

ABR SB351 Testimony - Favorable .pdf

Uploaded by: Alexis Burrell-Rohde

Position: FAV



ALEXIS BURRELL-ROHDE

REGISTER OF WILLS, BALTIMORE COUNTY
COUNTY COURTS BUILDING
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TOWSON, MARYLAND 21204

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February 16, 2023

The Honorable William Smith, Chair
Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, MD 21401

Support (FAV) – SB 351 – Maryland Legal Services Corporation – Affordable Life, Wills, and Estate Planning for Seniors Program

Dear Chair Smith and Committee Members:

My name is Alexis Burrell-Rohde. I am the Register of Wills for Baltimore County and testifying in favor of Senate Bill 351.

I have visited every senior center in Baltimore County providing information about the importance of estate planning and having a will. Despite our best efforts, about two-thirds of people in Baltimore County die “intestate,” meaning without a will. Two-thirds of Baltimore County estates are also small estates, meaning their assets are under \$50,000 for an individual or \$100,000 for a married decedent with all assets passing to the surviving spouse. Thus, the significant majority of intestate estates are of modest value and come from individuals and families of relatively modest means. We need additional estate planning resources to better maintain intergenerational wealth and avoid family conflict.

Each time I speak, I am asked, “how much will it cost to hire an attorney to draft my will?” Presently, the only pro bono estate planning program is through Maryland Legal Aid. This is superb program, but it is only able to serve individuals with adjusted median incomes of 50% or less of Maryland median income. While many Baltimore County seniors are of very limited means, their social security benefits, pension or retirement benefits often place them above 50% of AMI. Therefore, they are unable to qualify for Legal Aid, but they still are unable to afford a private attorney. This group, seniors with modest means, are underserved and would benefit from the greater access to affordable estate planning this program would provide.

Having a well drafted last will and testament is critical for families to build intergenerational wealth and to avoid the bad outcomes that come from self-drafted wills or from dying without a will. Careful planning is particularly important to families with modest means and families of color, who are now the most likely to die without having done any estate planning.

I respectfully recommend a favorable report on Senate Bill 351 and appreciate the Committee’s thoughtful attention.

Best regards,

Alexis Burrell-Rohde

Alexis Burrell Rohde

Register of Wills for Baltimore County

SB 351 Written testimony Final Draft.pdf

Uploaded by: Angus Derbyshire

Position: FAV



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

The Honorable Senator William C. Smith Jr.,
Senate Judicial Proceedings Committee
Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

Re: Testimony of Maryland Legal Aid in Support of SB (351) Maryland Legal Services Corporation – Affordable Life, Wills, and Estate Planning for Seniors Program

Dear Chairman Smith and Members of the Committee:

Thank you for the opportunity to write in support of SB 351. This bill establishes an Affordable Life, Wills and Estate Planning for Seniors Program in the Maryland Legal Services Corporation to provide eligible clients with legal services concerning (1) last will and testaments; (2) powers of attorney; (3) special needs trusts; and (4) advance health care directives.

Affordable access to estate planning services for seniors is essential to preserving generational wealth for low- and moderate-income communities, particularly communities of color that have historically had less access to these services. In Baltimore County, a community with established access to legal resources, nearly two thirds of all estates opened qualify as a small estate,¹ and about the same percentage are probated as intestate estates, meaning the deceased died without a valid will.²

Maryland Legal Aid (MLA) is Maryland's largest civil non-profit law firm that provides free legal services to indigent Maryland residents. MLA assists individuals and families in every Maryland County with a wide array of civil legal issues, including these matters. Despite our best efforts, as well as the

¹ A small estate is established to have a value of \$50,000 or less (\$100,000 or less if the spouse is the sole heir).

² Information courtesy of the Office of the Register of Wills for Baltimore County.

approximately 50 civil legal aid organizations operating in the state, 80% of Marylanders with a civil legal problem do not get the help that they need.³

MLA and other civil legal services providers are forced to prioritize limited resources to focus on case types that have an immediate impact on our client population such as landlord/tenant, public benefits, and consumer/bankruptcy issues, to name a few. Unfortunately, longer term but equally important civil legal issues such as affordable life, wills, and estate planning for seniors are limited by the availability of resources.

