have access to stable, efficient and effective civil legal assistance through the distribution of funds to nonprofit legal services organizations. The Maryland General Assembly recognized the importance of civil legal services in landlord-tenant cases by passing the Access to Counsel in Evictions (ACE) Program and naming MLSC as the administrator during the 2021 session. The General Assembly established a goal of full implementation by October 2025.

ACE provides legal representation in a variety of eviction cases as well as related tenant outreach and education, ensuring low-income tenants facing loss of housing know their rights and have an advocate to guide and represent them through the court process. ACE is in the beginning stages of implementation, as there was no funding allocated for FY22 and information related to the FY23 funding did not arrive until late summer/early fall of 2022. MLSC staff have spent considerable time working with grantees, funding administrators from Baltimore City and the State of Maryland, and other partners to finetune reporting and payment procedures, as well as brainstorm and troubleshoot points of concern.

While still in early phases, the program has so far both laid important groundwork for full implementation and offered important services to tenants in Phase I jurisdictions. MLSC, our grantees and other partners have worked to develop a coordinated intake pilot and set up a structure for evaluation of the program. The coordinated intake team met with the legal services providers to learn about their current intake processes, eligibility requirements, case priorities and current technological capacity. They are developing the system architecture for the intake program and a case typology to assist in the referral process. Working with MLSC staff and drawing on their work in other jurisdictions, the evaluator has developed data points to be collected by the coordinated intake program and legal services providers to be used in the evaluation.

In September, MLSC hosted the Access to Counsel in Evictions Symposium at the University of Maryland Francis King Carey School of Law. The Symposium included a plenary session on racial equity, panels of tenants and judges, and breakout sessions tailored to attendees' experience level. Demetria McCain, principal deputy assistant secretary for fair housing and equal opportunity at the U.S. Department of

Housing and Urban Development, served as the lunchtime keynote speaker. Approximately 100 legal services attorneys, law students and pro bono attorneys from across the state attended the Symposium.

Attorneys working within the program have helped clients achieve a range of outcomes in their cases, including avoiding eviction, delaying eviction so the tenant has additional time to move, avoiding a loss of a housing subsidy, enforcing a tenant's rights under a lease and more. In many jurisdictions, services are now available both through pre-trial intake with individual providers and through day-of-court intake. Ultimately, MLSC will ensure at least two providers are available for each Maryland jurisdiction in order to provide back up for conflicts or capacity issues.

More attorneys are needed to fully implement the program across the state. Paired with a tight labor market, the uncertain funding situation for ACE has made hiring for the program difficult, as attorneys weigh whether to take a risk on what could be a short-term position if funding does not continue.

Maryland has a long history of funding civil legal aid via the Abandoned Property Fund.<sup>1</sup> While the distribution will not fully fund ACE upon statewide implementation (currently projected at \$28 million - \$30 million annually), it will go a long way toward offering stability for both legal services providers and the tenants they serve. As we progress with ACE implementation, we will be closely monitoring the data related to case filings and tenant need that underpin cost projections so we can adjust if necessary.

MLSC asks for favorable consideration of Senate Bill 756.

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<sup>1</sup> It is important to note that the distribution proposed in Senate Bill 756 is distinct from MLSC's ongoing distribution, which funds critical legal services for a wide range of issues, including family law, consumer debt, benefits, protection from abuse and more. MLSC must continue its core work while also implementing the legislatively created eviction prevention program.

**access to counsell SB756.pdf**

Uploaded by: Gwen DuBois

Position: FAV



**SB 756 - Access to Counsel in Evictions – Funding**

**Hearing before the House Appropriations Committee on April 4, 2023**

**Position: SUPPORT (FAV)**

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Chesapeake Physicians for Social Responsibility (CPSR) is statewide evidenced-based, organization of over 900 physicians, other health professionals and supporters, that addresses the existential public health threats: nuclear weapons, the climate crisis, issues of pollution and social and racial justice. As an organization founded by physicians, we understand that prevention is far superior to treatment in reducing costs; death, illness, injury, and suffering.

We seek a favorable report on SB 756, which would extend through FY 27 the annual transfer of \$14 million from the Abandoned Property Fund to the Access to Counsel in Evictions (ACE) Fund.

[Access to Counsel is effective in reducing reduces evictions](#). [Young children exposed to overcrowding](#) and/or multiple moves in one year, were more often reported by their caregivers to have poor health, impaired educational, social or emotional skills, and were measured to have low weight compared to other children. In [older children and adolescents](#), a history of multiple moves has been associated with mental health problems later in life including violence and suicide.

[Homelessness can be deadly](#). The homeless had a 5-10 x higher mortality than the housed with average life expectancy was 53 years on one study. Early in the pandemic, estimates were that [homeless people who became sick with COVID-19](#) were twice as likely to be hospitalized, two to four times as likely to require critical care, and two to three times as likely to die than the general population early in the pandemic. Evictions cause physical illness, mental suffering and

shorten life. Housing is a human right. Housing is a social determinant of health. Housing is health.

**Maryland is a leader in the Right to Counsel movement – becoming only the second state in the nation to recognize the proven, cost-effective benefits of a right to counsel in evictions.**

As detailed further in the testimony of the National Coalition for a Civil Right to Counsel: Right to counsel in evictions is a proven, cost-effective model around the country of preventing disruptive displacement in eviction cases. While Maryland’s initial implementation of the law only started about 8 months ago and still has a long way to go to reach full implementation, the [ACE Task Force report](#) notes that families have begun obtaining representation and fighting back against eviction.

**Attorneys working in ACE have helped families avoid disruptive displacement** including by avoiding eviction, delaying eviction so the tenant has additional time to move, avoiding a loss of a housing subsidy, enforcing a tenant’s rights under a lease and more. In many jurisdictions, services are now available both through pre-trial intake with individual providers and through day-of-court intake.

**Access to Counsel in Evictions furthers racial equity.** [Study](#) after study in Maryland and nationally show that persons of color are much more likely to have to face an eviction case. [82% of families behind on the rent in Maryland and facing evictions are headed by persons of color.](#) Ensuring that each of those families is represented by legal counsel helps empower those persons to enforce existing legal protections that safeguard due process, prohibit illegal fees, and address unsafe housing conditions.

**A secure baseline of \$14 million/year through 2027 to fund ACE through SB 756 is important to address implementation challenges with ACE.** In a tight labor market, legal services organizations have struggled to recruit and retain highly skilled attorneys for ACE implementation. The stable baseline of funding for implementation in SB 756 would provide assurances to organizations and attorneys who are considering this field that there would be some stability of funding moving forward. We understand that \$14 million is not adequate to realize full implementation of ACE. It is estimated that full implementation will cost at least \$30 million, but SB 756 is a critical starting point.

ACE is one evidenced based approach to reducing evictions and homelessness. Increasing the supply of affordable housing, emergency rental assistance, and other economic supports are important as well. But in 2021 the state recognized that right to counsel in evictions is a proven, cost-effective tool to enforce the laws already on the books. Secure, stable funding for implementation is critical to the initiative’s success.

Chesapeake Physicians for Social Responsibility is a member of Renters United. **We urge the Committee's report of Favorable on SB 756**

Respectfully submitted,

Gwen L. DuBois MD, MPH  
President, Chesapeake Physicians for Social Responsibility  
gdubois@jhsph.edu  
P.O. Box 10445  
Baltimore, Maryland 21209

# **Health Care for the Homeless - 2023 SB 756 FAV - A**

Uploaded by: Joanna Diamond

Position: FAV

**HEALTH CARE FOR THE HOMELESS TESTIMONY  
IN SUPPORT OF  
Senate Bill 756 - Access to Counsel in Evictions - Funding**

**House Appropriations Committee  
April 4, 2023**



Health Care for the Homeless strongly supports SB 756, which would create an ongoing funding source for the Access to Counsel in Evictions Special Fund. With hundreds of thousands of Maryland households on the brink of eviction, the right to counsel empirically reduces housing displacement and stands to save the state significant costs.

