

SB756 - Access to Counsel - Evictions Testimony.pdf

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Position: FAV

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 Temple Beth Shalom
 Temple Isaiah
 Zionist Organization of America
 Baltimore District

Written Testimony

**Senate Bill 756 - Access to Counsel in Evictions – Funding
 Senate Budget and Taxation Committee – March 1, 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, permanently.

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 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.

2023-03-01 SB 756_OAG_Kemerer_FAV.pdf

Uploaded by: Anthony Brown

Position: FAV

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March 1, 2023

To: The Honorable Guy Guzzone
Chair, Budget and Taxation Committee

The Honorable Jim Rosapepe
Vice Chair, Budget and Taxation Committee

From: Hannibal G. Williams II Kemerer
Chief Counsel - Legislative Affairs Unit

Re: Senate Bill 756 - Access to Counsel in Evictions - Funding (SUPPORT)

The Office of the Attorney General strongly supports Senate Bill 756, sponsored by Chairman Guzzone, which would ensure permanent funding for the Access to Counsel in Evictions Special Fund. The bill would require that the Comptroller distribute \$14 million annually from abandoned property funds and that the Governor appropriate \$14 million annually to the Maryland Legal Services Corporation to provide funding for counsel for tenants facing eviction.

In 2021, Maryland became the second state in the country to provide access to counsel to all income-qualified individuals facing eviction, which had been a recommendation of former Attorney General Frosh's Access to Justice Task Force.¹ Recognizing the enormous cost of evictions statewide, the General Assembly passed the Access to Counsel in Evictions (ACE) Law, which requires that the Maryland Legal Services Corporation "shall provide" legal representation for "a judicial or administrative proceeding to evict or terminate the tenancy or housing subsidy of a covered individual."² The Law further established the ACE Special Fund, which consists primarily of funds received by the Consumer Protection Division from settlements or judgments against parties engaging in unfair, abusive, or deceptive trade practices relating to residential rental

¹ MD. OFF. OF THE ATTORNEY GEN., REPORT OF THE ACCESS TO COUNSEL IN EVICTIONS TASK FORCE 4 (2023).

² MD. CODE, REAL PROP. § 8-904.

property.³ Last session, the General Assembly provided initial funding for the Access to Counsel in Evictions Special Fund for FY 2024 in Chapter 40. Senate Bill 756 would make that funding permanent, thereby assuring that tenants facing eviction continue to have access to counsel to ensure they have the representation they need.

The ACE Law also created the Access to Counsel in Evictions Task Force, which is charged with evaluating the ACE program, making recommendations to improve it, and researching potential funding sources.⁴ In its annual report released in January, the Task Force found that the Program’s “most urgent and critical need” is “a source of perpetual and permanent funding.”⁵ Senate Bill 756 responds to that urgent and critical need, and we ask the Committee for a favorable report.

cc: Members of the Budget and Taxation Committee

³ *Id.* § 8-909(e)(1); *see* MD. COM. LAW § 13-301 (defining “unfair, abusive, or deceptive trade practices”).

⁴ MD. CODE, REAL PROP. § 8-908(f).

⁵ MD. OFF. OF THE ATTORNEY GEN., REPORT OF THE ACCESS TO COUNSEL IN EVICTIONS TASK FORCE 2 (2023).

Testimony SB 756.PDF

Uploaded by: Catherina Vandenburg

Position: FAV

**TESTIMONY OF CATHERINA VANDENBURG
STUDENT AT THE UNIVERSITY OF BALTIMORE SCHOOL OF LAW**

IN SUPPORT OF SB 756

**BUDGET AND TAXATION COMMITTEE
MARYLAND SENATE
March 1, 2023**

My name is Catherina Vandenburg, and I am a second-year law student at The University of Baltimore in the Evening Program. I write to express my support of Senate Bill 756, to establish a permanent funding mechanism for the Maryland Access to Counsel in Evictions Special Fund.

I am a part-time evening student working my way through law school. Last semester, I had the opportunity to complete an internship with the Pro Bono Resource Center in their Tenant Volunteer Lawyer of the Day (TVLD) program. I was able to do so only through the financial support given to me by the Law School through the new Housing Justice Fellowship Program, which is funded by an Access to Counsel in Evictions grant.

Without the Fellowship stipend, I would not have been able to reduce my work hours at my primary place of employment and still make ends meet. The Fellowship allowed me to free up time for my internship with PBRC. The choice between completing an internship that serves the community or being able to afford rent is a reality many law students face. The Housing Justice Fellowship program enabled me to explore an area of law that I care deeply about by creating the opportunity and making it a financially viable option.

I am the first person in my family to attend law school. Since I was a child, I have seen firsthand how not being able to afford legal counsel affects people. Being served with a court summons is terrifying, especially for those who do not have the social or economic resources to navigate the legal world. The fear of losing one's home causes tremendous anxiety. People who do not have attorneys have to take time off of work to prepare for and attend court, which puts their livelihood at even further risk. Seeing these injustices is one of the reasons I decided to attend law school.

Lack of access to counsel disproportionately impacts low-income individuals, women, and minorities. According to Eviction Lab, there are 361 evictions filed per day in Baltimore City, of which 61.9% are black renters. Many of these are single mothers. Moreover, the Centers for Disease Control and Prevention define unstable housing and economic stress as risk factors for Adverse Childhood Experiences (ACEs). We know that ACEs have a long-term impact on the physical, mental and emotional health of individuals as they become adults.

Through my internship at PBRC, I had the chance to provide people at risk of eviction with a listening ear and a chance to have their voices heard. This was a tremendous learning opportunity for me. It helped me better understand legal issues I care about, and build skills that will help me become a better lawyer. I know that many more law students would benefit from paid opportunities to work on housing rights work across Maryland. I urge that Access to Counsel in Eviction funding be made permanent so that other students can gain exposure to this important work.

MMHA - 2023 - SB 756 Favorable.pdf

Uploaded by: Chinelo Osakwe

Position: FAV



Senate Bill 756

Committee: Judicial Proceedings
Date: March 1st, 2023
Position: Favorable

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose membership consists of owners and managers of more than 207,246 rental housing homes in more than 937 apartment communities. Our members house over 667,000 residents of the State of Maryland throughout the entire State of Maryland. MMHA membership also includes more than 216 associate members that supply goods and services to the multi-housing industry. More information is available at <https://www.mmhaonline.org/>

Senate Bill 756 (“SB 756”) directs \$14 million, starting in FY 2024, to the Access to Counsel in Evictions Special Fund. MMHA’s position on funding for the Access to Counsel in Evictions Program (“A2C Program”) has been consistent. Based on a sound budget analysis and implementation plan, MMHA supports allocation of funds to the A2C Program that do not burden housing providers who provide critical services to Maryland’s residents. To that end, SB 756 is certainly a more appropriate method to fund the A2C Program than unrecoverable court costs being levied against housing providers that are exercising their right to access the impartial judicial system.