During 2020, MLA began to notice a significant increase in clients seeking assistance with drafting simple wills, power of attorney documents, and advance health care directives. By utilizing our Pro Bono Program to connect with volunteer attorneys, MLA was able to provide some assistance. However, because we are working volunteers, we have had to prioritize our lowest income clients⁴ and the process can take several months to complete. Far too many are left out.

The average client seeking assistance for an estate planning matter is a senior who is no longer working and whose sole income is a social security benefit or small pension. They often own their home which they have lived in most of their life and are looking to pass the asset on to their loved ones. While Maryland has an intestacy statute the statute does not consider the complex makeup of modern families and has intricacies that can lead to outcomes the client did not intend. The only way to ensure that an asset is passed to the intended recipient is to have a valid last will and testament.

In 2022, MLA was only able to assist 22% of the otherwise qualified individuals who contacted the organization for assistance with preparation of estate planning

³ Statistic compiled as of 2020 by the Maryland Access to Justice Commission <https://www.mdaccessstojustice.org/storymap>.

⁴ MLA has two income qualifications LSC and MLSC. LSC qualified individuals in a single household have maximum household income of \$1,415 a month. MLSC qualified individuals in a household of 1 have a monthly income of \$2,704. Because of limited resources MLA has only been able to provide estate planning services to LSC qualified individuals.

documents.⁵ Additionally, in 2022 the Maryland Center for Legal Assistance, a wholly owned subsidiary of MLA whose focuses is brief advice and limited assistance, received 1,113 requests for assistance with estate planning matters with the largest jurisdictions being Prince George’s County and Baltimore City which accounted for 35% of the contacts.⁶

In addition to the need for direct legal services there is a significant need to increase outreach to underserved communities. MLA was privileged to have the opportunity in 2022 to join the Office of the Register of Wills for Baltimore County in an outreach tour of local senior centers. Over approximately 20 presentations it was clear that there is a strong need for education about estate planning, the importance of having a will and the availability of resources. What we observed was the turnout was especially high in communities that were largely African American.

MLA supports initiatives that increase civil access to justice for underserved communities. We believe SB351 will establish a high impact program that will fill a void in legal services for a vulnerable client community and therefore urge the Committee to issue a favorable report on its passage.

Sincerely,

/s/ Angus W. Derbyshire Esq.

Director for Pro Bono
Maryland Legal Aid
500 E. Lexington Street
Baltimore, Md. 21202
410-951-7624
aderbyshire@mdlaborg

⁵ In 2022 261 clients contacted MLA for assistance wit wills and estates and a total of 58 clients were able to receive services.

⁶ Prince George’s County saw 239 requests for assistance and Baltimore County saw 152.

SB351 - Macfarlane - FAVORABLE.pdf

Uploaded by: Byron Macfarlane

Position: FAV



BYRON E. MACFARLANE
REGISTER OF WILLS FOR HOWARD COUNTY
9250 JUDICIAL WAY, SUITE 1100
ELLCOTT CITY, MARYLAND 21043

February 16, 2023

The Honorable William C. Smith, Jr., Chair
Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, MD 21401

RE: SB351 – Maryland Legal Services Corporation – Affordable Life, Wills, and Estate Planning for Seniors Program – FAVORABLE

Dear Chairman Smith and Members of the Committee,

My name is Byron Macfarlane, I am the Register of Wills for Howard County, and I write to respectfully request a favorable report for Senate Bill 351.

When I speak with members of the public, as well as with family and friends, I'm often asked questions like "Do I need a will?", "Should I get a trust?", and "What's the difference between a will and a power of attorney?" and "What's the difference between a will and a living will?" These are all good questions. I always say *everyone* should have a Last Will and Testament and that *some* people will benefit from having an Inter Vivos Trust, which is a trust established during your lifetime. I also say that everyone should have a Power of Attorney and an Advance Directive in the event they become incapacitated and require someone to make financial and medical decisions for them.