For nearly 40 years Health Care for the Homeless has supported thousands of adults and families in their struggle to find safe and secure homes in the Baltimore metropolitan area. As part of our full, integrated medical and behavioral health care, Health Care for the Homeless provides permanent supportive housing to over 400 people every year. By passing SB 756, Maryland can help further access to safe, secure housing — because a safe place to call home is necessity for all, not a luxury for the few.

Housing is the proven first-line response to fixing dramatic health disparities across populations. When tenants experience unsafe conditions or are unable to pay an unnecessarily high amount of money up front, they are often forced to live unsafely or even be pushed into homelessness. This is unacceptable. Tenants should not have to experience homelessness or live in unsafe conditions because they do not have enough resources to keep them safe and healthy. After decades of enduring a housing crisis and a pandemic that exacerbated such a crisis, this bill helps ensure that Maryland's tenants are treated with the dignity and fairness they deserve.

A recent report, *The Impact of an Eviction Right to Counsel in Baltimore City*, underscored the social and financial devastation eviction has on tenants and families and, conversely, the clear social and economic benefits as a direct result of tenants having legal representation at their eviction hearings. Among other findings, this report highlighted the following:

- For tenants facing eviction, having legal representation is often the difference between keeping their home or experiencing homelessness. Eviction is the leading cause of homelessness. As reported in the study, Baltimore's 2019 point-in-time count of people experiencing homelessness asked respondents what the primary cause(s) of their homelessness were. Twenty-two percent of people experiencing homelessness indicated that eviction was the primary cause of their current homelessness.
- The report estimated that 92% of represented tenants would avoid disruptive displacement with a right to counsel in Baltimore City. That translates to 5,777 households and 17,300 people each year. Even apart from the current COVID-19 emergency, Baltimore's eviction rate is almost 2.5 times the national average, with 6,500 families evicted each year.
- Aside from the state's cruelty in the lack of attempts to prevent eviction and curb homelessness, the State can realize significant cost savings in investing in the right to counsel for tenants. As shown in the Stout study, an

*(over)*



annual investment of \$5.7 million in a right to counsel for tenants in one Md. jurisdiction would yield \$18.1 million in benefits/costs avoided to the State (and \$17.5 million to the locality). Costs savings or benefits include costs related to homeless shelters, Medicaid spending in hospitals, homeless student transportation, and foster care costs. See our report fact sheet. According to Stout, 92% of represented tenants would avoid disruptive displacement with a right to counsel in one Maryland jurisdiction, and in areas of New York City where right to counsel was implemented, 86% of represented tenants stayed in their homes.

- Included in these cost savings is the significant savings in the provision of health care. The connection between housing and health cannot be overstated. According to data received from the Maryland Hospital Association, the average charge per patient for inpatient hospital care is approximately \$37,200 for patients not experiencing homelessness in Baltimore. For patients experiencing homelessness, the average charge per patient for inpatient hospital care is approximately \$37,900. The average length of stay for inpatient hospital care is approximately nine days for patients not experiencing homelessness and approximately 15 days for patients experiencing homelessness – a length of stay 66 percent longer than patients not experiencing homelessness. The average charge per patient for emergency department care in Baltimore for patients not experiencing homelessness is approximately \$2,100. For patients experiencing homelessness, the average charge per patient for emergency department care in Baltimore is approximately \$7,600 – more than 3.5 times the cost for patients not experiencing homelessness.

Housing is a significant determinant of health. Poor housing conditions are associated with many adverse health outcomes in both adults and children, according to a well-established body of evidence. These include, but are not limited to: a) infectious diseases such as respiratory infections, tuberculosis, and HIV; b) chronic illnesses such as asthma and cardiovascular disease; c) chronic health problems from toxic exposures, such as asbestos and lung cancers, or lead poisoning and neurodevelopmental deficits; d) injuries, especially falls and burns; e) mental health disorders such as anxiety, depression, substance misuse, and post-traumatic stress disorder; and f) poor nutrition. As such, it is no surprise that the Baltimore study found significantly increased costs on the public health system as a result of homelessness.

For the aforementioned reasons, Health Care for the Homeless strongly urges a favorable report on SB 756.

*Health Care for the Homeless is a member of Renters United Maryland (RUM), which is a coalition of independent non-profit, legal services, and community-based organizations. RUM's vision is a Maryland in which renters live in safe and affordable housing and have security of tenure. As a member of RUM, Health Care for the Homeless asks for a favorable report on this legislation. See Renters United Maryland's Housing Justice plan for the 2023 legislative session here: <https://rentersunitedmaryland.org/>.*

*Health Care for the Homeless is Maryland's leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We deliver medical care, mental health services, state-certified addiction treatment, dental care, social services, housing support services, and housing for over 10,000 Marylanders annually at sites in Baltimore City and Baltimore County.*

*Our Vision: Everyone is healthy and has a safe home in a just and respectful community.*

*Our Mission: We work to end homelessness through racially equitable health care, housing and advocacy in partnership with those of us who have experienced it.*

*For more information, visit [www.hchmd.org](http://www.hchmd.org).*

# **NCCRC written testimony for SB 756 - Appropriation**

Uploaded by: John Pollock

Position: FAV



March 31, 2023

**Re: Testimony in Support of SB 756, Concerning Access to Counsel in Evictions – Funding**

To Chair Barnes, Vice-Chair Chang, and members of the Appropriations Committee:

Thank you for the opportunity to testify in support of SB 756, which would make permanent the \$14 million of annual funding for Maryland’s eviction right to counsel. My organization, the National Coalition for a Civil Right to Counsel, has been involved in [all eighteen successful eviction right to counsel bills to date](#), and we are currently supporting efforts in dozens of other jurisdictions around the country. In fact, nine states have legislation pending this year.

In enacting a statewide right to counsel, Maryland established itself as a leader in the nationwide movement to protect the basic human needs of tenants facing eviction. But such rights are only meaningful when backed up by funding to effectuate the right. By enacting SB 756, Maryland can showcase how to establish substantial, permanent funding in order to ensure that tenants actually receive the benefit of this new right. The \$14 million specified in SB 756 is supported by the [report](#) issued by the Access to Counsel in Evictions Task Force as well as the [General Assembly’s Spending Affordability Committee](#).

Data emerging from the right to counsel programs is providing stunning proof that systemic representation of tenants is succeeding on a variety of levels and fully justifying the funding that is being invested:

- In New York City, 84% of tenants are remaining in their homes, and both the default rate and eviction filing rate have dropped by roughly 30%.
- In San Francisco, nearly 60% of tenants are retaining their units, and of the 30% who did not remain in their unit, 70% received a favorable settlement, such as a move-out with sufficient time and money.
- In Cleveland, the results speak to success on several levels. First, not only did 93% of tenants avoid disruptive displacement, but of the 21% of clients who were unaware of rental assistance at the time they contacted Legal Aid, approximately 98% wanted rental assistance and Legal Aid helped 81% of those clients obtain it. In other words, Legal Aid played a key role in both awareness and securing of rental assistance, which is critical in helping the City emerge from the pandemic without widespread disruption. Moreover, 92% of clients who wanted additional time to move, and 97% who sought monetary relief, were able to get it.

- In Boulder, 63% of represented tenants have avoided eviction, a 26% increase.
- In Kansas City, after the right to counsel program was launched the eviction rate dropped from 99% to less than 20% in the first three months.
- In Toledo, 88% of tenants with closed cases avoided eviction.

