
SENATE BILL 729
Real Property - Access to Counsel in Evictions - Expansion
House Judiciary Committee
Position: FAVORABLE with AMENDMENTS

The Maryland Access to Justice Commission (A2JC) is an independent entity that unites leaders to drive reforms and innovations to make the civil justice system accessible, equitable, and fair for all Marylanders. We write in support of SB729 and request a favorable report with amendments..

The Maryland Access to Justice Commission partnered with the Office of the Attorney General in 2020 to establish the COVID-19 Access to Justice Task Force, which ultimately spearheaded the recommendations that led to the passage of Maryland's landmark Access to Counsel in Evictions (ACE) law. The Executive Director of the Maryland Access to Justice Commission has served as the Chair of the Access to Counsel in Evictions Task Force for the past 4 years.

SB729 fulfills the original promise of the ACE law by explicitly expanding the program to include the highly vulnerable residents of Maryland's mobile home parks.

We urge this Committee to issue a favorable report on SB 729, while simultaneously adopting amendments to restore the pre-filing notice requirements that are critical to the meaningful implementation of the right to counsel.

Alignment with the Access to Counsel in Evictions Law

In 2021, the Maryland General Assembly passed House Bill 18, establishing the ACE Program to organize and direct services to provide low-income individuals with access to legal representation in eviction proceedings. The legislature recognized that providing counsel is a proven means of preventing the disruptive displacement of families and mitigating the resulting social, economic, and public health costs.

Unfortunately, because mobile home park tenancies are governed by Title 8A of the Real Property Article rather than Title 8, these residents have been inadvertently left out of the ACE program's protections. SB 729 rectifies this by altering the definition of a "covered individual" to include those who occupy the premises of a mobile home park, ensuring that the ACE Program provides them access to legal representation in repossession actions.

Including mobile home residents in the ACE program is not merely an administrative correction; it is a profound matter of equity that perfectly aligns with the ACE law's intent.

Throughout Maryland, over 31,000 households live in mobile homes, and 70% of those are owner-occupied. These residents—who often include retirees, veterans, individuals with disabilities, and low-income families—are uniquely vulnerable. They own a significant asset, with a median value of roughly \$80,900, but they rent the land beneath it. In Maryland's rapid eviction process, a single missed lot payment can result in the loss of not just the right to use the pad, but the total loss of their home and equity, as mobile homes are incredibly costly to move and often become abandoned property.

By expressly bringing mobile home park residents under the umbrella of the ACE program, SB 729 levels the playing field in rent court, protecting our state's most vulnerable residents from predatory displacement and the devastating loss of their primary financial asset.

The Critical Need for Notice Amendments

While the Commission fully supports the expansion of ACE to mobile home residents, we strongly recommend that the House Judiciary Committee amend SB 729 to restore critical notice provisions that were stripped from the bill in the Senate. Specifically, the legislation must be amended to require park owners to provide a "Notice of Intent to File" an eviction for non-payment of rent, and to provide a 10-day cure period before an eviction complaint can be initiated.

Notice is the linchpin of the effective and meaningful implementation of the Access to Counsel in Evictions law. When HB 18 was passed in 2021, one of its most vital reforms was the requirement that residential landlords provide tenants with a 10-day notice before filing a complaint for failure to pay rent. This pre-filing notice serves as a crucial intervention point, informing tenants of their legal rights and directing them to available legal representation and rental assistance *before* the rapid gears of Rent Court begin to turn.

Currently, mobile home residents receive no such notice about the ACE program. Practitioners have repeatedly voiced fears that without explicit, mandated pre-filing notices, mobile home residents will face eviction proceedings with absolutely no awareness of this vital program, and even judges may remain unaware that the ACE law applies to Title 8A cases.

The proposed House amendments would require park owners to provide a written "Notice of Intent to File a Complaint" on a form developed by the Maryland Judiciary. Crucially, this form would explicitly inform the resident about their right to access counsel under state law and provide contact information for nonprofit legal services compiled by the MLSC. It also

guarantees the resident 10 days to cure the nonpayment before a repossession action is filed.

Without this amendment, expanding the ACE program to mobile home parks is a right in name only. Legal representation cannot prevent displacement if the tenant does not know they have a right to an attorney until the day they appear in court—or worse, until after a default judgment has been entered against them. The Task Force's findings on the ACE program heavily emphasize that reaching tenants at the earliest possible stage is required to prevent unnecessary court hearings and to ensure tenants have time to prepare their defense.

Conclusion

Maryland's mobile home communities are one of the last bastions of naturally occurring affordable housing in the state. Extending the Access to Counsel in Evictions program to these residents is a vital step toward protecting their housing stability and their hard-earned equity. However, to ensure this expansion is effective, the House Judiciary Committee must ensure these residents receive the exact same 10-day notice and right-to-cure protections that standard residential renters receive under the original ACE law.

For these reasons, the Maryland Access to Justice Commission respectfully urges the House Judiciary Committee to issue a FAVORABLE REPORT WITH AMENDMENTS for SB 729.