However, in addition to the emotional hurdles each of us has to overcome to confront, discuss, and plan for our potential incapacity and the inevitable end of our natural lives, many Marylanders face a financial hurdle as well. While many of our residents have the means to engage an attorney to develop an estate plan, and many others qualify for *pro bono* legal services, there is a sizable population who don't have the disposable income to pay for legal services out of pocket yet earn too much to be eligible for assistance at no cost. This legislation would ensure that at least some of those Marylanders will get the help they need and can have the peace of mind to know that their wishes at the end of their lives will be honored. Importantly, this planning would provide a valuable roadmap for their families: who will help pay the bills, who will make medical decisions, who will manage the estate, and who will inherit the assets they leave behind. It may even enable some families to avoid the probate process altogether.

In my experience as Register, I can say the probate process is generally easier when the decedent died with a Last Will and Testament. We also see that our estates that are most likely to be opened without a will are estates for individuals at the lower end of the economic ladder. This means it is our residents of lesser means who are more likely to go through probate and more likely to go through probate without the critically valuable guidance of a Last Will and Testament. Again, this legislation would help address this by giving more Marylanders access to affordable estate planning services.

I appreciate the opportunity to present testimony to this Committee and I respectfully recommend a favorable report to Senate Bill 351.

Sincerely,

A handwritten signature in blue ink that reads "Byron E. Macfarlane". The signature is written in a cursive style with a long horizontal flourish at the end.

Byron E. Macfarlane
Register of Wills

SB351_MLSC_FAV.pdf

Uploaded by: Deb Seltzer

Position: FAV



MLSC

MARYLAND LEGAL SERVICES CORPORATION

IOLTA - INTEREST ON LAWYER TRUST ACCOUNTS

Testimony Concerning SB 351
**“Maryland Legal Services Corporation - Affordable Life, Wills,
and Estate Planning for Seniors Program”**
Submitted to the Senate Judicial Proceedings Committee
Hearing Date: February 16, 2023

Position: Favorable (including sponsor amendments)

Contact: Deb Seltzer, Executive Director, 410-576-9494 x1009, dseltzer@mlsc.org

Maryland Legal Services Corporation requests a favorable report on Senate Bill 351, enactment of which would establish a program providing access to estate planning legal services for eligible seniors.

MLSC’s mission is 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. It currently funds 41 organizations to work toward that mission across the entire state. The Maryland General Assembly created MLSC in 1982 to administer the state’s Interest on Lawyer Trust Accounts (IOLTA) program, and since that time MLSC grantees have assisted approximately 4 million Marylanders with a wide variety of civil legal needs.

With appropriate resources, MLSC is prepared to administer the program estate planning program. The services offered under the program are important for all seniors, even those who may think they don’t have enough assets to make such planning worthwhile. These services can help families maintain and pass on intergenerational wealth, which is even more vital for low-income families. Yet, according to a 2021 Gallup Poll, less than one-third of people with incomes below \$40,000 have a will.

MLSC has a cadre of grantees with deep experience in providing these types of services. Over the past three fiscal years alone, our grantees have provided assistance in nearly 10,800 estate planning cases, helping clients obtain wills, living wills, advanced directives, health proxies, powers of attorney, life estate deeds and assistance with probate matters. Our grantees have also reported an increase in demand for estate planning assistance, as the COVID-19 pandemic has raised awareness about the importance of wills, advanced medical directives and other documents.

Legal services providers are active members of the communities in which they provide services, partnering with community groups, faith-based organizations, local governments and more to educate and serve residents. They offer a variety of models to best suit clients’ needs, ranging from individual appointments to large clinics and workshops.

The sponsor amendments will align the proposed program with MLSC’s mission and existing statutory guidelines.

MLSC asks for favorable consideration of Senate Bill 351, with the sponsor amendments.