One emerging development is that the landlord community in some locations has become receptive to right to counsel. The [Real Estate Board of NY](#) has urged New York State to enact legislation expanding the NYC right to counsel statewide, and [Cleveland landlords who were interviewed by Stout](#) “generally support the intent of RTC-C and believe tenants should be represented in eviction cases.” This support is logical because there are numerous benefits to landlords: where the landlord/tenant relationship has irretrievably broken down, tenant representation can be a great advantage to landlords in helping the sides reach a resolution, and as indicated by the Cleveland data, tenant representation can help secure rental assistance that flows to landlords. And benefits also flow beyond tenants and landlords: [studies have repeatedly found](#) that an eviction right to counsel projects to save cities and states far more than it costs.

Providing funding for Maryland’s eviction right to counsel will have a massive impact: thousands of Maryland families stand to avoid disruptive displacement through the provision of counsel. Moreover, [as is the case throughout the country](#), the effects of evictions are being felt disproportionately by tenants of color, particularly female tenants.

We are happy to answer any questions you may have, as we have done for policymakers in many other jurisdictions. Thank you for your consideration of this important bill.

Sincerely,



John Pollock

Coordinator, NCCRC

**Baltimore County\_FAV\_SB0756.pdf**

Uploaded by: Joshua Greenberg

Position: FAV



JOHN A. OLSZEWSKI, JR.  
*County Executive*

JENNIFER AIOSA  
*Director of Government Affairs*

AMANDA KONTZ CARR  
*Legislative Officer*

JOSHUA M. GREENBERG  
*Associate Director of Government Affairs*

**BILL NO.:** SB 756

**TITLE:** Access to Counsel in Evictions - Funding

**SPONSOR:** Senator Guzzone

**COMMITTEE:** Appropriations

**POSITION:** **SUPPORT**

**DATE:** April 4, 2023

Baltimore County **SUPPORTS** SB 756 - Access to Counsel in Evictions - Funding. This legislation would make permanent the Access to Counsel in Evictions Special Fund, a life-changing service that would provide access to counsel for residents facing eviction.

Baltimore County's Department of Housing and Community Development is committed to reducing the rate of evictions in Baltimore County and removing barriers for low-income families to retain housing. Residents facing evictions more than likely cannot afford to retain counsel to plead their case, and as a result are poorly equipped to have adequate representation in court proceedings. While Baltimore County currently provides some of its own funding for access to counsel in evictions, the County cannot tackle the full need alone.

Senate Bill 756 would fund the Access to Counsel in Evictions Special Fund for the amount of \$14 million in perpetuity. Without this vital legislation, the fund is set to expire after FY24. If this funding does not continue beyond FY24, Maryland families will be placed at a greater risk of eviction due to a lack of access to adequate legal services. Not having the State sustain its investment would ultimately lead to more evictions of those who can't afford representation, traumatizing families, and place a greater strain on other critical services and programs, including those managed through DHCD's Homeless Services and Housing Stability divisions.

Accordingly, Baltimore County requests a **FAVORABLE** report on SB 756. For more information, please contact Jenn Aiosa, Director of Government Affairs at [jaiosa@baltimorecountymd.gov](mailto:jaiosa@baltimorecountymd.gov).

# **SB756\_DRM Testimony\_House Appropriations Committee**

Uploaded by: Kane Levings

Position: FAV

**IN THE HOUSE – APPROPRIATIONS COMMITTEE****April 4, 2023****SB 756 – ACCESS TO COUNSEL IN EVICTIONS FUNDING****Position: SUPPORT**

Disability Rights Maryland (DRM – formerly Maryland Disability Law Center) is the Protection & Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM advocates for the rights of people with disabilities to be part of their communities, including access to safe, decent, affordable, and accessible housing.

DRM supports SB756 which will support implementation of Maryland’s Access to Counsel legislation.

People with disabilities are more likely than their non-disabled peers to experience unemployment and poverty,<sup>1</sup> and nationwide, about 4.1 million people with disabilities spend more than half of their income on rent.<sup>2</sup> In Maryland, more than half of all people with disabilities had annual household incomes below \$15,000 in 2016.<sup>3</sup> While many people with disabilities receive monthly Supplemental Security Income (SSI) benefits, SSI payments alone are usually not enough to afford market rate housing. In 2022, the average monthly rent of a one-bedroom apartment in Maryland was \$1,111, while monthly SSI payments were just \$841.<sup>4</sup> Consequently, many people with disabilities are forced into homelessness, nursing homes, State hospitals, emergency rooms, and Maryland’s jails and prisons. One stop gap is federal rental subsidies which allows a person to limit their rent to 30% of their income and the remaining rent is paid by the federal government. For some individuals living on a fixed income, a rental subsidy is the only opportunity to maintain safe, independent living.

DRM provides representation to persons with disabilities facing eviction pursuant to Maryland’s Access to Counsel legislation. A majority of our housing clients are recipients of a rental subsidy which makes our cases more complex than cases without a rental subsidy. These cases require expertise not only in Maryland landlord-tenant law, but also federal law and regulatory requirements for deeply affordable housing. While we are working to prevent an eviction, we are also focused on preventing the temporary or permanent loss of subsidy. Oftentimes, the eviction

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<sup>1</sup> Debra L. Brucker et al., *Health and Health Services Access Among Adults with Disabilities Who Receive Federal Housing Assistance*, HOUSING POLICY DEBATE, Aug. 29, 2017, at 1.

<sup>2</sup> About 4.1 million people with disabilities nationwide pay more than half of their income on rent. CENTER ON BUDGET AND POLICY PRIORITIES, UNITED STATES FEDERAL RENTAL ASSISTANCE FACT SHEET (2021), <https://www.cbpp.org/sites/default/files/atoms/files/12-10-19hous-factsheet-us.pdf>.

<sup>3</sup> MD. DEP’T OF HEALTH, BRFSS BRIEF: DISABILITY AND HEALTH AMONG MARYLAND ADULTS (August 2018), [https://health.maryland.gov/bhm/DHIP/Documents/BRFSS\\_BRIEF\\_2018-08\\_Disability.pdf](https://health.maryland.gov/bhm/DHIP/Documents/BRFSS_BRIEF_2018-08_Disability.pdf).

<sup>4</sup> TECHNICAL ASSISTANCE COLLABORATIVE, PRICED OUT: THE HOUSING CRISIS FOR PEOPLE WITH DISABILITIES (2021), <http://www.tacinc.org/knowledge-resources/priced-out-v2/>. Maximum SSI payments increased to \$794/month in 2021.



case is separate from the potential subsidy loss and requires significant time and effort to address both issues concurrently. If a subsidy is terminated, it is likely permanent or if not permanent, could take years to obtain a subsidy again. Practically, this means our clients will be forced into far more expensive institutional settings at significant cost to the State.<sup>5</sup>

Here are a few examples of the kinds of cases where we are providing representation:

- A person with a tenant-based voucher received a Failure to Pay Rent (FTPR) complaint for the full market rent despite only being required to pay 30% of income. This individual was at risk of being evicted and losing her rental subsidy. Through access to counsel, the FTPR complaint was dismissed, client's rental ledger was adjusted to reflect correct rent share, client avoided eviction, and remains a recipient of a rental subsidy.
- A person living with a mental health disability temporarily lost his Section 8 voucher after his Landlord filed a Breach of Lease complaint and the court entered a judgment in favor of the Landlord. Not only did this individual face eviction, but also the loss of his voucher. More than six months later, the client entered into a Memorandum of Understanding with the Housing Authority and his voucher was reissued. If this individual did not have access to counsel, he would have likely lost his voucher.
- A person with a mental health disability was taken to a hospital emergency room by law enforcement four times in an approximately two month period. With the help of his family, he was able to adjust his medication to stabilize his mood. Despite this, the landlord still sought to evict him because of the repeated appearance of police to take him to the emergency department. Client lived in a Rental Assistance Demonstration Building (RAD) in Baltimore City and his rent was subsidized. In addition to facing the threat of eviction, he was at risk of losing his rental subsidy. DRM submitted a Reasonable Accommodation request and successfully defending the lease termination action. Client was not evicted and maintained his rental subsidy.