MMHA strongly encourages mandatory Access to Counsel Quarterly Reports as outlined on pages 5 and 6 of the [Joint Chairman’s FY 2023 State Operating Budget Report](#). Transparency in implementation is imperative for the success of the program.

Based on a sound budget analysis and implementation plan, MMHA expects that the \$14 million allocated in SB 756 will support the A2C Program for multiple years.

If you have any questions, please reach out to Chinelo Osakwe at 954-681-8743

CDN SB 756 FAVORABLE.pdf

Uploaded by: Claudia Wilson Randall

Position: FAV



Testimony SB 756
Budget & Taxation Committee
March 1, 2023
Position: FAVORABLE

Dear Chairman Guzzone and Members of the Budget & Taxation 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

BaltimoreCounty_FAV_SB0756.pdf

Uploaded by: D'Andrea Walker

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: Budget and Taxation

POSITION: **SUPPORT**

DATE: March 1, 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.

DanRosenbergTestimonyInSupport.pdf

Uploaded by: Daniel Rosenberg

Position: FAV

Daniel L. Rosenberg, Esq.¹
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 Budget and Taxation Committee – March 1, 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 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 two 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, they 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

¹ 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.

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 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 stable and consistent funding. Thus, I support Senate Bill 0756 (and its companion House Bill 1050), and encourage this committee to pass the Bill as written.

SB 756.pdf

Uploaded by: David Prater

Position: FAV

IN THE SENATE – BUDGET AND TAXATION COMMITTEE**March 1, 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 SB 756 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,¹ and nationwide, about 4.1 million people with disabilities spend more than half of their income on rent.² In Maryland, more than half of all people with disabilities had annual household incomes below \$15,000 in 2016.³ 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 \$841.⁴ Consequently, many people with disabilities are forced into homelessness, nursing homes, State hospitals, emergency rooms, and Maryland’s jails and prisons.

DRM provides representation to persons with disabilities facing eviction pursuant to Maryland’s Access to Counsel legislation. Here are a few examples of the kinds of cases where we are providing representation:

- 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.

¹ 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.

² 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>.

³ 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.

⁴ 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.

- A minor with a developmental disability was disconnected from his school support services because of Covid-19. His mother called Grassroots – the mobile crisis service provider in Howard County – on several occasions. Per Grassroots protocol, a mobile crisis team appeared with police and a clinician to help control his behaviors. The landlord cited the appearance and presence of law enforcement as a reason for their efforts to evict them.
- A woman with an intellectual disability was in an abusive relationship. She was violently beaten by her abuser in her home. Police responded and the abuser was arrested and jailed. After this incident her landlord sent her a Notice to Vacate.
- A veteran with PTSD and physical disabilities had an argument about accessible parking with her landlord – chiefly that the veteran had a designated parking space that other residents were using and the management company was not enforcing. The veteran experienced a brief crisis as a result of an escalating argument and was taken to a hospital. A Notice to Vacate was waiting for her when she returned.
- A child with emotional disabilities was playing with matches in his home and this caused some minor fire damage to the carpet. The mother extinguished the fire but the fire department and police department came. The child was emergency petitioned by police. Despite the only minor damage to the apartment, the family was served with a Notice to Vacate and the landlord cited the arrival of police and fire departments to justify the eviction.

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 David Prater at davidp@disabilityrightsmd.org at 443-692-2500

SB756_MLSC_FAV.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 Senate Budget & Taxation Committee
Hearing Date: March 1, 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 make permanent 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.¹ 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.

¹ 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.

Grossman-Written Testimony.pdf

Uploaded by: Gavin Grossman

Position: FAV

Gavin Grossman¹
Eviction Prevention Law Clinic
University of Maryland Carey School of Law

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Baltimore, MD 21201

Testimony in Support of SB 0756– FAVORABLE
Access to Counsel in Evictions – Funding
Before the Appropriations Committee – March 1, 2023.

SB 0756 would create a permanent budget requirement that the Governor includes in the annual budget bill an appropriation of \$14,000,000 of certain abandoned property funds to the Access to Counsel in Evictions Special Fund. The initial impact of COVID-19 created a public health crisis that demanded unprecedented action to ensure the health and safety of Marylanders. These measures included the General Assembly guaranteeing legal representation for renters facing eviction and establishing the Access to Counsel in Evictions Program to direct services to provide covered individuals with access to legal representation.² Part of this Program involved creating the Eviction Prevention Clinic at the University of Maryland Francis King Carey School of law. Although we are through the tumultuous part of the COVID-19 pandemic, what has become evident to me while participating in this Clinic Program is that the underlying harms of eviction remain. For these reasons, the State of Maryland cannot afford to let the Access to Counsel in Evictions Special Fund sunset and should make it a permanent budget item.

CLINICAL EVICTION PREVENTION PRACTICE CREATES POSITIVE LEARNING OUTCOMES FOR STUDENT-ATTORNEYS.

As part of the Access to Counsel Program, the University of Maryland Carey School of Law received grant funding to create the Eviction Prevention Clinic. A central tenant of law school education is presenting students with hypothetical fact patterns and legal issues to learn how the law is applied outside the walls of a classroom. However, nothing prepares students to work with clients, appear before a court, and do impactful work more effectively than the real thing. Therefore, all full-time day students at the University of Maryland School of Law are required to participate in the Clinic Program where they gain experience working on real-life cases and gain a unique combination of theoretical study and practical experience.³

¹ This testimony in support of this Bill represents the personal opinions of the student member of the Eviction Prevention Clinic and is based on his 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.

² 2021 MD H.B. 18

³ UNIVERSITY OF MARYLAND SCHOOL OF LAW, *About Our Clinical Law Program*, <https://www.law.umaryland.edu/academics/clinics/>

As a student participating in the University of Maryland School of Law's Eviction Prevention Clinic, I firmly believe that the work I have done on behalf of my clients has been incredibly important to my law school education because it exposed me to parts of legal practice that are otherwise out of reach for law students. I will never forget the experience of meeting my first client, finding out she had a court appearance that week, and feeling overwhelmed by the idea of being her legal counsel. Before this clinic, I had never felt the pressure of preparing a case that would have an actual impact on someone's life. I am extremely grateful that the first time I was faced with these stakes, I was able to work with my Clinic Instructor, Supervising Attorney, and Student Partner to collaborate and prepare the best possible case on behalf of our client. This pre-trial collaboration was invaluable, but what will always stick with me about this experience was the joy on the client's face when we successfully argued before the District Court that her landlord could not collect the rent he claimed my client owed. Walking out of the courthouse that day, I felt a confidence and sense of accomplishment that could only come from the kind of practice experience gained through this type of Clinical Program.