SB351_EconAction_FAV(2023).pdf

Uploaded by: Isadora Stern

Position: FAV



Testimony to the Senate Judicial Proceedings Committee

SB351: Maryland Legal Services Corporation - Affordable Life, Wills, and Estate Planning for Seniors Program

Position: Favorable

February 16, 2023

The Honorable Senator Smith, Chair
Senate Judicial Proceedings Committee
Second Floor, Miller Senate Office Building
Annapolis, Maryland 21401
cc: Members, Senate Judicial Proceedings

Honorable Chair Smith and Members of the Committee:

Economic Action Maryland (formerly the Maryland Consumer Rights Coalition) is a people-centered movement to expand economic rights, housing justice, and community reinvestment for working families, low-income communities, and communities of color. Economic Action Maryland provides direct assistance today while passing legislation and regulations to create systemic change in the future.

We are writing today in support of SB351. SB351 establishes the Affordable Life, Wills, and Estate Planning for Seniors Program in the Maryland Legal Services Corporation which would provide seniors with moderate financial means access to affordable civil law-related services. These services meet an important need for Maryland homeowners and the preservation of wealth for low-income families.

Economic Action Maryland provides direct services to ensure every Marylander has access to safe, affordable housing, free from discrimination, harassment, and code violations and remove barriers to economic well being that disproportionately affect low-income older adults, individuals and communities of color. Through our direct service programs, Securing Older Adult Resources (SOAR) and the Fair Housing Action Center (FHAC), we work with housing insecure individuals and families - often referring our clients to legal services.

As an organization working to keep vulnerable Marylanders housed, we are aware of the barriers that Maryland homeowners face. Tangled titles keep thousands of Baltimore families, primarily in Black neighborhoods in West and East Baltimore, from qualifying for public assistance with repairs, prevent them from selling homes, and make them vulnerable to tax sale foreclosure. More than 70% of Black Americans do not have a will - leaving their families vulnerable to these issues.¹ These barriers often require legal and financial assistance.

The Affordable Life, Wills, and Estate Planning for Seniors Program would give more families the opportunity for wealth transfer and economic stability and growth for future generations. Thank you in advance for your consideration of this much needed legislation.

For these reasons we support SB351 and urge a favorable report.

Best,
Isadora Stern
Policy Manager

¹<https://www.cnbc.com/2022/02/07/70-percent-plus-of-black-americans-dont-have-wills-why-estate-plans-are-key.html>

NASW Maryland - 2023 SB 351 FAV - Legal Services t

Uploaded by: Mary Beth DeMartino

Position: FAV

**Senate Judicial Proceedings Committee
Senate Bill 351 - Maryland Legal Services Corporation –
Affordable Life, Wills, and Estate Planning for Seniors Program
February 16, 2023
SUPPORT**

On behalf of the National Association of Social Workers, Maryland Chapter (NASW-MD) Committee on Aging, we would like to express our support for Senate Bill 351 - Maryland Legal Services Corporation - Affordable Life, Wills, and Estate Planning for Seniors Program. Our committee has long advocated for comprehensive legal services for older adults. This bill will help ensure that seniors, including those residing in under-served rural areas, receive the legal services they need in important areas of civil law. We are excited to collaborate with the bill's sponsors and the committee to provide our support for this vital piece of legislation.

As social workers, we understand the importance of legal aid for seniors, to ensure their economic security and health care priorities. Currently, only one in four low-income older adults receives the legal assistance they require. While Title IIIB of the Older Americans Act (OAA) provides some dedicated funding for legal services for seniors, these funds are inadequate to meet the needs of older adults across the state of Maryland.

The emphasis on wills, powers of attorney, trusts, and advance directives in this bill is important. Many older adults lack these essential documents. According to the Johns Hopkins Bloomberg School of Public Health, 66% of Marylanders do not have an advance directive. This bill would give older adults the opportunity to execute documents that can safeguard their finances and assure that people they trust enact their wishes for their care.

The bill's emphasis on serving older adults in rural areas is also vital. According to the Economic Research Service (ERS), the average per capita income for Maryland residents in 2020 was \$66,799, but the per capita income for those residing in rural areas was \$57,714. The ERS also reports that the poverty rate in rural Maryland is 12.3%, compared with 8.9% in urban areas of the state. The State of Maryland classifies 18 of its 24 jurisdictions as rural.

