



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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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.