Representation in eviction prevents the unnecessary institutionalization of people with disabilities and furthers community integration.

For these reasons, we urge a favorable report on SB 756. Please do not hesitate to contact Kane Levings at [kanel@disabilityrightsmd.org](mailto:kanel@disabilityrightsmd.org) at 443-692-2501.

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<sup>5</sup> The Economic Impact of an Eviction Right to Counsel in Baltimore City, May 8, 2020, *available at* [https://abell.org/wp-content/uploads/2022/02/Baltimore20RTC20Report\\_FINAL\\_5\\_8\\_2020.pdf](https://abell.org/wp-content/uploads/2022/02/Baltimore20RTC20Report_FINAL_5_8_2020.pdf).

# **ATC Funding Budget Bill - Senate SB 756 - HOUSE.p**

Uploaded by: Katherine Davis

Position: FAV

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**SB 756 – Access to Counsel in Evictions - Funding**  
**Hearing before the Appropriations Committee, April 4, 2023**  
**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.

In May 2017, with a grant from the Maryland Judiciary’s Access to Justice Department, PBRC launched the Tenant Volunteer Lawyer of the Day (TVLD) Program in Baltimore City Rent Court to provide day-of-court legal representation to tenants who appear unrepresented for their proceedings. Since then, thanks in large part to grants from the Access to Counsel in Evictions Fund, we have been able to expand our Program so that we provide same-day representation at all rent court dockets in Baltimore County and five weekly dockets in Baltimore City as well as representation for tenants in more complicated Tenant Holding Over, Breach of Lease, Escrow, and Illegal Eviction actions in both jurisdictions. In fact, with this funding PBRC has more than tripled the number of clients we can serve. In the last six (6) months of 2022, 98% of tenants represented by PBRC either avoided or delayed their progress toward an eviction – outcomes that would rarely be possible without the assistance of counsel.

**PBRC urges a favorable report on SB 756 as amended to ensure continued funding for services like ours. By extending the required distribution of \$14,000 from the Abandoned Property Fund for the ACE Program to FY27, this bill helps ensure the continued success of projects like ours across Maryland.**

**It is a common misconception that cases covered by this legislation are simple cases where the only issue is whether a tenant has paid the rent alleged.** While cases may appear simple at first, they can quickly become complicated. It is not unusual to have a dispute over a ledger or late fees, issues related to conditions in the home causing a danger to the tenant’s life, health or safety, or questions about licensing. In over 96% of these cases, landlords are represented either by an attorney or an agent who knows the law and the court processes. Thus, it is imperative that tenants, whose very housing is at stake, have counsel to ensure that complicated matters are sorted out in a way that is expedient and fair.

In 2022, PBRC represented Ms. Jackson\*, an elderly tenant on a fixed income who had lived in the same home for 25 years and had missed only one rent payment about six months before she appeared in court. Ms. Jackson was unsure whether she owed the money alleged because she did not know whether the late fees were valid and believed that she had received credit due to issues with habitability. The PBRC staff attorney secured a postponement to review the ledger and subsequently determined not only that some of the fees had been applied incorrectly, but also that there were issues related to required disability accommodations and the tenant had a potential escrow claim. The attorney was also able to explain to Ms. Jackson in a way that she understood why some of the fees were legitimate. Ultimately the attorney negotiated a settlement with the landlord, resolving the case outside of court. However, Ms. Jackson reappeared a few months later when the landlord filed a second Failure to Pay Rent action. She won this case after producing documentation of payment but then received notice that the landlord had appealed the case to the Circuit Court. Again, Ms. Jackson needed the assistance of an attorney to represent her in the appeal and to explain the process so that she could understand what to expect and make plans accordingly. With our assistance she won her appeal and is still in her home today, continuing to pay rent on time each month.

Without the assistance of an attorney familiar with the laws and the legal processes, it is highly likely that Ms. Jackson would have lost her housing completely and her landlord would have lost a reliable tenant. **All tenants deserve the legal assistance afforded Ms. Jackson when their housing is at stake, and SB 756 is the right step to secure the funding necessary to make it possible.**

**“I was helped in a major way. I’ve always had to vouch for myself, but today I had someone.” - PBRC client,  
Baltimore City District Court**

No one should have to vouch for themselves in a court of law when their housing is at stake. This was the feeling of the General Assembly when it passed HB 18 in 2021, creating Access to Counsel in Evictions statewide, and this is what organizations across the State of Maryland are working diligently to ensure. **SB 756 as amended can help ensure this as well by assuring consistent funding for the Access to Counsel in Evictions Fund through FY27.**

For the above reasons,

**PBRC, a member of the Access to Justice Commission, urges a favorable report on SB 756.**

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

[kdavis@probonomd.org](mailto:kdavis@probonomd.org) • 443-703-3049

**ACE SB0756 CLS Written Testimony- Final .pdf**

Uploaded by: Kayla Williams

Position: FAV



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Cristobal Slobodzian

March 31, 2023

**Senate Bill 756**  
**Access to Counsel in Evictions – Funding**  
**Position: FAVORABLE**

Thank you for the opportunity to submit testimony in support of SB 756, a bill that will ensure that the Access to Counsel in Evictions Special Fund remains funded through 2027.

Community Legal Services of Prince George's County, Inc. (CLS), is a non-profit organization established to provide civil legal services to low-income residents of Prince George's and surrounding Counties. In 2018, CLS piloted an Eviction Prevention Program in Prince George's County which provides free, same-day and extended representation to low-income tenants facing eviction. Due to the success of this program, and the demonstrated need, our office created a similar program in 2020 which provides legal representation to low-income tenants in Anne Arundel County.

Since 2018, CLS has provided representation in more than 3,000 cases. We have provided legal advice in more than 5,000 cases, and our services have benefitted more than 19,000 individuals. Through our representation, we prevented numerous evictions, argued against illegal fees, defective complaints, and notices, negotiated settlements and repayment agreements, connected tenants with rental assistance and other social services resources, advocated on behalf of tenants who dealt with significant housing defects, prevented termination of housing subsidies, filed motions on behalf of tenants seeking additional time to avoid eviction, and hosted community outreach and Know-Your-Rights events to educate and empower the community, to name a few.

Prior to the pandemic, evictions were, and continue to be, a significant problem in Maryland. It is no secret that Maryland has one of the lowest eviction filing fees compared to other states. The average filing fee nationwide is \$120, while the filing fee in Maryland is just about \$15.

In addition to this, Landlords are often given the opportunity to consult with lawyers before filing landlord tenant actions, and can be represented by agents or attorneys in court, whereas tenants are often served with a court summons a few days before their hearings, often leaving no time to seek legal advice or representation in advance. COVID-19 has only exacerbated the eviction crisis in Maryland, and has led to a significant increase in the number of tenants who were financially devastated by the pandemic, with a disproportionate impact on minority and poverty-stricken communities.

Statistics show that there is a significant difference in outcome between tenants who are and who aren't represented at their rent court hearings, as tenants who are represented are more likely to raise defenses and are more likely to be aware of eviction protections. Tenants with representation are also more likely to remain housed, obtain resources beyond their court hearings such as rental assistance, and negotiate for more time allowing them to make payments and seek additional services to avoid eviction. For these reasons, we are tremendously grateful that Maryland has passed the Access to Counsel in Evictions legislation, and we are already seeing the impact of these new laws. Additionally, funding through Access to Counsel has allowed many offices like ours to increase staff to ensure that we are able to meet the increased demand in need. Without continued funding, there is simply no way that legal services providers would be able to continue to do the work we do, and it would likely result in a significant reduction in staff and consequently, an increase in unrepresented tenants who are more vulnerable to eviction.