Participating in the Eviction Prevention Clinic opened my eyes to what it is like working in legal services. During my time in the clinic, I had the opportunity to work with real clients and help them navigate legal issues. Given that we were helping people in marginalized and underserved communities, the work I was able to put in made a gigantic impact in resolving the clients' situations. Seeing the difference that I could make in the lives of these clients was incredibly rewarding, and it opened my eyes to the positive impact of legal services work. As I look towards my career after graduating from law school, my clinical experience has definitely sparked an interest to pursue legal services work in the future.

ACCESS TO EVICTION PREVENTION SERVICES POSITIVELY IMPACTS OUTCOMES FOR LOW-INCOME TENANTS.

Being evicted from one's home can have devastating effects on individuals and communities.⁴ For this reason, Maryland law provides several protections and defenses for tenants who may be facing an eviction action from their landlords. While these defenses can be effective, they are toothless when renters do not understand how to assert them. One of our first assignments in the Eviction Prevention Clinic was to observe Failure to Pay Rent cases at the Baltimore City District Court. My observations from these proceedings confirmed to me something I already instinctively knew that representation is vital for the proper administration of justice. I watched cases where renters lived in unsafe or unhealthy conditions, but because they were unaware of the nuances of landlord-tenant law, they did not know what defenses were available to them when their landlords went after them for unpaid rent. During my time in the eviction prevention clinic, it has become apparent to me that when these tenants have representation, whether it be

⁴ MARYLAND ATTORNEY GENERAL'S OFFICE, REPORT OF THE ACCESS TO COUNSEL TASK FORCE, JANUARY 2022, https://www.marylandattorneygeneral.gov/A2C_docs/ATC_Task_Force_Report.pdf at 7.

from a non-profit legal services provider or even a student attorney like me, it significantly prevents the possibility of an unfair eviction. Thus, for justice to be properly administered in these cases, it is vital that resources that provide renters with counsel be protected and supported by the state.

CONCLUSION

This Committee must pass SB 0756 to ensure the continuance of vital Eviction Prevention Programs in Maryland. Grants to the University of Maryland School of Law have created instructive programs for student attorneys to gain invaluable practice experience. Furthermore, access to counsel dramatically improves outcomes for tenants, who may otherwise be unaware of how to defend themselves in court.

2023-03-01 SB 756_OAG_Kemerer_FAV.pdf

Uploaded by: Hannibal Kemerer

Position: FAV

ANTHONY G. BROWN
Attorney General



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Chief of Staff

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March 1, 2023

To: The Honorable Guy Guzzone
Chair, Budget and Taxation Committee

The Honorable Jim Rosapepe
Vice Chair, Budget and Taxation Committee

From: Hannibal G. Williams II Kemerer
Chief Counsel - Legislative Affairs Unit

Re: Senate Bill 756 - Access to Counsel in Evictions - Funding (SUPPORT)

The Office of the Attorney General strongly supports Senate Bill 756, sponsored by Chairman Guzzone, which would ensure permanent funding for the Access to Counsel in Evictions Special Fund. The bill would require that the Comptroller distribute \$14 million annually from abandoned property funds and that the Governor appropriate \$14 million annually to the Maryland Legal Services Corporation to provide funding for counsel for tenants facing eviction.

In 2021, Maryland became the second state in the country to provide access to counsel to all income-qualified individuals facing eviction, which had been a recommendation of former Attorney General Frosh's Access to Justice Task Force.¹ Recognizing the enormous cost of evictions statewide, the General Assembly passed the Access to Counsel in Evictions (ACE) Law, which requires that the Maryland Legal Services Corporation "shall provide" legal representation for "a judicial or administrative proceeding to evict or terminate the tenancy or housing subsidy of a covered individual."² The Law further established the ACE Special Fund, which consists primarily of funds received by the Consumer Protection Division from settlements or judgments against parties engaging in unfair, abusive, or deceptive trade practices relating to residential rental

¹ MD. OFF. OF THE ATTORNEY GEN., REPORT OF THE ACCESS TO COUNSEL IN EVICTIONS TASK FORCE 4 (2023).

² MD. CODE, REAL PROP. § 8-904.

property.³ Last session, the General Assembly provided initial funding for the Access to Counsel in Evictions Special Fund for FY 2024 in Chapter 40. Senate Bill 756 would make that funding permanent, thereby assuring that tenants facing eviction continue to have access to counsel to ensure they have the representation they need.

The ACE Law also created the Access to Counsel in Evictions Task Force, which is charged with evaluating the ACE program, making recommendations to improve it, and researching potential funding sources.⁴ In its annual report released in January, the Task Force found that the Program’s “most urgent and critical need” is “a source of perpetual and permanent funding.”⁵ Senate Bill 756 responds to that urgent and critical need, and we ask the Committee for a favorable report.

cc: Members of the Budget and Taxation Committee

³ *Id.* § 8-909(e)(1); *see* MD. COM. LAW § 13-301 (defining “unfair, abusive, or deceptive trade practices”).

⁴ MD. CODE, REAL PROP. § 8-908(f).

⁵ MD. OFF. OF THE ATTORNEY GEN., REPORT OF THE ACCESS TO COUNSEL IN EVICTIONS TASK FORCE 2 (2023).

NCCRC written testimony for SB 756.pdf

Uploaded by: John Pollock

Position: FAV



February 28, 2023

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

To Chair Guzzone, Vice-Chair Rosapepe, and members of the Budget & Taxation Committee:

Thank you for the opportunity to testify in support of SB 756, which would provide \$14 million of 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

Senate SB 756 - Written testimony - SENATE.pdf

Uploaded by: Katherine Davis

Position: FAV

SB 756 – Access to Counsel in Evictions - Funding
Hearing before the Budget and Taxation Committee, March 1, 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 you to pass a favorable report on SB 756 to ensure continued funding for services like ours by removing the one year restriction on the Abandoned Property Fund to make it a perpetual and permanent source of funding for the ACE Program.

