



House Bill 103
Access to Counsel in Evictions – Funding
House Appropriations and Judiciary Committees
Hearing on February 11, 2025
Position: FAVORABLE

MLA submits its written and oral testimony on HB103 at the request of Senator Shelly Hettleman.

Maryland Legal Aid (MLA) is a nonprofit law firm that provides free legal services to the State’s low-income and vulnerable residents. Our 12 offices serve residents in each of Maryland’s 24 jurisdictions and handle a range of fundamental civil legal matters, including housing, family law, public benefits, bankruptcy and other debt collection matters, and criminal record expungements. MLA supports this bill and urges a favorable report.

The ACE Program: An Excellent Return on Investment

The bill ensures continued funding (\$14 million) for the ground-breaking Access to Counsel in Evictions (ACE) Program, which provides vital housing stability for low-income Marylanders. It also levels the playing field for tenants facing eviction, roots out bad actors and addresses the disproportionate impact of evictions on Black and Brown renters in our state.

With legal help, people can find better solutions to remain housed and ensure stability for themselves and their families. Given the affordable housing crisis in our state, eviction proceedings can hold very high stakes for tenants, particularly those who live in public or subsidized housing or low-rent housing of last resort. When an ACE-qualified family’s housing subsidy is terminated or they face imminent eviction, that family will be at high risk for homelessness.

Eviction and ensuing homelessness carry major costs not just for the family experiencing it but for society. In addition to the human costs which include trauma, lost employment, reduced educational attainment for children and a loss of community connection, governments pay as well. Governments must provide shelters for unhoused families. Without stable housing, disease and chronic health issues multiply contributing to higher public health costs. Schools must pay the costs of providing continued services and transportation for unhoused children and youth. Governments must grapple with

community and business concerns regarding those who remain unhoused. Businesses lose worker productivity as families scramble to survive.

The State's investment in the ACE Program is already changing this dynamic. We level the playing field in rent court where 93% of landlords have had representation in court while only 1% of tenants had representation. Our results already show that having counsel gives that family a better chance of retaining their housing subsidy, correcting errors in the rental ledgers and/or addressing unhealthy and unsafe conditions. Tenant counsel help the courts and landlords, too, by improving the system of justice and working through issues to find better solutions even in those cases where a family must move.

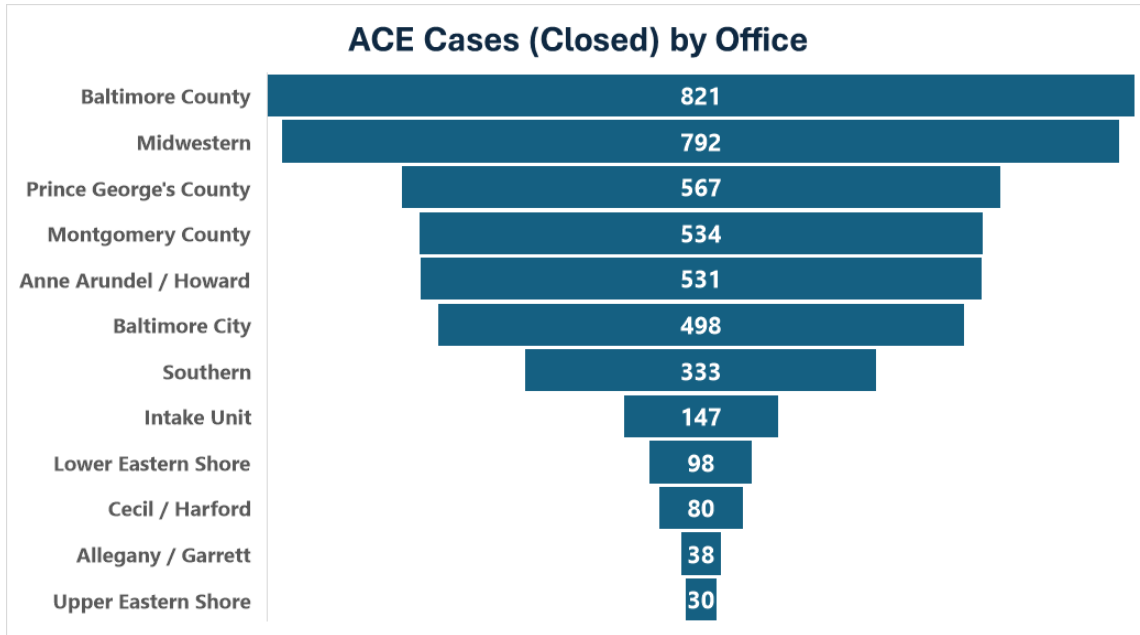
The ACE Program at Maryland Legal Aid: Building Momentum - 2024 Data and Results

In the short time since the General Assembly passed the law and funded the ACE Program, the program has yielded significant results. Implementing the ACE program has and will be a multi-year endeavor requiring extensive outreach and education, collaboration with the Judiciary, coordination among legal services providers, and a focused effort to hire and retain legal advocates to make the commitment to provide counsel real. We must continue this momentum.