It is a matter of both justice and equity to broaden the access of senior citizens to civil legal services. Low and moderate-income older individuals in Maryland, particularly those who live in underserved rural areas of the state, need and deserve to execute wills, special needs trusts,

advanced directives, and powers of attorney. These services will help to ensure that they can live with dignity and self-determination.

For these reasons, we ask that you give a favorable report on Senate Bill 351.

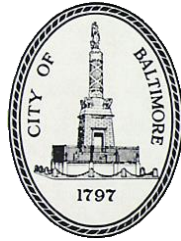
Respectfully,

Mary Beth DeMartino, LCSW
Executive Director, NASW-MD

SB0351-JPR-FAV.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB 351

February 16, 2023

TO: Members of the Senate Judicial Proceedings Committee

FROM: Nina Themelis, Interim Director of Mayor's Office of Government Relations

RE: Senate Bill 351 – Maryland Legal Services Corporation - Affordable Life, Wills, and Estate Planning for Seniors Program

POSITION: Support

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 351.

SB 351 addresses an important need for older adults with limited incomes: their ability to create a will, participate in advance care planning, and create an estate plan. Persons who are at least 65 years old and with a family income at or below the median family income for the State will be eligible to participate in the program. SB 351 requires the Governor to appropriate \$500,000 for the program, to be administered by the Maryland Legal Services Corporation.

Baltimore City Health Department Division of Aging and CARE Services is the designated Area Agency on Aging for Baltimore City, mandated by federal and State law to plan, coordinate, and fund services for adults 60 and over. The Division's services include legal services, delivered by the Bar Association of Baltimore City. In addition, the Division supports the work of legal services advocates, such as Maryland Volunteer Lawyers Services, to promote estate planning by low-income older adults.

Those involved in this work have found that a significant number of older adults in Baltimore City cannot afford civil legal services. As a result, intergenerational wealth transfers, particularly of family-owned homes, are jeopardized, and the ability of moderate-to-low-income City families to build equity is undermined. SB 351 would allow these older adults and their families to access legal services, protect their assets, and plan for their families' futures.

We respectfully request a **favorable** report on Senate Bill 351.

*Annapolis – phone: 410.269.0207 • fax: 410.269.6785
Baltimore – phone: 410.396.3497 • fax: 410.396.5136
<https://mogr.baltimorecity.gov/>*

SB 351 Maryland Legal Services Corporation Affordability

Uploaded by: Tammy Bresnahan

Position: FAV



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**SB 351 Maryland Legal Services Corporation – Affordable Life, Wills, and Estate Planning
Senate Judicial Proceedings Committee
FAVORABLE
February 16, 2023**

Good afternoon Chair Smith and members of the Senate Judicial Proceedings Committee. I am Tammy Bresnahan, Senior Director of Advocacy for AARP Maryland. AARP Maryland supports SB 351 On behalf of our almost 900,000 members, we would like to thank you for the opportunity to speak in support of SB 351 Maryland Legal Services Corporation—Affordable Life, Wills and Estate Planning. We thank Senator Washington for introducing SB 351.

SB 351 establishes a seniors program for the purpose of establishing the Affordable Life, Wills, and Estate Planning for Seniors Program in the Maryland Legal Services Corporation.

Older adults have unique health and social needs. Many are on fixed incomes. Often, older adults depend on government benefits and services that have complex requirements. Navigating this system can require access to competent legal assistance. As such, elder law has become a recognized specialization within the legal profession. Appropriate certification is required.

Policymakers should expand access to free or reduced-cost legal services for older adults with low and moderate incomes. This includes exploring legislative reforms to expand access to counsel in civil cases in which basic needs are at stake, such as eviction and debt claims proceedings.

Policymakers should encourage the implementation of innovative programs to expand access to legal services. These could include medical-legal partnerships. They should promote, through technical assistance, best practices in linking health and legal services within the health care setting.

Program to provide assistance to low- and moderate-income seniors with the preparation of legal documents, civil proceedings, and other matters.

