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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.