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 life, health or safety of the tenant, or questions about licensing or who is included in the lease. 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 is it imperative that tenants, whose very housing is at stake, have counsel as well 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 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 successfully requested a postponement to review the ledger, during which time they determined that some of the fees were applied incorrectly, there were issues of accommodations regarding a disability 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 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 who was as familiar with the laws and the legal processes as her landlord’s attorney, 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 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 can help ensure this as well by locking in consistent funding for the Access to Counsel in Evictions Fund.**

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 • 443-703-3049

ACE SB0756 CLS Written Testimony.pdf

Uploaded by: Kayla Williams

Position: FAV



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March 1, 2023

The Honorable Guy Guzzone
Chair, Budget and Taxation Committee
3 West Miller Senate Office Building
Annapolis, Maryland 21401

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

Dear Chair Guzzone, Vice Chair Rosapepe, and Committee Members:

Thank you for the opportunity to testify in support of SB 756, a bill that will ensure that the Access to Counsel in Evictions Special Fund remains funded through a permanent and ongoing appropriation in the State's annual budget.

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, 240-391-6532.

HPRP Testimony SB756 ACE Funding 2-2023.pdf

Uploaded by: Kirsten Downs

Position: FAV

SUPPORT

SB756 – Access to Counsel in Evictions - Funding

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

*Wednesday, March 1, 2023
Senate Budget and Taxation*

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. 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 sustained funding from MLSC, 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) with questions or for additional information.

Montgomery County Community Action Board Testimony

Uploaded by: Leslie Frey

Position: FAV



**Montgomery County Community Action Board Testimony in Support of SB756
Access to Counsel in Evictions – Funding
March 1, 2023
SUPPORT**

TO: The Honorable Guy Guzzone, Chair; The Honorable Jim Rosapepe, Vice Chair; and Members of the Budget and Taxation Committee

FROM: Dr. Jeffery Johnson, Chair, Montgomery County Community Action Board

The Montgomery County Community Action Board, the County’s local, state, and federally designated anti-poverty group, is in full support of SB756 and asks the Committee for a favorable report. The Board supported the Access to Counsel in Evictions Special Fund last year and was pleased to see the bill pass. As evictions remain an ongoing problem and access to legal services is limited across the state and country, the Board recognizes the reality that this Special Fund will be necessary for years to come. We support SB756 for requiring the Comptroller to annually distribute \$14,000,000 from the sale of abandoned property to the Access to Council in Evictions Special Fund and requiring the Governor to include in the state budget an allocation of \$14,000,000 from the Fund to the Maryland Legal Services Corporation.

With the protections for renters against evictions that were in place during the pandemic ending, along with many emergency rental assistance programs, added support for renters is even more critical now. The effects of the pandemic on lower-income residents were only exacerbated by the already limited supply of affordable housing in Montgomery County and in many other parts of the state. It is telling that nearly half of all renters in the County are cost-burdened, meaning that they spend 30% or more of income on housing alone.¹ This is part of a larger picture where the cost of living has skyrocketed and wages have not kept up, making affording basic necessities even more difficult for lower-income members of our community. The Montgomery County Self-Sufficiency Standard for a household with two working adults, one preschooler, and one school-age child is now \$122,943, over four times the federal poverty level.² Added supports for families struggling to meet the Self-Sufficiency Standard are desperately needed, including legal assistance funded by SB756 if a household finds itself in the unfortunate circumstances of facing eviction.

We ask the Committee members to support this bill and to continue to explore policies that will help Marylanders find and maintain affordable housing.

¹ <https://montgomeryplanning.org/wp-content/uploads/2020/07/MoCo-HNA-July-2020.pdf>

² <https://maryland-cap.org/the-maryland-2023-self-sufficiency-standard-calculator/>

SB 756 - ACDS Support - Funding for Access to Coun

Uploaded by: Lisa Sarro

Position: FAV



SB 756 - Access to Counsel in Evictions – Funding
Hearing before the Budget and Taxation Committee
March 1, 2023

Position: SUPPORT (FAV)

Arundel Community Development Services, Inc. (ACDS) serves as Anne Arundel County’s nonprofit housing and community development agency, helping Anne Arundel County residents and communities thrive through the provision of safe and affordable housing opportunities, programs to prevent and end homelessness, and community development initiatives. In fulfilling this role, ACDS administers grants to nonprofit partners, directly develops and implements programming, and advises the County on housing and community development policy initiatives.

We urge the Committee to issue a favorable report on SB 756 to ensure permanent funding for access to legal counsel in eviction cases.

As funding for emergency rental assistance winds down and rents in Maryland rise, access to legal counsel for renters facing eviction is more important than ever. Providing access to legal counsel in eviction cases has been an integral part of Anne Arundel County’s Eviction Prevention Program since shortly after the COVID-19 pandemic began. Coupled with the availability of rental assistance funds, Anne Arundel County’s partnership with Community Legal Services (CLS), a nonprofit legal services provider, has prevented countless evictions of Anne Arundel County residents and resulted in millions of dollars in rent payments to Anne Arundel County landlords. As the funding for eviction prevention decreases or is eliminated, the use of legal defenses to prevent evictions for which there is a legal defense is even more important than it has been in the past.

Access to Counsel is highly successful in Anne Arundel County. Administered through a grant with funding from the County, Community Legal Services (CLS) began the Anne Arundel County Eviction Prevention Legal Program in late-2020. That program quickly became what was essentially the equivalent of an Access to Counsel in Evictions (“ACE”) Program even before State funding became available last year. The Anne Arundel County Eviction Prevention Legal Program has been highly successful. In addition to providing legal representation and advice to renters involved in the court process every day of the week, CLS works closely with ACDS and other government and nonprofit agencies working to prevent evictions and end homelessness in Anne Arundel County, participating regularly in meetings

with these organizations and essentially being “on call” for all of us when we have questions or clients with emergencies. While Anne Arundel County was able to utilize COVID-related funding for the last fiscal year to supplement newly-available State funding to keep the Anne Arundel County Eviction Prevention Legal Program running, that level of County funding is not sustainable indefinitely. *Losing the Eviction Prevention Legal Program, or even a reduction in capacity of the Program, would be a huge loss to our community.*

Without State funding going forward, Access to Counsel programs would need to scale back substantially or be shut down completely because counties simply cannot fund these programs on their own indefinitely. The legislature saw the value and justification for creation of the Access to Counsel in Evictions Program two years ago. State funding appropriated for the FY23 budget, coupled with available COVID-related funding, provided a needed boost to help get ACE programs off the ground in counties around the State last year and, in the case of Anne Arundel County, to expand and keep the ACE program going strong. However, the current legislation appropriating State funds for ACE programs has a fast-approaching expiration date absent action by the legislature. Senate Bill 756 is that necessary action – it would ensure that funding for Access to Counsel in Eviction cases in Maryland is permanent in a stable amount beginning with the FY24 budget. Passing SB 756 this year will ensure the legislation creating a right to Access to Counsel in Evictions remains funded and an ongoing reality for Maryland renters.

