
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