Continued funding is necessary to ensure that legal services providers like ours can continue to meet the increased demand in need from low-income tenants facing eviction in Maryland.

For the reasons stated above,  
**CLS urges a FAVORABLE report on SB 756.**

If you have any questions, please contact Kayla Williams-Campbell, Managing Attorney, at [Williams@clspgc.org](mailto:Williams@clspgc.org), 240-391-6532.

# **HPRP Testimony SB756 ACE Funding 3-2023.pdf**

Uploaded by: Kirsten Downs

Position: FAV



## SUPPORT

### **SB 756 – Access to Counsel in Evictions - Funding**

*Testimony of  
Kirsten Gettys Downs, Executive Director  
Homeless Persons Representation Project*

*The Homeless Persons Representation Project is a non-profit legal services organization providing free legal representation to people who are housing insecure on legal issues that will lead to an end to homelessness. HPRP advocates assist families and individuals in approximately 15 community-based legal clinics in shelters, soup kitchens, US Department of Veterans Affairs Medical Centers, and other locations. We handle more than 1,000 cases each year to help persons obtain stable housing and critical public benefits like food stamps, veterans' benefits, health care, and more.*

The Homeless Persons Representation Project, Inc. (HPRP) supports SB756. The permanent funding contemplated by SB756 will guarantee that Maryland civil legal service organizations can continue to provide community members with a fair chance of preventing eviction under the law. Access to civil legal services, especially in housing matters, can be the difference between poverty and economic stability. Without legal counsel, individuals start at a disadvantage and may face considerable discrimination in court proceedings. In eviction cases, 81% of landlords have legal representation, while only 3% of tenants do, according to Maryland Legal Services Corporation. This is a striking imbalance of power.

Civil legal service organizations are standing at the ready to be crucial partners in the systemic transformation offered by the Access to Counsel Initiative. The advocacy and services provided by civil legal organizations not only address past harms but can move Maryland toward the economic and social equity so often championed by Maryland's policymakers.

But to be effective, the Access to Counsel initiative must include a lasting financial investment. The number of individuals that need assistance and qualify for legal services has grown substantially in the last several years. This increased need has heightened the need for well-trained, dedicated legal advocates. Legal services organizations with uncertain funding sources have faced significant barriers to successful recruitment and retention. Qualified applicants seek positions that afford competitive compensation, professional development, and meaningful work. Legal organizations such as HPRP must have guaranteed resources to strengthen our organizational health. Without this investment, our impact on the communities we serve will be limited. This includes offering equitable compensation to our employees, bolstering operations with excellent administrative support, and securing financial stability for our programs and services.

Uncertain funding is a barrier to both recruiting and retaining outstanding legal advocates. Competitive compensation is critical to the sustained health of the legal organizations tasked with providing legal services for evictions. Persistent open positions are a detriment to morale, increase the work burden for remaining staff, disadvantage clients, and undercut our mission.

Access to Counsel is not charity but an essential investment in human rights and dignity. Moreover, investment in civil legal services stimulates significant economic benefits for communities, state and local governments, and individuals. For example, studies in several states illustrate that civil legal aid positively affects the housing market, increases workforce and wage potential, and removes barriers to economic stability.

With continued funding in this crucial area, the Homeless Persons Representation Project and its partners can continue to build on the success of our collaboration, ensuring coordinated coverage and a smooth process for tenants facing eviction. With this broad collaboration, combining the strengths of both volunteer and staffed attorney program models, we can cover as many dockets as possible and provide quality representation to tenants throughout Maryland.

**HPRP strongly urges the Committee to issue a favorable report on SB756.** Please contact Kirsten Gettys Downs ([kgettysdowns@hprplaw.org](mailto:kgettysdowns@hprplaw.org)) with questions or for additional information.

# **SB756 Access to Counsel Funding Public Justice Ctr**

Uploaded by: Matt Hill

Position: FAV



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## **SB 756 - Access to Counsel in Evictions – Funding**

**Hearing before the Appropriations Committee on April 4, 2023**

**Position: SUPPORT (FAV)**

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Public Justice Center (PJC) is a nonprofit public interest law firm that assists over 800 renters each year. We stand with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing. PJC seeks a favorable report on SB 756, which, for FY 2024 through 2027, would extend the annual transfer of \$14 million from the Abandoned Property Fund to the Access to Counsel in Evictions (ACE) Fund.

**Right to counsel prevents families from becoming homeless and promotes safe, habitable housing.** Ms. Jones’s experience residing in Baltimore with her two children illustrates this point. About three months ago, water began pouring into one of the bedrooms in Ms. Jones’s rowhouse when it rained, and a leak began in the ceiling of the other bedroom. She called, emailed, and texted with the landlord, and while they sent out someone to look at the problem, they never completed the repairs. At the same time, Ms. Jones suffered a medical/financial crisis. She learned that she had cancer and had to take unpaid leave from work to obtain treatment. She fell behind on the rent, and her landlord filed a rent court eviction against her. Because of the funding that Public Justice Center receives from the Access to Counsel in Evictions program, we represented Ms. Jones and helped her assert a rent escrow defense in which Ms. Jones asked the court to reduce the rent and hold the rent money until repairs are made. Ultimately, we facilitated a settlement in the case: the landlord agreed to complete repairs, abate part of the rent, and accept emergency rental assistance. Ms. Jones and her family were then able to focus on her health instead of flooding and eviction.

**Ms. Jones’s experience illustrates a critical point: Even though Access to Counsel in Evictions (ACE) is just getting started, the initial implementation has helped prevent the disruptive displacement of thousands of Maryland families.** In the first six months since ACE began funding implementation (July 1 through Dec. 31, 2022), Public Justice Center represented 159 income-qualified households, preventing disruptive displacement in approximately 93% of the cases, and preventing eviction entirely in approximately 61% of such cases. We obtained other substantial benefits in these

cases including a delay in the eviction to provide the client time to find alternative housing or “pay and stay,” repairs to the dwelling unit, or the avoidance of illegal fees.

**Maryland is a leader in the Right to Counsel movement – becoming only the second state in the nation to recognize the proven, cost-effective benefits of a right to counsel in evictions.** As detailed further in the testimony of the National Coalition for a Civil Right to Counsel, legal representation in Maryland mirrors the data we’ve seen throughout the country: Right to counsel in evictions is a proven, cost-effective model of preventing disruptive displacement in eviction cases.

**Ms. Jones’s experience also illustrates how ACE promotes the fair administration of justice – promoting settlements and leveraging rental assistance and other resources.** Like many eviction cases, Ms. Jones’s case ended in a settlement. She obtained a reduction of her rent, her landlord’s commitment to make repairs on a specific timeline, and an end to litigation that she desperately wanted to end so that she could focus instead on her health. Representation helped Ms. Jones obtain each of those goals through a settlement rather than protracted litigation. On a macro level, this approach furthers the fair administration of justice by ensuring that parties who are fully informed of their rights can settle their disputes and reduce the litigation docket of the court when it is in their interest to do so. The settlement in Ms. Jones’s case, like other settlements, also leveraged emergency rental assistance. Attorneys representing tenants understand that their clients often need more than legal counsel. We connect the tenant to those resources whenever possible and integrate those resources within the eviction case to meet the client’s goals.

**A secure baseline of funding provided by SB 756 is important to address implementation challenges with ACE.** Like other legal services providers, Public Justice Center has struggled with attorney staffing levels to further ACE implementation. The stable baseline of funding for implementation in SB 756 would provide some assurances for attorneys who are considering this field that there would be a baseline of funding to move forward with implementation. We understand that \$14 million is not adequate to realize full implementation of ACE, but it is a critical starting point to move implementation forward.