For the reasons noted above, we urge a FAVORABLE report on SB 756.

SB756 Access to Counsel Funding Public Justice Ctr

Uploaded by: Matt Hill

Position: FAV



C. Matthew Hill
Attorney
Public Justice Center
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SB 756 - Access to Counsel in Evictions – Funding

Hearing before the Senate Budget and Taxation Committee on March 1, 2023

Position: SUPPORT (FAV)

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 would extend beyond FY 24 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 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.

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 report of Favorable 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.

SB 756_MNADV_FAV.pdf

Uploaded by: Melanie Shapiro

Position: FAV



BILL NO: Senate Bill 756
TITLE: Access to Counsel in Evictions – Funding
COMMITTEE: Budget and Taxation
HEARING DATE: March 1, 2023
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Budget and Taxation Committee to issue a favorable report on SB 756.**

Senate Bill 756 would make permanent the requirement that the Comptroller distribute \$14,000,000 of certain abandoned property funds to the Access to Counsel in Evictions Special Fund. It would also make permanent the 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 (MLSC).

With more than a third of domestic violence victims experiencing homelessness after leaving their abuser, the ability to access safe and affordable housing is paramount for victims and survivors of domestic violence. An inability to access safe and affordable housing is often an insurmountable barrier for a victim attempting to leave a domestic violence situation. Victims often remain in abusive relationships and children are exposed to ongoing violence because they have nowhere safe to go and are at risk of homelessness or housing instability.

Despite federal and state protections intended to prevent eviction for victims of domestic violence and support them in obtaining safe and affordable housing, victims often find themselves homeless. Victims face punishment or discrimination for an abusive partners violence. Often, victims experience financial abuse and may have insufficient funds and poor credit, both necessary to secure housing.

SB 756 would make permanent the appropriation that is necessary to financially support counsel for tenants facing eviction proceedings. Victims of domestic violence would greatly benefit from counsel at evictions proceedings to ensure that federal and state law is followed, and they are not being discriminated against or wrongfully evicted.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 756.**

For further information contact Melanie Shapiro ■ Public Policy Director ■ 301-852-3930 ■ mshapiro@mnadv.org

1997 Annapolis Exchange Parkway, Suite 300 ■ Annapolis, MD 21401
Tel: 301-429-3601 ■ E-mail: info@mnadv.org ■ Website: www.mnadv.org

SB756_MSPB Support.pdf

Uploaded by: Meredith Lathbury Girard

Position: FAV



February 28, 2023

SB756 – Access to Counsel in Evictions - Funding
HEARING BEFORE THE SENATE
BUDGET AND TAXATION COMMITTEE

Mid-Shore Pro Bono (MSPB) recommends a favorable report for SB756. Permanent funding for Maryland's Access to Counsel in Evictions Program is vital to sustaining 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 permanent 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 Maryland Legal Aid.

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 Somerset County 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

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Services with Volunteer
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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.

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: Budget & Taxation
HEARING DATE: March 1, 2023
POSITION: **SUPPORT**

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.

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 making the \$14,000,000 funding stream a permanent item 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 jurisdictions¹. 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.² By ensuring 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.

¹ 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).

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

MD Catholic Conference_FAV_SB0756.pdf

Uploaded by: MJ Kraska

Position: FAV



MARYLAND
CATHOLIC
CONFERENCE

March 1st, 2023

SB 756

Access to Counsel in Evictions - Funding

Budget & Taxation Committee

Position: Favorable

The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals, and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 756 would require the Comptroller to distribute a certain amount of certain abandoned property funds to the Access to Counsel in Evictions Special Fund; and generally relating to the Access to Counsel in Evictions Special Fund.

The foundation of Catholic Social Teaching is the recognition of the life and dignity of the human person. The Church has traditionally viewed housing, not as a commodity, but as a basic human right. This conviction is grounded in our view of the human person and the responsibility of society to protect the life and dignity of every person by providing the conditions where human life and human dignity are not undermined but enhanced. As Pope John Paul II stated, "*A house is much more than a roof over one's head. It is a place where a person creates and lives out his or her life.*"

Our legal system rests upon the principle that everyone is entitled to due process of law and a meaningful opportunity to be heard. Thus, Senate Bill 756 will provide essential legal representation for our most vulnerable populations of Maryland.

The Conference appreciates your consideration and respectfully urges a **favorable** report for Senate Bill 756.

CASA Testimony on SB756 [ACE Funding] - Feb 2023.p

Uploaded by: Nick Katz

Position: FAV



SB 756 - Access to Counsel in Evictions - Funding

Hearing before the Senate Budget and Taxation Committee on March 1, 2023

Position: SUPPORT (FAV)

February 28, 2023

Honorable Chair Guzzone and Members of the Committee:

We are writing to express our strong support for SB756. CASA is the largest membership-based immigrant rights organization in the mid-Atlantic region, with more than 120,000 members in Maryland. Our mission is to create a more just society by building power and improving the quality of life in working class and immigrant communities. We envision a future where our members stand in their own power, our families live free from discrimination and fear, and our diverse communities thrive as we work with our partners to achieve full human rights for all.

For nearly forty years, CASA has employed grassroots community organizing to bring our communities closer together and fight for justice, while simultaneously providing much needed services to these communities, helping to ensure that low-income immigrants are able to live rich and full lives.

The reasons for passing this bill are manifold. As you know, the General Assembly has already mandated the Right to Counsel in Evictions. Our problem now is permanently funding the mandate. This bill takes the simple step of solving that problem.

Funding the right to counsel is critical for CASA members and communities to stay in their homes. For the last two years, CASA has been on the frontlines defending our members against eviction. The reasons to have a lawyer in the courts are numerous. We find that allegations of unpaid rent consistently turn out to be for the wrong amount, the wrong tenant, or the wrong months. We take a second look at a Tenant Holding Over action and discover that only tenants who complained about poor conditions received such notices. We see unlicensed landlords pursuing illegal debts, angry landlords retaliating against their tenants for lawful activity, and negligent landlords forcing tenants to uphold their end of the bargain without performing their own maintenance. These situations almost always require a lawyer to resolve.