Thank you and for these reasons, AARP MD ask for a favorable report on SB 351. If you have questions, please contact Tammy Bresnahan at tbresnahan@aarp.org or by calling 410-302-8451.



Senate Bill 0351 Testimony.pdf

Uploaded by: Aisha Snead

Position: FWA

MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE
IN SUPPORT OF SB0351: MARYLAND LEGAL SERVICES
CORPORATION - AFFORDABLE LIFE, WILLS, AND ESTATE
PLANNING FOR SENIORS PROGRAM
THURSDAY, FEBRUARY 16, 2023

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Chair Smith and distinguished members of the Committee, thank you for the opportunity to testify in support of Senate Bill 0351.

My name is Aisha Snead, and I am the Advance Planning Coordinator at the Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest provider of pro bono civil legal services to low-income Marylanders. MVLS was founded in 1981 by a group of concerned Maryland lawyers, legal services providers and leadership of the Maryland State Bar Association. Since then, our statewide panel of over 1,700 volunteers has provided free legal services to over 100,000 Marylanders in a wide range of civil legal matters. In FY22, MVLS volunteers and staff lawyers provided legal services to 3,458 people across the state. As part of our Advance Planning Project and My Home, My Deed, My Legacy Project, we encounter numerous clients facing economic barriers, such as probate fees, which make it difficult to transfer property. One of the best approaches to avoiding these barriers is through estate planning. For the reasons explained below, we respectfully request a favorable report on Senate Bill 0351 with sponsor amendments. Many low-income Baltimoreans are homeowners living in a family-owned home and often the home is their greatest, and only, asset. Residents living on a fixed income often struggle to meet the financial burdens of homeownership such as mortgage payments, property taxes, utility bills, insurance, and home repairs. In addition, many of these homes have been passed down for multiple generations, without an estate being opened or new deed recorded. Without estate planning, the deed of the house remains in the name of the initial family member that may have passed 20 years ago or more. Most residents have no idea they need to open an estate and transfer the property, and never do. The estate becomes more complex and more difficult to unravel with the passing of each generation. When agencies seek to assist residents with critical resources like home repair programs or help them avoid tax sale through the Homeowner's Property Tax Credit, they discover the senior cannot access these programs because they are not on the deed to the property and trying to resolve the property ownership is often impossible. MVLS' Advanced Planning Project is designed to engage families and communities to raise awareness about the importance of estate planning.

Our volunteer attorneys are prepared to assist families with these legal documents so that they remain as safe and secure as possible. Our long-term goal is for our older adults to age in place, and then be able to bequeath their assets to the next generation and avoid difficult conflict during their end-of-life transition. Asset transfer is particularly important to Black communities that have been excluded from the prospect of intergenerational wealth-building through homeownership. Our neighborhoods have been historically redlined, cutting them off from the equity that enables working families to finance their children's education, deal with medical debt, and enter the middle class. As we continue to organize alongside of community leadership, we stress that taking the necessary legal steps of preparing an estate plan may protect our homeowners from the dangers of wealth extraction while positioning them to remain in their homes and build equity over time. Below is an example that MVLS has seen of how crucial estate planning is to stabilizing housing for older adults.

Ms. R is an MVLS client who lives in the home that her mother purchased in 1985. Ms. R's mother passed away in 2012, and as an only child, Ms. R is the sole heir. Ms. R lives in the home with her daughter and grandchild. Without the home in her name, Ms. R never qualified for the Homeowners Property Tax Credit, water discount programs, or home repair programs. By the time she realized she needed to get the deed transferred to her name and applied to MVLS, Ms. R was in her late 60s. She was living on her pension and SSI. Ms. R was paired with a volunteer attorney through MVLS. Despite the simplicity of the case, it took over a year and a half to transfer the deed, due to the costs and time requirements associated with probate. During this time, the home was much more vulnerable to being lost through tax sale foreclosure. Estate planning would have allowed the property to pass automatically to Ms. R, relieving the client and her family from the trauma of facing displacement.

MVLS supports Senate Bill 0351 with sponsor amendments because it will provide critically important funding to programs like ours which are essential to ensuring that those that cannot afford an attorney are still able to protect their homes through estate planning.