We recognize that ACE is not a silver bullet to address all housing stability needs. Increasing the supply of affordable housing, emergency rental assistance, and other economic supports are important as well. But in 2021 Maryland recognized that right to counsel in evictions is a proven, cost-effective tool to enforce the laws already on the books. Secure, stable funding for implementation is critical to the initiative’s success.

Public Justice Center is a member of the Renters United Maryland, a statewide coalition of renters, organizers, and advocates, and **we urge the Committee’s favorable report on SB 756.**

*The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.*

**RA Support for SB 756 in House Hearing FAV.pdf**

Uploaded by: Matthew Losak

Position: FAV



## **SB 756 - Access to Counsel in Evictions – Funding**

**Hearing before the Appropriations Committee on April 4, 2023**

**Position: SUPPORT (FAV)**

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The Renters Alliance is the first and only regional nonprofit dedicated exclusively to renter outreach, education, organizing and advocacy. We are the leading co-founders of Renters United Maryland.

We seek a favorable report on SB 756, which would extend the annual transfer of \$14 million from the Abandoned Property Fund to the Access to Counsel in Evictions (ACE) Fund for FY 24 through FY 27.

The Renters Alliance works with renters facing abuse, retaliation, maintenance neglect and unjustified threats of eviction daily. It is critical that renters, who represent the majority of our most vulnerable residents, receive legal counsel when facing these threats. Without support for this program, renters are simply left to fight for their homes without a lawyer and are at an enormous disadvantage when seeking to protect their homes.

**Maryland is a leader in the Right to Counsel movement – becoming only the second state in the nation to recognize the proven, cost-effective benefits of a right to counsel in evictions.** As detailed further in the testimony of the National Coalition for a Civil Right to Counsel: Right to counsel in evictions is a proven, cost-effective model around the country of preventing disruptive displacement in eviction cases. While Maryland’s initial implementation of the law only started about 8 months ago and still has a long way to go to reach full implementation, the [ACE Task Force report](#) notes that families have begun obtaining representation and fighting back against eviction.

**Attorneys working in ACE have helped families avoid disruptive displacement** including by avoiding eviction, delaying eviction so the tenant has additional time to move, avoiding a loss of a housing subsidy, enforcing a tenant’s rights under a lease and more. In many jurisdictions, services are now available both through pre-trial intake with individual providers and through day-of-court intake.

**Access to Counsel in Evictions furthers racial equity.** [Study](#) after study in Maryland and nationally show that persons of color are much more likely to have to face an eviction case. [82% of families behind on the rent in Maryland and facing evictions are headed by persons of color.](#) Ensuring that each of those families is represented by legal counsel helps empower those persons to enforce existing legal protections that safeguard due process, prohibit illegal fees, and address unsafe housing conditions.

**A secure baseline of \$14 million/year to fund ACE for FY 2024 through FY 2027 is important to address implementation challenges with ACE.** In a tight labor market, legal services organizations have struggled to recruit and retain highly skilled attorneys for ACE implementation. The stable baseline of funding for implementation in SB 756 would provide assurances to organizations and attorneys who are considering this field that there would be some stability of funding moving forward. We understand that \$14 million is not adequate to realize full implementation of ACE. It is estimated that full implementation will cost at least \$30 million, but SB 756 is a critical starting point.

ACE is not a silver bullet to address all housing stability needs. Increasing the supply of affordable housing, emergency rental assistance, and other economic supports are important as well. But in 2021 Maryland recognized that right to counsel is a proven, cost-effective tool to enforce the laws already on the books. Secure, stable funding for implementation is critical to the initiative's success.

**We urge the Committee's favorable report on SB 756.**



**SB756\_MSPB Support\_3-31-23.pdf**

Uploaded by: Meredith Lathbury Girard

Position: FAV



March 31, 2023

**SB756 – Access to Counsel in Evictions - Funding**  
HEARING BEFORE THE HOUSE  
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*Connecting Individuals and  
Families who need Civil Legal  
Services with Volunteer  
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[WWW.MIDSHOREPROBONO.ORG](http://WWW.MIDSHOREPROBONO.ORG)

Mid-Shore Pro Bono (MSPB) recommends a favorable report for SB756. Sustained funding for Maryland's Access to Counsel in Evictions Program is vital to continuing the momentum and success already built in the short time this program has been in place and is necessary to make the long-term changes needed to keep people in their homes. This funding is especially critical in rural communities such as the Eastern Shore where a sustained and reliable presence in local courthouse is necessary to maintain community trust. We have learned through the beginning of ACE implementation that the need for tenant counsel is stronger than we ever imagined, and now ACE needs sustained funding so that we don't reverse the important progress made.

Mid-Shore Pro Bono, Inc. is a Maryland nonprofit that connects people on the Eastern Shore with limited financial means to legal representation and essential community resources. Each year, MSPB helps over 3,000 people in our community access the legal system in times of need. We serve 8 Eastern Shore counties (Caroline, Dorchester, Kent, Queen Anne's Somerset, Talbot, Wicomico, and Worcester). Our staff attorneys and network of volunteer lawyers provide free legal services for elder law, family law, landlord/tenant, mortgage and tax foreclosure, and consumer debt. These services help families gain financial and housing stability and create safe, secure homes for children. MSPB provides free legal services to people with a household income of up to 50% of Maryland Median income. Most of our clients are working families who otherwise would not be able to afford to hire their own legal representation and do not qualify for free services offered by other civil legal services organizations.

Permanent funding is necessary because ACE is working! Procedural issues matter even in failure to pay rent cases. Most Eastern Shore jurisdictions have little to no oversight or regulation of rental properties, leaving it up to the court system to deal with lack of repairs and a myriad of issues that tenants are unable to resolve on their own. Landlords often don't fill out their complaints correctly, attempt to collect money not owed to them, and may not be receiving rent because the landlord has failed to fix something critical, such as running water and plumbing, heat, or water leaks. Tenants often have valid defenses. With representation, the outcome is always better for the tenant, and often for the landlord too.

Recently, a married couple in had a failure to pay rent case filed against them precipitated by the landlord grossly overcharging the tenants for water (bills over \$1,200 in a single month). The tenant was unable to keep up with the monthly rent due to the very high and completely unpredictable water bills. With representation from MSPB's staff attorney, the tenant's case was dismissed, and the tenant ultimately was owed credit towards the rent because of many months of improperly calculated water bills. In Fall of 2022, MSPB's volunteer attorney discovered that a mass eviction of dozens of tenants was about to take place after a new property

manager was hired by the landlord. The mass eviction was the result of unclear communication about the availability of rental assistance. MSPB's attorney represented many of the tenants in their failure to pay rent cases and our housing case manager successfully worked with local funding partners to find the resources needed to keep many of the tenants in their apartments. Without sustained effort by MSPB's case manager and volunteer attorney, including constant monitoring of the rent court docket, dozens of tenants would have been evicted. When tenants in our community are evicted, many become homeless due to the very limited amount of affordable housing.

The impact of unstable funding for ACE is significant. MSPB's ability to provide consistent, high-quality staffing is contingent on sufficient and continuous funding. Having the same attorneys and case managers at rent court every week is integral to maintaining trust and reliability with the communities we serve. Our clients are often afraid to reach out to help, may not know where to turn, or feel ashamed about their need for legal help. Having an approachable, consistent presence at local courthouses is necessary to create the most access for people who are struggling. Here on the Eastern Shore, trust and reliability are valuable currencies.

When tenants work with an attorney, they become more knowledgeable about their rights and how to work with their landlord effectively. This knowledge empowers them to better navigate landlord tenant issues they may encounter in the future.