The barriers to resolution without a lawyer are higher for CASA members, who often have cultural, educational, and linguistic barriers. It is harder for tenants to fight month-to-month fees and missing ledger payments if they do not speak English. Many landlords rely on their own software and manual rent payment entries – systems which are fallible – and fail to appropriately consider tenants' explanations or proofs of payment. With fewer financial resources, our members also benefit greatly from a lawyer's earlier intervention to prevent further fees and landlords' attorney costs from being piled on to a tenant's rental debt.

The benefits of representation extend far beyond what can be discussed here. They are also contained in the vast record compiled when the original ACE bill was passed. We simply urge this committee to approve continued and permanent funding for representation in landlord-tenant matters.

CASA is also a member of the Renters United Maryland, a statewide coalition of renters, organizers, and advocates, and **we urge the Committee's report of Favorable on SB756.**

Best Regards,

Jonathan Riedel

Jonathan Riedel, Esq.
Supervising Attorney
CASA



2023.02.28 - ACE Funding - A2JC Written Testimony

Uploaded by: Reena Shah

Position: FAV

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SB756

Access to Counsel in Evictions - Funding

Senate Budget & Taxation

SUPPORT

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

A2JC’s top priority this year is to ensure full and continuous state funding for the Access to Counsel in Evictions law and thus, strongly supports SB756 and encourages a favorable committee report.

Background on ACE Funding

During the 2021 legislative session, the Maryland General Assembly passed HB 18, making Maryland only the second state in the nation to have a program that provides access to legal representation to all income-qualified persons facing eviction on a statewide basis (the Program). Maryland was part of a larger national movement which saw many state and local jurisdictions using the influx of federal emergency rental assistance (ERA) funds to adopt transformational eviction prevention measures, including a legislatively mandated access to counsel.

The resulting Access to Counsel in Evictions law, which went into effect on October 21, 2021, provides that all Marylanders who income qualify, **shall** have access to legal representation in “a judicial or administrative proceeding to evict or terminate a tenancy or housing subsidy,” including the most voluminous type of landlord/tenant case, Failure to Pay Rent. In FY 2021, landlord/ tenant cases made up 45% of the civil legal cases in Maryland in 2021, if Motor Vehicle cases are excluded.

At the start of the 2022 legislative session, the Program remained unfunded. The Access to Counsel in Evictions Task Force, which was created by HB 18 to monitor implementation of the ACE Program, strongly asserted in its inaugural report that funding was the ACE Program’s “**most urgent and critical need.**” The Maryland Access to Justice Commission, along with other justice partners, made Program funding its top priority during the 2022 legislative session and succeeded in advocating with the General Assembly and Governor to provide two years of start-up funding for the Program through FY2024.

Now, during the 2023 legislative session, the General Assembly must act to ensure stable and continuous state funding for the ACE law. Successful implementation of the ACE Program is even more urgent now as we deplete the last of the federal emergency rental assistance, which has been a key driver in keeping eviction case filings significantly lower than pre-pandemic levels. As this important safety net for landlords and tenants expires, the ACE Program is poised to serve as the strongest bulwark against evictions.

The True Cost of Evictions

The need for the Access to Counsel in Evictions law in Maryland acknowledged the personal and societal costs of evictions, citing the following:

- Evictions are a detriment to public health, especially during the COVID-19 pandemic.
- In addition to the loss of a home, evictions come with collateral consequences that may have generational impact.
- Evictions also cost state and local governments a significant amount of money, including costs associated with shelters, education, transportation for homeless youth, foster care, and health care provided in hospitals rather than community based care.
- Evictions have a disparate impact on Black and Brown households and those led by women.
- Evictions are a high stakes legal process where access to legal representation is markedly uneven between landlords and tenants.

The General Assembly sought to address the myriad of personal and societal challenges posed by evictions by adopting a recognized and cost-effective eviction prevention strategy - *access to legal representation* - that had been proven in other jurisdictions to reduce disruptive displacement of families as well as the attendant social, economic and public health costs to society at large.

The Effectiveness of Legal Counsel in Reducing Eviction

Indeed, jurisdictions that have enacted right-to-counsel laws before the pandemic, like New York City, saw drastic reductions in evictions – without any of the other factors that have aided in eviction prevention since the pandemic – including moratoriums and rental assistance. In New York City, 86% of represented tenants remained in their homes and eviction filings decreased by 30% just through the provision of counsel.

The Maryland Access to Justice Commission is an independent entity and does not endorse or oppose any political party or candidate for elected office.

Recognizing the importance of legal representation in preventing evictions, the federal government urged that ERA funds can and should be used to provide legal representation for households facing eviction proceedings. For example, Treasury Secretary Janet Yellen, U.S. Attorney General Merrick Garland, and Secretary of Housing and Urban Development Marcia Fudge echoed this point in an August, 2021 letter to state and local officials across the country, explaining that “tenants are more likely to avoid eviction and remain stably housed when they have access to legal representation. Legal counsel can also aid in the successful completion of [rental assistance] applications.”

As a result, a year later in August 2022, during a national briefing on [Building Lasting Eviction Prevention Reform](#), The White House reported that ERA funds fueled the expansion of right to counsel programs across the country. Indeed, while only 5 cities had adopted a legislative right to counsel prior to the pandemic, Maryland was part of a national wave where it became one of three states and fifteen cities that either legislatively adopted a right or access to counsel for tenants, while an additional sixty cities expanded legal representation for tenants using federal ERA funds.

Stable and Continuous Funding is the Lynchpin to Successful ACE Implementation

It is not an understatement to say that successful Program implementation hinges on continued and stable funding. While last year’s challenge was the complete lack of funding, this year’s challenge is to identify a stable and continuing source of state funding that will enable progress towards full implementation by October 1, 2025 and allow for maintenance of the Program subsequent to that. Currently, the Program is funded with a mix of federal and state funds, but as federal ERA funds expire, investment of state funds is necessary in order for us to realize the benefits of an ACE Program.

Fluctuations that come from intermittent funding sources will have deleterious impacts on staffing levels, outreach and evaluation efforts, and more. Without sufficient funding on an on-going basis, full implementation of the Program will not be possible, resulting in many low-income Marylanders needing to navigate complex eviction cases on their own, without legal representation.

Stakes are high for vulnerable Marylanders facing eviction and the ACE Program has the potential to be game-changing and transformative. The Maryland General Assembly was a leader in establishing a state-wide right to access to counsel in eviction proceedings. It must now provide a stable and continuous source of state funding for the ACE Program in order to make this ground-breaking law effective at keeping Marylanders housed.

