



ACCESS TO COUNSEL IN EVICTIONS TASK FORCE



November 17, 2021

The Honorable Lawrence J. Hogan, Jr.
Governor
State House
100 State Circle
Annapolis MD 21401-1925

Dear Governor Hogan:

As you know, legislation went into effect last month creating an Access to Counsel in Evictions Program (the “Program”) and, alongside it, the Access to Counsel in Evictions Task Force. Consistent with the timeframe set forth in the statute, the Task Force will be providing you and the General Assembly an initial report with recommendations regarding the Program by January 1, 2022. However, we have an initial recommendation now regarding funding for the Program that is time sensitive given the State’s budget process. On behalf of the Task Force, we recommend that you allocate recent federal stimulus money to fund the launch of the Program in your proposed budget. Without this critical funding, Maryland will be unable to implement its Access to Counsel for Evictions program in a timely way and thousands of Marylanders will be without the legal assistance the law contemplates.

Two sources of funding provided to the State as a result of the American Rescue Plan Act are available and appropriate for jumpstarting this vital program. The first is the second round of funding for the Emergency Rental Assistance Program (ERAP 2). Up to 10% of ERAP 2 funds may be used for housing stability services, including legal services. The federal government has expressly and repeatedly encouraged states to use ERAP 2 funds to support legal services programs. Second, the State has wide latitude to address the negative impacts of the COVID-19 pandemic with the Coronavirus State Fiscal Recovery Funds (CSFRF). The State has already shown leadership by using CSFRF for eviction prevention through the RELIEF Act, the passage of which directed funds (re-designated as CSFRF) to Maryland Legal Services Corporation (MLSC) for eviction prevention legal services prior to the enactment of the Program.

The Task Force strongly recommends allocating ERAP 2 and CSFRF funds to support the Program. Both federal funding sources have deadlines that align with the legislatively mandated goal of fully implementing the Program before October 1, 2025.¹ Other than some bridge funding

¹ ERAP 2 funds must be spent by September 30, 2025, while CSFRF funds must be spent by December 31, 2024.

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that MLSC, the administrator of the Program, anticipates being able to use primarily to fund needed program infrastructure in FY22, no funding has yet been allocated to the Program. Based on our research, we recommend that approximately \$12 million of federal money be used to provide the legal services, outreach and education, and assessment required by the statute in the first year of implementation.² Funding at this level would allow the MLSC to begin the initial phase toward full implementation of the Program. We estimate that the Program would be able to provide approximately 18,000 cases in the first year, of which 11,000 would involve extended representation.

While eviction filings have not returned to pre-pandemic levels, we are hopeful that the availability of rental assistance, other changes to state and local laws, and the availability of legal counsel will reduce eviction filings so that they do not again approach the more than 650,000 per year mark that was seen in pre-pandemic levels. Moreover, as the Program is being phased-in over several years, the Task Force and MLSC are charged to assess funding and programmatic needs on an ongoing basis and make recommendations. For those reasons and at this time, the Task Force's initial recommendation is focused on funding essential implementation costs for the first year of the Program.

The Task Force will make recommendations regarding long-term funding sources for the Program in our upcoming report. However, the existence of these one-time federal funds presents a prime opportunity to begin the first phase of critical work required now in order to lay the groundwork for successful implementation of the Program. We urge you to allocate federal funds to the Access to Counsel in Evictions Special Fund immediately.

Please do not hesitate to contact me if you would like to discuss this recommendation further. Thank you for your consideration.

Sincerely,

Vicki Schultz
Vicki Schultz
Task Force Chair

Enclosure

² See attached breakdown.

Attachment: Cost Breakdown

Legal Services Personnel Costs (67 staff attorneys, 9 supervising attorneys, 17 paralegals, fringe)	\$8,200,000
Legal Services Other Costs (occupancy, litigation expenses, research, equipment, IT services, training, insurance, translation, etc.)	\$1,700,000
Tenant Outreach and Education (contracts with community groups, marketing, design, printing, etc.)	\$1,300,000
Infrastructure, Maintenance and Administration (databases, intake system, administrator costs, etc.)	\$500,000
Assessment and Evaluation	\$100,000
Total	\$11,800,000