Chair Smith and members of the Committee, thank you again for the opportunity to testify.

Written Testimony SB 351-HB 760 - Affordable Estat

Uploaded by: Allison Harris

Position: FWA

SB 351/HB 760
MARYLAND LEGAL SERVICES CORPORATION -
AFFORDABLE LIFE, WILLS, AND ESTATE PLANNING FOR SENIORS PROGRAM
IN THE SENATE JUDICIAL PROCEEDINGS COMMITTEE
FEBRUARY 16, 2023
POSITION: FAVORABLE WITH SPONSOR AMENDMENTS

The Pro Bono Resource Center of Maryland (“PBRC”), an independent 501(c)(3) non-profit organization, is the statewide 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 and offers direct legal services through free legal clinics. **PBRC supports SB 351/HB 760 because legacy homeowners of limited financial means deserve access to legal assistance that may help preserve homeownership and generational wealth for their heirs.**

PBRC has been providing pro bono estate planning services to low-income seniors since 2015 through community-based legal clinics in Baltimore City and Prince George’s County. Given the large percentage of homes owned by low-income seniors caring for children and grandchildren, ensuring that the home stays within the family is essential for intergenerational long-term stability. Advance and life planning services (including advance medical directives, wills, and financial powers of attorney) help ensure access to financial resources needed to pay home maintenance costs such as taxes and utility bills when an elderly homeowner becomes ill, and facilitates the smooth transfer of deeds with clear title to children and grandchildren. Wills are an effective way for families to inherit assets such as a home and preserve intergenerational wealth, particularly in communities with low incomes, in which the majority of a family’s total wealth may be represented by a home. Overwhelmingly, our clients report through our clinics’ exit surveys that they feel relieved, comforted, and more at peace knowing that they have put legal documents in place that will help ensure their family’s stability well into the future.

PBRC supports **SB 351/HB 760 with sponsor amendments that align income eligibility guidelines with current Maryland Legal Services Corporation guidelines,** which may further the goal of preserving homeownership and the transfer of intergenerational wealth for low-income Marylanders. Thank you for the opportunity to testify.

For the above reasons,

PBRC urges a FAVORABLE WITH SPONSOR AMENDMENTS report on SB 351/HB 760

Please contact Allison Harris, Director of PBRC’s Home Preservation Project, with any questions.
aharris@probonomd.org • 443-703-3050

SB351_MSPB Support with Sponsor Amendments.pdf

Uploaded by: Meredith Lathbury Girard

Position: FWA



Connecting Individuals and Families who need Civil Legal Services with Volunteer Attorneys and Community Resources

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February 15, 2023

SB351 – Maryland Legal Services Corporation – Affordable Wills, Life, and Estate Planning for Seniors Program

HEARING BEFORE THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

Mid-Shore Pro Bono (MSPB) recommends a favorable report for SB351 with sponsor amendments. Establishment of an affordable way for seniors with limited means to obtain life and estate planning documents would truly be a game changer for our rural community. Access to these services makes a concrete difference in the ability of families to pass down hard-earned property, prevents housing instability, enables people to leave clear instructions for family members and loved ones, and can help families avoid unnecessary and potentially crippling costs.

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 to access free legal services through our network of volunteer lawyers who assist with elder law, family law, landlord/tenant, mortgage and tax foreclosure, and consumer debt.

In 2022 alone, over 630 older adults reached out to MSPB for help – a 30% increase from 2021. Our monthly elder law clinics, held in 6 locations across the Eastern Shore, are bursting at the seams. The majority of our Elder Law clients are seeking assistance with creating a will, power of attorney, and advance medical directive. Our panel of volunteer attorneys prepare and execute these documents free of charge for hundreds of clients each year.