In 2024, Maryland Legal Aid, an MLSC grantee funded by the ACE Program, increased its representation of tenants in every jurisdiction in our state as part of our Tenant Right to Counsel Project. MLA closed 4,471 representation cases under ACE, with an average of 8 hours logged. **As a result of this work, our clients achieved \$3.4 million in economic benefits, or \$2,591 on average.** An additional 818 representations that began in 2024 remain open. **In total, our attorneys and paralegals worked on 5,339 cases last year – not including cases involving only legal advice.**

Throughout the year, MLA's Tenant Right to Counsel Project operated a regular presence at eviction dockets in 14 courts throughout the state, providing same-day assistance to renters appearing for eviction proceedings. Approximately two-thirds of these renters had no awareness of the ACE law prior to their day in court. Below, our closed-case distribution shows unsurprisingly high numbers in jurisdictions like Baltimore County and Prince George's County. However, the distribution also shows that the same-day-representation efforts of our Midwestern office (Washington, Frederick, Carroll counties) and Southern

office (Charles, Calvert, St. Mary's counties) produced robust numbers in jurisdictions not typically associated with high volumes of eviction cases.

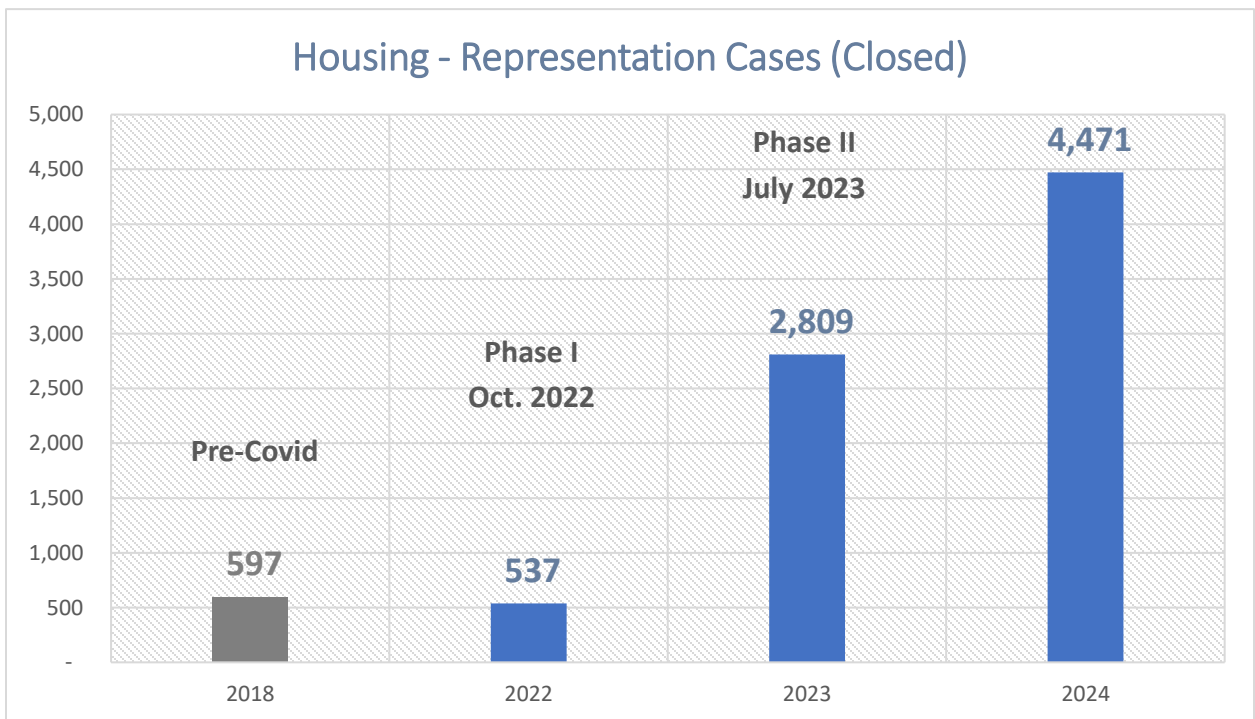


Since ACE implementation began in October 2022, Maryland Legal Aid has increased representation of renters by 733 percent. This outstanding increase in assistance to the most vulnerable of Maryland's renters would not have been possible without the ACE Special Fund.

