

MEMORANDUM

To: Members of the House Judiciary Committee

From: Maryland State Bar Association (MSBA)
Shaoli Katana, Esq., Director

Subject: House Bill 298 – Landlord and Tenant – Eviction Actions – Filing Surcharge and Prohibited Lease Provisions

Date: February 14, 2022

Position: **Support with Amendment**

The Maryland State Bar Association (MSBA) respectfully Supports with Amendment **House Bill 298 - Landlord and Tenant – Eviction Actions – Filing Surcharge and Prohibited Lease Provisions**. House Bill 298 increases, from not more than \$8 to not more than \$73, the surcharge that the District Court is required to assess per civil case for summary ejection, tenant holding over, and breach of lease that seeks a judgment for possession of residential property against a residential tenant; requiring the District Court to assess the surcharge against a landlord and prohibiting the court from awarding or assigning the surcharge against a residential tenant; etc.

MSBA represents more attorneys than any other organization across the State in all practice areas. MSBA serves as the voice of Maryland’s legal profession. Through its Laws Committee and various practice-specific sections, MSBA monitors and takes positions on legislation of importance to the legal profession.

MSBA supports access to justice for Marylanders and funding of the justice system. MSBA has been a strong advocate for the Maryland Legal Services Corporation (MLSC), an entity that provides a significant resource for legal services in Maryland. This bill seeks to increase the MLSC Fund through a filing surcharge increase, and MSBA supports that initiative.

MSBA strongly values the mission of its partner, the Maryland Access to Justice Commission, an independent entity bringing together civil justice partners to help provide equal access to the civil justice system, as well as the charge of HB 298’s drafter, the Office of the Attorney General. Both the Access to Justice Commission and the Office of the Attorney General have been strong leaders of the much-needed Covid-19 Access to Justice Task Force during the

pandemic, developing strategies and solutions to address the many civil legal justice challenges resulting from the pandemic.

While MSBA supports increased funding for MLSC, MSBA recommends that the bill be amended to remove the proposed language from 7-301(c)(2)(ii) that does not permit assessment of the surcharge to be awarded or assigned by the District Court to the prevailing party. The intention of MSBA's amendment is to allow for recoverability of costs, while still supporting the strong need for increased access to civil legal aid funding and the broader goals of the bill.

For the reasons stated, MSBA **Supports with Amendment HB 298**.

For additional information, please feel free to contact Shaoli Katana at MSBA at shaoli@msba.org.