Access to life and estate planning documents makes a difference for families in our rural community. One of our recent clients worked in agriculture, in the farm fields of the Eastern Shore, since she was 16. Now at age 81, she has finally retired from field work and lives primarily on her social security income. She came to us for her will, power of attorney, and advance medical directive because she wanted to make sure that her three children would know exactly how she wanted things to be handled. It was truly a love letter for her family. We see very challenging situations that families face when people don't have access to these legal resources. Last summer we worked with a woman in her 70s who was in the middle of cancer treatments when she learned that the house that she had lived in her entire life, and where she had taken care of her mother until her mother's death last year, would have to be sold. Her mother didn't have a will – she had only told her daughter that she wanted her to have the house when she was gone. Our client was unable to qualify for a loan to buy out the other heirs, and her only option was to find a new place to live and move out of the only house, the only community she had ever known. This situation is all too common and leads to complex tangled title and heirs property problems that are too expensive and time consuming for most families to solve.

Reducing barriers to life planning supports intergenerational transfer of homeownership, increases financial stability for families, and plays a role in closing wealth gaps across race and ethnicity. For these reasons, Mid-Shore Pro Bono urges the Committee's support for SB351 with sponsor amendments. 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 351 DLS FWA.pdf

Uploaded by: Michelle Siri

Position: FWA



DELIVERY OF LEGAL SERVICES COMMITTEE

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

BILL NO: Senate Bill 351
TITLE: Maryland Legal Services Corporation - Affordable Life, Wills, and Estate Planning for Seniors Program
COMMITTEE: Judicial Proceedings
HEARING DATE: February 16, 2023
POSITION: **Favorable With Amendments**

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 351 establishes the Affordable Life, Wills, and Estate Planning for Seniors Program within the Maryland Legal Services Corporation (MLSC) to provide seniors with moderate financial means access to affordable civil law-related services. Friendly amendments have been proposed by sponsors that will bring the income eligibility guidelines in line with those already in use by MLSC.

Estates and trusts work is a complex yet overlooked area of the law, particularly when it comes to the needs of low-income individuals. Nearly 70% of Americans do not have estate plans¹. It is often a decision that is put off or disregarded because people tend to think they are too young or do not have enough accumulated wealth. Unfortunately, this phenomenon is particularly true in low-income communities and among people of color. Planning for the future should not be limited to those with the highest assets, but rather can benefit families and loved ones and make the transfer of property easier and less contentious for everyone.

Approximately 71% of low-income households experience a civil legal problem every year, and yet only about 20% of those individuals are able to obtain the legal representation they need. For all the reasons contained herein, the Delivery of Legal Services Committee urges a favorable report, with the amendments noted herein, on SB351.

¹ <https://www.communitylegalaid.org/node/1778/estate-planning-everyone>

SB0351 - MSBA Support with Amendment Letter (2023.

Uploaded by: Shaoli Katana

Position: FWA



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MEMORANDUM

To: Members of the Senate Judicial Proceedings Committee

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

Subject: Senate Bill 351 - Maryland Legal Services Corporation - Affordable Life, Wills, and Estate Planning for Seniors Program

Date: February 16, 2023

Position: Favorable with Amendment

The Maryland State Bar Association (MSBA) supports **Senate Bill 351 - Maryland Legal Services Corporation - Affordable Life, Wills, and Estate Planning for Seniors Program**, with the sponsor amendment to align the bill with MLSC's income guidelines. SB 351 establishes the Affordable Life, Wills, and Estate Planning for Seniors Program in the Maryland Legal Services Corporation to provide seniors with moderate financial means access to affordable civil law-related services.

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 has been a strong advocate for civil legal aid and providing legal assistance to Marylanders in need, including areas that affect a citizen's shelter, safety, health, and financial security. This bill (with the sponsor amendment) would reach those who need this help the most – low-income senior Marylanders – and provide them with assistance on important estate planning issues including last will and testaments, powers of

attorney, special needs trusts, and advance health care directives. The advice of legal counsel in these matters is critically important, particularly for those of limited means, to ensure that future generations can benefit from proper estate planning and not lose claims to assets due to a mistake in drafting or execution of documents.

For the reasons stated above, MSBA supports SB 351 with amendment and respectfully requests a favorable report. For additional information, please feel free to contact Shaoli Katana at MSBA at shaoli@msba.org.