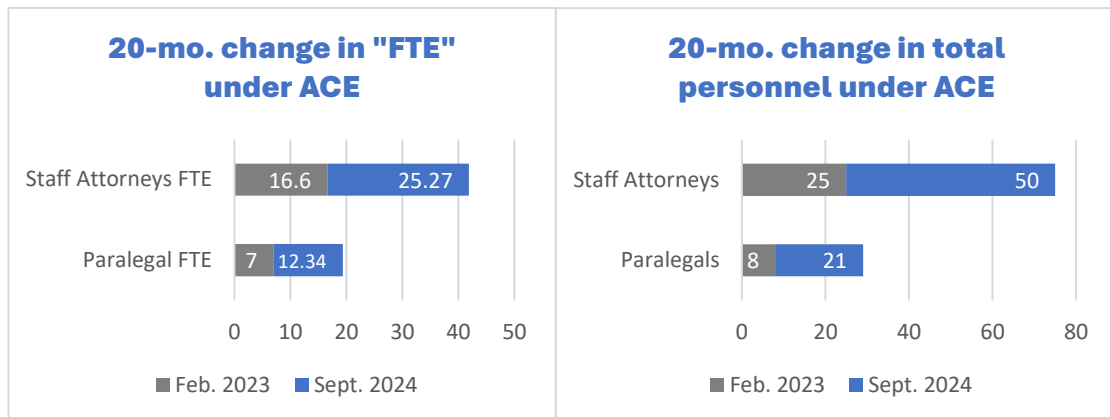
This level of representation has meant that Maryland renters living without heat, with rodent and pest infestation and other unsafe and unhealthy conditions have gotten the relief they deserve. It also means there is an opportunity to correct injustices and resolve disputes. Here are just a few examples of Marylanders who benefitted from representation:

- A single mom in her thirties, African American, who came to Maryland Legal Aid not understanding why she was being sued for years of rent in rent court, after always paying her rent on time. After meeting with the client, reviewing her receipts and documentation, as well as the landlord's complaint and ledger, it became apparent the landlord was applying unlawful charges, late fees, and inappropriate maintenance fees. After trial, the Court agreed, and the case was dismissed.

- A senior citizen in his eighties, African American, who came to Maryland Legal Aid with a Lease Termination Notice due to allegedly urinating in common areas. He cried as he explained that he simply could not hold it one day due to severe medical issues and a disability, and that he unintentionally soiled himself. After meeting with the landlord’s attorney, the issue was resolved, and the tenant was not evicted from his subsidized housing.
- A single man in his fifties, African American, with a severe mental health disability, who came to Maryland Legal Aid after being sued for rent in rent court. As his rent was subsidized, and his portion was \$0, he was facing eviction due to the provider not paying their portion of the rent, for which he was not responsible. Even though the landlord had previously obtained a judgment, Maryland Legal Aid filed a Motion, had the decision vacated, and he remains in his housing today.



To do this work, **Maryland Legal Aid grew our ACE staffing in 2023 and 2024 by 61 percent**, from 16.6 attorney FTEs and 7 paralegal FTEs to 25.27 attorney FTEs and 12.34 paralegal FTEs. Overall, 71 staff members throughout the state were implementing ACE in 2024, not counting unfilled attorney positions for Cecil County and the Eastern Shore.



Delivering Results

The increase in services is already accomplishing meaningful outcomes:

- 55% of FY 24 ACE representation cases accomplished either preventing eviction/subsidy termination or delaying eviction.
- Almost three-quarters of clients are achieving their goals through ACE representation.
- With more staffing, we have seen a 489% increase in full representation in our housing cases.

But there is still work to do. Most ACE clients (62%) in our same-day representations were not aware of the right to access counsel through the ACE program before their trial date. In fact, only 38% of client said they were aware before going to court.

The state's continued investment in this program is an effective way to address housing stability, bring greater justice and further an economy where every Marylander can contribute and thrive. We urge a favorable report on this bill

Respectfully submitted,

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