
SB 223 – Eviction Surcharge
HEARING BEFORE THE JUDICIAL PROCEEDINGS COMMITTEE, FEBRUARY 3, 2022 at 1:00 PM
POSITION: SUPPORT

The Pro Bono Resource Center of Maryland (“PBRC”), an independent 501(c)(3) non-profit organization, is the statewide clearinghouse for volunteer civil legal services in Maryland. As the designated pro bono arm of the Maryland State Bar Association, PBRC provides training, mentorship, and pro bono service opportunities to members of the private bar. We respond to acute legal needs identified in areas across the state by piloting innovative pro bono service projects targeting specific legal problems or populations.

PBRC urges a FAVORABLE report on SB 223 for two reasons: PBRC supports SB 223 because the increased evictions surcharge will relieve stress on courts and encourage landlords to work with renters on repayment rather than rushing to court. PBRC also supports SB 223 because the Maryland Legal Services Corporation (“MLSC”) needs the revenue from the additional surcharges in order to sustain its funding of critical civil legal services, including those provided by PBRC, to vulnerable residents of our state. For every dollar invested on civil legal services, the state realizes a savings of \$6.

In May 2017, with a grant from the Maryland Judiciary’s Access to Justice Department, PBRC launched the **Tenant Volunteer Lawyer of the Day Program (TVLD Program)** in Baltimore City Rent Court to provide day-of-court legal representation to tenants who appear unrepresented for their proceedings. In September 2021, the TVLD Program received additional funding to expand to Baltimore County. PBRC attorneys have seen first-hand the number of tenants who appear in court ready to work with the landlords to pay their rent or with a valid defense to an eviction. We have also witnessed many tenants for whom serial, monthly Failure to Pay Rent filings are a true hardship, requiring them to miss work or disrupt their childrens’ virtual school to repeatedly come to court only to learn that the action has been dismissed by the landlord. In 2021, over 76% of TVLD clients represented at court either avoided an eviction entirely based on a valid defense, had their case dismissed by the landlord or were granted a postponement delaying their eviction. **The increase in the surcharge for summary ejection cases will encourage landlords to work with renters on repayment rather than rushing to court. This will ultimately reduce rental debt and negative effects of serial filings on tenants and families while preventing unnecessary strain on the court system.**

Furthermore, the increased surcharge in both summary ejection cases and civil cases in general will funnel much-needed funds to MLSC to help fund work like the TVLD Program. MLSC funding comprised 29% of PBRC’s budget in fiscal year 2021. In addition to TVLD, PBRC’s projects include home preservation (covering tax sale and foreclosure prevention), consumer protection, immigration (including unification of unaccompanied children with their families), and senior stability. These projects incorporate extensive volunteer service components through community, courthouse and remote clinics that offer essential legal help to thousands of clients in need. We also recruit, train, and engage hundreds of lawyers in the myriad of civil legal areas that impact low-income individuals and refer them to other legal services providers to offer high quality legal services to their client populations. **Grant funding from MLSC makes this possible.**

While PBRC supports SB 223 as drafted, if the bill is amended to allow landlords or the court to pass on this increase to the tenant under any circumstances, the primary purpose of the bill will be eviscerated. There would no longer be any disincentive for landlords to file serial eviction actions, and the benefit to the courts would be lost. The extra charge would be born by those least able to handle it, and more tenants would be evicted unnecessarily. **PBRC and Renters United Maryland would oppose any surcharge increase in which that surcharge may be passed onto the tenant under any circumstances.**

As written, SB 223 will decrease unnecessary eviction actions, reduce stress on the courts and create additional funding for MLSC, helping to ensure the continued vitality of free civil legal services to those who need it most. PBRC supports SB 223. Thank you for the opportunity to testify.

For the above reasons,

PBRC, a member of Renters United if Maryland, urges a FAVORABLE report on SB 223.

Please contact Katie Davis, Director of PBRC's Courtroom Advocacy Project, with any questions.

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