Without stable ACE funding, MSPB cannot provide consistent access to counsel and ensure that tenants receive the due process they are entitled to under Maryland law. Without consistent access to counsel, more people than ever are unnecessarily at risk of becoming homeless, which can have serious adverse effects on individuals and communities on the Eastern Shore. For these reasons, Mid-Shore Pro Bono urges the Committee's support for SB756. If you have any questions regarding our position on this bill, please contact Meredith Lathbury Girard, Esq., executive director, at 410-690-8128 or [mgirard@midshoreprobono.org](mailto:mgirard@midshoreprobono.org).

**SB 756 House Hearing FAV Michael Lent.docx.pdf**

Uploaded by: Michael Lent

Position: FAV

## **SB 756 - Access to Counsel in Evictions – Funding**

**Hearing before the Appropriations Committee on April 4, 2023**

**Position: SUPPORT (FAV)**

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I seek a favorable report on SB 756, which would extend the annual transfer of \$14 million from the Abandoned Property Fund to the Access to Counsel in Evictions (ACE) Fund for FY 24 through FY 27.

I am a homeowner now but had been a renter for many years. I believe in adding this funding to better supply and continue the initial effort of access to counsel. Providing more stable funding for the near future will provide many renters and tenants in Maryland greater confidence to find better security and stability in their housing.

**Maryland is a leader in the Right to Counsel movement – becoming only the second state in the nation to recognize the proven, cost-effective benefits of a right to counsel in evictions.** As detailed further in the testimony of the National Coalition for a Civil Right to Counsel: Right to counsel in evictions is a proven, cost-effective model around the country of preventing disruptive displacement in eviction cases. While Maryland's initial implementation of the law only started about 8 months ago and still has a long way to go to reach full implementation, the [ACE Task Force report](#) notes that families have begun obtaining representation and fighting back against eviction.

**Attorneys working in ACE have helped families avoid disruptive displacement** including by avoiding eviction, delaying eviction so the tenant has additional time to move, avoiding a loss of a housing subsidy, enforcing a tenant's rights under a lease and more. In many jurisdictions, services are now available both through pre-trial intake with individual providers and through day-of-court intake.

**Access to Counsel in Evictions furthers racial equity.** [Study](#) after study in Maryland and nationally show that persons of color are much more likely to have to face an eviction case. [82% of families behind on the rent in Maryland and facing evictions are headed by persons of color.](#) Ensuring that each of those families is represented by legal counsel helps empower those persons to enforce existing legal protections that safeguard due process, prohibit illegal fees, and address unsafe housing conditions.

**A secure baseline of \$14 million/year to fund ACE for FY 2024 through FY 2027 is important to address implementation challenges with ACE.** In a tight labor market, legal services organizations have struggled to recruit and retain highly skilled attorneys for ACE

implementation. The stable baseline of funding for implementation in SB 756 would provide assurances to organizations and attorneys who are considering this field that there would be some stability of funding moving forward. I understand that \$14 million is not adequate to realize full implementation of ACE. It is estimated that full implementation will cost at least \$30 million, but SB 756 is a critical starting point.

ACE is not a silver bullet to address all housing stability needs. Increasing the supply of affordable housing, emergency rental assistance, and other economic supports are important as well. But in 2021 Maryland recognized that right to counsel is a proven, cost-effective tool to enforce the laws already on the books. Secure, stable funding for implementation is critical to the initiative's success.

**I urge the Committee's favorable report on SB 756.**

Sincerely,

Michael Lent  
District 08  
2504 Creighton Ave Parkville MD 21234

**Cross Over SB 756 - DLS - FAV.pdf**

Uploaded by: Michelle Siri

Position: FAV



DELIVERY OF  
**LEGAL SERVICES COMMITTEE**

POWERED BY MARYLAND ACCESS TO JUSTICE COMMISSION & MARYLAND STATE BAR ASSOCIATION

**BILL NO:** Senate Bill 756  
**TITLE:** Access to Counsel in Evictions – Funding  
**COMMITTEE:** Appropriations (Cross Over Hearing)  
**HEARING DATE:** April 4, 2023  
**POSITION:** **SUPPORT**

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The Delivery of Legal Services Committee (DLS) of the Maryland Access to Justice Commission was formed to promote the fair administration of justice in the State of Maryland. The Committee supports and encourages free or low-cost legal services for people of limited means through legal services programs for the indigent, public interest legal organizations, *pro bono publico*, reduced fee, and other alternatives to traditional fee-for-service representation to provide access to the courts, and court alternatives for the resolution of disputes. The areas include legal practice and legal reform for the indigent and persons of modest means, for example, civil rights, consumer advocacy, civil and criminal legal services, and lawyer referral services. The Committee is comprised of a mix of practicing attorneys, including those working for civil legal aid organizations, private practitioners, and government attorneys, who all share a common goal: increasing access to justice.

As amended, Senate Bill 756 builds on legislation passed in 2021 and 2022 that established, and then funded, the Access to Counsel in Evictions Special Fund by extending the \$14,000,000 funding stream through 2027 within the Governor’s annual budget.

We know that tenants with representation are more likely to have a successful outcome than those without representation. In fact, a recent study projects that 92% of represented tenants could avoid disruptive displacement with a right to counsel in one of Maryland’s three high-volume-eviction jurisdictions<sup>1</sup>. Legal representation is fundamental to safeguarding fair, equal, and meaningful access to the legal system. According to the Maryland Access to Justice Commission, there are only 1.49 lawyers available to help every 10,000 low-income individuals in Maryland.<sup>2</sup> By extending funding for the Access to Counsel in Evictions Special Fund we can prevent the disruptive displacement that plagues so many low-income Maryland families.

Because we strongly support a civil right to counsel, particularly in areas of the law where fundamental human rights are at stake, the DLS supports SB 756 and urges a favorable report.

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<sup>1</sup> Stout Risius Ross, LLC, *The Economic Impact of an Eviction Right to Counsel in Baltimore City 65* (May 2020), <https://bmorerentersunited.org/rtc/stoutreport> (study based on case data reported by Maryland Legal Aid, Pro Bono Resource Center of Maryland, Homeless Persons Representation Project, Disability Rights Maryland, and Public Justice Center).

<sup>2</sup> Maryland Access to Justice Commission, *Strategic Vision Report, 2020*, <https://www.mdaccesstojustice.org/reports>



**SB 756--AOBA Statement--FAV.pdf**

Uploaded by: Ryan Washington

Position: FAV



**Bill No: SB 756-- Access to Counsel in Evictions Special Fund - Funding**

**Committee: Appropriations**

**Date: 04/04/2023**

**Position: Favorable**

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.

Senate Bill 756 requires the Comptroller to distribute \$14,000,000 from the abandoned property fund to the Access to Counsel in Evictions Special Fund for each fiscal year.

AOBA supports a dedicated funding source for the Access to Counsel in Evictions Special Fund that does not increase fees, or impose new fees, on housing providers or the rental housing industry.

**For these reasons AOBA requests a favorable report on SB 756.**

For further information contact Ryan Washington, AOBA Manager of Government Affairs, at 202-770-7713 or [rwashington@aoba-metro.org](mailto:rwashington@aoba-metro.org).

**SB0756 - MSBA Support Letter (2023.04.04).docx.pdf**

Uploaded by: Shaoli Katana

Position: FAV



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## MEMORANDUM

To: Members of the House Appropriations Committee  
From: Maryland State Bar Association (MSBA), Shaoli Katana, Esq., Advocacy Director  
Subject: Senate Bill 756 - Access to Counsel in Evictions - Funding  
Date: April 4, 2023  
Position: Support

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The Maryland State Bar Association (MSBA) and its partner, the Maryland Access to Justice Commission, support **Senate Bill 756 - Access to Counsel in Evictions - Funding**. SB 756 extends a requirement that the Comptroller distribute \$14,000,000 of certain abandoned property funds to the Access to Counsel in Evictions Special Fund through a certain fiscal year; extends a requirement that the Governor include in the annual budget bill an appropriation of \$14,000,000 from the Fund to the Maryland Legal Services Corporation through a certain fiscal year.