For the reasons stated, the Maryland Access to Justice Commission requests the Senate Budget & Taxation Committee to issue a FAVORABLE report SB756. For more information, please contact Reena K. Shah, Executive Director of the Maryland Access to Justice Commission, at reena@msba.org.

The Maryland Access to Justice Commission is an independent entity and does not endorse or oppose any political party or candidate for elected office.

Testimony SB 756 Access to Counsel Funding.pdf

Uploaded by: Ronald Weich

Position: FAV

TESTIMONY OF RONALD WEICH
DEAN OF THE UNIVERSITY OF BALTIMORE SCHOOL OF LAW
IN SUPPORT OF SB 756
BUDGET AND TAXATION COMMITTEE
MARYLAND SENATE

March 1, 2023

Good afternoon Chairman Guzzone, Vice-Chair Rosapepe and members of the Committee. The University of Baltimore School of Law supports Senate Bill 756 to establish a permanent funding mechanism for the Maryland Access to Counsel in Evictions Special Fund. Access to legal counsel is a critical component of a fair judicial system, particularly when the stakes for individual litigants are high. The evidence is overwhelming that the outcome of an eviction can devastate individual families, and disproportionately affects communities of color.

Maryland has made significant strides toward providing a more equitable legal process through the Access to Counsel in Evictions (ACE) legislation passed last year. The General Assembly aimed for full implementation of the ACE Program by October 2025, and the Maryland Legal Services Corporation and its grantees have made substantial progress on implementation in the last year. Now it is time for the Maryland General Assembly to ensure the success of the ACE Program by making the funding permanent.

The implementation of Access to Counsel in Evictions is an extraordinary undertaking and will require many more lawyers trained and committed to representing tenants across the state of Maryland. As one of the two Maryland law schools, the University of Baltimore School of Law is committed to doing our part to train and cultivate a pipeline of new attorneys committed to working on issues of housing justice. Our students come to law school to seek meaningful work about which they are passionate. However, financial constraints often mean that students must choose between positions that align with their values, and those that will provide them with a larger paycheck. We want to eliminate this difficult choice where we can, by funding students to engage in important public service across the state.

Our law school received an ACE grant, with which we have established a new Housing Justice Fellowship Program. Through this program, we are able to provide stipends to students working in law offices across Maryland providing tenants with in-court representation. In the past academic year, we have funded eight part-time placements, serving clients in Baltimore City, Baltimore County, Montgomery County, Prince George's County and the Eastern Shore of Maryland. We plan to fund several students working full-time this summer.

Ultimately, we hope to inspire students to pursue careers in housing justice. We have partnered with Maryland Legal Aid to select a post-graduate fellow, who will receive a waiver of the final year of law school tuition to incentivize the fellow to pursue a career as a housing rights attorney. Additionally, we have created a new Housing Justice Law course, which is fully enrolled in its first semester. This

course examines legal and policy issues concerning housing instability, including the origins of current housing inequalities, the current eviction crisis, and fair housing law. The course challenges students to consider the role of lawyers in addressing housing instability, and explore various forms of housing advocacy, including eviction defense, impact litigation and policy reform.

In its first year, our Housing Justice Fellowship program has drawn significant student engagement. We hope that, with continued funding, we can continue to raise the profile of housing justice work at our law school and provide students with the learning opportunities they will need to become effective housing rights advocates. We support permanent funding of the ACE Program so that we can achieve that goal. I urge the committee's favorable report on SB 756.

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: Budget and Taxation

Date: 03/01/2023

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.

SB0756 - MSBA Support Letter (2023.03.01).docx.pdf

Uploaded by: Shaoli Katana

Position: FAV



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MEMORANDUM

To: Members of the Senate Budget and Taxation Committee

From: Maryland State Bar Association (MSBA)
Shaoli Katana, Esq., Advocacy Director

Subject: Senate Bill 756 - Access to Counsel in Evictions - Funding

Date: March 1, 2023

Position: Support

The Maryland State Bar Association (MSBA) supports **Senate Bill 756 - Access to Counsel in Evictions - Funding**. SB 756 makes permanent a requirement that the Comptroller distribute \$14,000,000 of certain abandoned property funds to the Access to Counsel in Evictions Special Fund; and makes permanent 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.

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 MSBA strongly supports access to justice for Marylanders and continued funding of the civil justice system. The MSBA and its partner the Access to Justice Commission (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. 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 supports SB 756 and respectfully requests a favorable report. For additional information, please feel free to contact Shaoli Katana at MSBA at shaoli@msba.org.

2023.02.28 - ACE TF Written Testimony ACE Funding

Uploaded by: Vicki Schultz

Position: FAV



SB756

Access to Counsel in Evictions - Funding

Senate Budget & Taxation

SUPPORT

The Access to Counsel in Evictions Task Force

[The Access to Counsel in Evictions Task Force \(ACE TF\)](#) is a legislatively mandated body that was created by HB18, the Access to Counsel in Evictions law. The ACE TF has 15 members, including 3 tenant representatives; 2 landlord representatives; legal services organizations, community groups, the state bar, the judiciary and MLSC. The ACE TF is staffed by the Office of the Attorney General and the Chair of the Task Force is appointed by the Attorney General. The ACE TF's role is to do the following:

- Evaluate the services provided through the ACE Program;
- Study potential funding sources; and
- Make recommendations to improve the implementation of the Program, including necessary policy and statutory changes.

The Task Force has issued two reports to the Governor and the legislature since its inception. The January 2023 annual report was delivered on December 31, 2022 and can be found here: https://www.marylandattorneygeneral.gov/A2C_Docs/2023_ACE_TF_Report.pdf.

The Task Force delivered a briefing to the House Judiciary Committee on February 1, 2023 on the findings and recommendations of the ACE TF, see here: https://mgaleg.maryland.gov/mgawebiste/Committees/Media/false?cmte=jud&clip=JUD_2_1_2023_meeting_1&ys=2023rs

Key Recommendations from the ACE TF Report:

The ACE TF deemed permanent and on-going State funding for the ACE Program to be its top priority to ensure continuity and confidence in building and implementing a successful statewide ACE Program. In light of the end of pandemic era protections and the proven effectiveness of ACE, the ACE TF asserted that the ACE law is poised to serve as the strongest bulwark against disruptive displacement and eviction in Maryland.

