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HB 876: Access to Counsel in Evictions- Task Force Termination and Special Fund

Hearing of House Appropriations Committee, February 11, 2025

Position: Favorable

Public Justice Center (PJC) urges the Committee to give a favorable report to HB 876 ensuring tenants will continue to have the right to access legal representation in eviction cases. We believe that the Access to Counsel in Evictions Program (ACE) is vital to Maryland families facing eviction. The legal system can be impossible to navigate alone, and ACE makes certain that Maryland renters can have access to an otherwise imbalanced system.

As housing justice advocates, we believe that the success of our cases is rooted in keeping our clients housed. According to the 2025 Access to Counsel in Evictions Task Force Report, approximately 87% of clients indicated that they wanted to stay in their home, and of this group, approximately 88% of them were able to do so at the closure of their case.¹ Marylanders deserve to remain housed and free of the trauma associated with being evicted from their homes.

There is still an unmet need to reach every income-eligible tenant so that ACE can reach full implementation and ensure that all eligible tenants have an opportunity to retain an attorney. Data shows that 9,196 cases were closed by ACE attorneys in FY 2024. Yet the Judiciary shows over 400,000 eviction notices were filed in the same period.² The 2025 ACE Task Force recommended that Stout be asked to conduct a study to analyze and quantify the unmet need for eviction representation and identify the funding needed to close the gap.

Below is an example from Public Justice Center's representation of renters in Baltimore City in the past year demonstrating the value of ACE to residents desperate to fight unfair evictions and maintain safe, health housing for their children:

PJC met our client at court right before the rent court docket began. Our client complained of terrible mold in the apartment and broken windows that the landlord refused to fix. PJC noticed discrepancies in the amount sought by the landlord compared to the tenant's payments and raised a question about the validity of landlord's purported license. Our attorney obtained a postponement

¹ Access to Counsel in Evictions Task Force, *Report of the Access to Counsel in Evictions Task Force* (Jan. 2025); 16, available at https://www.marylandattorneygeneral.gov/A2C_Docs/2025_ACE_TF_Report.pdf

² *Id.* at 40.

and subpoenaed documents from DHCD. Our client called 311 to report the hazardous conditions at the property. At the continued hearing, while the landlord showed that they had a license, they were unable to produce a ledger documenting the charges and Tenants payments for the property, and the case was dismissed. Our client may pursue a rent escrow due to the hazardous conditions at the property or may decide to move when they are able to locate new housing.

Our client's experience demonstrates the importance of the State continuing to invest in ACE implementation, and HB 876 provides a stable baseline of funding for ACE of \$14 million per year as the funded programs move toward full implementation. HB 876 solidifies the position that Maryland renters continue to have access to legal representation during the eviction process. We therefore urge this committee give a favorable report to HB 876 and keep Marylanders in safe, healthy housing.

Please do not hesitate to contact me to discuss this matter further.

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