The MSBA represents more attorneys and judges than any other organization across the State in all practice areas. MSBA serves as the voice of Maryland's legal profession. Through its Laws Committee and various practice-specific sections, MSBA monitors and takes positions on legislation of importance to the legal profession. The Maryland Access to Justice Commission (A2JC) brings together civil justice partners to break down barriers that prevent all Marylanders from equally accessing the civil justice system.

We strongly support access to justice for Marylanders and continued funding of the civil justice system. The MSBA and A2JC supported and secured the passage of the legal right to counsel in eviction matters through passage of HB18 (2021), to help many Maryland renters negatively impacted by the pandemic. Since that time, the MSBA, A2JC, and coalition partners have secured two years of funding for the Access to

Counsel in Evictions (ACE) program through FY2024.

### **Continued ACE Funding is Vital to Promote Access to Justice and Housing Security**

SB 756 takes the critical next step to provide continued funding for the ACE Program through 2027. While further financial support is needed beyond that time, SB 756 will help support the immediate needs for the ACE Program. Financial constraints are one of the largest obstacles for civil legal aid providers to serve low-income communities. Funding for legal services for all Marylanders is one of the MSBA's top legislative priorities, and the ACE Program is a beneficial, cost-effective access to justice solution for the state. Providing legal representation for renters facing eviction helps to keep them in their homes and also prevents other consequences including homelessness, physical and mental health issues, job loss, and overall economic instability. Tenant representation can also lead to lower costs for emergency housing and law enforcement.

### **The Value of Attorneys in the Civil Justice System**

The complexities of the civil justice system were further increased by the pandemic, and unrepresented litigants have found even more challenges with access, fairness, equity, and adequate resources in court. In landlord-tenant cases, the majority of tenants are unrepresented while most landlords appear with counsel.

The value of having one of Maryland's 42,000 attorneys in court representing a tenant during an eviction proceeding is undeniable. An attorney can help tenants stay in their homes and also provide much needed analysis and advice when an eviction cannot be avoided.

Continued funding of the ACE Program will yield a fairer system of justice and more efficient court processes. Attorneys can remove eviction filings from public records, coordinate secondary housing options or negotiate additional time to move out, apply for rental assistance, reduce or remove fees to a landlord, and more. Tenants with counsel are more likely to receive a favorable judgment, avoid future eviction cases, and receive regular updates on the law and court procedures. Court dockets will be positively impacted by the addition of counsel to help settle and litigate eviction matters.

For the reasons stated above, MSBA and A2JC support SB 756 and respectfully request a favorable report. For additional information, please feel free to contact Shaoli Katana at MSBA at [shaoli@msba.org](mailto:shaoli@msba.org).

**SB 0756 - Maryland Legal Aid - FAVORABLE.pdf**

Uploaded by: Victoria Schultz

Position: FAV



**MARYLAND  
LEGAL AID**

*Advancing*  
**Human Rights and  
Justice for All**

**Senate Bill 0756**

**Access to Counsel in Evictions – Funding**

In the House Appropriations Committee

Hearing on April 4, 2023

**Position: FAVORABLE**

Thank you for the opportunity to testify on this bill. I am Vicki Schultz, Executive Director of Maryland Legal Aid (MLA). MLA wholeheartedly supports SB 756 which will provide ongoing funding through to the Maryland Legal Services Corporation (MLSC) through fiscal year 2027 to ensure the continuation of the ground-breaking Access to Counsel in Evictions (ACE) Program. The ACE Program levels the playing field for tenants facing eviction, provides vital housing stability for low-income Marylanders and addresses the disproportionate impact of evictions on Black and Brown renters in our state.

As the largest provider of free civil legal services in our State, MLA provided legal assistance and representation to more than 80,000 low-income and vulnerable Marylanders last year alone. Our 12 offices serve residents in each of Maryland's 24 jurisdictions and handle a range of fundamental civil legal matters, including housing, family law, public benefits, bankruptcy, debt collection, and criminal record expungements. MLA has provided legal assistance and representation in housing matters throughout its more than 100-year existence.

The General Assembly became a leader in the nation by passing legislation to establish the ACE program, a statewide right for low-income Marylanders to access counsel when facing eviction. There has been a national movement to establish a right to counsel in certain fundamental civil matters such as the potential loss of one's housing. It is an anti-poverty strategy and investment that pays long-term benefits by promoting housing stability and reducing the number and impact of evictions. Providing counsel leads to better outcomes and a fairer, more efficient court process.

The General Assembly expressed its intent that the ACE Program be fully implemented across the state by October 2025, and it directed that a phased implementation plan be established to accomplish that goal. Maryland is just in the beginning stages of implementing the ACE program which will be a multi-year endeavor requiring extensive outreach and education, collaboration with the Judiciary, coordination among the legal services providers, and a need to hire and retain legal advocates to make the commitment to provide counsel real.



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However, the lack of ongoing, stable secure funding for the Program will hamper the implementation of the Program and deprive low-income Marylanders facing eviction of the legal representation that they desperately need, and that the General Assembly intended to provide.

With legal help, people can find better solutions to remain housed and ensure stability for themselves and their families. Further, providing legal counsel levels the playing field in rent court where previous studies nationally and in Baltimore have shown that more than 90% of landlords have representation in court whereas tenants have representation in less than 1% of cases.

Further, these matters can hold very high stakes for tenants who live in public or subsidized housing. When a person's subsidy is terminated, it often means that people have no recourse and are at high risk of homelessness. A subsidy provides families with financial assistance so they can afford market rent. If a person or family loses that subsidy, the family will likely not be able to find alternate affordable housing and will be at high risk for homelessness. Having counsel gives that family a better chance of retaining their subsidy or coming up with better solutions.

However, for the ACE program to work, there must be legal staff available and ready to provide representation. Hiring and retention for MLA and other legal services providers has been a particularly difficult challenge, especially in today's tight employment market. On average, MLA attorneys and other MLSC grantees are *the lowest paid* publicly funded, public interest lawyers in our state.

MLA is deeply committed to full implementation of the ACE program, but we cannot implement the ACE program without the necessary staff to do the work. To accomplish this, MLA must be able to hire excellent new staff members and retain its experienced staff.

Notably, MLA has had significant difficulties filling vacancies and retaining its staff. This is due to a variety of factors including national labor shortages, the highest inflation rate in over 40 years, and rising state and federal salaries that have well outpaced MLA salaries. Nonprofit legal services provider organizations, like ours, have not been able to keep pace with other publicly funded, public interest lawyers such as those in the Office of the Public Defender or the Office of the Attorney General.

Parity with these other publicly funded, public interest lawyers is essential to assure MLA and other MLSC grantees can meet the legal needs of people living in impacted communities. With a history of compressed salaries, MLA has lost ground recently, even with its peers – publicly

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funded, public interest lawyers working for the state. We routinely lose interested and talented applicants due to salary constraints as a result. Of course, we fully support the salary increases for our fellow social justice fighters; our client populations overlap significantly, and our work is complementary. But that also means there should be consistent, equitable access to representation for our clients.

Parity also means equity in hiring. Low pay means that talented advocates are excluded because they can't afford to do this important work. Employees who have access to generational wealth or live in two-income households may be able to afford to accept a lower legal services salary but many employees who are first-generation—lawyers or college graduates—cannot afford to do so particularly when public interest work for the state pays significantly higher salaries and still offers public loan forgiveness. That also can mean that our lawyers don't look like our communities, which harms our ability to connect with and represent clients.

We urge the Committee to report SB 756 favorably to ensure that Maryland takes this next critical step to fully implement the ACE Program so that it provides the long-term dividends for Marylanders that the legislature envisioned when it passed this ground-breaking law.

Respectfully submitted,  
Vicki Schultz  
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