Specifically, the Task Force recommended the following in terms of funding:

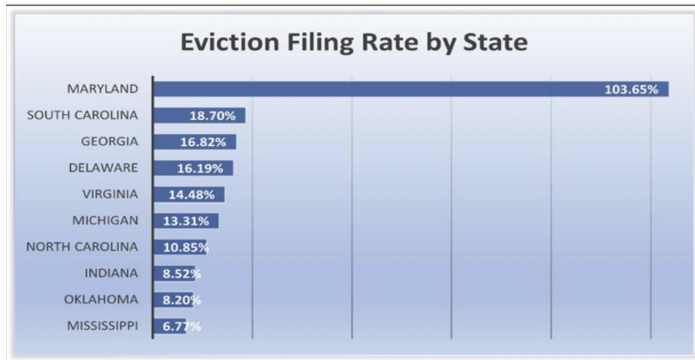
For the General Assembly

- Provide sufficient state funding for the Access to Counsel in Evictions Program to fully implement the Program throughout the State as required by the statute.
- Streamline funding sources, ideally to a single source like a line-item in the state budget or the Abandoned Property Fund, in order to simplify procurement and reporting requirements.
- Remove the one year restriction on the Abandoned Property Fund to make it a perpetual and permanent source of funding for the ACE Program.

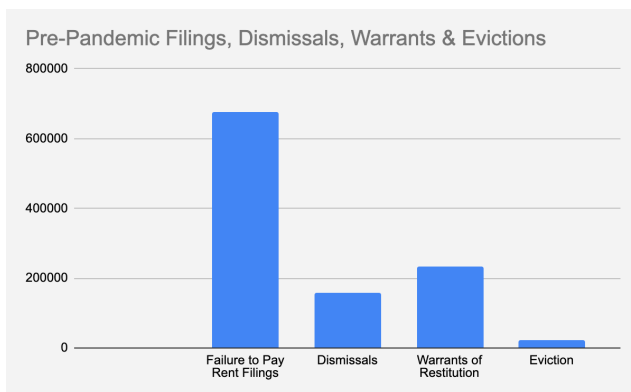
Key Reasons Why the Access to Counsel in Evictions Law is Necessary

As the Committee considers fully funding the ACE law, it is important to remember why the law was passed in the first instance, and why it is important to continue to fund it to ensure we are able to reap the benefits of the law.

1. **High number of case filings: In 2019 - there were 674,575 filings compared to about 805,000 renter households.**



2. **Case filings are high relative to evictions, but both are high on their own terms. In 2019, there were 674,575 filings, approximately 158K dismissals, approximately 234K Warrants of Restitution & 21,676 Evictions.**



3. **Evictions are a public health issue**

Many studies show that eviction is a public health issue and can exacerbate public health impacts.

4. Evictions have many Collateral Consequences, harming individuals, families and communities. They

- Place a great economic burden on landlords & tenants;
- Hurt future employment & housing prospects of tenants;
- Negatively impact physical & mental health of those impacted;
- **In children**: lower school performance and increase behavioral issues.

5. Disproportionate impact on women & persons and communities of color, especially Black women

2020 Baltimore City study finds that the *“number of Black female headed household removals is 3.9 times higher (296% more) than the number of white male headed evictions”*

6. Evictions are costly to the state when you add up law enforcement, shelter, healthcare, transportation and foster care costs.

7. Eviction is a complex legal process for vulnerable Marylanders to navigate on their own.

- There is a knowledge gap between landlords and tenants about laws and court process;
- Eviction can involve navigating federal, state, local, contract and case law.
- **1% tenants represented v. over 96% of landlords with some type of legal representation.**

8. “Providing a right or access to counsel to tenants in eviction cases is a proven means of preventing the disruptive displacement of families and the resulting social, economic, and public health costs of such displacement.”

For example, in New York City, 84% of households represented in court by lawyers were able to remain in their homes. In Cleveland, 93% of represented tenants have avoided an eviction or involuntary move.

The ACE Task Force Strongly Supports SB756

For the reasons stated, the ACE TF requests the Senate Budget & Taxation Committee to issue a FAVORABLE report SB756. For more information, please contact Tara Miles, OAG staff to the Task Force at tmiles@oag.state.md.us or Reena Shah, Chair of the Task Force at reena@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 Senate Budget and Taxation Committee

Hearing on March 1, 2023

Position: FAVORABLE

Thank you for the opportunity to testify on this bill. My name is Vicki Schultz, and I am Executive Director of Maryland Legal Aid (MLA). MLA wholeheartedly supports SB 756 which will provide ongoing funding to the Maryland Legal Services Corporation (MLSC) to ensure the continuation of the ground-breaking Access to Counsel in Evictions (ACE) Program which 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 civil legal services in our State, MLA provided free legal services 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.

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 promote 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 such representation in less than 1% of cases.

Further, these matters can hold very high stakes for the tenants MLA represents 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 to be able to afford rent in the marketplace. If a person or family loses that assistance, that family will likely not be able to find alternate housing. Having counsel gives that family a better chance of retaining their subsidy or coming up with better solutions.

However, hiring and retention for MLA and other legal services providers has been a particularly difficult challenge, especially in today's employment market. On average, MLA attorneys and other MLSC grantees are *the lowest paid* publicly funded, public interest lawyers in our state. That makes

Despite our collective best intentions, we cannot implement the ACE program without staff to do the work. MLA is deeply committed to full implementation of the ACE program and delivering the high-quality legal services its clients need and deserve. To accomplish this, MLA must be able to hire excellent new staff members and retain its experienced staff.

However, due to national labor shortages, the highest inflation rate in over 40 years, and rising state and federal salaries that have well outpaced MLA salaries, MLA has had significant difficulties filling vacancies and retaining its staff. 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

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 ensure that the ACE program has the necessary funding to be fully implemented so that the program 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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UNFAV SB756.pdf

Uploaded by: vince mcavoy

Position: UNF

SB756 Access to Counsel in Evictions - Funding

Hello Chair Guzzone~

I'm sorry to have to disagree with you making permanent this eviction slush fund - 14 MILLION DOLLARS? - for eviction lawyers.

With the amount of money expended in courts via this bill and others like it, Maryland residents could just line up to have their rent paid. That would be less burdensome and adversarial.

And more to the issue of the eviction process, a great many tenants take horrible advantage of Landlords (review testimony from former Sen. Jim Brochin and other senators).

These stay-overs keep rental prices higher and prevent other reasonable tenants from accessing rental units. These folks who need to be forced out, 6-9 months' rent overdue, bring about law enforcement action to transact what should be a simple operation. They were peacefully given the keys to a property but they bring legal and law enforcement actions when they are forced to exit. These miscreants bring the neighborhoods down.

Please don't carry on with this type of approach to rental difficulties.

Respectfully

~vince

Baltimore Maryland