

HB 868 FAV

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Chairman Clippinger and Distinguished Members of the Judiciary Committee, I submit this testimony in strong support of HB 868 as a founding member of the Board of the Maryland Association of Non-Profit Organizations, a former non-profit Executive Director, a self-employed health professional, and an eighty-year-old white resident of Baltimore City who has been a full-time caretaker since 2020.

HB 868 ensures that Maryland law upholds the intent of individuals who wish to direct their legacy toward addressing racial disparities in health outcomes. A loophole in current law allowed a deeply troubling case—"Granny's" case—to unfold in the Baltimore County Orphans' Court, where the right of a Black family's personal representative to guide the distribution of "Granny's" legacy was disregarded. This is more than a legal oversight; it is a moral transgression.

The impact of such rulings cannot be overstated. According to the Maryland Office of the State Comptroller, the median household wealth for Black families is approximately \$25,000, compared to \$188,000 for white families. Given these stark disparities, the loss of agency in directing even a single Black family's carefully accumulated legacy is not just unfortunate—it is an injustice that compounds historical inequities.

As a former non-profit professional in Maryland, I am well aware of the obligation of non-profit organizations to honor donor conditions. These conditions are not suggestions; they are binding commitments. Until I learned of "Granny's" case, I (mis)understood this compliance to be a matter of law. HB 868 corrects that misconception by closing a pernicious loophole—one that allowed a non-profit beneficiary - and the Orphan's Court - to act in bad faith, disregarding donor intent, personal representative knowledge, ethical responsibility, and a stated Maryland Health Policy priority.

The specific conditions of "Granny's" gift were clear in the family's mind, which the court treated as insufficient grounds: the funds were to be used to address racial health disparities— an issue extensively documented. Since 2020 alone, the National Library of Medicine has cataloged over 16,000 studies on racial health disparities. Since 2004, the Maryland Office of Minority Health and Health Disparities has been required to report on these issues to the General Assembly. The 2025 report notes some progress but acknowledges that significant disparities remain, particularly in areas such as preventable healthcare utilization and HIV/AIDS treatment.

Given this persistent need, the family's desire, and the decedent's commitment, what justification could possibly exist for a Maryland non-profit—or an Orphans' Court judge, for that matter—to ignore both the conditions of "Granny's" gift and the ongoing disparities affecting Black communities?

HB 868 not only prevents future transgressions but also provides a path to rectify past injustices, including those in “Granny’s” case. By ensuring that donor intent is honored, particularly when it seeks to address racial inequities, this bill strengthens the integrity of Maryland’s legal and non-profit sectors alike.

I urge you to pass HB 868 to affirm Maryland’s commitment to justice, equity, and the rule of law. Thank you for your time and consideration.