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HB 97 - Department of Housing and Community Development –Office of Digital Inclusion –Established (Digital Connectivity Act of 2021)

Hearing before the House Economic Matters Committee, Jan. 26, 2021

Position: SUPPORT

Public Justice Center (PJC) is a non-profit, civil legal services provider that provides advice and representation to hundreds of Marylanders each year through our projects on the rights of renters, low-wage workers, students, and others impacted by poverty and racial inequity. In direct services to our clients and in partnerships with grassroots organizations, Public Justice Center encounters the digital divide as an obstacle not only to Marylanders' access to much-needed resources (informational and material) but to their access to justice, as well. Public Justice Center supports HB 97 because this bill would drive state resources toward documenting and confronting, in every community of the state, a digital divide that persists as a barrier to race equity and to due process.

According to a new analysis of 2019 American Community Survey data, **nearly 1 in 4 Maryland households lack wireline broadband access, and among those, nearly 40 percent are Black households.**¹ **The digital divide is real in our state and disproportionately impacts communities of color.** Over the past year, the COVID-19 pandemic has put this reality front and center among legal services providers and advocates for access to justice.

Despite policymakers' early hopes that Zoom or Skype might spare Marylanders from the perils of courtroom litigation amid a pandemic, lawyers who work daily with underserved, under-resourced Marylanders have confronted the fact that our clients cannot reliably access remote proceedings because of persisting gaps in wireline broadband adoption and computer adoption. Our clients largely cannot participate adequately in presenting or contesting testimony and evidence on a smartphone, if one was even available to them. Consequently, to participate fairly in a hearing, these litigants are compelled to appear in person in court at serious risk to their health.

¹ John B. Horrigan, Ph.D., DISCONNECTED IN MARYLAND, Jan. 2021, available at <https://abell.org/publications/disconnected-maryland>.

Apart from remote participation in hearings, the courts and government agencies have directed the public to Internet-based tools for accessing resources that would impact their ability to navigate the court process. Access to administrative orders, Know Your Rights information about fast-changing legal developments (such as the eviction “moratorium”), and legal advice via the District Court Help Center all have depended heavily on reliable broadband connectivity to a computer. Access to rental assistance applications similarly have privileged those who can complete them over the Internet.

The toll on low-income litigants, and those of color, is increasing in ways that are illuminated by, not limited to, the COVID-19 pandemic. Our legal system increasingly relies on electronic filings, remote proceedings, and digital dissemination of valuable legal information and advice.

HB 97 does not create a right to a computer and to broadband Internet connectivity. It creates a plan of action.

Simply, this bill establishes an Office of Digital Inclusion that drives public resources into the data-driven study of barriers to broadband access in all communities across the state and into state-local and public-private partnerships that would develop policies and reforms that improve digital access. Maryland needs one central office dedicated to broadband expansion for the whole state, in both rural and urban areas. HB 97 fosters a robust statewide effort to move Maryland beyond the divide between folks with access to reliable Internet and those without.

Please issue a report of FAVORABLE on HB 97. If you have any questions, please contact Zafar Shah, shahz@publicjustice.org, (410) 625-9409 Ext. 237.